



RESOURCE TENURES & ENGINEERING BRANCH

Cutting Permit and Road Tenure Administration Manual

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Amendment Log

Version / Date	Content Amended
Version 1.00 March 22, 2006	
Version 1.1 August 4, 2006	<p>New contact for manual.</p> <p>Miscellaneous wording improvements</p> <p>Section 1.2.1 - Types of Road Authorizations: Clarified that a woodlot licence cutting permit can authorize a road anywhere in the licence area.</p> <p>Section 3.5.5 - CP Roads Outside the Cutblock: Revised advice consistent with update to ESF submission guide).</p> <p>Section 2.2.2 Exhibit A Map Process: Noted that "Chapter 52" is in need of revision but still contains valuable content.</p> <p>Section 3.2 Road Tenure Description Conventions: Added a realistic example</p>
Version 1.2 September 7, 2006	<p>Replaced non-functioning embedded pdf memos with images in References.</p> <p>Corrected spelling of road in Figure 3-3.</p>

CP RT Administration Manual Issues

Readers:

If you notice any errors or omissions or have concerns about an interpretation provided in this guide, please send an email to Rob Bowden, Resource Tenures and Engineering Branch.

Send to: Rob.Bowden@gov.bc.ca

In the subject line, type: **CP RT Admin Manual Issues**

In the body of the email, include:

- the version number/date on the front page of the manual
- the section number and heading
- your concern
- suggestions to improve the manual

About This Manual

Intent

This manual provides guidance on the administration of cutting permits and road tenures. Within the context of current legislation and formal policy, the manual establishes business processes, rules and guidance for the application, issuance, maintenance and termination of permits in a provincially consistent manner.

This manual addresses a need identified by tenures staff across the province for a **single, authoritative source of guidance on permit administration**. The need for a standardized approach has become essential as the Ministry adopts the electronic submission, storage and sharing of forestry information. The scope of the change requires province-wide consistency; not only in the format of information but also in business processes and procedures.

This manual is also intended to establish a common understanding of the role of cutting permits and road permits. Recent shifts in policy and legislation have resulted in fundamental changes in the business of tenure administration and its relationship to other business areas. The manual clarifies that new role.

To maintain a focus on cutting permits and road tenures, other forms of cutting authority such as competitive timber sale licences, free use permits, licences to cut and Crown agent authorization have not been addressed in this version of the manual.

Audience

The manual targets Ministry of Forests and Range staff who are responsible for the application, issuance and ongoing

administration of cutting permits and road tenures.

The manual is also expected to be used as a general reference for staff from other ministry business areas, computer system developers, staff of other provincial agencies, licensees and the general public.

Manual Organization

This manual is divided into six parts:

1. Introduction to CP & Rd Tenures
2. CP Administration
3. Road Tenure Administration
4. Business Maps
5. Glossary
6. References

The detailed Table of Contents can be used as an index to find topics of interest.

References are cited throughout, with [hyperlinks](#) to websites where available. Key reference documents that are not readily available on the web have been embedded in the Reference section.

Italics indicate a term that is defined in the Glossary or to indicate legislation. **Bold text** indicates emphasis.

Work in Progress

System changes and policy areas that were under development as the manual was being written are flagged with **→bold arrows←**. Up-to-date guidance should be sought for these topics.

Acknowledgements

The *Cutting Permit and Road Tenure Administration Manual* is offered as best available advice from the Ministry's tenures experts.

Significant input for this manual came from two teams of Ministry of Forests and Range tenures staff from across the province:

The cutting permit team included: , Bunny Covey, Korinne Isbister, Rick Logan, Phil Madeley, Chris Marsh, Don Mullett, Laura Smith, Christine Ungly Roste, Steve Waghorn, Gord Wall, Gary Gwilt and Charlie Western.

The road team included: Dona Stapley (Lead); Andy Oetter (Co-Lead), Bunny Covey, Debra Krastel, Gerry Gagne, Mary Bauto, Peter Smith, Rick Logan, Stewart Philpott.

Both of these teams contributed to the Streamlining Forest Information Project. Key reports listed in section 6.4 of this manual.

These teams also benefited from advice and questions contributed by a many other staff in districts, regions and headquarters.

The manual was written by Stephen Osborn, RPF (Nexus Forest Solutions) and Audrey Roburn (Cortex Consultants Inc) under the direction of Charlie Western and Phil Madeley (Ministry of Forests and Range). Revisions were made under the direction of Rob Bowden (Ministry of Forests and Range).

The manual utilizes pre-existing material owned by the Province of BC, such as material posted on government websites.

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Part 1 Introduction to Cutting Authorities and Road Tenures

This section provides background information on the broad business context in which cutting permits and road tenures are issued. It describes the role of cutting permits and road tenures, references key legislation, and provides information on associated business activities. Next, it locates permits within broader Ministry of Forests and Range (MoFR) business processes and provides an overview of related computer systems.

1.1 Cutting Authorities

A “*cutting authority*” is a legal document that grants a right to cut and/or remove Crown timber from a specific area. *Cutting authority* can be granted within an *agreement* such as a competitively awarded timber sale licence, or through cutting permits issued under an *agreement*. This manual focuses on cutting authorities granted through cutting permits or road permits.

Cutting authorities typically grant the following rights:

- **Occupy and use land.** Occupation rights are always necessary before cutting but in some cases the *cutting authority* omits occupation rights if the holder already has occupation rights under another form of licence, permit or Crown Grant.
- **Cut and Remove Crown Timber.** Normally, a cutting authority allows cutting and removal. Exceptions can involve situations where a person is only authorized to cut and deck timber that will be subsequently sold by the Ministry to a different person. The person who buys the decked timber will be given a “cutting authority” which allows removal but no additional cutting.

Agreement in this manual refers to the agreements in [Part 3 of the Forest Act](#) that provide for cutting permits: i.e. forest licence, timber licence, tree farm licence, community forest agreement, community salvage licence, woodlot licence, master licence to cut, forestry licence to cut.

1.1.1 The Role of the Cutting Permit

A cutting permit (CP) is the *cutting authority* that allows harvesting on a specific area, in accordance with rights and obligations under an *agreement* that specifies an *allowable annual cut* (AAC). Concisely, a CP crystallizes rights granted by the *agreement*.

Forest practices legislation regulates forest practices before, during and after timber harvesting. Table 1-1 lists *agreements* that provide for CPs.

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The purposes of the CP are to:

- Define the *cutting authority area* (Exhibit A map)
- Set a term (effective date and expiry date) for the harvest rights
- Identify a unique *timber mark*
- Specify whether stumpage will be payable according to [cruised](#) or [scaled](#) volume
- Authorize the construction and maintenance of “in-block” roads, and the industrial use of these roads
- Specify additional clauses specific to the CP (also known as “special conditions”)
- Include cut control provisions if deemed necessary because of provisions in older *agreements*.
- Specify any timber that is reserved from harvesting.

The CP review and issuance process includes a check of eligibility and due diligence; a key aspect of which is ensuring that First Nation interests, with respect to the area to be harvested, have been appropriately addressed.

Compliance and Enforcement staff use the CP to ensure harvesting is authorized. However:

- The CP is **not** a tool for planning or enforcement of planning. - The development of the *Forest and Range Practices Act* clearly envisioned having only one plan and without any second level plan or “back door” planning tool.
- The CP is **not** intended to be an enforcement tool for forest practices issues
- The CP is **not** an enforcement tool for appraisal issues. (The CP does not have compliance requirements for the data used in the appraisal submission.)

1.2 Road Tenures

A road tenure provides an *agreement* holder with authority to use and maintain a road on Crown Land for industrial purposes. Some road tenures can also provide authority to construct and/or modify a road and cutting authority if trees must be cleared for the road.

1.2.1 Types of Road Authorizations

The form of road tenure is dependent on the type of road that is involved:

Forest Service Roads are managed by the Forest Service. Using them for industrial purposes requires authorization under a **road use permit (RUP)**.

An **in-block road** or any road within a woodlot licence can be authorized by a **CP** if it is wholly contained within the CP's cutting authority area.

Industrial Use Roads that access more than one cutblock are actively managed by agreement holders. The agreement holder that constructs the road or is the first industrial user of an existing road (see non-status roads) must be authorized through a **road permit (RP)**. Subsequent industrial users can use a road that is under a road permit to another licensee but must give notice to the road permit holder and share maintenance costs as specified in legislation.

Non-Status Roads are older, abandoned roads with no active tenure over them. Upgrading or using them for industrial purposes must be authorized through a **RP** or an exemption as specified in legislation.

1.2.2 The Role of Road Tenures

Road Use Permits

Industrial use of a *forest service road* must be authorised under a road use permit. The user designated as having “surface maintenance obligations” must maintain those segments under the RUP as defined in regulation. Subsequent users of the same road segments are not to be designated as having surface maintenance responsibilities; however, they are responsible to pay a reasonable cost to the user having the surface maintenance obligations.

Road Permit

If the access is not a *forest service road* or under another tenure, a road permit is needed. A RP provides authority to construct and/or use roads that are not authorized under an active CP. If necessary, the road permit may include cutting authority for the timber within the road right of way. A RP authorizing construction can only be applied for after planning requirements of the applicable *forest practices legislation* have been met.

The RP document has provisions that:

- Define the legal area of interest (the permit area described on the Exhibit A map)
- Define the rights granted (including, if necessary, the harvest of timber within clearing area)
- Set the term (beginning date and criteria for termination)
- Establish that permit rights are non-exclusive, (other than timber authorized for harvesting within the clearing area).
- Link any timber harvesting under the permit with the *cut control specifications* and

Introduction to Cutting Authorities and Road Tenures

Road Tenures

waste assessment requirements of specific licences.

- Identify the timber mark(s) for any timber harvested from the clearing area.

A RP that includes cutting authority is always associated with at least one *agreement* for cut control purposes, but technically is considered a stand-alone agreement under the *Forest Act*.

A RP provides ongoing, non-exclusive authority for industrial use. The public and other industrial users can use a road that is under RP. Other industrial users are required by legislation to give the RP holder notice of use and to pay the RP holder a reasonable cost for maintenance.

Special Use Permit

Special use permits (SUPs) are utilized to authorize the construction, maintenance and use of roads by the holder of a claim, lease, permit or other authorization granted or issued under the *Coal Act*, the *Mineral Tenure Act*, the *Mines Act* or the *Mining Right of Way Act*.

SUPs can authorize a forestry-related use or occupation of Crown Land such as pits and quarries for forestry related roads, logging camps, and dryland sorts. SUPs are **not** an appropriate means of authorizing road construction related to timber harvesting under *agreements*.

A SUP can **not** authorize the harvest and removal of timber.

1.2.3 A common feature: ongoing maintenance obligations

A common feature of all road tenures is the absence of an expiry date and the ongoing obligation for road maintenance. Section 79 of the Forest Planning and Practices Regulation requires a person who has a road authority to maintain the road, including bridges, culverts, fords and other structures associated with the road, until

- the road is deactivated,
- the district manager gives notice that the road should not be deactivated due to use or potential use of the road by others,
- a RP or SUP for the road is issued to another person , or
- the road is declared a *forest service road* under the *Forest Act*.

The district manager may order the holder of a RUP to maintain all or segments of a *Forest service road*.

1.3 Linkages to Legislation and Agreements

1.3.1 Permits and the *Forest Act*

The *Forest Act* establishes how harvesting and road rights are granted through *agreements*. The *Forest Act* allows some *agreements* to provide cutting authority in the licence document such as a competitive timber sale licence. Other *agreements* specify an *allowable annual cut* (AAC) that may be harvested under the *agreement* in a particular management unit and require cutting authority for specific areas to be obtained through CPs.

Unlike a CP that is issued according to provisions in an *agreement*, (and becomes an integral part of the *agreement*), the underlying right to a RP is granted by legislation. Section 115 of the *Forest Act* allows any person who has rights to harvest under a forest licence, timber sale licence, timber licence, tree farm licence, community salvage licence, community forest agreement, woodlot licence, Christmas tree permit or forestry licence to cut to apply for a RP.

The *Forest Act* also enables holders of *agreements* to obtain access to timber by obtaining a RUP for a *forest service road*, or to use a road that is under another person's RP.

Table 1-1 Forms of Agreements and Permits

Form of Agreement	Allows for Cutting Permit	Eligible for Road Permit
Forest Licence	Yes	Yes
Woodlot Licence	Yes	Yes
Timber Licence	Yes	Yes
Tree Farm Licence	Yes	Yes
Community Salvage Licence	Yes	Yes
Community Forest Agreement	Yes	Yes
Master Licence to Cut	Yes	No
Pulpwood Agreement (pre-2003) ¹	No	Yes
Timber Sale Licence	No	Yes
Pre-Nov 2003 TSL ²	Only if AAC is specified.	Yes
Forestry Licence to Cut	May provide for CPs	Yes
Occupant Licence to Cut	No	No
Christmas Tree Permit	No	Yes
Free Use Permits	No	No
Authorized Agent of Government	No	No

¹ Pulpwood Agreements can no longer be issued but existing PAs still exist.

² Replaceable TSLs are being converted. Non-replaceable AAC-bearing TSLs exist, but new ones cannot be issued.

1.3.2 Permits and the Agreement

Only holders of certain *agreements* can obtain RPs and RUPs, but the conditions for application and content are set out in the *Forest Act* rather than the *agreement*.

The CP is an integral part of the *agreements* that provide for CPs listed in Table 1-1. Each *agreement* specifies the conditions for the application, form and issuance of CPs. The following is an overview of the general content of these *agreements*.

General content of an agreement that provides for cutting permits:

- 1) Grant of Rights and Term
 - Sets the AAC and specifies all or part of a management unit (timber supply area, tree farm licence or woodlot licence)
 - Sets the effective date and the term of the agreement in years
 - Specifies whether the licence is replaceable or not
- 2) Timber Harvest Limitations
 - Prohibits harvesting of timber that is reserved by the CP, an operational plan or forestry legislation.
 - Provides the ability to place restrictions on CP applications.
- 3) Timber Volume Charged to the Licence
 - Links the volume harvested under the agreement to the cut control provisions in the *Forest Act* and the procedures in the Waste Assessment Manual.
 - Establishes the cut control specifications that will be used in CPs.
- 4) Waste Assessment
 - Sets the requirements for waste assessments.
 - Requires the licensee to pay for volumes they could have taken but did not.
- 5) Cruise and Appraisal Information
 - Requires the submission of cruise and appraisal information compiled according to specified manuals
- 6) Cutting Permits
 - Enables the licensee to apply for a CP if certain pre-requisites have been met.
 - Requires the CP to be issued unless certain circumstances exist.
 - Provides for consultation with First Nations and refusal of the CP application or addition of conditions if necessary to protect First Nation interests.
 - Sets out the content of a CP
 - Enables amendments and extensions to the CP
 - Establishes that the CP is deemed part of the licence.

Introduction to Cutting Authorities and Road Tenures

Linkages to Legislation and Agreements

General content of an *agreement* that provides for cutting permits:

7) Other Provisions

- May set requirements for the use of contractors.
- Allow CPs to be varied, suspended or refused to be consistent with a court determined aboriginal right and/or title.
- May require reporting of information regarding the licensee's performance of its obligations under the licence for the previous year
- Requires licensee to pay stumpage billed, any bonus offer, and waste assessment
- Requires a deposit as a security for performance and specifies how the deposit can be accessed and returned.
- States miscellaneous provisions on Liability and Indemnity, notices, etc.
- Establishes that CPs will terminate at the expiry of the licence and any improvements are vested with the Crown

1.3.3 Permits and the *Forest and Range Practices Act*

Although CPs and RPs provide *Forest Act* authorization to harvest timber and construct roads, section 3 of the *Forest and Range Practices Act* (FRPA) prevents harvesting and construction unless the proposed *cutblocks* and roads are contained within a forest development unit in an *approved* forest stewardship plan (FSP). For woodlot licences, FRPA requires a woodlot licence plan rather than an FSP. FRPA may allow some exemptions to these requirements but those exemptions do not affect the *Forest Act* requirements for road and cutting authorities.

Forest practices legislation in this manual refers to *FRPA* and the *Forest Practices Code of BC Act*.

Forestry Legislation refers to the *Forest Act*, *FRPA* and the Code

Forest Stewardship Plan Content

A Forest Stewardship Plan (or Woodlot Licence Plan) prepared by the holder of an *agreement* under the *Forest Act* includes mapped forest development units, where harvesting and road-building are expected to occur. Once the FSP is *approved*, the holder may commence developing the forest development unit, consistent with FRPA and the respective *agreement* authorized under the *Forest Act*. The intent of the FSP is to link government legal objectives to practices on the ground through *approved* results and strategies.

An FSP must:

- include a map showing boundaries of all Forest Development Units at a scale and in a form acceptable to the minister
- specify intended results or strategies that meet the definition in the regulation and are consistent with government objectives
- be consistent with timber harvesting rights

Introduction to Cutting Authorities and Road Tenures

Linkages to Legislation and Agreements

- be signed by the person required to prepare the plan
- identify stocking standards
- contain measures for invasive plants and range barriers

Refer to the Administrative Guide to Forest Stewardship Plans at:

<http://www.for.gov.bc.ca/hth/timten/AGFSP/index.htm>

Transition from Code to FRPA

Part 11 of FRPA has transition provisions that allow a CP or RP to be applied for without an FSP if the roads and cutblocks are identified in an approved forest development plan (FDP). The transition provisions address how long an existing FDP can stay in effect, when amendments can be made and the deadline for any new FDP submissions. Part 11 also addresses whether a permit will be subject to FRPA or rules under the *Forest Practices Code of British Columbia Act* (Code). The “Administrative Guide to Forest Stewardship Plans” (see link in previous section) contains guidance on transitional provisions in Part 1.

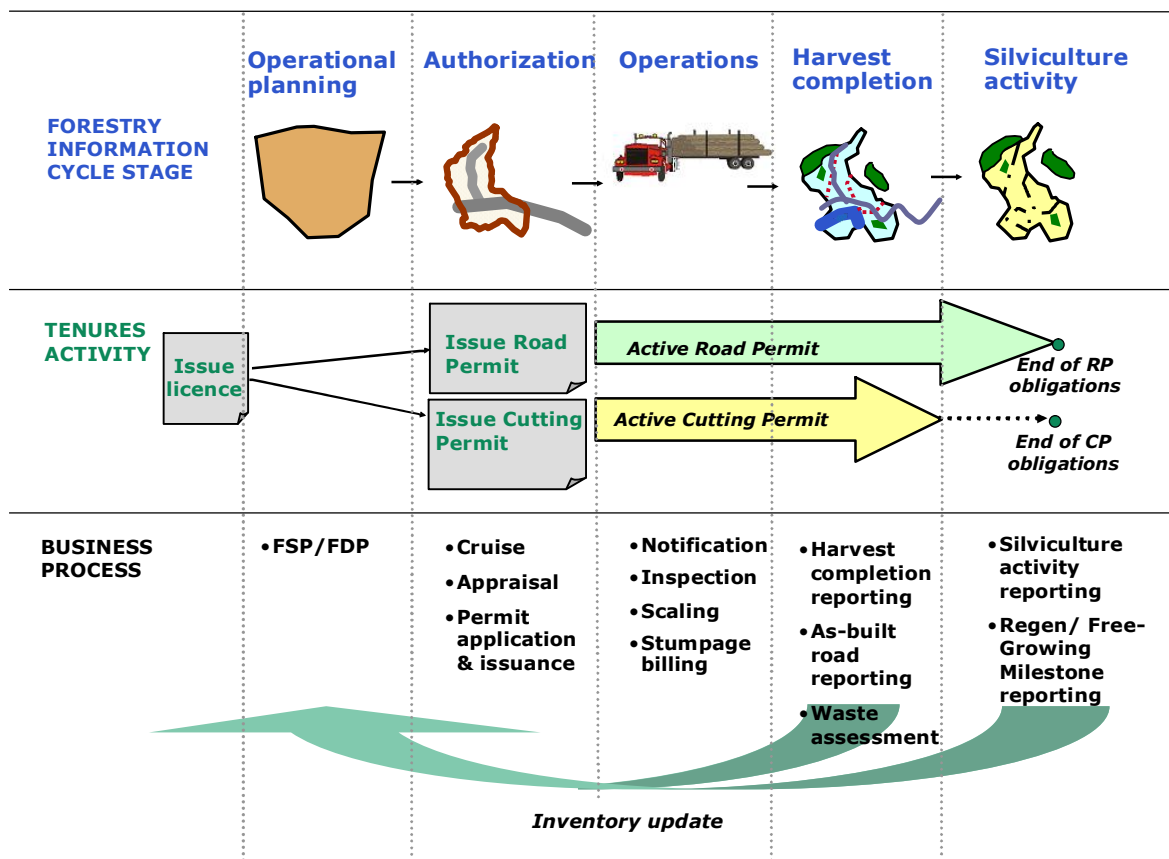
The legislation must be considered carefully because the provisions can vary somewhat depending on the form of tenure and other factors.

1.4 Associated Business Processes

1.4.1 Overview

Figure 1-1 illustrates how CP/RP administration is an integral part of a broader forestry information cycle and associated processes.

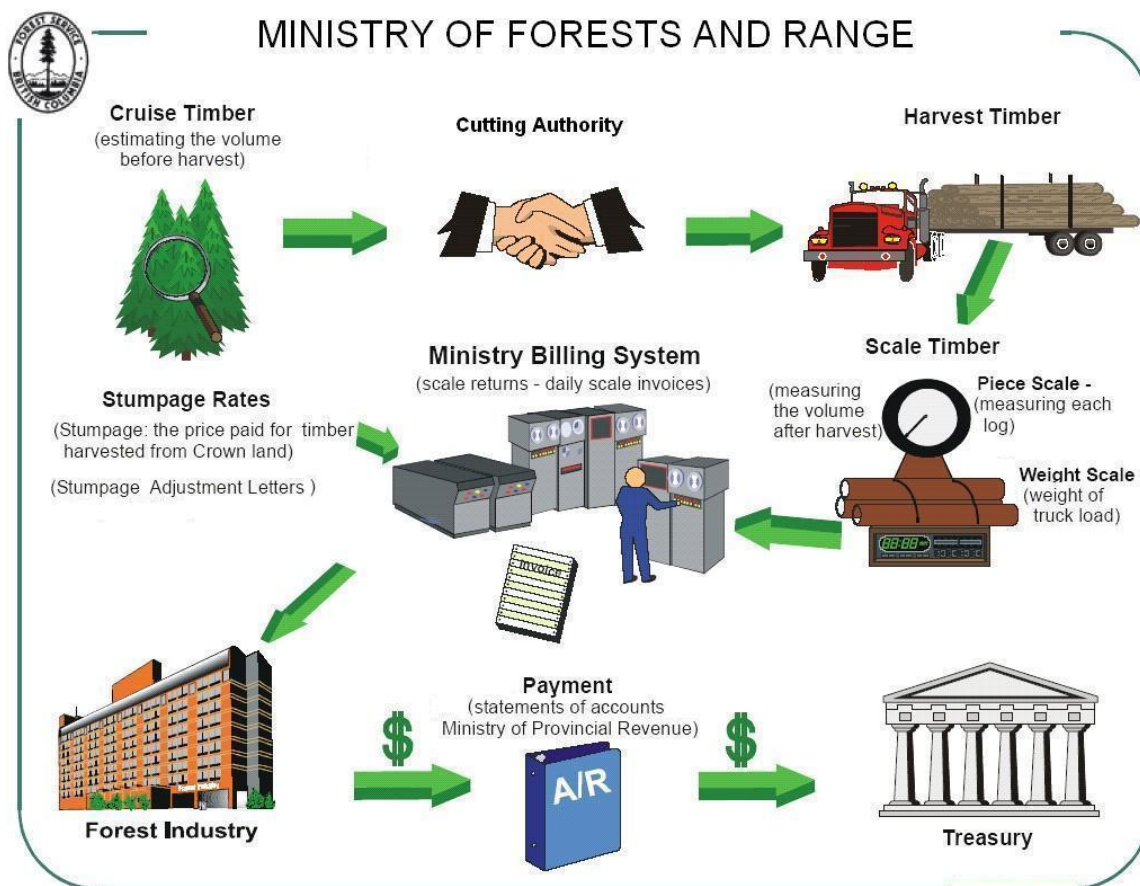
Figure 1-1 Forestry business processes and CP/RP administration



1.4.2 Revenue Activities

The Revenue activities shown in Figure 1-2 (cruise, appraisal, scaling, waste, billing) are interrelated to permits and their administration.

Figure 1-2 Revenue Processes



Timber Cruise

Cruising is the measurement and estimation of volumes of standing and down timber on a given parcel of land. The timber cruise provides the estimate of volume, species composition, quality of timber and other data required to determine stumpage rates. If a CP is cruise-based, the cruise is also used to determine stumpage billings (stumpage rate is multiplied by the portion of CP area logged times volume per hectare from the cruise).

Crown timber on each cutting authority will be inspected, cruised and computed according to the standards and procedures in the cruising policy, available at:
www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm13-7.htm.

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The Cruising Manual, available at www.for.gov.bc.ca/hva/manuals/cruising/index.htm, sets out the minimum cruising standards that must be met. These include specifications for the statistical design of the cruise, the accuracy of field measurements and standard compilation procedures. Note that the Cruising Manual sets different cruising requirements for CPs that will be cruise-based versus scale-based.

The Cruise Compilation Manual, www.for.gov.bc.ca/hva/manuals/cruisecompilation/index.htm, outlines the MoFR's policy for compiling cruise data and provides a set of instructions for system designers and programmers who are building or maintaining a Ministry-standard cruise compilation program. Any agency compiling cruise data for a licensee must adhere to these guidelines if the compilation is being submitted to the Ministry for stumpage appraisal.

Appraisal

The Appraisal Manuals contain the Minister's policies and procedures for determining stumpage rates for Crown timber. <http://www.for.gov.bc.ca/hva/manuals/onlinemanuals.htm>
There are different manuals for the Coast and the Interior.

On the Coast, the Market Pricing System (MPS) determines stumpage rates for non-competitive harvesting authorities using the bid results from competitive timber sale licenses. These bid results are adjusted using information from a survey of logging and forest management costs incurred by licensees and contractors operating in BC.

In the Interior, stumpage rates for non-competitive harvesting authorities are determined in relation to an average stumpage rate for the interior. Comparative Value Pricing determines a stumpage rate for a given stand of timber that is more or less than the pre-set average rate depending upon whether the stand value index is more or less valuable than the average stand's value index.

Scaling

Scaling is the physical measurement of cut timber to determine its volume and quality or grade. Scale data is reported by species and grade, and volumes are expressed in cubic metres (m³).

The legal and administrative framework for scaling in British Columbia is set by Part 6 of the *Forest Act* and the *Scaling Regulation*. This legislation contains the authority and requirements for scaling. It is applicable to all timber cut from both public and private land within provincial jurisdiction. This legislation does not apply to timber cut on lands that are under federal jurisdiction. Such timber includes timber cut on Indian or military reserves administered under Federal Acts.

The Scaling Manual, available at www.for.gov.bc.ca/hva/manuals/scaling/index.htm, and Scaling Policies (Policy Manual, Chapter 13 <http://www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm-toc.htm>) define how scaling will be practiced and administered.

Stumpage Billings

Under Part 7 of the *Forest Act*, a holder of an *agreement* that harvests Crown timber is required to pay stumpage in accordance with that Part and the *agreement*. Crown timber applied for under a cutting or road permit is subject to payment of stumpage. The Harvest Billing System (HBS, www.for.gov.bc.ca/hva/bs/index.htm) is a corporate data base that records and prepares stumpage billing and related fees with respect to Crown timber harvested under that *agreement*.

Waste Assessments

Timber under cutting authorities must be paid for as either stumpage or waste. The Waste Assessment Policy, available at www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm13-6.htm, states that Merchantable Crown timber, whether standing or felled, that is not reserved from cutting and remains on site upon the completion of primary logging of each cut block or at the expiry of the *agreement* or CP is waste. The ministry will issue monetary billings for this waste and will also charge this waste to the licence's cut control as if it had been cut and removed.

Note since that Section 103.1(2) of the *Forest Act* came into force in 2003, utilization is no longer a compliance issue. However, the requirement for waste assessments is unaffected.

The Provincial Logging Residue and Waste Procedures Manual establish the administration and field procedures that are used for determining and billing of logging waste. It is available at: www.for.gov.bc.ca/hva/manuals/rwmm.htm.

1.4.3 Cut Control

The volume of timber harvested under an *agreement* is tracked to ensure that the holder of the *agreement* has not exceeded the harvest rights granted under the *agreement*. The administrative process of tracking volumes harvested and reconciling it with the *agreement* AAC is referred to as cut control.

Cut control is primarily regulated by Part 4 - Division 3.1 of the *Forest Act*. That division describes several sources for the "volume of timber harvested". The primary sources are:

- the volume of timber cut under the licence and under road permits associated with the licence;
- the volume of timber estimated to be wasted or damaged under the licence and under road permits associated with the licence.

Agreements based on templates after November 3, 2003 contain *cut control specifications* that are used to establish which species and grades of the volumes removed or in waste assessments will be counted as "volume of timber harvested" for cut control purposes.

Agreements based on templates before November 4, 2003 did not expressly state *cut control specifications*. Many of these older *agreements* are scheduled for replacement with updated provisions. In the interim, regional tenures staff should be relied on to interpret cut control based on the original conditions in a particular agreement and the well-established cut control practices in the region.

1.4.4 Compliance and Enforcement

The linkage between Compliance and Enforcement (C&E) and the Tenures business of permitting is changing.

In the past, CPs and RPs were key enforcement tools. In addition to defining what constituted authorized versus unauthorized harvest, the permits reflected the appraisal submission and the forest practices details of operational plans. Forest practices were enforced by requiring adherence to those plans. Revenue concerns were enforced based on the unauthorized harvest statutes.

Under FRPA, the purpose of the CP/RP has changed. The permit is no longer intended to act as an information “warehouse” for enforcing forest practices and unauthorized harvest. The permit no longer describes specific harvesting methods or practices. The permit’s sole purpose will be to provide cutting or road authority in a specific location. Harvesting or construction outside the authority areas will be unauthorized harvest. While the permit holder must abide by FRPA within that area; the permit will not play a role in describing the forest practices (in the form of FSP results and strategies/FRPA defaults).

Under FRPA, the MoFR Revenue regimes will be enforced through statute rather than through the permit. Actual harvest and road building must accurately reflect the appraisal submission (or be subject to re-appraisal if changes are in excess of “changed circumstances” as defined by the appraisal manual. Post-harvest, C&E will compare the roads and harvested areas to the appraisal data to inspect for compliance with section 105.1 & 105.2 of the *Forest Act*.

FRPA will give the permit holder greater flexibility to manage as long as they remain in compliance with their FSP.

1.5 Associated Electronic Systems

Corporate system applications are integral to the issuance and administration of CPs and RPs. Corporate systems are used as a business link for various functions within the ministry such as C&E, revenue and scaling and tenure administration.

The Business Information Centre (www.for.gov.bc.ca/HIS/BIC/index.htm) provides an overview of each of the existing MoFR systems. General corporate systems are described in Table 1-2. A brief summary of each application is outlined in Table 1-3 for each of the forestry business activities shown in Figure 1-1.

1.5.1 General Corporate Systems and Applications

Table 1-2 General systems

System & Link	Details
eFM: Electronic Forest Management http://www.for.gov.bc.ca/his/esd/	A key goal of the Electronic Forest Management initiative is to reduce the costs of doing business for the province's forest industry and the Ministry. It is part of the government's commitment to move to electronic government. Key components of the initiative are e-Submissions (including ESF), e-Access (including CRS & MapView), e-Records, and e-Learning
ESF: Electronic Submission Framework www.for.gov.bc.ca/his/esf/	ESF provides a single "framework" for licensees to submit data to the ministry electronically in a predefined format. Initially, tenure data is being submitted to FTA and silviculture data to RESULTS. (FTA and RESULTS described in Table 1-3) Maps which normally accompany submissions are also submitted in electronic format so they can be stored in the government's corporate spatial data warehouse. Licensees can submit applications for CPs, road permits or amendments to permits. The ESF website includes a Forest Industry Guide to ESF Preparation and Submission and links to the technical description of the data requirements.
CRS: Corporate Reporting System www.for.gov.bc.ca/his/crs/	The CRS is a Ministry web-based corporate reporting tool. It is available to Ministry staff and licensees for information reporting and operational support. Licensees will have the ability to view and produce a variety of reports on certain information contained in MoFR databases.
MapView http://srmapps.gov.bc.ca/apps/mapview/	MapView provides view access over the web to the information in the Ministry of Sustainable Resource Management's Land Resource Data Warehouse and provides querying and report generating tools.

1.5.2 Activity-Specific Applications

Table 1-3 Business activity-specific systems applications

Activity	System & Link	Details
Operational Planning	N/A	Under development. See link to RESULTS for stocking standards.
Cruise	N/A	
Appraisal	E-Commerce Appraisal Application System (ECAS) www.for.gov.bc.ca/hva/ecas/	ECAS is an electronic commerce application for transmitting appraisal data between forest licensees and the Ministry.
Permit application	Forest Tenure Application (FTA) www.for.gov.bc.ca/his/esf/index_re_sfta.htm	FTA is a web-based application (for MoFR users only) that replaces the Forest Tenure Administration System (FTAS). FTA supports the tenure administration and tenure registry business requirements of government. FTA contains the core components of forest, range, recreation and road tenures and other non-tenure file-type administration. BC Timber Sales (BCTS) planning components are not part of FTA functionality; instead they have implemented their own Integrated Forest Management System (IFMS). However, BCTS require a linkage to FTA for forest file ID, client and timber mark issuance. Licensees and BCTS make tenure submissions to FTA only through ESF (See ESF in Table 1-2)
	Tenure Mapping Service (TMS) www.for.gov.bc.ca/his/esd/tms.htm	TMS validates and displays a graphical map of electronic submissions destined for the Forest Tenure Application (FTA) via the ESF (see Table 1-2). Once the submission is ready, the user uploads the file for processing through the FTA system.
Notification & Inspection	Compliance Information Management System (CIMS)	CIMS is used by Compliance and Enforcement staff to track inspections and related actions.
Scaling	Mark Site Designation (MSD) www.for.gov.bc.ca/hva/MSD/index.htm	MSD allows industry to see which scale sites a timber mark can be scaled at, and conversely, shows which timber marks can be scaled at a particular site.
Stumpage Billing	Harvest Billing System (HBS) www.for.gov.bc.ca/hva/hbs/	HBS is an internet-based application to collect daily scale data electronically from the scale site. Process samples, invoice piece scale and weight returns are recorded. Audit, reconciliation and a variety of reporting capabilities are available for use by the ministry, industry and public. It can also report on appraisal data and do cut/cruise comparisons.

Introduction to Cutting Authorities and Road Tenures

Associated Electronic Systems

Activity	System & Link	Details
Harvest completion reporting	REporting Silviculture Updates and Landstatus Tracking System (RESULTS) www.for.gov.bc.ca/his/results	RESULTS tracks silviculture information by managing the submission of openings, disturbances, silviculture activities and obligation declarations as required by the forest legislation. Silviculture data submitted under the ESF is explicitly linked to the spatial information therefore ensuring consistency in the geographic information. Information is instantly accessible at all times to both Ministry and forest industry staff either on-line or through various reports. All data (including Spatial data) will be replicated to the LRDW and can be viewed in RESULTS using MapView.
As-built road reporting	As-Built Roads (ABR) http://www.for.gov.bc.ca/his/esf/index_abr.htm	ABR is a legislated requirement for licensees to submit information on as-built roads. ABR information is submitted by licensees and BCTS through ESF.
Waste assessment	Waste System http://www.for.gov.bc.ca/hva/waste/index.htm	The Waste system is a web-based system which allows clients to enter, view, update print and submit waste assessment plans and data via the internet. Waste information can also be submitted by licensees through ESF. Ministry district staff can approve or reject the submitted Annual Plans, Reporting Units and Blocks on-line. Once linked to the Harvest Billing System, waste invoices will be automated.
Silviculture	Seed Planning and Registry System (SPAR) www.for.gov.bc.ca/hti/spar/	SPAR provides clients with on-line access to a provincial registry of forest tree seed and a comprehensive seedling ordering system for meeting annual reforestation needs.
Silviculture Activity Reporting	RESULTS www.for.gov.bc.ca/his/results	See above under "Harvest completion reporting".
Milestone reporting	RESULTS www.for.gov.bc.ca/his/results	See above under "Harvest completion reporting".

1.5.3 Spatial Data Repositories

Ministry of Forests and Range corporate databases are shared and maintained by other agencies within government such as the Ministry of Agriculture and Lands (MAL) and the Ministry of Revenue. District input of CP and RP information is an essential part of the upkeep of the following provincial government databases.

Land and Resource Data Warehouse

The Land and Resource Data Warehouse (LRDW) www.lrdw.ca is the corporate repository for **land, resource and geographic data** that supports a variety of business requirements for the natural resource sector, other government agencies, industry and the public.

ILRR

The Integrated Land and Resource Registry www.ilrr.ca will result in a single comprehensive register of all **legal interests** in the lands and resources of British Columbia, thereby enabling government, business and the other public interests to operate more efficiently by replacing the current array of unrelated registries with an accessible electronic and cartographic data system.

Part 2 Cutting Permit Administration

2.1 Cutting Permit Rules

In the shift towards provincial standardization, several rules are worth emphasizing and some common myths need busting. MoFR staff should not deviate from any of these rules unless certain they have the legal authority and policy flexibility to do so.

- Rule 1:** There shall be no harvesting without an issued cutting authority (e.g. CP).
- Rule 2:** The Exhibit A map of a CP must clearly describe the cutting authority area.
- Rule 3:** The Exhibit A boundary must match the outer boundary of the cruise and appraisal maps and omit any internal information from those maps. Riparian areas, wildlife tree patches or any other reserved timber under FRPA must not be indicated on the Exhibit A map.
- Rule 4:** The cutting authority area must be clear of unresolved conflicts.
- Rule 5:** Each CP must have a unique timber mark (except a CP within a TFL or WL may have more than one mark.)
- Rule 6:** The CP issue date is the date that the CP is signed (i.e. issued). The term of the CP is what the licensee requested, up to the maximum of 4 years.
- Rule 7:** Despite the separate FTA and ECAS review processes, district staff must still review the CP application to ensure that the applicant is eligible and that other interests have been addressed.
- Rule 8:** “Special conditions” (Schedule A clauses) in the CP must not restate any provision that is already required by the licence or legislation.

CP Myths Busted

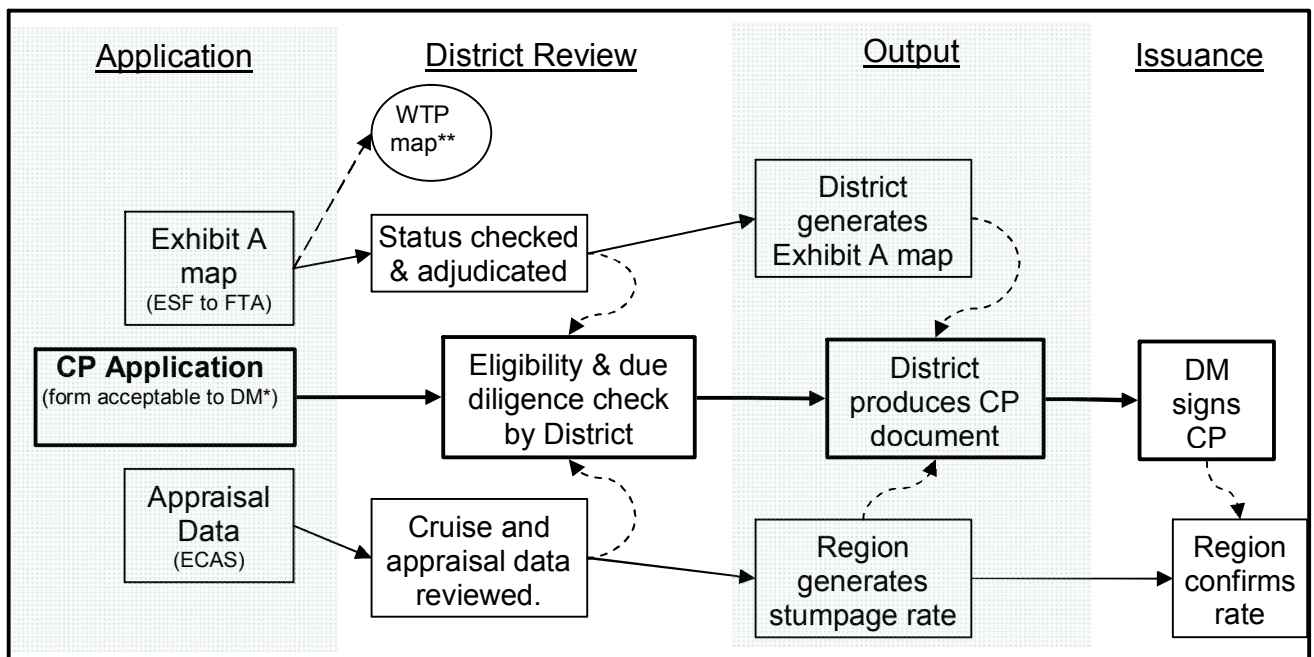
- Myth 1: “Approval” of CP applications?** CPs are *issued*, not *approved*. “Issuance” occurs when a statutory decision maker grants a right to an applicant under an authority of the *Forest Act* or a tenure agreement. For example, a CP or RP is *issued* if the licensee satisfies the application requirements. The application is checked to see if it fulfills the statutory requirements but it is not *approved*. “Approval” occurs when a statutory decision maker accepts a licensee’s submitted document. An example is a Forest Stewardship Plan (FSP).
- Myth 2: “Conditional” Issuance?** A CP cannot be issued subject to conditions that must be satisfied before the authorization is valid. (e.g. A clause or cover letter that requires a field assessment before the CP can be used.) As soon as the CP is issued, the permit holder immediately has the cutting authority that is described in the CP.
- Myth 3: Plan amendment/exemption = CP amendment/exemption?** Only a CP amendment can change a *cutting authority area*. Operational plan amendments or exemptions under the Code or FRPA do not alter or exempt *Forest Act* cutting authority requirements.
- Myth 4: CP clauses in a cover letter?** There is no ability to add clauses to a CP through the cover letter and it can be misleading for the cover letter to emphasize requirements that are already in the permit or in legislation.
- Myth 5: Multiple originals? Whose Permit is it?** Since the permit is *issued* to the licensee, there is only one original CP, which is given to the licensee. The MoFR keeps a copy.
- Myth 6: Adjudication report attached to the Exhibit A?** Adjudication reports provide information to the Ministry about the status of the cutting authority area. The report has valuable information for the decision to issue the CP and whether the CP should have any restrictions (e.g. an excluded area on the Exhibit A). However, the adjudication report has no contractual role and should not be part of the CP. If there is information in the adjudication report that constrains the licensee's prospective harvest operations on that piece of ground, then those issues need to either be addressed before issuance of the cutting authority OR included in the CP document as condition.

2.2 CP Issuance Process

This section describes the processes involved in issuing a CP. The rules and guidance are applicable provincially, recognizing that there may be procedural variations between districts or where pilot regulations apply. Figure 2-1 provides an overview of the processes. Part 4 contains more detailed business process maps.

Note that an amendment application involves the same processes except that the nature of the amendment will dictate the actual tasks that need to be completed in each process. Section 2.3.2 has further guidance on amendments.

Figure 2-1 Processes for Issuing a CP



*DM can specify the form of application. At a minimum, the ESF & ECAS submissions can be deemed the application.

**If external WTPs are submitted with the CP application, the info will not be included on the Exhibit A map. →WTP information will eventually be warehoused separate from the cutting authority. ←

The processes outlined above are discussed in the following sections. A detailed business process map is provided in Part 4 of this manual.

- Section 2.2.1 CP Application
- Section 2.2.2 Exhibit A Map Process
- Section 2.2.3 Appraisal Process
- Section 2.2.4 Eligibility and Due Diligence Check

Section 2.2.5	Document Preparation
Section 2.2.6	CP Issuance

2.2.1 CP Application

The *agreement* provides the holder of the *agreement* with the right to obtain a CPs subject to conditions specified in the *agreement*. These conditions may vary depending on the form of *agreement*, the date of issuance and any *agreement*-specific requirements. The application for CPs and the use of CPs will no longer be directly regulated by FRPA. It is only pre-requisites in the *agreement* that link the application to the *forest practices legislation*. The following guidelines are typical of most licences and consistent with current legislation.

Pre-requisites:

Before the holder of an *agreement* makes application for a CP, the area proposed for harvesting must be:

- identified on an *approved* forest development plan, or
- exempted under the *Code* from the requirement of a forest development plan, or exempted under *FRPA* from the requirement for a forest stewardship plan, or
- located within a forest development unit of an *approved* forest stewardship plan.

And the licensee must compile:

- cruise data in accordance with the current Cruise Compilation Manual, (www.for.gov.bc.ca/hva/manuals/cruiseCompilation/index.htm) based on a cruise carried out in accordance with the current Provincial Cruising Manual (www.for.gov.bc.ca/hva/manuals/cruising/index.htm), and
- appraisal data in accordance with the applicable (Coast or Interior) Appraisal Manual (www.for.gov.bc.ca/hva/manuals/onlinemanuals.htm).

Content of the Application:

In making an application for a CP, the *agreement* holder must provide:

- A map of one or more proposed *cutblocks* submitted through ESF into FTA.
- Appraisal data, submitted through ECAS, plus other data and maps required by the Cruise Manual and Appraisal Manual,

Note that certain licence documents also require CP applications to include "a description acceptable to the district manager of any timber that is reserved from cutting". Guidance on the need to describe reserved timber in the CP document is contained in section 2.2.5 under the heading "Schedule B - Reserved Timber."

Currently, it is optional to include mapping of wildlife tree patches (WTP) with the CP application. If submitted, WTPs will not be included on the Exhibit A map of the *cutting authority area*.

Form of Application

The form of application, the map scale and the description of reserved timber must be acceptable to the district manager. Given the recent move to electronic submission, the transition to FRPA and procedural variations between districts, there could be ambiguity in what constitutes an acceptable application, unless the district manager provides clarification to holders of *agreements*. For example the district manager may specify that the CP application must consist of written notification of application (paper or e-mail) containing reference numbers for the associated FTA and ECAS submissions plus a description of any reserved timber.

The district manager may also require other information if it directly pertains to the issuance of the CP. Material from operational plans should not normally be requested.

The Exhibit A map must be submitted electronically according to the standards established in the MoFR's Electronic Submission Framework (ESF). www.for.gov.bc.ca/his/esf/.

The authoritative source for electronic map submissions is the **Forest Industry Guide to the Preparation and Submission of Forest Tenure and Permit Documents via the Electronic Submission Framework**, available at:
www.for.gov.bc.ca/his/esf/assets/guide/ESF_Industry_Guide_to_Submission_v2.doc

ECAS submission specifications for electronic submission of appraisal data are at www.for.gov.bc.ca/hva/ecas/.

Cutblocks in the CP Application

A CP is made up of one or more *cutblocks*. (See discussion of cutblock in Glossary and Cutblock naming conventions in next section.) *Cutblocks* included in a single CP application must be fully within the area authorized under the *agreement* and constitute a logical (proximate) unit. Where agreements have a requirement for "proximate" *cutblocks*, the district manager could establish an interpretation of "proximate", consistent with applicable appraisal manual.

2.2.2 Exhibit A Map Process

The Exhibit A map for the CP outlines the *cutting authority area*, and is generated by district staff based on the licensee's ESF submission for the CP application.

The steps involved in taking the *agreement* holder's ESF submission, checking for conflicts and producing the Exhibit A map for the document will vary by district. A generic business process is mapped in Figure 4-2.

Cutblock conventions

The *cutting authority area* can consist of one or more *cutblocks*, with each *cutblock* comprising a single or multi-part polygon.

In the past, different business areas had different spatial and naming rules for *cutblocks* which influenced how cutblocks were treated in a CP application. → The Streamlining Project developed a guideline that will eventually integrate spatial mapping standards across MoFR business areas, (See Section 6.5.1). ←

Exhibit A boundary

The harvesting boundary, typically represented by a bold black line on the Exhibit A map, defines the *cutting authority area*. The Exhibit A must exclude areas from the *cutting authority area* if necessary to prevent conflicts with previously granted rights (e.g. hydro right of way, private land).

Typically, all timber within a *cutting authority area* is available for cutting and removal subject to clauses in the CP (e.g. Schedule B) and subject to reserves or restrictions regulated by *forest practices legislation*. Exhibit As for blanket CPs typically indicates a general *cutting authority area* within which harvesting is restricted to certain descriptions of timber by clauses (“special conditions”) in the CP (e.g. blowdown, special forest products, etc.).

A permit’s *cutting authority area* cannot overlap another *cutting authority area* unless the rights authorized under each permit are exclusive of each other.

Reserves that are required and enforceable under *forest practices legislation* (such as wildlife tree patches) will not be identified on the map of the *cutting authority area*. Wildlife tree patches that are internal, contiguous, or external are immaterial to the business of granting *cutting authority*. Similarly, the Exhibit A will not delineate areas of dispersed retention. → Future system enhancements will allow layers such as the WTP to be stored and tracked separately. ←

Separate from the issue of reserves, the Exhibit A may identify *excluded* areas from the *cutting authority area* if they are under a different tenure or permanent land use designation, e.g. road permit, *forest service road*, experimental plots, private land, hydro right-of-ways.

Exhibit A mapping standards

Standards for preparation of Exhibit A maps are outlined in “[Chapter 52 - Mapping](#)” produced by Resource Tenures and Engineering Branch in July 2000.

srmwww.gov.bc.ca/foresttenure/rtehome/Documentation/Chapter52.pdf

Chapter 52 requires revisions to reflect current applications some process changes but fundamentally the document is still relevant as it is helpful and informative when working with tenures and administrative boundaries. This manual and any future version of Chapter 52 will be complementary and inter-dependent.

Cutting Permit Administration

CP Issuance Process

Checking Status and Adjudicating Clearance

Prior to issuing cutting authority, the MoFR needs to ensure that the area is Crown Land (or private land within a TFL or WL) and that there are no conflicting pre-existing rights. The Exhibit A process is where any conflicts are identified (*status*) and adjudicated (*clearance*).

Electronic Verification with the operational plan

→ A MoFR systems application is currently being developed for FSP submission and tracking: <http://www.for.gov.bc.ca/hfp/FSP/index.htm> This application may eventually link to the CP application, allowing for a simple electronic comparison of the two maps. ←

2.2.3 Appraisal Process

The district role of reviewing, accepting and forwarding the *agreement* holder's ECAS submission is established by User Guide and other information on the ECAS webpage: <http://www.for.gov.bc.ca/hva/ecas/> and any region-specific directives. The general process and linkage to CP issuance is mapped in Figure 4-3.

2.2.4 Eligibility and Due Diligence

A CP application must be reviewed by district staff to ensure that the applicant is eligible for the CP and that any other interests on the proposed area have been adequately addressed. In particular, district staff should verify that:

- the application is consistent with the licence conditions such as the licence area and type of timber.
- the application is consistent with legislation, [e.g *Forest Act* section 81 (Eligibility) or Part 13 (Designated Areas)].
- the licensee's map submitted through ESF is acceptable and there are no unresolved conflicts.
- the proposed *cutting authority areas*, as mapped in the Exhibit A, are wholly contained within forest development units and/or declared areas in a FSP (or identified on a FDP during the transition period).
- the appraisal information submitted through ECAS is acceptable.
- there are no outstanding First Nation consultation issues and *aboriginal interests* in the proposed *cutting authority area* have been addressed where appropriate.

Cutting Permit Administration

CP Issuance Process

Refusal or Delay

The *agreement* sets the conditions under which a district manager can refuse or delay a CP application. Typically the *agreement* requires the district manager to notify the agreement holder if the district manager:

- determines that a CP may not be issued because the requirements of the *agreement* have not been met,
- requires additional time to carry out consultations, or
- refuses to issue a CP due to irresolvable conflicts with other rights or interests.

If refusal or delay is being considered, refer to the specific conditions in the applicable *agreement*.

Aboriginal Interests

The Ministry of Forests' "Aboriginal Rights and Title Policy" and associated Consultation Guidelines (<http://www.for.gov.bc.ca/haa/Policies.htm>) provide Ministry staff with direction when making statutory decisions that may affect aboriginal interests (asserted aboriginal rights and title). This guidance is in accordance with the [2002 Provincial Consultation Policy](#) and satisfies the Crown's legal obligations respecting aboriginal interests.

First Nation consultation about Forest Stewardship Plans is addressed in FRPA Administration Bulletin Number 1, June 10, 2005 at <http://www.for.gov.bc.ca/rco/pfit/Bulletins.htm> and the Administrative Guide to Forest Stewardship Plans at <http://www.for.gov.bc.ca/hth/timten/AGFSP/index.htm>.

The Ministry's policy and guidelines recommend consulting with First Nations early in the process, prior to making forestry decisions. However, early consultation does not remove the obligation for the Ministry issuing authority to ensure that, at the time of CP issuance, the consultation process has been adequate and aboriginal interests have been addressed, where appropriate.

Under the Code, information sharing by licensees about a proposed FDP and Ministry consultations prior to FDP approval was often applicable to subsequent CP applications.

Under FRPA, the FSP does not have the same level of detail as a FDP. In reviewing a FSP, a decision maker may accept the adequacy of consultation with respect to the FSP while recognizing that further consultation will be required at a later date; such as where a First Nation requests relevant operational information not available at the FSP stage. Furthermore, the decision maker may become aware of aboriginal interests that may be impacted only after seeing more detailed information. Clearly, under either of these circumstances, there could be delays and uncertainty if operational details are not made available until submission of the CP application. Ministry staff cannot insist on early information sharing but it is in the agreement holder's best interests that enough details are available sufficiently prior to the CP application to allow adequate consultation.

Cutting Permit Administration

CP Issuance Process

Additional consultation may be warranted even if consultation with detailed plans occurred with the FSP or FDP. Some examples where the district manager might determine that more consultation is required prior to issuance of a CP are:

- when additional detailed information regarding aboriginal interests affected by the proposed plan has been made available by the First Nation to the licensee or the MFR,
- when the First Nation requests detailed relevant operational information that was not available at the time the FSP was approved,
- when the licensee has indicated a commitment for further information sharing processes with First Nations,
- when there has been some form of commitment by government to a specific consultation process that identified consultation at this stage of the development process (e.g. consultation protocol, or interim measures agreement),
- when management requirements for known or newly identified aboriginal interests do not appear to have been adequately considered in the mind of the decision-maker at the time of the CP/RP review,
- any other situation that flags a concern by the decision-maker that triggers additional First Nation consultation activities.

Avoiding an unjustifiable infringement of an *aboriginal interest* is paramount in determining whether to issue or refuse a CP. Current government policy and case law should be considered when making this determination. Legal advice should be obtained if a proposed determination to refuse a CP application appears to be inconsistent with clauses in the *agreement*.

2.2.5 Document Preparation

Generic permit templates are maintained on the Ministry's **Generic Licence Review Website**: www.for.gov.bc.ca/hth/ForestRevitalization/DocTemplates.htm. Staff should use the website for each document to ensure they are using updated templates and the correct version for the agreement involved.

The applicable version of the CP template will depend on the type of licence and the date of the licence's issuance or replacement. There are presently four CP templates available for forest licences:

- 1) CP for non-replaceable forest licence (NRFL) entered into before November 4, 2003
- 2) CP for NRFL entered into after November 4, 2003
- 3) CP for replaceable forest licence entered into before November 4, 2003
- 4) CP for replaceable forest licence entered into after November 4, 2003

Cutting Permit Administration

CP Issuance Process

CP documents typically include the following components:

- **Main body** of the CP document
- **Schedule A** consists of additional clauses (called “special conditions”) that are specific to the CP
- **Schedule B** identifies timber that the CP will reserve from harvesting
- **Schedule C** is usually not needed. It was used in the past to delineate *cut control specifications* which are now included in the main body of the permit document.
- The **Exhibit A** map describing the *cutting authority area*

These components of the CP document are described in more detail below. Guidance is provided where details must be inserted or an option selected

Body of CP document

The main body of a CP document template consists of standard clauses which have been reviewed by Branch and Region Tenures staff with advice from legal counsel. **The CP template must not be modified** by district staff as it has important linkages to legislation, the licence and the CP’s schedules and has been subject to extensive consultation with industry.

Each group of clauses in the main body of the CP is described briefly below.

Clause group	Description	Guidance
Permit Area and Term	Provides cutting authority to the area described in the Exhibit A map (discussed separately later in this section) Sets the effective date and term of the CP. Sets conditions and limits for any extension.	The effective date is the date the permit is signed by the ministry. The term should be what the licensee applied for, provided it is consistent with the licence and legislative restrictions (i.e. licence term and 4 year maximum).
Special Conditions and Requirements	Provides a link to additional clauses inserted in Schedule A (discussed separately in this section of the guide.)	Note that the term “special conditions” is actually a misnomer since all clauses have equal weighting.

Cutting Permit Administration

CP Issuance Process

Clause group	Description	Guidance
Timber Mark	Identifies the <i>timber mark</i> to be applied to timber removed from the permit area, requires marking in the <i>prescribed</i> manner (i.e. according to the regulation) and allows the <i>district manager</i> to require timber mark identification signs on the harvest area.	Each CP must have one timber mark. An exception is where a CP within (1) a TFL covers both timber licence and Crown land or (2) a WL covers both private and Crown land. In that situation, the permit will have an additional timber mark assigned to the permit area within the applicable timber licence or private land. Timber marks for the Crown land portions of CPs normally consist of a unique designate identifying the <i>agreement</i> plus 3 characters for the CP number.
Scale or Cruise-Based Stumpage	Separate clauses apply depending on whether the CP will have stumpage billed according to scale or cruise data.	
Roads	Authorizes construction or modification of roads within the CP's <i>cutblocks</i> .	Roads that are identified in an operational plan as providing access to more than one <i>cutblock</i> are not authorized by the CP and must therefore be authorized by a road permit.
Timber Harvesting and Waste Assessment	Reserves timber from harvesting if it is identified in Schedule B. (discussed separately later in this section). May include <i>cut control specifications</i> and a link to Schedule C.	See advice under the discussion under the heading "Schedule C"
Miscellaneous	Links the Schedules and Exhibit A to the CP and the CP to the licence. Requires notification when primary logging is complete and again when removal is complete.	
Interpretation	This group of clauses is for CPs issued under agreements entered into prior to November 4, 2003. The template offers options for the definition of Timber Specifications based on the issue date of the agreement.	The optional definition of Timber Specifications has implications for cut control. Refer to the discussion below on Schedule C and seek licence-specific direction from regional tenures staff.

Schedule A

The Schedule A consists of “Special Conditions” that have been added to the CP. In this guide “Additional Clauses” is offered as a more appropriate term but “Special Conditions” will be in most agreements for awhile.

Additional clauses should not be used routinely. When preparing each CP, staff should question whether each additional clause is warranted.

The table below describes the Additional Clauses from the “Tenures Clause Manual Version 1.0, June 15, 2005”; available from the Generic Licence Review website (www.for.gov.bc.ca/hth/ForestRevitalization/DocTemplates.htm). The website should be checked frequently as the clauses may be updated from time to time.

Table 2-1 Additional Clauses

#	Clause	Notes on Appropriate Use
1.00	<p>REMOVAL OF DAMAGED TIMBER</p> <p>This [<i>Cutting Permit/Licence</i>] only authorizes the harvesting of [<i>fire-killed/beetle-killed/diseased/blowdown/broken tops/dead timber</i>] timber or any other timber designated by the District Manager.</p>	<p>Intended to address forest health issues.</p> <p>This clause can be customized to identify the type of wood to be cut such as species, condition (e.g. infested) and possibly “trees required to be harvested to facilitate the removal” of the damaged timber.</p>
2.00	<p>NO MILL ALLOWED</p> <p>The Licensee must not erect or operate a sawmill or wood processing plant on an area of land referred to in paragraph 1.01 of this [<i>Licence/Permit</i>].</p>	
3.00	<p>OTHER OCCUPIERS OF LAND</p> <p>The rights granted under this [<i>Licence/Permit</i>] No. #[<i>Licence#/Permit#</i>] are subject to other the following rights of use and occupation and the [<i>Licencee/Permittee</i>] must not interfere with exercise of those rights.</p>	<p>Use where operations under the CP could impact other government-issued rights. Preferably listed.</p>
4.00	<p>MANUFACTURE PROHIBITED ON SALE AREA</p> <p>The [<i>Licensee/Permittee</i>] must not allow the manufacture of [<i>product</i>] on the area of land described in paragraph 1.01 of this [<i>Licence/Permit</i>].</p>	

Cutting Permit Administration

CP Issuance Process

#	Clause	Notes on Appropriate Use
5.00	<p>MANUFACTURE OF SPECIAL FOREST PRODUCTS</p> <p>The Licensee may cut at its option [<i>Cedar shake/ Shingle blocks/Bolts</i>] from dead or down trees and residue from normal logging operations from those areas approved by the district manager.</p>	Intended for permits restricted to special forest products.
6.00	<p>TIMBER RIGHTS WHERE TIMBER HAS BEEN PREVIOUSLY FELLED, BUCKED OR DECKED</p> <p>This Licence does not convey any right or title to any timber which has been cut prior to the effective date of this Licence and remaining on the area of land described in paragraph 1.01, and the Licensee must not impede or obstruct the District Manager from removing any such timber.</p>	Intended for permits where the <i>cutting authority area</i> covers previously cut timber that is still under permit to someone else or where MoFR intends to sell the cut timber to others.
7.00	<p>COMMENCEMENT DATE</p> <p>The licensee must advise the district manager in writing of the date that operations will commence on cut block(s) at least five days before the commencement.</p>	Applicable to woodlot licences and Community Forest Agreement CPs that are issued under a Code FDP. Other licences are already required by Code or FRPA to notify re: commencement.
8.00	<p>COMPLETION DATE</p> <p>The licensee must notify the district manager in writing, when all cutting permit obligations are complete.</p>	Not required for most CPs
9.00	<p>DANGEROUS TREES (Requires consent to utilize)</p> <p>9.01 The dangerous tree felling area surrounding the cutblock boundary(s) identified on the attached map as Exhibit "A", is subject to an exemption from the requirement for a forest development plan as provided under Section 28 (1)(a)(i) of the Forest Practices Code of British Columbia Act, for the purposes of tree felling to eliminate a safety hazard. The dangerous tree felling area extends [metres/tree lengths] metres beyond the cutblock boundary(s).</p> <p>9.02 The Licensee may fell trees outside of the cutblock boundary(s) but within the area described in paragraph 9.01 if the person conducting tree felling or rigging tail hold/anchor trees determines that the tree is a dangerous tree according to Workers' Compensation Board regulations.</p> <p>9.03 The Licensee must not buck or utilize a tree felled under paragraph 9.02 without the consent of the District Manager.</p> <p>9.04 If consent is granted under paragraph 9.03, the felled dangerous tree(s) shall be bucked and utilized according to the specifications included in the Licence and/or Cutting Permit.</p>	<p>This clause is intended to be used where trees outside the Exhibit A boundary must be <u>felled to remove safety hazard</u> to falling, rigging or subsequent operations.</p> <p>This version of the clause prevents removal of the danger trees unless consent obtained from the district manager.</p> <p>This wording is applicable to CPs that are issued under a Code FDP.</p>

Cutting Permit Administration
CP Issuance Process

#	Clause	Notes on Appropriate Use
9.00	<p>DANGEROUS TREES (may utilize)</p> <p>9.01 The dangerous tree felling area surrounding the cutblock boundary(s) identified on the attached map as Exhibit "A", is subject to an exemption from the requirement for a forest development plan as provided under Section 28 (1)(a)(i) of the Forest Practices Code of British Columbia Act, for the purposes of tree felling to eliminate a safety hazard. The dangerous tree felling area extends [metres/tree lengths] metres beyond the cutblock boundary(s).</p> <p>9.02 The Licensee may fell trees outside of the cutblock boundary(s) but within the area described in paragraph 9.01 if the person conducting tree felling or rigging tail hold/anchor trees determines that the tree is a dangerous tree according to Workers' Compensation Board regulations.</p> <p>9.03 Trees felled under paragraph 9.02 shall be bucked and utilized according to the specifications included in the Licence and/or Cutting Permit.</p>	<p>This clause is intended to be used where trees outside the Exhibit A boundary must be felled <u>to remove safety hazard</u> to falling, rigging or subsequent operations.</p> <p>This version of clause 9.00 allows the licensee to utilize the felled danger trees.</p> <p>This wording is applicable to CPs that are issued under a Code FDP.</p>

Cutting Permit Administration

CP Issuance Process

Process for Adding to or Revising Additional Clauses

Revisions or new clauses must be approved by Resource Tenures and Engineering Branch staff who may seek legal counsel before making the clause available for general use. All of the following criteria must be met before being considered:

- The purpose of the clause must be consistent with the role of the CP (i.e. related to cutting authorization; not regulation of forest practices).
- The clause must be essential to meet operational circumstances or government objectives that are unique or specific to a regional goal, site-specific requirement or a client group.
- The person issuing the permit must have the authority to impose the clause.
- The clause must be enforceable (enforcement authority exists and compliance is measurable.)
- The clause must be consistent with the principles of administrative law (fair, reasonable, due process).
- The clause must not restate a requirement already specified in the licence or legislation.

Schedule B– Reserved Timber

Schedule B describes timber within a cutting authority area that is reserved from cutting under the authority of the CP.

With implementation of the *Forest and Range Practices Act* and associated regulations, the CP has much less of a forest practices role than in the past. Eventually, there should be no need for any forest practice clauses nor any Schedule B wording in CPs issued under forest stewardship plans.

However, prior to implementation of some necessary FRPA regulation changes, and in consideration of the continued applicability of *Forest Practices Code of BC Act (Code)* forest development plans, the need to address partial cutting retention and wildlife tree patches (WTPs) through contractual language in the CP continues.

→Section 6.2.2 of this manual contains a memo that provides guidance in describing reserved timber within Schedule B in CP documents. ←

Schedule C - Cut Control Specifications

Most CPs will not require a Schedule C, since the cut control specifications are already specified in post-Nov. 3, 2003 agreement. Schedule C may not be warranted for earlier agreements if there is no longer a meaningful link to the original agreement provisions. (Many

of the older agreements will soon be replaced with up-to-date documents. See discussion in 1.4.3 Cut Control.)

The CP document templates for pre-November 4, 2003 agreements, (available at <http://gww.for.gov.bc.ca/hth/timten/templates/MoF%20Templates%20review%20Page%202.htm>) provide options that put cut control specifications in a Schedule C and/or include customized wording in the CP document. Obtain advice from regional tenures staff to determine if this is warranted for a particular agreement.

Exhibit A map

The Exhibit A map describes the external limit of harvesting; i.e. the *cutting authority area*. It must not indicate any operational planning restrictions or appraisal data. It is strictly a method of describing the area authorized for cutting.

2.2.6 Permit Issuance

The Exhibit A, appraisal and due diligence processes will ensure that the CP is either ready for issuance or that rejection is warranted. The validation features of FTA and ECAS prevent incomplete submissions and certain errors. No rationale is needed for an FTA or ECAS automatic rejection. However, if an application is to be rejected for another reason, the *district manager* should provide a written rationale to the applicant.

The CP is *issued* when the *district manager* signs the permit document. Before signing, the *district manager* should be satisfied with the due diligence and eligibility checks that have been done.

<p>“District Manager” in this document, when referring to issuance of a cutting permit, includes a forest officer authorized by the district manager to issue a cutting permit..</p>

Cover Letter

Cover letters are optional. When used, a cover letter serves only to direct a CP to a specific person in a company. **There is no ability to add clauses to a CP through the cover letter** and it can be misleading for the cover letter to emphasize requirements that are in the permit or in legislation.

Original and Copies

Since the permit is *issued* to the licensee, there is only one original CP, which is given to the licensee. Copies of the CP are filed at the district office.

Ancillary users of the CP can access the information they need electronically.

2.3 Administering Active CPs

2.3.1 General CP Activities

Once a CP is active, most administrative activities are managed by other business areas:

- Notification of commencement is a requirement enforced by *forest practices legislation*. (Section 85 of FRPA's *Forest Planning and Practices Regulation* and Section 58 of the Code's *Timber Harvesting and Silviculture Practices Regulation*).
- Although the CP identifies the timber mark, the requirement for marking and scaling are enforced under the *Forest Act*.
- Waste assessments are regulated by the waste manual which is referenced by the licence.
- Inspections are mostly driven by risks to revenue or forest practices.
- Billings are fully in the Revenue business area unless the CP is cruise-based. The holder of a cruise-based CP will be required to submit monthly reports on the area harvested and that information will be combined with the cruise data to determine the volume to be billed.

2.3.2 Amendments

Any and all changes to the *cutting authority area* require an amendment to a CP. The amendment can only be made if it meets the same requirements of a new application and only with the consent of the holder of the permit. It must also meet appraisal manual rules for changes. The size and nature of the change may require a reappraisal on the remaining timber or it could invoke a retroactive rate change if the Appraisal Manual's Changed Circumstances provision applies.

Existing CPs, whether the harvest has begun or not, should only be amended to reflect minor changes that occur which are beyond the licensee's control and are required for forest management reasons (i.e. fringe blowdown, minor additions, deletions). Amendments should be consistent with the October 24, 2002 CP Amendment directive in section 6.2.2.

Note that *forest practices legislation* which allows changes without re-submission (section 7.1 of the Operational and Site Planning Regulation of Forest Practices Code, or section 30 of Forest Planning and Practices Regulation of FRPA) only affects operational plan amendments, **not** CP amendments. The CP cannot be indirectly amended by an operational plan or exemption nor by any other approvals (e.g. re-appraisal). Despite any operational plan changes, the *cutting authority area* and the permit clauses remain in force unless they are specifically amended by the *district manager*.

2.3.3 Extensions

CPs may be extended upon application if the original term plus extensions do not exceed 4 years.

An exception allows CPs that were in effect on November 4, 2003 to be extended until March 31, 2007. The minister (currently delegated to the Regional Executive Director) may further extend the CP in two year increments beyond March 31, 2007. See section 6.1.1 (Cutting Permit Extension and Surrender Policy, and May 10, 2005 delegation memo)

Extensions for Cutting Permits issued after November 4, 2003

Licensees can apply for a one year extension to CPs provided:

- the licence does not prohibit extension,
- the CP's initial term plus previous and current extensions will not exceed 4 years,
- the CP is still active and rights are not under suspension, and
- an extension fee will be paid.

The *district manager* has discretion to reject the extension application if in his or her opinion, the extension would prevent the fulfillment of an obligation under the FRPA or the FPC.

The minister or person authorized may waive the extension fee provided the reasons for an extension are beyond the holder's control and unrelated to the holder's financial situation. The following list, while not exhaustive, outlines circumstances the minister or person authorized may wish to consider in making this decision:

- Was the licensee's opportunity to exercise his/her authority to harvest limited by factors beyond their control such as weather conditions, a catastrophic event, unforeseen consultation requirements, blockades etc?
- Was the scheduling of harvest operations limited by agreements with other stakeholders?
- Did the licensee take advantage of opportunities to harvest when conditions were suitable?
- Did the actions of other licensees in the surrounding area impact the ability to operate?
- Were the licensee's operations shifted to address emergency situations elsewhere?
- Was the CP transferred to another licensee as a result of timber reallocation (Forestry Revitalization Act)?

Poor log markets should not be a consideration in waiving extension fees.

2.3.4 Ending the Permit

Cutblock(s) Harvested before CP Expiry

After the holder of the CP gives commencement notification (FRPA or Code obligation), there is no further requirement to report *cutblock* activity until primary logging is complete on a *cutblock*.

If a CP is completely logged earlier than the CP expiry date, there is no need for early surrender or any kind of closure/deletion or amendment of the CP expiry date.

If there is a significant period of time before the CP expires, and if all scales are complete and billings are up-to-date, the district could request that regional appraisals staff discontinue future stumpage rate advisory notices. This should only be done following a request by the licensee.

Note that for timber to be transported and for stumpage rates to be applied, an active permit and active timber mark is needed. There does not need to be an active permit/timber mark to apply waste and residue assessments and billings because that is a continuing obligation.

Expiry

At the end of the term specified in the CP, the permittee's rights expire regardless of whether the timber is completely harvested. However, obligations will continue until fulfilled.

Upon expiry:

- “Closure” letters are not required and could be detrimental if they mislead the permit holder regarding the status of rights and obligations. Advance notice of expiry is not required.
- Waste assessments and billings can still be done. There is no need to extend the CP term to facilitate monetary billings.
- If there has been no harvesting on the CP, current waste assessment procedures allow the CP to lapse without a waste bill.
- Rate letters will no longer be generated when the permit expires.
- It is not a problem if expiry occurs before waste is billed. Waste billing will use the last rate available prior to expiry.
- Inspections could continue after expiry because obligations continue.

Surrender

The holder of an *agreement* holder may surrender a CP, subject to *take or pay* rules in the [Provincial Logging Residue and Waste Measurement Procedures Manual](#). If there has been no harvesting anywhere on the CP, there is no waste billing. However, if there has been timber harvesting on any of the cutblocks in the CP, the unharvested timber will be treated as waste

and billed. Note, for the purposes of *take or pay*, when determining if there has been timber harvesting, the waste manual excludes felling and removal of timber from roads (both in-block roads and any roads within the block that are under road permit).

Suspension and Cancellation

A CP cannot be cancelled other than through the *Forest Act's* suspension and cancellation process (i.e. suspend for cause then provide notice plus opportunity to be heard and give opportunity to remedy).

2.4 Managing Special Circumstances

2.4.1 Bark Beetle Regulation

Under the Bark Beetle Regulation (BBR), certain operational plan requirements and cruising are waived if within designated areas and cutblocks are less than 15 hectares and less than 5,000 m³.

Cutting areas less than 1 hectare can be exempted from operational plan requirements, reforestation obligations, and/or reporting requirements.

Regardless of these exemptions, there is no exemption from the need to obtain a cutting authority. Blanket CPs (discussed in next section) are sometimes used to simplify administration.

2.4.2 Blanket CP Administration

Separate blanket CPs should be issued to address different harvesting circumstances. For example, blowdown salvage should be in a separate blanket CP from one that authorizes harvest of beetle-infested timber under BBR provisions.

Since Emergency Management Unit (EMU) designation under the BBR can change as an infestation progresses, *district managers* should consider using blanket CPs with shorter terms and/or a restriction to infested timber that is within EMUs designated as “Aggressive/Sanitation”.

Appraisal methods for blanket CPs have varied in the past. Pricing methodology will influence the effectiveness of Blanket CP models and benefits of exemptions under the BBR. Currently, stumpage rates for blanket salvage CPs are based on the weighted average of all CPs issued under the licence. For the most up to date information, refer to the current version of the Interior Appraisal Manual.

Section 6.2.4 contains a March 22, 2005 memo that provides direction on the use of blanket salvage permits.

→Further guidelines for the administration of blanket CPs are under development.←

2.4.3 Changes Affecting Stumpage Rates

Cancelling permits to get better rates

A licensee may want to surrender a CP so they can get a new CP at a lower stumpage rate. This may be allowed if no harvesting has taken place and there is no risk of revenue loss. It is a District Manager decision whether or not to bill the standing timber as waste. If there has been harvesting, then it can not be surrendered without subsequent billing of the remaining standing timber as waste.

Changing site plans after CP is issued

Forest practices legislation allows a licensee to amend a site plan without seeking authorization. If an amended plan excludes some timber that is in an issued CP, the *cutting authority area* will not be affected. The licensee may have caused some additional timber to be reserved under *forest practices legislation* but it will not affect the take or pay requirements of the CP.

2.4.4 CPs affected by Subdivision or Consolidation of Licences

Subdivision or consolidation of FLs or TFLs may result in a need to associate existing issued CPs to a different licence. A person holding a licence that is being subdivided under the *Forest Act*, may propose that certain existing CPs be associated with the newly created licence. Conversely, if two or more licences held by an individual licensee are being consolidated, all existing CPs need to be associated with the consolidated licence. The following process should be followed to make the administrative changes:

(Note that this process only applies to existing CPs without any prior harvesting)

- 1) In conjunction with the subdivision/consolidation process, the licensee should identify in writing which CPs are proposed for administrative transfer from the source licence to the target licence.
- 2) After the subdivision or consolidation has been completed, the MoFR (district or region) should initiate a change in FTA to associate each CP with the appropriate *agreement*.
→This process, including changing the timber mark to reflect the appropriate licence designate, is under development←
- 3) District should initiate amendment of each affected CP document to reflect the appropriate *agreement*, the new timber mark and any other necessary changes.

Note that the actual administrative processes of subdivision and consolidation under the *Forest Act* involve only one “person”; the licensee that holds all of the affected *agreements*. Transfer of *agreements* that lead up to licence consolidation, or that are subsequent to a subdivision, do not require the above noted administrative transfer of CPs.

2.4.5 Reallocation of Cutting Authorities

As a result of Timber Reallocation under the Forestry Revitalization Plan, there may be negotiated changes in operating areas and standing timber inventory between licences and possibly involving BC Timber Sales. Implementation of these changes may depend on prompt reallocation of existing CPs between licences or from a CP to a timber sale licence.

In the absence of definitive legislated or contractual provisions, the following surrender and expedited re-application process is recommended for reallocation of cutting authorities:

(Note that this process only applies to existing CPs without any prior harvesting.)

- 1) Licensees and/or BC Timber Sales jointly indicate their intention to surrender/reapply for a cutting authority (possibly within a negotiated Timber Reallocation Transition Agreement)
- 2) Source licensee surrenders the CP to the ministry (requests early termination)
- 3) Source licensee passes on the related operational/appraisal/planning information to target licensee/BCTS (no MoFR involvement in this step)
- 4) Target licensee applies for new CP and stumpage rate over same area via normal ESF ECAS processes
- 5) Ministry completes expedited CP preparation and ECAS acceptance process
- 6) If satisfied that contractual/legislated requirements are met, DM issues a new CP to target licensee

2.4.6 Incidental Cutting Outside Cutblock

Harvesting without cutting authority is considered unauthorized harvest and subject to compliance and enforcement actions. The effect of the dangerous trees optional clause actually expands the *cutting authority area* beyond the marked cutting boundary. However, there is no endorsed method of allowing other incidental cutting for purposes such as beetle sanitation, salvage, etc.

2.4.7 Transporting Timber After a CP Expires

A timber mark is only in effect during the term of the associated permit. If a CP has expired, there is no longer any authority to cut and no authority to apply the permit's timber mark. Timber cannot be transported or scaled unless the timber mark is valid at the time of scale. There is no legal "grace" period following CP expiration to allow timber transport without an active timber mark.

Part 3 Road Tenure Administration

3.1 Road Tenure Rules

In the shift towards provincial standardization, several rules are worth emphasizing and some common myths need busting. MoFR staff should not deviate from any of these rules unless certain they have the legal authority and policy flexibility to do so.

- Rule 1:** There can be no forest road construction or associated timber harvesting without the appropriate issued road tenure.
- Rule 2:** The RP or RUP must clearly describe the permit area.
- Rule 3:** The permit area must be clear of unresolved conflicts.
- Rule 4:** A road under an RP cannot be under another RP or CP.
- Rule 5:** Each RP that authorizes harvesting of timber must have at least one timber mark.
- Rule 6:** If a RP bisects a CP, the timber felled from the RP clearing area must not be marked with the timber mark of the surrounding CP → Currently under debate. ←
- Rule 7:** The road tenure should not restate any provision that is already required in legislation.
- Rule 8:** A special use permit should not be utilized to authorize industrial road construction and maintenance by agreement holders.
- Rule 9:** Blanket RPs (i.e. management-unit wide) are discouraged but if used, geographic subdivisions are essential.

Road Tenure Myths

Myth 1: Plan amendment/exemption = CP amendment/exemption?? Only a permit amendment can change the permit area. Plan amendments and exemptions under FRPA do not alter or exempt Forest Act authority requirements.

Myth 2: Too many Points of Commencement?? (Road Amendments). An amendment to road section must be described in terms of the original, unchanged PoC and a new PoT (unless the amendment is to change the PoC). The amendment must not be submitted as a section with a new PoC starting from the old PoT. To amend a road (make it longer or shorter) the licensee must re-submit the entire road section with the new segment either added or removed.

Myth 3: Adding helpful identifiers to amendments?? Road section identifiers should be what the licensee wants to call the road; without “helpful” additions. In fact, adding amendment numbers or segment numbers to an existing road section identifier will make it a new road section in the system. i.e. If you want to add a segment to the existing “4200” road section and you call the segment 4200-001, it becomes a new road section and not a part of the original 4200 road.

Myth 4: Applying for just the “new” portion of non-status road?? If a licensee wants to use an existing non-status road and then add on to it, they must tenure the whole road section. The entire road network from where trucks leave the harvesting authority to where they meet a public road or log dump must be under some form of tenure, without any gaps. i.e. the licensee’s RP, another licensee’s RP, a CP, RUP or exemption from having a permit as approved by the DM.

Myth 5: Authorizing upgrades or repair of an FSR by putting a RP over the FSR?? RPs and FSRs (as well as CPs and TSLs) are mutually exclusive tenures. Overlapping tenures are not allowed. Repairs and upgrades are authorized through a Road Use Permit of the FSR.

Myth 6: Road Permits can not cross jurisdictional boundaries?? Previously it was deemed that road permits had to end at jurisdictional boundaries such as TFL boundaries. However, road permits can cross jurisdictional boundaries, provided timber from each segment is associated with (marked to) the appropriate land base. The authority to occupy the land and build or use a road is authorized under the RP and section ID. The authority to remove the wood and scale it is authorized by the timber mark assigned to the applicable portion (segment) of road.

3.2 Road Tenure Description Conventions

→ Standards for naming roads, (applicable to FSRs and RPs), are under development. Standards will facilitate re-assignment, in whole or in part, of road data (e.g. from RP to FSR, or FSR to RP).] The following conventions follow the Streamlining Project’s “Road Administration Team Final Report” August 2005 http://www.for.gov.bc.ca/hfp/streamlining/files/Roads_Final_Report.pdf. Until the proposal is fully implemented, local practices may continue as long as they do not conflict with ESF standards. ←

Road administration requires three integrated components: the licensee’s road section identifier (eg the "Mountain Road"), the road tenure number (eg “R12345”) and at least one timber mark (eg “EK1RDS”)

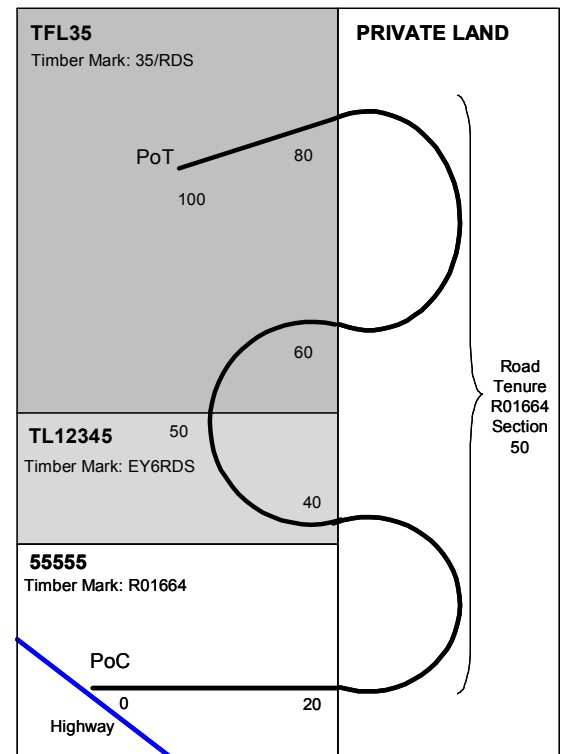
A single **road tenure** should cover a full, logical, geographic-based road system unless part of the road is FSR or under a different *agreement* holder’s RP. The example on the right shows a single road section - regardless of the associated timber harvesting agreement or management unit. In this example the private land segments (described below) would not be cleared or authorized along this road section. The Exhibit “A” map that would accompany the authorization to build this road would only authorize the segments on the Crown Land.

The permit would also describe which timber mark to use for each land base. If there were branches in the Crown land portion of the example road, the branches would also be under the same road tenure with different section identifiers.

A **road section** describes a continuous road from a junction with public road or other road tenure. The distance from the point of commencement (PoC) to point of termination (PoT) does not break for administrative or ownership boundaries.

The example to the right is a single road **section**. If the road was extended 10 km beyond 100 km, the PoT of the road section would become 110 km using the original PoC and the same road section identifier.

Figure 3-1 One Road Tenure for a Road



Road Tenure Administration
 Road Tenure Description Conventions

A road branch becomes a new road **section** with its own PoC at the intersection with the other road section. The example does not have any branches but if a road amendment added a 15 km branch from 55 km, a new **section** would be needed with a PoC at the intersection and a PoT at 15 km on the new branch. This new road section would have a unique road section identifier.

A road section is made up of at least one road segment. A **road segment** is portion of a road section described as distances from the section's PoC. The way a road **Section** is broken into **Segments** has to do with land status and timber marks

Figure 3-2 Road Segments

In the "Road Segments" example shown at right, road section 50 of R01664 is made up of six segments. 0-20, 20-40, 40-50, 50-60, 60-80 and 80-100. Appropriate timber marks would have to be assigned to all segments on Crown land in order to ensure the wood is associated with the correct land base. Segments 50-60 and 80-100 would share the same timber mark but are different segments because segment 60-80 is on private land. Segments must be contiguous but not overlapping.

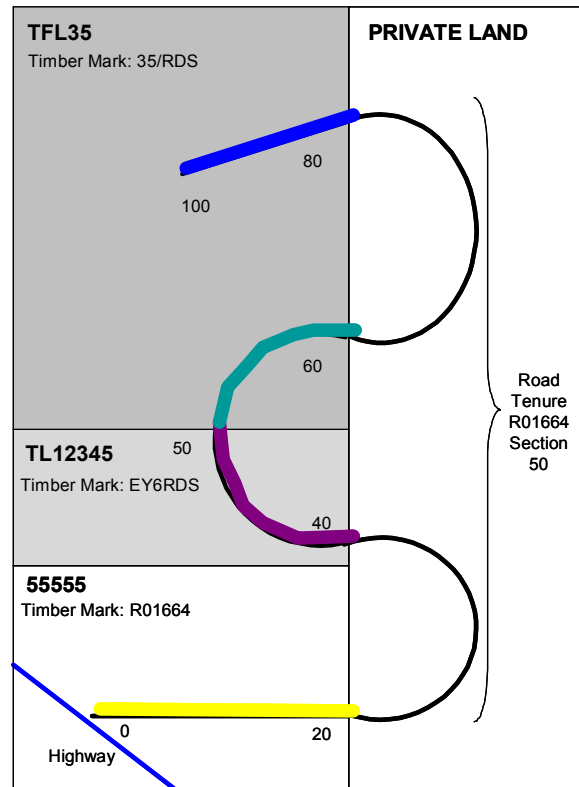
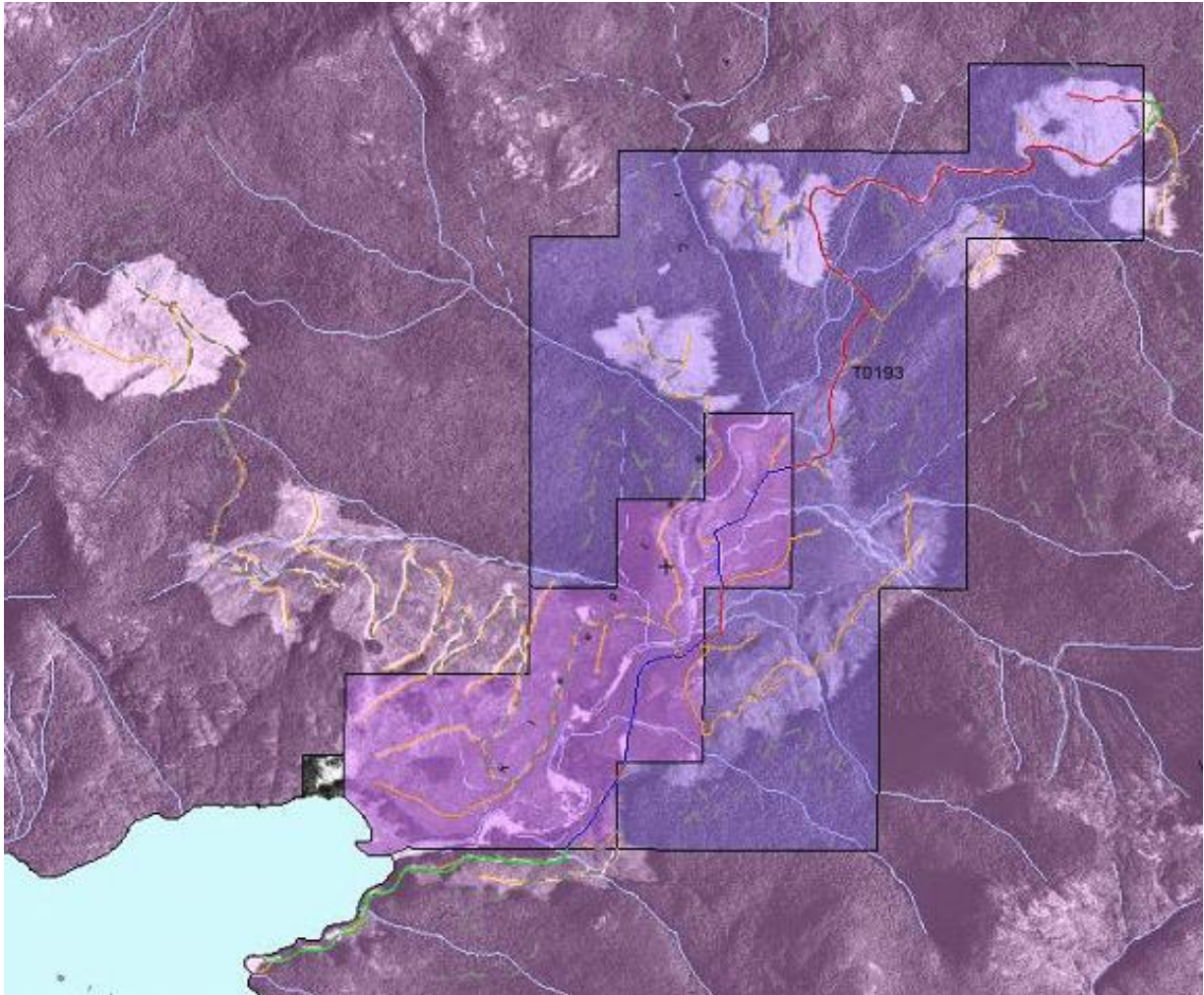


Figure 3-3 The Business Model upon implementation of FTA 4.0



Colour Represents Segments (for marks)
One road section length = 60 km
R12345 Andy's Road
Green = 35/0R1 = TFL Road Timber Mark
Blue = Private land (No mark)
Red = EY60R1 = TL Road Timber Mark

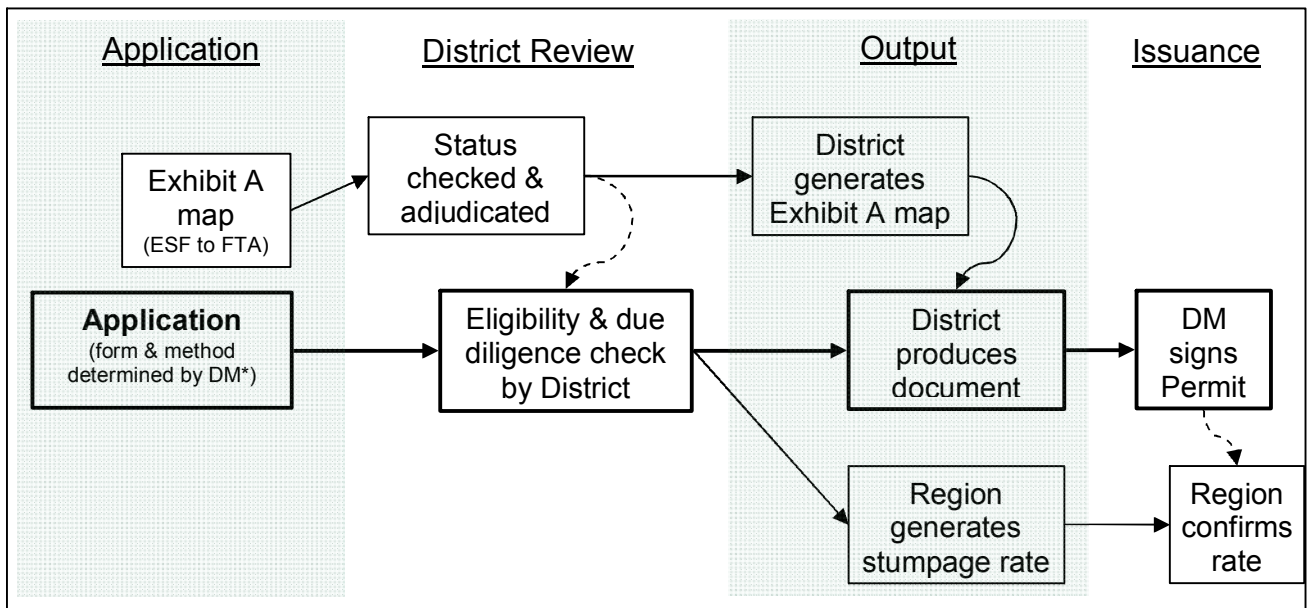
3.3 Road Tenure Issuance Process

Most of this section describes the processes required to issue a RP. RUPs will have a similar application and due diligence and issuance steps but Exhibit A process and stumpage generation are not applicable. Roads authorized by a CP are covered by the CP issuance process. (Refer to section 1.2 for more discussion on the differences between RPs, RUPs and roads built under a CP.)

The rules and guidance in this section are applicable to all forest districts, recognizing that there may be procedural variations between districts. Figure 3-4 provides an overview of the processes.

Note that an amendment application involves the same processes except that the nature of the amendment will dictate the actual tasks that need to be completed in each process. Section 3.4.2 has further guidance on amendments.

Figure 3-4 Processes for Issuing a Road Tenure



***At a minimum, the ESF submission can be deemed the application.**

The processes outlined above are discussed in the following sections.

Section 3.3.1	Road Tenure Application
Section 3.3.2	Exhibit A Map Process
Section 3.3.3	Eligibility and Due Diligence Check
Section 3.3.4	Stumpage Rate Generation
Section 3.3.4	Document Preparation

Section 3.3.6 Road Tenure Issuance

A detailed business process map for Road Permit Review and Issuance is provided in Part 4 of this manual. → The map was produced for the Streamlining Forest Information Project and not fully implemented yet. It is a new, provincially-consistent business process for RPs. A number of systems changes are underway to enable to new “bundled” RP application and issuance process. In the future, an *agreement* holder’s road appraisal data is intended to be bundled with the Exhibit A submissions and at the end of the process, a single permit and rate letter issued to the licensee. [Refer to the streamlining website (<http://www.for.gov.bc.ca/hfp/streamlining/index.htm>) and RTEB Engineering staff for updates.] ←

3.3.1 Road Tenure Application

The ability to apply for a RP or RUP is provided by Part 8 of the *Forest Act*. As a result, the conditions for making an application are established in the Act and not in the *agreement*. Section 115 of the *Forest Act* lists the pre-requisites. The district manager can set procedural requirements for the application.

Road section identifiers will be provided by the applicant and must follow road and section naming conventions. → [Standards for naming road sections, (applicable to FSRs and RPs), are under development. Standards will facilitate re-assignment, in whole or in part, of road data (e.g. from RP to FSR, or FSR to RP).] ←

3.3.2 Exhibit A Process

The RP Exhibit A process is similar to the CP Exhibit A process which is described in section 2.2.2 and mapped in Figure 4-2. → When the new naming standards are enabled, the ESF system and/or LIM staff will check for compliance with the naming standards and appropriate use sections versus segments. ←

A memo dated July 29, 2005 (see Section 6.2.5 in this manual) directs that clearance width should be 75 metres for both RPs and roads designated as FSRs.

RUPs use either a map or written description in a Schedule to identify applicable road sections.

3.3.3 Eligibility and Due Diligence

Section 115 of the *Forest Act* establishes the eligibility requirements for applications for RP:

- person has the right to harvest timber under an *agreement*,
- district manager will issue a RP if satisfied the location of the road is identified in a prescribed manner,

Road Tenure Administration

Road Tenure Issuance Process

- there is no other active RP over that road, and
- the use and maintenance of the road will not compromise a FSP or FDP

Section 81(3) of the *Forest Act* and the *Performance Based Harvesting Regulation* specify other eligibility requirements.

Aboriginal Interests

The Ministry of Forests' "Aboriginal Rights and Title Policy" and associated Consultation Guidelines (<http://www.for.gov.bc.ca/haa/Policies.htm>) provide Ministry staff with direction when making statutory decisions that may affect aboriginal interests (asserted aboriginal rights and title). This guidance is in accordance with the [2002 Provincial Consultation Policy](#) and satisfies the Crown's legal obligations respecting aboriginal interests.

First Nation consultation about Forest Stewardship Plans is addressed in FRPA Administration Bulletin Number 1, June 10, 2005 at <http://www.for.gov.bc.ca/rco/pfit/Bulletins.htm> and the Administrative Guide to Forest Stewardship Plans at <http://www.for.gov.bc.ca/hth/timten/AGFSP/index.htm>.

The Ministry's policy and guidelines recommend consulting with First Nations early in the process, prior to making forestry decisions. However, early consultation does not remove the obligation for the Ministry issuing authority to ensure that, at the time of RP issuance, the consultation process has been adequate and aboriginal interests have been addressed, where appropriate.

Under the Code, information sharing by licensees about a proposed FDP and Ministry consultations prior to FDP approval was often applicable to subsequent road tenure applications.

Under FRPA, the FSP does not have the same level of detail as a FDP. In reviewing a FSP, a decision maker may accept the adequacy of consultation with respect to the FSP while recognizing that further consultation will be required at a later date; such as where a First Nation requests relevant operational information not available at the FSP stage. Furthermore, the decision maker may become aware of aboriginal interests that may be impacted only after seeing more detailed information. Clearly, under either of these circumstances, there could be delays and uncertainty if operational details are not made available until submission of the CP application. Ministry staff cannot insist on early information sharing but it is in the agreement holder's best interests that enough details are available sufficiently prior to the road tenure application to allow adequate consultation.

Additional consultation may be warranted even if consultation with detailed plans occurred with the FSP or FDP. Here are some examples where the district manager might determine that more consultation is required prior to issuance of a road tenure:

- when additional detailed information regarding aboriginal interests affected by the proposed plan has been made available by the First Nation to the licensee or the MoFR,

- when the First Nation requests detailed relevant operational information that was not available at the time the FSP was approved,
- when the licensee has indicated a commitment for further information sharing processes with First Nations,
- when there has been some form of commitment by government to a specific consultation process that identified consultation at this stage of the development process (e.g. consultation protocol, or interim measures agreement),
- when management requirements for known or newly identified aboriginal interests do not appear to have been adequately considered in the mind of the decision-maker at the time of the CP/RP/TSL review,
- any other situation that flags a concern by the decision-maker that triggers additional First Nation consultation activities.

Avoiding an unjustifiable infringement of an *aboriginal interest* is paramount in determining whether to issue, change or refuse a road tenure. Current government policy and case law should be considered when making this determination. Legal advice should be obtained if a proposed determination to refuse a road tenure application appears to be inconsistent with clauses in the *agreement* or the legislation.

3.3.4 Stumpage Rate Generation

Although there is important road data that needs to be submitted for appraisal purposes, that data will be used for CP appraisals. Currently, timber from clearing on RPs does not receive a rate specifically appraised from the road data. The stumpage rate for timber from any RP associated with an *agreement* is based on the previous year's weighted average stumpage rate for all of the active CPs issued under that *agreement*. For agreement holders that do not have a previous year's average stumpage rate to draw from, the permit's stumpage rate will be based on a district-wide average rate. The most recent applicable Appraisal Manual should be consulted to confirm the current stumpage rate generation process.

3.3.5 Document Preparation

Document Template

Generic road tenure templates are available from the Ministry's **Forms Index Website**:
<http://www.for.gov.bc.ca/pscripts/isb/forms/forms.asp>.

FS 582ML	Road Permit – Major Licensee
FS 582bcts	Road Permit – BC Timber Sales
FS 581	Road Permit Application

FS 109	Road Use Permit Application
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Staff should refer to the website to ensure they are using updated templates.

Road Naming

The agreement holder's **road section identifier** should not be changed in government systems. See the discussion on naming conventions in section 3.2.

Timber Marks

Timber marks should be separate from the tenure number, using different numbers in FTA to separate the authority to build or maintain a road (linked to a tenure, a long-term arrangement) from the identification of a timber mark (a snapshot in time).

One RP can have multiple marks if the permit clearly identifies which mark applies to each section of road. (See the example in section 3.2)

3.3.6 Road Tenure Issuance

The RP/RUP is *issued* when the *district manager* signs the permit. Before signing, the *district manager* should be satisfied that:

- The application is consistent with the applicant's rights and obligations,
- There are no unresolved conflicts with other interests granted over the area,
- First Nations interests on the area have been adequately addressed
- The application meets the standards necessary to produce an Exhibit A map and, where applicable, a stumpage rate.

Cover Letter

Cover letters are optional. When used, a cover letter serves only to direct a permit to a specific person in a company. A cover letter is not an appropriate place to add conditions nor to emphasize clauses that are in the permit or in legislation.

Original and Copies

Since the permit is issued to the licensee, there only needs to be one original CP, which is given to the licensee. Ministry records only need to be copies. RPs and RUPs are typically filed only at the district office.

3.4 Administering Active Road Tenures

3.4.1 General Activities

Once a RP is active, most administrative activities are managed by other business areas:

- Notification of commencement is a requirement enforced by *forest practices legislation*. (Section 85 of the *Forest Planning and Practices Regulation*).
- Although the RP identifies the timber mark, the requirement for marking and scaling are enforced under the *Forest Act*.
- Waste assessments are regulated by the waste manual which is referenced by the licence.
- Inspections are mostly driven by risks to revenue or forest practices.

3.4.2 Amendments

Any and all changes to the permit area require an amendment to the RP. The amendment can only be made if it meets the same requirements of a new application.

An amendment to a road section must be described in terms of the original, unchanged PoC and a new PoT. The amendment must not be submitted as a section with a new PoC starting from the old PoT. Also, the original road section identifier must be used for the amended road. Do not add amendment or segment numbers to the identifier or else it becomes a new road.

Note that *forest practices legislation* which allows changes without re-submission (section 7.1 of the Operational and Site Planning Regulation of *Forest Practices Code*, or section 30 of Forest Planning and Practices Regulation of FRPA) only affects operational plan amendments, not RP amendments. The RP cannot be indirectly amended by an operational plan or exemption nor by any other approvals (e.g. re-appraisal). Despite any operational plan changes, the permit area and the permit clauses remain in force unless they are specifically amended by the district manager.

3.4.3 Ending the RP

RPs do not have a term. They continue until the road is deactivated or the RP holder is relieved of obligations by the district manager.

A July 29, 2005 memo on “New Administrative Responsibilities for Forest Service Roads (FSRs)” (see Section 6.2.5) directs that the MoFR will no longer consider cancelling RPs for non-deactivated roads without either transferring the responsibility to another party or taking on

a clear MoFR administrative role through declaring the road as a FSR. It is not an option to create non-status roads by cancelling non-deactivated roads.

Suspension and Cancellation

A RP or RUP cannot be cancelled other than through the *Forest Act* (i.e. first suspend for cause then provide notice plus opportunity to be heard and give opportunity to remedy before considering cancellation).

3.5 Managing Special Circumstances

3.5.1 Roads and Trails under the Bark Beetle Regulation

This topic is addressed by the April 19, 2005 memo from the Assistant Deputy Minister Operations (see Section 6.2.5)

3.5.2 Converting RP Roads to a FSR

Section 6.2.5 contains a July 29, 2005 memo on “New Administrative Responsibilities for Forest Service Roads (FSRs)” and includes direction on converting RPs to FSRs when industrial use has concluded.

3.5.3 Roads affected by Subdivision or Consolidation of Licences

Subdivision or consolidation of FLs or TFLs may result in a need to associate existing issued RPs to a different licence. A person holding a licence that is being subdivided under the *Forest Act*, may propose that certain existing RPs be associated with their newly created licence. Conversely, if two or more licences held by an individual licensee are being consolidated, all existing RPs need to be associated with the consolidated licence. The following process should be followed to make the administrative changes:

- 1) In conjunction with the subdivision/consolidation process, the licensee should identify in writing which RPs are proposed for changing their association from the source licence to the target licence.
- 2) After the subdivision or consolidation has been completed, for each RP, the MoFR (district) should amend the appropriate provisions of Part 1.00 of the RP documents

(licence number), change the file (harvest tenure) association in FTA, and notify the licensee of the changes.

3.5.4 Reallocation or Transfer of Road Tenures

As a result of Timber Reallocation under the Forestry Revitalization Plan, there may be negotiated changes in operating areas and standing timber inventory between licences and possibly involving BC Timber Sales. Implementation of these changes may depend on prompt transfer of existing RPs between licences or from a licensee to a FSR managed by BC Timber Sales.

Section 54 of the *Forest Act* allows transfers of agreements, including RPs.

Converting a RP to a forest service road is covered by the July 29, 2005 memo embedded in Section 6.2.5 of this manual.

3.5.5 CP Roads Outside the Cutblock

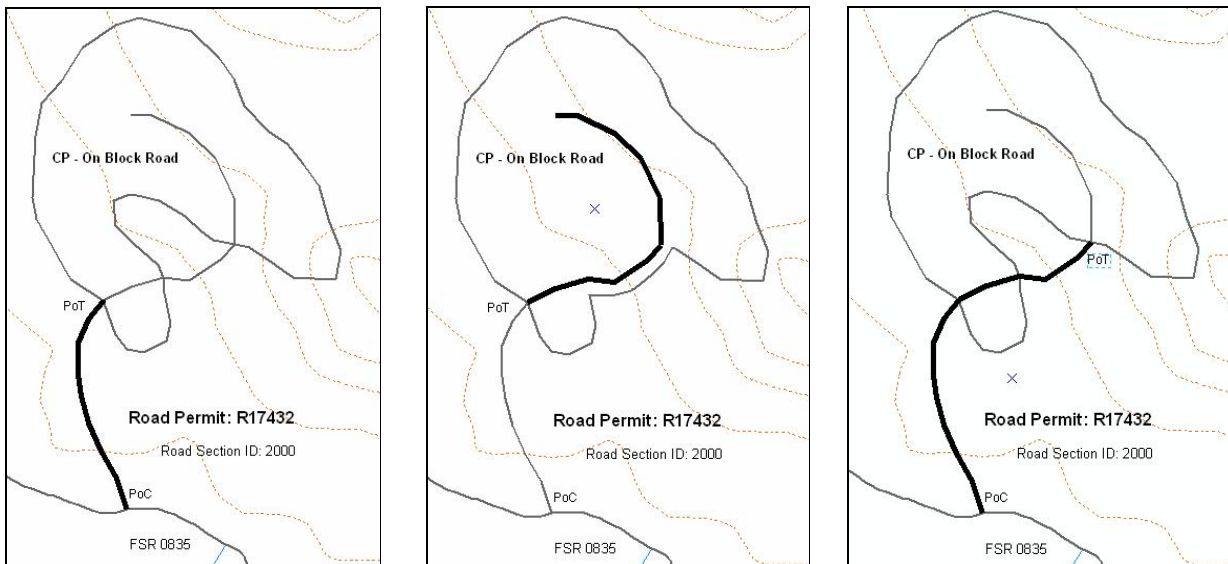
In a situation where an on-block road needs to go outside the cutting authority (e.g. to facilitate a switchback loop), an application to amend either the road permit or the cutting permit is required. The issue should only arise because the cutting authority area was not designed properly or unforeseen circumstances prevented the planned on-block road location.

As shown in Figure 3-5, the CP holder would have to apply for either a CP amendment to ensure the road is wholly contained within the cutting authority area, or the RP holder would have to apply for an RP amendment to ensure the entire road section would be tenured under the road permit up to the point where the road enters the last cutblock for the final time.

A tenured road passing through multiple blocks must be a contiguous road permit section from the start of the road to the boundary of the last block.

Roads that provide access to future wood must be tenured under road permit.

Figure 3-5 CP Road Outside Cutblock



INCORRECT: Portion of an “on-block” road is outside the cutting authority and is therefore untenured

CORRECT: Cutblock amended to include road

CORRECT: Road permit amended to the last cutblock entry point

3.5.6 Roads Outside an Area-Based Tenure

➔ The Streamlining Project’s Road Administration proposals (Section 6.5.2) will ensure that a road tenure can follow the actual road regardless of underlying administrative boundaries. ⬅

Part 4 Business Maps

4.1 CP Review and Issuance Process

The following business process maps for CP Review and Issuance are generic overviews of the processes involved.

Figure 4-1 is the recommended business process for CP issuance, consistent with this manual. Procedural details can vary to suit district-specific circumstances.

Figure 4-2 is an overview of the process followed by Land and Information Management staff. Procedural details are governed by ESF standards, Chapter 52 and the land status/registry requirements of the Ministry of Agriculture and Lands.

Figure 4-3 is an overview of the appraisal procedures dictated by the Appraisal Manuals, regional procedures and ECAS User Guide: <http://www.for.gov.bc.ca/hva/ecas/>

Business Maps
CP Review and Issuance Process

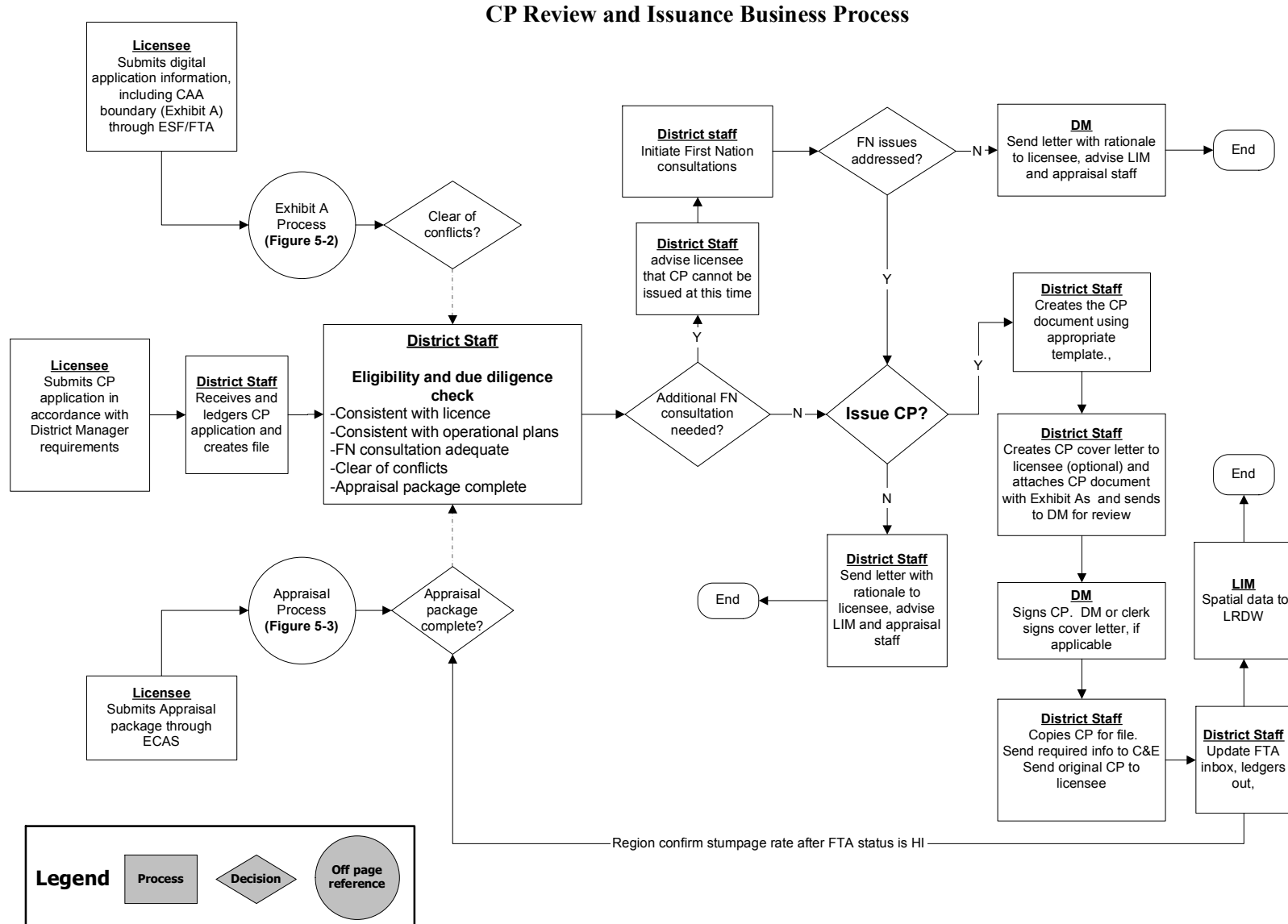


Figure 4-1 CP Review and Issuance Business Process

Business Maps
CP Review and Issuance Process

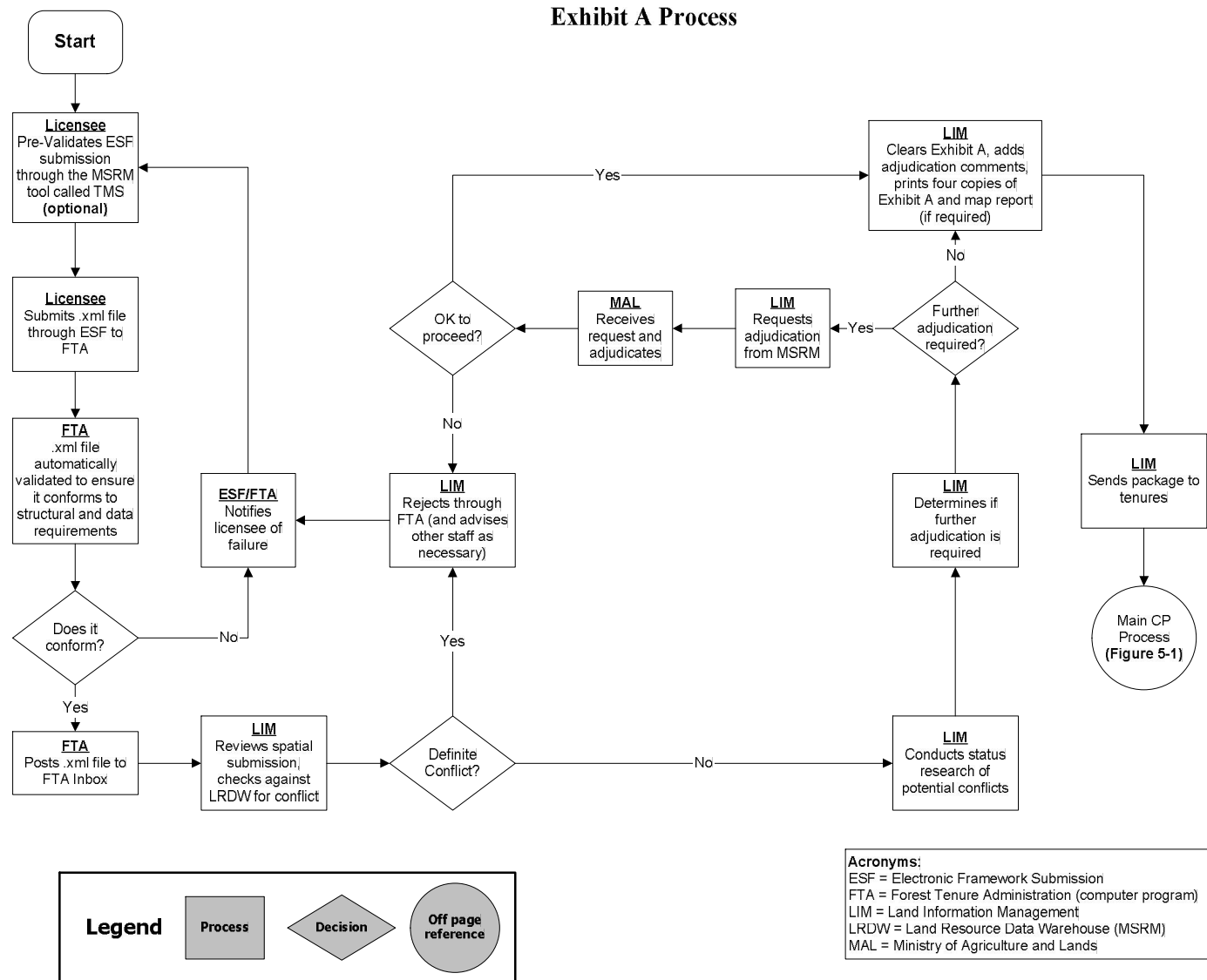


Figure 4-2 Exhibit A Process

Appraisal Process

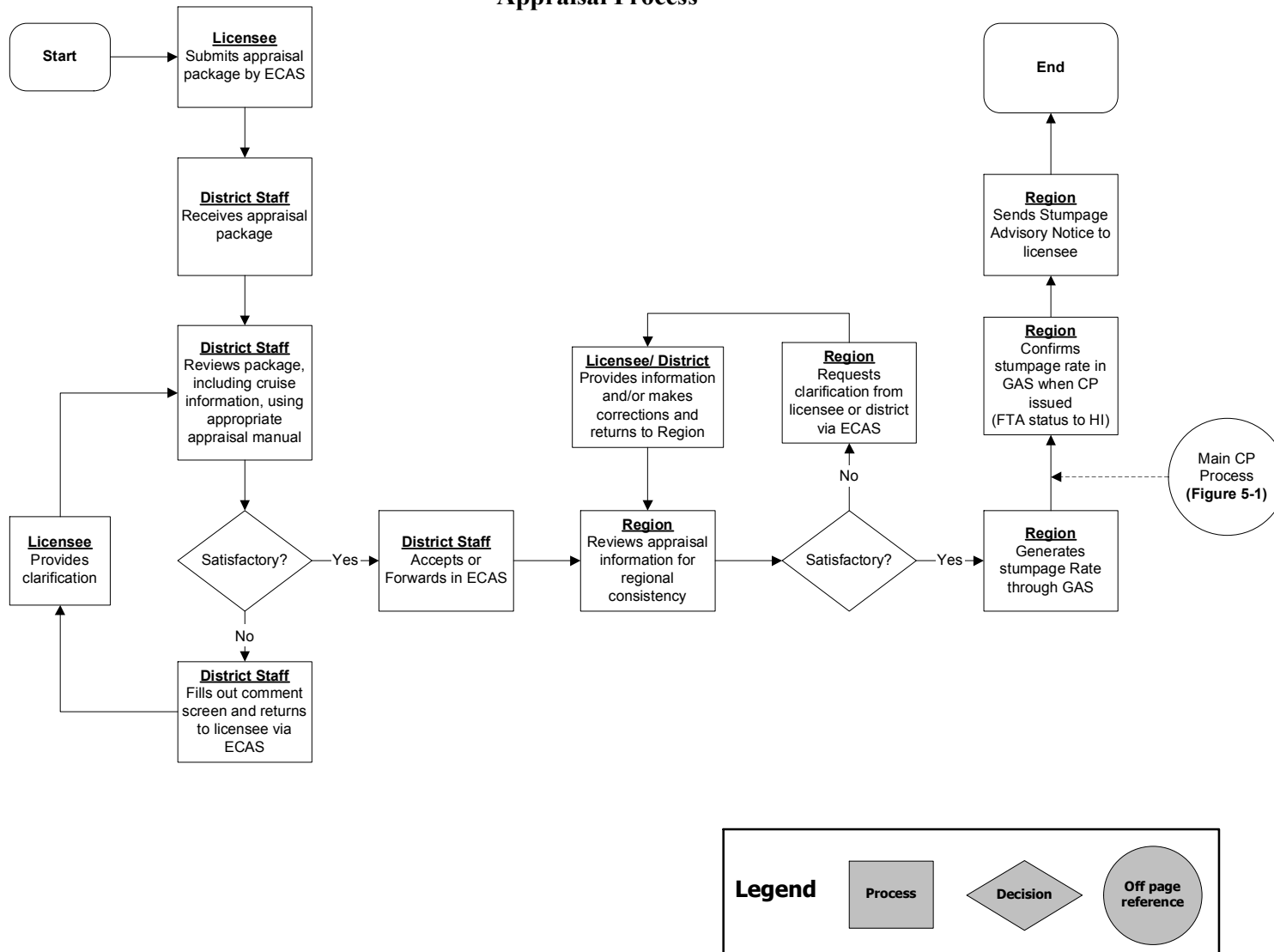


Figure 4-3 Appraisal Process

4.2 Road Permit Review and Issuance

Under the Streamlining Project, a new, provincially-consistent business process has been developed for RPs. (See link to “Road Administration Team Final Report” in section 6.5.2.) → A number of systems changes are underway to enable the new process. The attached process map and comments may require updating to reflect recent changes (e.g. MSRM is no longer a ministry) and refinements made during implementation. ←

Highlights of proposed changes:

- **Road Administration procedures must be inclusive** of *Forest service roads*, RUPs and RP Roads.
- **Road Administration must include standardized consistent practices** for issuing RPs (ie. geographic) and issuing amendments (additions or deletions) to permits.
- **Require licensees to do a status check (it is currently optional):** To ask for this, the tools required by the licensee to do the checking must be improved, and no cost must be involved.
- **Keep FDP/FSP verification process flow step:** This step should be left in the basic RP process, though it may not be required when FSPs start to be submitted. Districts may still wish to conduct some kind of validation at this time and the process needs the flexibility to accommodate this.
- **Need option for formal district First Nations review step:** It does not matter if First Nations materials come in at FSP or RP time; systems must allow for attachments to accommodate either. Also, the suggestion in the process flow to provide a tick box indicating whether First Nations issues were checked should be a district option, at least for now. This is related to the FDP/FSP verification process step; FSPs should already have included First Nations review.
- **Treat Special Use Permits (SUPs) just like any other road permit:** Stick to the mantra “a road is a road is a road,” but include a toggle in the system that allows districts to identify whether charges are involved. In the meantime, to deal with migration of data among systems, we need the same information for SUPs as we need for any RP. Our tenures should be amalgamated into one type because there is no real benefit in separating them. In the future, look at the cost–benefit of charging for this.
- **Licensees can track processing status.**

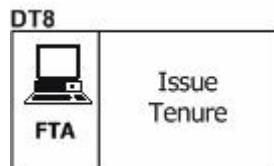
Business Maps

Road Permit Review and Issuance

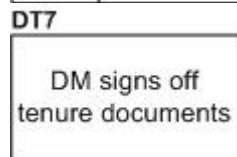
Process Map Legend

The business mapping approach used here is different from that typically used in the Ministry of Forest and Range. The process moves from left to right on the page, with business areas/MoFR offices listed vertically. This approach makes it easier to show related activities in different business areas within government, and highlights the licensee's role and the computer systems used at each step of the process.

Figure 4-4 Legend for Road Permit Issuance Business Process



This step involves a system. Each step is identified by a number and further explained in supporting documentation.



Manual process step (does not involve a system). Each step is identified by a number and further explained in supporting documentation.



Decision point—implications of responding yes or no are provided. Decision points are also explained in supporting documentation.



Page connector. Indicates that this process is continued on page 2, at indicator B.



Associated business process, and the system that supports it—in this case, the Risk Evaluation Process, which is managed in CIMS. These processes are further described in supporting documentation.

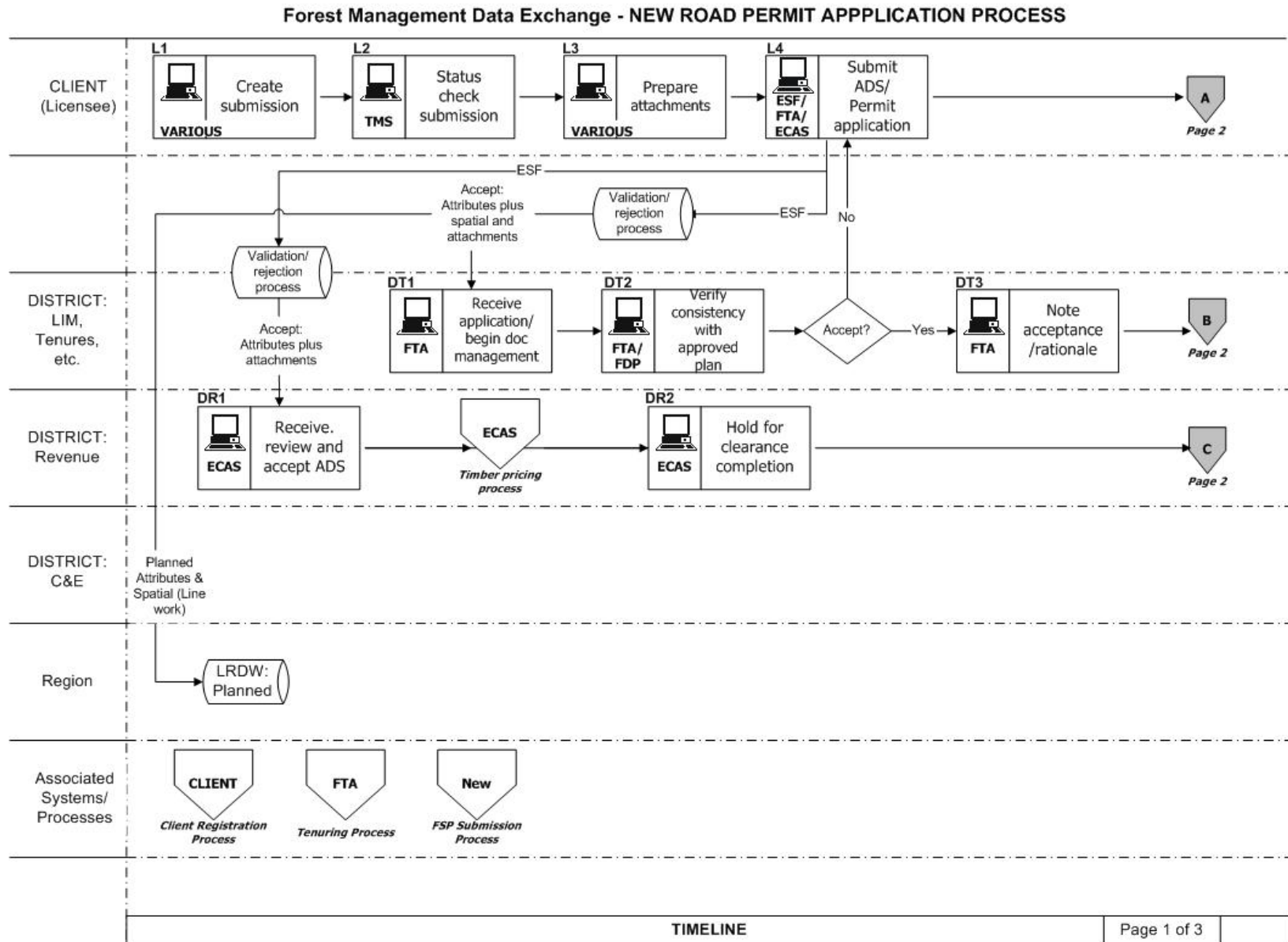


Database step: automatic, no human intervention.

Business Maps

Road Permit Review and Issuance

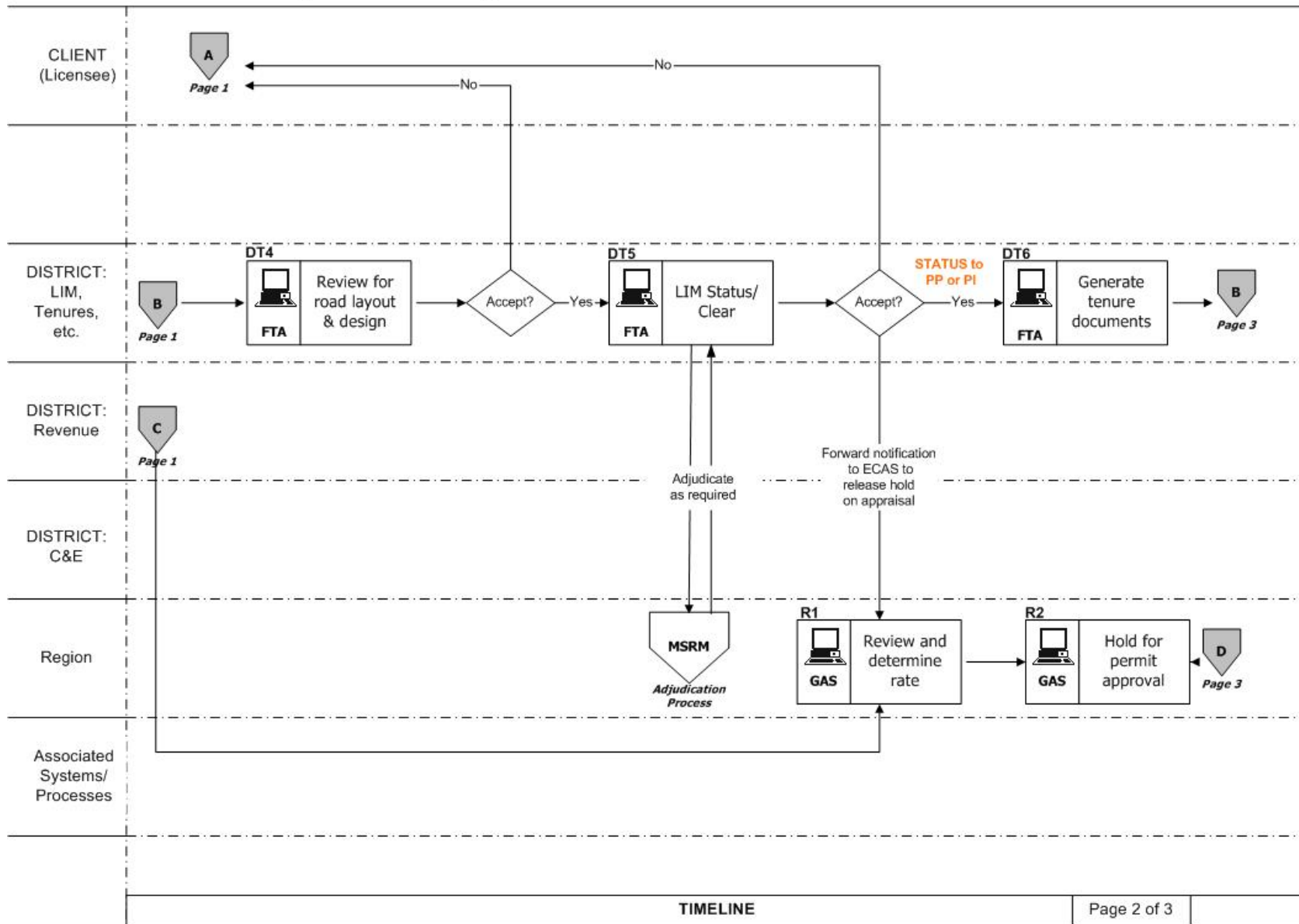
Figure 4-5 New Road Permit Application Process Map (3 pages)



Business Maps

Road Permit Review and Issuance

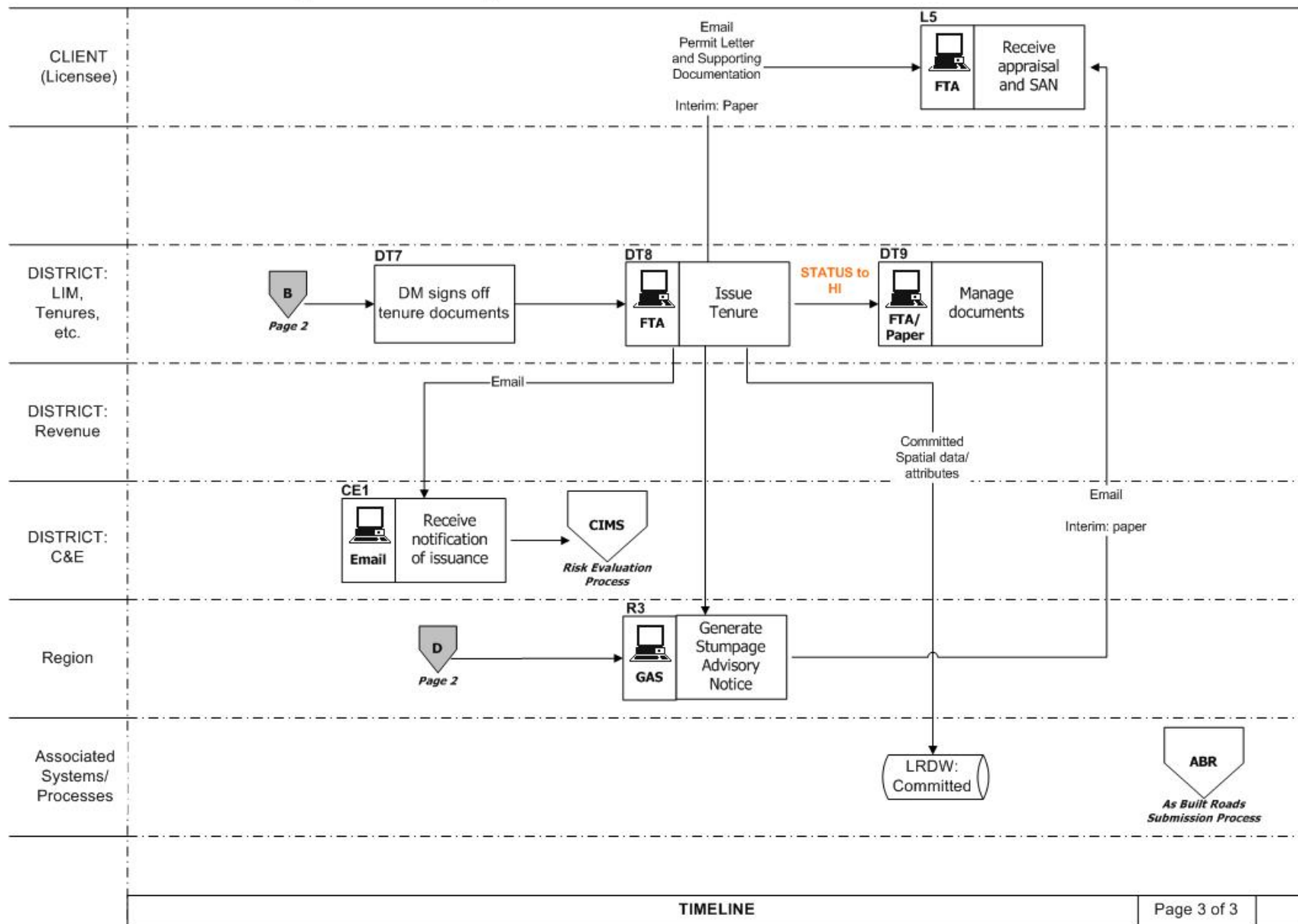
Forest Management Data Exchange - NEW ROAD PERMIT APPLICATION PROCESS



Business Maps

Road Permit Review and Issuance

Forest Management Data Exchange - NEW ROAD PERMIT APPLICATION PROCESS



Business Maps

Road Permit Review and Issuance

Table 4-1 Road Permit Issuance Business Process: Step Details

#	Process Step	Activity Description/Questions	Info Exchange	Changes/Issues to Resolve
Licensee/Client Activities				
L1	Create submission	<p>Using one of a number of systems (GENUS, Inform, etc.), licensees prepare their submission.</p> <p>They could provide a schedule where they fill in the appropriate marks that apply both for an amendment and a new RP.</p> <p>Road naming guidelines example: 15 characters, discourage punctuation, shorter the better, no spaces, no underscores, discourage decimals. Include Road naming for FSRs.</p>	Various systems (XML/GML)	<p>Major change: Road name used by the licensee is maintained within our systems.</p> <p>Road naming and mapping standards required.</p> <p>Recommendation: Road name in appraisal should be the same as in the application(s).</p> <p>FTA requirement: New schedule idea to be included in the submission.</p>
L2	Status check submission	<p>Licensees currently have the option to use the MSRM tool called TMS to check whether or not the .xml/.gml document they are about to submit through the ESF will be accepted. The tool checks the validity of both attribute and spatial data according to wide range of rules used by ESF.</p> <p>If the test is successful, the client then has the option to view a range of maps of the proposed permit area. This can help determine if there are any status or other problems before the submission goes to the MoF.</p>	TMS (Tenure Map Service)	<p>Though this tool is currently available, there is a cost associated with it, not all required data are available, and the tool itself perhaps needs to be simplified.</p> <p>Need to find a way to get known information to the licensee for this task to be done properly.</p> <p>This is currently an optional process; If the tool is good enough, and cost is not an issue, this step might be made mandatory, not so much to save MoFR time (though it should), but to provide a good planning tool for the licensee.</p>
L3	Prepare attachments	<p>All applicable attachments should be able to be submitted electronically along with the rest of the submission, for example:</p> <p>road layout and design documentation</p> <p>costing, etc.</p> <p>In this step, the licensee will create these attachments in a variety of formats (Word, Excel, .xml, .gml, etc.). Spatial data</p>	Various systems	<p>Naming and mapping standards required.</p> <p>FTA requirements: Attachments capability.</p>

Business Maps

Road Permit Review and Issuance

#	Process Step	Activity Description/Questions	Info Exchange	Changes/Issues to Resolve
		submitted in .gml format as an attachment should be able to be displayed on the map that is required for approval of the submission.		
L4	Submit ADS/ permit application	<p>The .xml/gml file created on the licensee system is sent through ESF to both FTA and ECAS. (ADS = appraisal data submission).</p> <p>The team indicated that since an appraisal map for a new road is not required, and the amount of revenue information required is minimal, the permit application and appraisal submission should be done at the same time. The revenue information would go to ECAS and the map and attribute data would go directly to FTA. Any mapping requirements for ECAS should match those in FTA.</p> <p>If other documents must be submitted, electronic attachments should be permitted, but should not replace the actual submission of attributes that go to FTA and spatial elements that go to the Operational Database and, later, the LRDW.</p>	<p>ESF to FTA/ECAS</p> <p>Mapping standards Required</p>	<p>Naming and mapping standards required.</p> <p>FTA requirements: Ability to use blanket marks; system should know how to link from a licence to the blanket mark. Licensee can choose whether to use the blanket mark.</p> <p>ECAS requirement: ECAS will need to be more closely aligned to FTA to manage this change.</p>
	VALIDATION / REJECTION PROCESS	<p>ESF automatically checks the tenures submission file to ensure it conforms to structural and data requirements. If it passes, it will display as an entry in the inbox of the appropriate District staff member. If not, the district receives nothing and the client will receive notification of failure, and will need to re-submit.</p> <p>Once the tenure data are validated, they are sent to the LRDW and identified as "planned."</p> <p>A validation already occurs with the ECAS process; some changes may be required given the suggestion that these processes be more closely linked.</p>	ESF	
L5	Receive permit and SAN	<p>The permit and stumpage advisory notice are received at the same time.</p> <p>In the interim, paper exchange will be required.</p>	Email/Paper	Major change: Currently these documents are sent and received separately.
District (Tenures) Activities				
DT1	Receive application	The validated application is received in a tenures person's inbox.		District Review: Need to determine materials actually to come in to help

Business Maps

Road Permit Review and Issuance

#	Process Step	Activity Description/Questions	Info Exchange	Changes/Issues to Resolve
	/begin document management	<p>The activities that take place at this time may be different for each district. Some may determine that printing the maps and other documents and filing on paper makes sense; others may feel the work could be done electronically. In the long run, and assuming improved electronic communication between participants in the process (and electronic signatures), paper would not HAVE to be printed as often, but there will still likely be reasons to do so.</p> <p>Route card begins here.</p> <p>Filing solution needs to address need of field offices to access information without driving to get a paper file.</p>		<p>decide if a move to wholly electronic is feasible.</p> <p>District Review: Qrms initiation? Necessary in an electronic world?</p> <p>District Review: What are the other tools that people use at this time?</p> <p>FTA Requirement: FTA should include a robust work planning tool (similar to ECAS)—route card idea</p>
DT2	Verify consistency with approved plan	<p>When the validated permit application arrives, a tenures designate should be notified of its arrival, either in FTA or by email.</p> <p>The Road administration Team agreed that verification of the permit application against the objectives set out in the FDP/FSP should occur at the same time as statusing and clearance procedures. The tenures designate who does this should have full access to the material electronically.</p> <p>This step should also include checking of First Nations issues.</p> <p>When the FSP submission process is confirmed, this validation step may not be required. For future evaluation.</p>	FTA/FSP?	<p>FTA Requirements: Checklist tool would be useful, especially to help track the research done at this time.</p> <p>MapView requirement: Improved viewing tool.</p>
	DECISION: Accept?	<p>If the tenures designate was not satisfied, the submission would be returned to the client for corrections. Any work that the statusing person has already done in FTA on this application should be able to be saved and retrieved at a later date when re-submission takes place.</p> <p>If rejected, both attribute and spatial data is removed from the LRDW.</p>		<p>FTA requirement: To permit several people to work on the application at the same time, thus speeding up the process, FTA must be able to save the work of each of the participants if one of them rejects the file. Other participants should also be notified when rejection takes place.</p>
DT3	Note acceptance/rationale	<p>The tenures designate who reviews the submission for consistency with the FDP/FSP objectives would indicate this on the application in FTA (ticky box), and provide a rationale for doing so.</p>	FTA	<p>FTA needs a new check box and comments field.</p>

Business Maps

Road Permit Review and Issuance

#	Process Step	Activity Description/Questions	Info Exchange	Changes/Issues to Resolve
		This rationale should be made available to C&E.		
DT4	Review for road layout and design	If applicable, the layout and design of materials provided electronically should be reviewed. A simple overlay on the base map should be both clearly visible and printable.	FTA	MapView requirement: Improved viewing tool.
DT 4/5	DECISION: Accept?	If the road design and layout are acceptable, the application proceeds. If not, it is rejected and goes back to the client. As in other steps, a way should be found that work entered into the system is not lost if this person or others in the process reject the application. If rejected, both attribute and spatial data are removed from the LRDW.		
DT5	LIM status/clear	The LIM operator will review the application for problems. A clearly readable (and printable) map should be able to be viewed at this time. Access to other “layers” of data, such as Tantalus, etc. (held in the LRDW), should also be available. If the LIM officer cannot resolve clearance problems, MSRM will be asked to do further research. See MSRM Adjudication Process, below.	FTA, Viewing tool	MapView requirement: Improved viewing tool required. Easy access to a “layer” that depicts tenure information. FTA requirement: Have submission disappear from inbox once cleared; send to BCTS as needed; explore idea of clearing submissions from the inbox of the person working on it as it passes through various stages.
DT 5/6	DECISION: Accept?	If the application is acceptable, the status is changed to either PP or PI (depending on tenure type) and the application proceeds. If not, it is rejected and goes back to the client. As in other steps, a way should be found that work entered into the system is not lost if this person or others in the process reject the application. If someone else is working on the application, he/she should receive notification that it is being rejected. If rejected, both attribute and spatial data are removed from the LRDW.		FTA requirement: Need to generate notification of rejection to others working on the file. Need to know who is rejecting it, not necessarily why. No data should be lost. Over time we might develop a list of reasons for rejection, or just a comments box.
DT6	Generate tenure documents	FTA should be able to complete a new permit form that almost completely auto-fills for electronic signature. The documentation could be printed, but should be signed electronically.	FTA/paper	FTA requirement to auto-fill form

Business Maps

Road Permit Review and Issuance

#	Process Step	Activity Description/Questions	Info Exchange	Changes/Issues to Resolve
		If required, RLAD should be referenced in this letter. In the interim, paper documents will be produced using Word.		
DT7	DM signs off tenure documents	DM or designate signs the paper documentation. This is an interim step until full sign-off can occur electronically.	Paper	Policy requirement: Make electronic signatures legal.
DT8	Issue tenure	The application in FTA is accepted, which sets the status to HI. This causes three actions: GAS is triggered to generate the stumpage advisory notice and allows inspection activity to begin. “Committed” data are sent to LRDW. CIMS receives notification of tenure issuance. Interim ability to continue to work on paper is required.	FTA/Email/ Paper	FTA requirement: Future automatic signature approval. FTA/CIMS requirement: Notification of tenures issued.
DT9	Manage documents	Digital preferable to allow access to field staff. Multiple steps are involved here—to be explored at the district level.	FTA/paper	Research required: Standard amount of information that needs to be accessible digitally should be defined.
District (C&E) Activities				
CE1	Receive notification of issuance	Automatic notification of issuance of a road licence could be sent to the FOS or the Forest Officer/Official via email.	Email	FTA requirement: New notification process. Need clarification on who should get these emails.
Revenue Activities				
DR1	Receive, review, and accept ADS	District revenue staff receive the ADS in their inbox. They review it and continue with the Timber pricing process until they are ready to accept it, which sends it to region.	ESF/ECAS	Mapping standards required/ electronic submission through ESF.
DR2	Hold for clearance completion	When ECAS appraisal work is complete, the file still cannot go to region unless clearance has taken place. The system should hold the file until the clearance process changes the status in FTA, which should notify ECAS to send to region (or do it automatically, if the systems are ready).	ECAS	New requirement for ECAS; link to FTA to check when the clearance process is complete so that the ADS can be sent automatically to Region for processing in GAS.
Region Activities				
R1	Review and determine rate	Once the application has been cleared, regional revenue staff can receive the appraisal information and calculate the stumpage rate.	GAS	

Business Maps

Road Permit Review and Issuance

#	Process Step	Activity Description/Questions	Info Exchange	Changes/Issues to Resolve
R2	Hold for permit issuance	The rate confirmation notification should be held until the permit is issued in FTA.	GAS	New requirement for GAS: Hold for status change.
R3	Generate SAN	Once the permit is issued (status change to HI in FTA), the stumpage advisory notice is automatically generated and sent to the licensee.	GAS/Email	
Associated Systems/Processes				
CLIENT		The client must be registered in the CLIENT system before a tenure can be created in FTA, or apportionment data entered in APT.		
FTA: Tenuring Process		A valid tenure must exist in FTA before the road application process can begin.		
New FSP Process		A new electronic submission system will be developed to accommodate electronic submission of the FSP. Details still need to be worked out, but the system design should consider district needs as described in this process flow.		
ABR		Need for link? How to define what is built? They will have to report once built, but how are we defining "built"?		
MSRM Adjudication Process		<p>If there are clearance issues, MSRM resolves them with the client. A required pre-submission clearance procedure should reduce the number of times this process is needed.</p> <p>MSRM receives the submission in its inbox on those occasions when LIM cannot resolve a clearance problem. The submission will be reviewed by MSRM and returned to the district to either accept or reject, depending on the findings at MSRM.</p>		

Part 5 Glossary

Aboriginal interest in this manual refers to a potentially existing aboriginal interest(s) or proven aboriginal right, including aboriginal title, or a treaty right(s).

“Agreement” in this manual means an agreement issued under [Part 3 of the Forest Act](#) granting rights to harvest Crown timber. Unless the context implies a broader interpretation, *agreement* in this manual refers to the forms of agreement that may provide for CPs: i.e. forest licence, timber licence, tree farm licence, community forest agreement, community salvage licence, woodlot licence, master licence to cut, forestry licence to cut.

“Allowable Annual Cut” (AAC) means the AAC specified in an *agreement* or the portion of the AAC determined for a tree farm licence, community forest agreement or woodlot licence that is available to the *agreement* holder.

“Approve” means for the purpose of this manual, where a statutory decision maker accepts a licensee’s document. An example is a Forest Stewardship Plan (FSP). Legislation requires the licensee to prepare an FSP and obtain approval but after approval the licensee retains responsibility for the plan. Compare with the term “issuance”.

“Clearance” is the adjudication status report which outlines whether pre existing granted rights (determined through a status) are in conflict with a proposed granting of rights to an applicant. Asserted rights of First Nation are outside of the Status/Clearance process.

“Cutblock” generally means an area of Crown or private land in which timber is to be harvested or has been harvested; other than a road right of way. The tenure business of issuing a cutting authority does not require cutblocks to be identified in any particular way, as long as it is possible to clearly map/describe the *cutting authority area*. The Streamlining Project developed a guideline that will eventually integrate cutblock standards across MoFR business areas, (See Section 6.4.1). In the meantime, the following business areas may require cutblocks to be named and tracked in a particular way depending on size, distribution and timing (i.e. planned or actual):

- Revenue (cruise, appraisal, waste survey)
- Compliance and Enforcement (ERA + CIMS)
- Provincial cadastral requirements
- Silviculture obligations and performance measures

“Cut Control Specifications” identify the grades of timber that, when harvested and scaled under an agreement, will be counted as “volume of timber harvested” for cut control purposes, in accordance with section 75.1 of the *Forest Act*. These specifications will also

Glossary

be used to identify, for a cruise-based CP, the portion of the timber cruise volume that will be charged to cut control. Cut control specifications will usually be identified in the *agreement*.

“**Cutting Authority**” means a CP, RP or an *agreement* that does not provide for a CP that grants legal authority to harvest Crown timber. The *cutting authority* normally includes three forms of rights:

- **Occupy and use land.** Occupation rights are always necessary before cutting but in some cases, the agreement does not include occupation rights because the agreement holder already has occupation rights under another form of licence, permit or Crown Grant.
- **Cut Crown Timber.** Note that in some situations, a person might only be authorized to cut but not remove timber. An example is where logs are to be decked and subsequently sold by the Ministry to a different person.
- **Remove Crown Timber.** It is possible to grant “cutting authority” for only the removal of previously cut timber, such as decked logs. An example is a forestry licence to cut under section 47.6(2.1) of the *Forest Act*.

“**Cutting Authority Area**” is the area identified in the Exhibit A map attached to a permit and where timber is authorized for cutting subject to the conditions in the permit, the licence and the forestry legislation.

The *cutting authority area* may identify areas that are excluded if they are under a different tenure or permanent land use designation, e.g. experimental plots, private land, hydro right-of-ways. To prevent duplicate and potentially inconsistent requirements, reserves that are required and enforceable under *forest practices legislation* (such as wildlife tree patches) will not be identified on the map of the *cutting authority area*.

“**District Manager**” in this document, when referring to issuance of a CP, includes a forest officer authorized by the district manager to issue a CP.

“**Forest practices legislation**” in this manual means:

- (a) the *Forest and Range Practices Act*, (includes transitional continuation of certain requirements in the *Forest Practices Code of British Columbia Act*) and
- (b) the regulations and standards made under that *Act*.

“**Forestry Legislation**” in this manual means the same as defined in the permit and licence. (i.e. FRPA & *Forest Act*).

Glossary

“Forest Service Road” is a road that is declared under section 115(5) of the *Forest Act* (or meets the other criteria set in the *Forest Act* section 1(1)).

“Issue” means for the purpose of this manual, where a statutory decision maker grants a right to an applicant under an authority of the *Forest Act* or an *agreement*. For example, a CP or RP is issued if the licensee satisfies the application requirements. The application is checked to see if it fulfills the statutory requirements but it is not *approved*. Compare with the term *“approve”*.

Prescribed, as in the “prescribed manner” is a reference to provisions in a separate regulation.

Status is a identification of documented pre-existing granted rights in a subject area of interest. (any conflicts found are adjudicated in a *Clearance*) Asserted rights of First Nation are outside of the Status/Clearance process.

Take or Pay refers to the policy of being waste billed for timber that was authorized for harvest but, at the discretion of the permit holder was not removed. The policy is established by the Waste Assessment Policy 13.6

<http://www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm13-6.htm>

Timber Mark is a unique identifier for a specific cutting authority and is governed by Part 5 of the *Forest Act* and *Timber Marking and Transportation Regulation*:

<http://www.for.gov.bc.ca/tasb/legsregs/forest/faregs/timmark/tmr.htm>

The purposes of a timber mark are to identify:

- the authority under which timber is harvested
- whether the timber comes from Crown or Private Land
- the area of land from which the timber is removed
- the holder of the timber mark
- the associated stumpage rate determined for Crown timber and to facilitate billing
- timber volumes for cut control measurement and waste billing
- exportability of the timber

“Timber merchantability” definitions and specifications are grade and size limits in the “Provincial Logging Residue and Waste Measurement Procedures Manual” used for the purpose of waste assessments and monetary billing of timber that was authorized for harvest but at the permit holder’s discretion was not harvested.

Part 6 References

6.1 Ministry Policies

Web page with list of all on-line policies:

<http://www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm-toc.htm>

6.1.1 Policy 13.6 – Waste Assessments

<http://www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm13-6.htm>

6.1.2 Aboriginal Rights and Title Policy & Guidelines

Ministry of Forests and Range Aboriginal Rights and Title Policy and Consultation Guidelines <http://www.for.gov.bc.ca/haa/Policies.htm>

6.1.3 Policy 8.26 – Cutting Permit Extension and Surrender

Refer to www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm8-26.htm plus the following 2 memos that contain delegation of authority to extend certain CPs.



Ministry of
Forests

Office of the
Deputy Minister

MEMORANDUM

File: 265-03

MAY 10 2005

To: Assistant Deputy Ministers
Executive Directors
Regional Executive Directors
Branch Directors
District Managers
BC Timber Sales Managers
Fire Centre Managers

From: Doug Konkin
Deputy Minister

Re: Delegation of Minister's Authority under the *Forest Act*

Please find attached, a memorandum outlining the delegation of Minister's powers and duties under sections of the *Forest Act*.

The delegation matrices have been updated to reflect the delegation and are posted on the ministry's Website at <http://gwww.for.gov.bc.ca/hcp/legislation/authoritymatrix>.

Please direct any questions to Charlie Western, Senior Timber Tenures Forests, Resource Tenures and Engineering Branch, at (250) 387-8306.

A handwritten signature in black ink, appearing to read "D. Konkin", with a long horizontal flourish extending to the right.

Doug Konkin
Deputy Minister

Attachment: Memorandum

pc: Charlie Western, Senior Timber Tenures Forester, Resource Tenures and
Engineering Branch





Ministry of
Forests

Office of the Minister

MEMORANDUM

File: 265-03

MAY 10 2005

Re: Delegation of Minister's Authority under the *Forest Act*

I hereby authorize Regional Executive Directors and the Regional Staff Manager, Statutory Decisions/Corporate Services, Coast Forest Region, to carry out the Minister's powers and duties under section 13 (1) (a) (ii) of the *Forest Act*.

I hereby authorize for section 58.1 (6) of the *Forest Act*

- (a) the Assistant Deputy Minister, BC Timber Sales to carry out the Minister's powers and duties relating to timber sales licences, and
- (b) Regional Executive Directors to carry out the Minister's powers and duties relating to cutting permits.

This replaces the authorization under section 58.1 (6) dated October 25, 2004.

I hereby delegate the Minister's powers and duties under section 58.2 (2.1) and (2.2) of the *Forest Act* to District Managers.


Michael de Jong
Minister of Forests



6.2 Directives

6.2.1 Electronic Submissions

The *Electronic Transaction Act* (http://www.qp.gov.bc.ca/statreg/stat/E/01010_01.htm) provides the legal recognition that makes electronic submission possible. The requirement for licensees to submit applications electronically is not legislated or contractual but a matter of policy for the MoFR. Licensees are expected to participate in electronic submission because of the eventual reduced transaction costs.

The following 2-page March 21, 2005 letter from the Deputy Minister notifies licensees of the June 1, 2005 implementation of electronic data transfer for permit applications:

References

Directives



March 21, 2005

To: Forest Licensees

In the fall of 2004, the ministry communicated its intention, effective April 1st, 2005, to move to the exclusive use of electronic data transfer for cutting permits applications and amendments, road permit applications and amendments, and "as built" roads and silviculture reports. The ministry conducted a readiness assessment and has come to the following conclusions:

- The ministry computer systems are in place and operational. Electronic data is being accepted on a daily basis from a number of clients.
- There are ministry data issues that will cause some amendment submissions to be rejected. Work to correct this issue will be completed by April 1.
- Additional documentation and help packages are required for our clients.
- Some districts are still refining their business process and need additional time to prepare themselves to accept and process electronic submissions in order to better assist our clients in the transition.
- Some smaller licensees are still looking for additional guidance and assistance in testing their submission process.



For these reasons, we have decided to postpone the effective date from April 1 to June 1, 2005.

The ministry will be holding internal regional workshops to ensure that there is consistency in the procedure and process for electronic submissions.

Districts will also be establishing joint Electronic Submission Framework (ESF) working groups with industry to ensure that all parties are aware of the procedures and that they have contact information to assist with any issues arising from the transition.

These two initiatives will take place in the period leading up to the end of May.

Licensees with a small number of applications may find it more cost effective to use a service provider to prepare and submit electronic applications on their behalf. To assist in this, the ministry has compiled a list of service providers with proven capability. This list is available at: <http://www.for.gov.bc.ca/his/esd/serviceproviders.htm>.

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**Ministry of
Forests**

Deputy Minister

Location:
3rd Floor, 1520 Blanshard St.
Victoria, British Columbia
V8W 3E7
CANADA

Mailing Address:
PO Box 9525 Stn Prov Govt
Victoria, BC V8W 9C3
Tel: (250) 356-5012
Fax: (250) 953-3687

References

Directives

Forest Licensees


In the meantime, the system is in place and operational for those licensees that are currently submitting electronically.

I am recommending that you begin to move towards electronic submissions well before the June 1st deadline so that you can become familiar with the software packages and procedures required for an error-free submission. This will minimize the risk of delays in processing your submissions after June 1, 2005.

Finally, ESF projects have been extended as an eligible activity under the Forest Investment Account (FIA) Land-Base Investment and Small Tenures Programs until June 1, 2005. For "as built" roads, the completion deadline of December 31, 2005 remains unchanged.

If you need more information about the ESF initiative, please visit the ministry's website: <http://www.for.gov.bc.ca/his/esf>. In the near future, district contacts will be posted on this website so that you may call for further information.

Yours truly



Doug Konkin
Deputy Minister

Pc: Council of Forest Industries
Coast Forest Products Association
Interior Lumber Manufacturers Association
Federation of BC Woodlot Association
BC Community Forest Association

6.2.2 Schedule B – Reserved Timber


→ Signed memo to be embedded here ←

References

Directives

6.2.3 CP Amendments and CP Effective Dates

On the following page is a 1-page October 24, 2002 memo from Director of Revenue Branch and Director of Resource Tenures & Engineering Branch regarding Cutting Permit Amendments and Cutting Permit Effective Dates.

 BRITISH COLUMBIA	Ministry of Forests	Revenue Branch and Resource Tenures and Engineering Branch
19500-02		
October 24, 2002		
To: Regional Managers		
Cutting Permit Amendments		
<p>The purpose of this memo is to provide direction related to amendments to and effective dates for cutting permits.</p>		
<p>Existing cutting permits, whether the harvest has begun or not, are only amended to reflect minor changes that occur which are beyond the licensee's control and are required for forest management reasons (i.e., fringe blowdown, minor additions, deletions). Amendments are not to be used to make large changes and, in particular, add or delete cutblocks. We are aware of instances where such amendments have been made and those amendments appear to be designed solely to reduce stumpage rates, to the disadvantage of other licensees.</p>		
<p>Turning now to the effective dates of cutting permits, the effective date is the date the permit is signed by the ministry. We have noted instances where the effective date has been backdated, apparently to gain a stumpage rate advantage.</p>		
<p>For future reference, the Resource Tenures and Engineering Branch web site has under development a section on cutting permit administration (http://www.for.gov.bc.ca/rte/timten/subject.htm) that will provide long term guidance in this area.</p>		
<p>Please instruct your staff accordingly.</p>		
Original Signed by	Original Signed by	
Bill Howard Director Revenue Branch	Jim Langridge Director Resource Tenures and Engineering Branch	
pc: Doug Konkin, Assistant Deputy Minister, Field Services and Timber Sales Program		
Bruce McRae, Assistant Deputy Minister, Tenure and Revenue		






References

Directives

6.2.4 Bark Beetle Salvage Permits

A 2-page March 22, 2005 memo from Assistant Deputy Minister Operations Division,

 BRITISH COLUMBIA	Ministry of Forests	Operations Division	MEMORANDUM
File: 280-30			
MAR 22 2005			
BY EMAIL			
To: Regional Executive Directors District Managers			
From: Tim Sheldon Assistant Deputy Minister Operations Division			
Re: Bark Beetle Salvage Cutting Permits			
The purpose of this memo is to provide direction on the issuance of "blanket salvage" permits to harvest bark beetle infested timber.			
This type of cutting permit should only be used in the following circumstances.			
For the purposes of emergency bark beetle harvesting, district managers may approve the use of blanket salvage permits only in areas designated as aggressive or sanitation pursuant to Section 109(2) of the <i>Forest Planning and Practices Regulation</i> , and as re-designated from time to time by the Provincial Bark Beetle Co-ordinator.			
Cut blocks harvested under a blanket salvage permit for the purposes of bark beetle management are limited to:			
<ol style="list-style-type: none">1. trees that are infested with bark beetles, as determined by an on-the-ground survey; and,2. those trees that must be removed incidentally to facilitate the removal of the infested trees.			
No more than 5,000 cubic metres may be harvested under an individual opening, excluding the volume harvested from any road clearing width, if the road is required to facilitate the removal of timber from the area. An opening harvested under a blanket salvage permit cannot be clear cut unless the opening, together with any adjoining opening that has been clear cut and is subject to the exemptions pursuant to the <i>Bark Beetle Regulation</i> , will result in a contiguous clear cut not exceeding 15 hectares.			
Page 1 of 2			

Regional Executive Directors

Furthermore, the district manager must ensure that these permits do not overlap other existing cutting authorities, and that compliance and enforcement monitoring is in place to ensure this, correct timber marking and to verify that only approved cut blocks are harvested.

The calculation of stumpage rates for these cutting permits will be discussed and resolved through the Interior Appraisal Advisory Committee.

I trust this clarifies the issue.



for

Tim Sheldan
Assistant Deputy Minister
Operations Division

pc: Doug Routledge, Vice President, Northern Operations, Council of Forest Industries

Archie MacDonald, General Manager, Forestry, Southern Operations
Council of Forest Industries

Steve Kozuki, General Manager, Forestry, Northern Operations
Council of Forest Industries

Bob Friesen, Assistant Deputy Minister, Tenure and Revenue

Larry Pedersen, Assistant Deputy Minister, BC Timber Sales

Bill Howard, Director, Revenue Branch

Jim Langridge, Director, Resource Tenures and Engineering Branch


Bob Clark, Provincial Bark Beetle Co-ordinator, Vanderhoof Forest District

References

Directives

6.2.5 Roads and Trails under Bark Beetle Regulation

A 2-page April 19, 2005 memo from Assistant Deputy Minister Operations Division

 BRITISH COLUMBIA	Ministry of Forests	EXECUTIVE	MEMORANDUM
APR 19 2005			
File: 11200-00 11400-00			
To: All Regional Executive Directors All District Managers			
Re: Roads and Trails under the Bark Beetle Regulation (BBR)			
<p>This letter is intended to clarify road and trail access requirements for harvesting under the BBR and beyond, which may require some existing practices to be adjusted to meet the intended approach.</p>			
<p>Firstly, it is important to note that the initial access within aggressive and sanitation areas for the timber covered under the BBR is provided by access trails. Here, the objective is moving into small blocks with a very limited volume of timber and removing the standing timber before further damage occurs. The use of trails for access to blocks is reasonable when it is not feasible to provide long-term access planning because of the emergency nature of the situation.</p>			
<p>However, when harvesting areas need to be linked together for longer-term access, the access needs to be by roads, not trails. Therefore, the required road layout and any applications for road permits to serve this end should be underway during the initial phases of the emergency harvesting. The road needs to be established at that time back to the junction with the original existing road leading to the beetle area, in accordance with current road practices and standards.</p>			
<p>Once the harvesting of beetle-infested areas moves into a salvage mode, the requirements for road access are the same as for any other harvesting operation. The required clearances must be done, and appropriate permits issued.</p>			
<p>In summary, this direction does not set up a higher access standard than would be required for any normal ongoing harvesting operations, nor does it preclude efficiencies as provided under</p>			
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References

Directives

All Regional Executive Directors
All District Managers

the BBR to move some logs to a road or landing. At the same time, the paramount needs for ongoing road access are safeguards for the rights of others through proper layout and clearances, and the minimization of environmental impacts through the application of sound construction standards for forest roads.



Tim Sheldon
Assistant Deputy Minister
Operations Division

pc: Bob Friesen, Assistant Deputy Minister
Tenure and Revenue Division

Bob Clark, Provincial Bark Beetle Coordinator
Vanderhoof Forest District

6.2.6 Forest Service Road Administration

A July 29, 2005 3-page memo and 2 page attachment from Deputy Minister on “New Administrative Responsibilities for Forest Service Roads (FSRs)”

References

Directives



Ministry of Forests and
Range and Ministry
Responsible for
Housing

Deputy Minister's Office

MEMORANDUM

File: 11250-00

JUL 29 2005

To: All Regional Executive Directors
All District Managers
All Timber Sales Managers

From: Doug Konkin
Deputy Minister
Ministry of Forests and Range and Ministry Responsible for Housing

Re: New Administrative Responsibilities for Forest Service Roads (FSRs)

This memo serves to detail the streamlining of some administrative functions at the local level related to FSRs, including specific details on the use of the new forms as attached. It also provides policy direction related to the declaration of FSRs (converting road permit roads to FSRs when industrial use has concluded on those permit roads).



Delegation of Minister's authority:

The delegation of the minister's authority to carry out the following administrative function for Forest Service roads has been extended to both district managers and timber sales managers:

- declaration of FSRs (conversion from road permit to FSR).

The following functions are to be carried out by the district manager only:

- transfer FSRs to Ministry of Transportation (currently for one-off situations with the concurrence of the MOT district manager) or other agencies/users, and
- discontinue and close FSRs when the FSR is deactivated or as part of a transfer process.

When a timber sales manager determines that there will be no future need for BCTS operations on a BCTS administered FSR, the timber sales manager will advise the district manager that BCTS intends to deactivate the road unless the district manager advises otherwise. If the decision by the district manager is for BCTS to proceed with deactivation of the FSR, the district manager must sign the Discontinue and Close form (FS 301) once BCTS has completed the deactivation work. If the decision by the district manager is to transfer the



References

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road to another agency or user, the district manager must sign the FS 301 and prepare the transfer or new permit documents.

New Shana forms have been developed to simplify and speed up the processes (see attached summaries) so that local decisions can be easily implemented. These forms can be obtained from the MOFR forms index.

District managers should advise their LIM staff by copy of this memo of the new delegated authorities and that both FSRs and road permits will, from this date forward, be cleared to a width of 75m and so noted on the Exhibit A, to ease transition between the two tenure types.

Declaration of FSRs versus transfer or deactivation of road permit roads:

District managers or timber sales managers, as applicable, must ensure that the licensee deactivates a road permit road when they no longer need a road, and

- there is no apparent future industrial use for the road;
- no other party is able or willing to assume responsibility for the road after the road permit is cancelled; and
- the district manager determines that the road will not be required for ongoing public access.

District managers should cancel a major licensee's road permit at the request of the permittee only where it is evident that the permittee will no longer need the road to harvest timber under their harvesting agreements.

We will no longer consider cancelling road permits for non-deactivated roads without either transferring the responsibility to another party or taking on a clear MOFR administrative role through declaring the road as an FSR. It is not acceptable to create non-status roads through our actions.

Ongoing use of a road:

When:

- a major licensee requests the district manager to consider waiving the requirement to deactivate a road permit, or
- when a timber sales manager advises the district manager that BCTS wishes to deactivate an FSR, and
- there are no industrial users that will continue to use the road,

the district manager must review each request to identify whether or not, in the opinion of the district manager, the road would be needed for commercial or public access after the industrial use of a road has ended. Where such access may be required, the district manager should only relieve the licensee or BCTS of their obligation to deactivate the road after consultation with the Regional Executive Director. Such consultation should include the type and extent of future use, the likelihood of future industrial use on the road, and the approximate magnitude of cost to continue to maintain the road.

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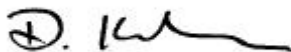
References

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All Regional Executive Directors

Where it is decided by the district manager or timber sales manager, as applicable, that a road permit road will not be deactivated by the permittee, that manager must relieve the licensee in writing of the requirement to deactivate. The manager must then declare the road to be a Forest Service road or the district manager, for road permits held by major licensees, can immediately pass the obligation to another user through a new road permit or a special use permit. A decision to create an FSR includes taking on the responsibility for maintenance with its corresponding risks and budget implications. However, note that the maintenance standard will normally be a wilderness road standard for these roads since there would be no industrial users on the road at that time.

If you have any questions or concerns about the foregoing, please contact Ron Davis, Chief Engineer, RTEB, at (250) 387-8624 or Ron.Davis@gems2.gov.bc.ca.



Doug Konkin
Deputy Minister

pc: Grant Parnell, Director, Operations
BC Timber Sales

FSR ADMINISTRATION PROCESSES

DECLARATION

When an MOFR manager agrees with a licensee that it no longer needs a road permit road, but decides that the road should not be deactivated, the manager must:

- cancel the road permit, and
- declare the road to be a Forest Service road (FSR).

The purpose of this practice is to ensure that the road will be properly inspected and maintained until such time that a new industrial user is issued a road use permit. The appropriate engineering staff must inspect the road or road section that will become an FSR to:

- determine the present condition of the road and any structures,
- identify potential risks, and
- obtain the necessary data for the bridge register and the road management system.

Note that the declaration process only applies to converting road permit roads. Complete the Declaration form

<http://www.for.gov.bc.ca/isb/forms/lib/stubs/fs302info.htm>

with an attached electronic version of the map/plan once the above actions have concluded.

The local MOFR manager can assume that once he/she signs the electronic form, the decision to declare the road as an FSR has been made, and the local office can proceed with any operational activities as though the road was an FSR, even if the new map notations have not yet been completed.

DISCONTINUE AND CLOSE

FSRs that are surplus to the requirements of operations and BCTS, as determined through some local access planning process, must be permanently closed as an FSR by the district manager through either deactivation or transfer to another user or agency. The permanent closure is accomplished through a discontinue and close process as per the *Forest Act* to remove the responsibility for the operation of the road from the ministry. The timing of this process is such that an FSR must be deactivated before the form is signed, or that the form is signed before another tenure is established over the road. The local office must complete the FSR Discontinue and Close form

<http://www.for.gov.bc.ca/isb/forms/lib/stubs/fs301info.htm>

with an attached electronic version of the map/plan. A copy will be automatically forwarded to Real Estate Operations in Victoria, who will carry out the required advertising of the closure on behalf of the local office, and send a copy of the advertising notice to the originating office.

The district manager can assume that once he/she signs the electronic form, the decision to discontinue and close the road as an FSR has been made, and the local office can proceed with any operational activities as though the road was no longer an FSR, even if the advertising and new map notations have not yet been completed.

TRANSFER FSR TO MOT

For those one-off instances where the Ministry of Transportation (MOT) wishes to take over administrative responsibility of an FSR, the next step after reaching agreement in principle with the local MOT manager would be for the district manager to complete the Transfer of Forest Service Road to MOT form

<http://www.for.gov.bc.ca/isb/forms/lib/stubs/fs300info.htm>

with an attached electronic version of the map/plan. A copy will be automatically forwarded to Real Estate Operations in Victoria, who will ensure that MOT Properties Branch receives the information and initiates their internal processes. Once the Executive Director, Properties Branch, MOT, accepts the transfer, a copy of the signed form will be sent by Real Estate Operations to the originating MOFR office and the local MOT office.

Note: this procedure is not to be construed as part of any provincial transformation process where MOT may assume ownership of FSRs based on pre-determined criteria.

TRANSFER FSR TO OTHER AGENCY/USER

Where an FSR is to be transferred to another agency (other than MOT) or user, the district manager will discontinue and close the FSR (using FS 301), and then issue a new tenure to the user, or ensure that another agency assumes responsibility for continuing use of the road, as applicable.

6.3 Bulletins

6.3.1 Forest Stewardship Planning: First Nations Information Sharing

FRPA Administration Bulletin Number 1, June 10, 2005:

<http://www.for.gov.bc.ca/rco/pfit/Bulletins.htm>

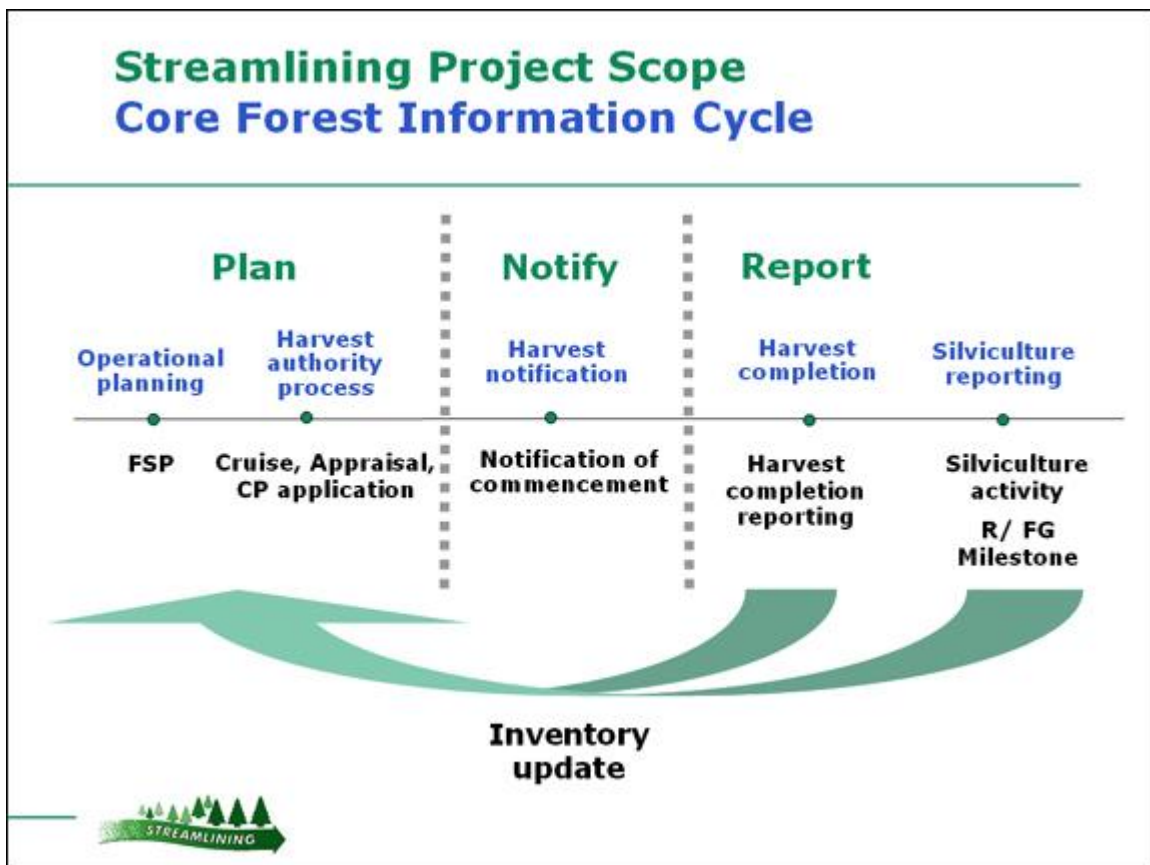
6.4 Templates

Generic permit templates are kept on the Ministry's **Generic Licence Review Website**: www.for.gov.bc.ca/hth/ForestRevitalization/DocTemplates.htm. Staff should use the website for each document to ensure they are using updated templates and the correct version for the agreement involved.

6.5 Streamlining Proposals

The Ministry of Forests and Range, in collaboration with the Ministry of Sustainable Resource Management (now the Ministry of Agriculture and Lands) and the forest industry, has undertaken a project to streamline the Core Forest Information Cycle including information requirements, business processes, and information management tools. <http://www.for.gov.bc.ca/hfp/streamlining/index.htm> .

Figure 6-1 Core Forest Information Cycle



The reports that are directly relevant to CP and RP administration are listed in the following subsections:

6.5.1 Mapping Requirements and Standards

“A Guide to Integrated Mapping Requirements and Standards” Final Version August 2005
http://www.for.gov.bc.ca/hfp/streamlining/files/Mapping_Requirements_Guide.pdf
(Note: spaces in this web address are actually underscores.)

References

Streamlining Proposals

6.5.2 Road Administration

“Road Administration Team Final Report” August 2005

http://www.for.gov.bc.ca/hfp/streamlining/files/Roads_Final_Report.pdf

(Note: spaces in this web address are actually underscores.)

6.5.3 Cutblock Information

“Cutblock Integration Team Final Report” August 2005

http://www.for.gov.bc.ca/hfp/streamlining/files/Cutblock_Final_Report.pdf

(Note: spaces in this web address are actually underscores.)