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Ministry of Forests
and Range

FIELD OPERATIONS DIVISION

MEMORANDUM

APR 01 2010

File: 18045-02

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

From: Dave Peterson
Assistant Deputy Minister
Field Operations Division

Re: **FRPA General Bulletin (Number 23) – Providing Notice of Road Construction or Deactivation Activities in a Community Watershed**



A new *Forest and Range Practices Act* General Bulletin (Number 23), "Providing Notice of Road Construction or Deactivation Activities in a Community Watershed" has just been completed. This bulletin will provide clarity for forest practitioners on the notification requirements to water licensees or water purveyors prior to road construction or deactivation activities in a community watershed.

The bulletin will be available soon on the Provincial FRPA Implementation Team's website at the following address:

<https://www.for.gov.bc.ca/rco/pfit/index.htm>

If you have any questions about this bulletin, please contact David Maloney at (250) 828-4173, or by email at david.maloney@gov.bc.ca.

Dave Peterson
Assistant Deputy Minister
Field Operations Division

Attachment: 1

pc: Les Kiss, Vice President, Forestry, Coast Forest Products Association
Archie MacDonald, General Manager, Council of Forest Industries
Bruce Fraser, Board Chair, Forest Practices Board
Jim Langridge, Director, Tenures Branch, Ministry of Forests and Range (MFR)

Regional Executive Directors
District Managers
Timber Sales Managers
Branch Directors

Jim Sutherland, Director, Forest Investments and Practices Branch, MFR
David Maloney, Technical Advisor, Watershed Science
Forest Investments and Practices Branch, MFR
Tracy Andrews, A/Senior Timber Tenures Forester, Tenures Branch, MFR
Brian Westgate, A/Policy Implementation Manager, Field Operations Division, MFR
Provincial FRPA Implementation Team



FRPA GENERAL BULLETIN

Number 23

March 16, 2010

Providing Notice of Road Construction or Deactivation Activities in a Community Watershed

The information contained in this bulletin does not constitute legal advice. Practitioners within the government should seek legal advice from the Ministry of Attorney General, while practitioners outside government should seek independent legal advice.

INTRODUCTION

The purpose of this bulletin is to provide clarification on the interpretation of Section 84 of the Forest Planning and Practices Regulation (FPPR) and for it to be consistent with the Ministry of Environment's policy on the designation, amendment and cancellation of community watersheds under the *Forest and Range Practices Act* (FRPA).

Section 84 of the FPPR states that: “*At least 48 hours before the commencement of road construction or deactivation in a community watershed, a person must notify affected water licensees or affected water purveyors.*” Section 84: Notice - road in community watershed, is located in Part 5 – Roads section of the Forest Planning and Practices Regulation.

DISCUSSION

Under FRPA, a community watershed means a community watershed established under Sections 41(8) to 41(13) of the *Forest Practices Code of British Columbia Act*; and continued under Section 180 (e) of FRPA or has been designated under Section 8 of the Government Actions Regulation (GAR). Community watersheds are areas identified for the purpose of protecting water quality, quantity and timing of water flow and preventing cumulative hydrological impacts caused by forest and range activities in watersheds where water is diverted for human consumption.

The FPPR addresses the notification of water licensees or water purveyors in a community watershed of impending road construction and deactivation activities. While the notification as stated is limited to water licensees or water purveyors in a community watershed, it is recommended that the notification be sent to both water licensees and water purveyors when both are located in the community watershed experiencing the road construction or deactivation activities.

The purpose of the notification is to provide the water licensees or water purveyors and their client's sufficient time to assess and prepare for any potential temporary interruption of service or access to or from their residences or water intakes. Interruption of service in this situation concerns the temporary interruption of water delivery or water quality.

The reference to provide "at least 48 hours before commencement of road construction or deactivation" identifies a minimum time period for the notification. Notification can occur before the 48 hour period identified in the regulation. It is recommended that the notification occur as close to that time period as possible and provide enough detail to allow water licensees or water purveyors with sufficient time to assess any likely impacts and to take any necessary actions in response to those activities or impacts. The notification should also identify a contact person if there are any questions or issues.

While no specific method of informing water licensees or water purveyors is identified or recommended, notification may occur by¹:

- direct mailing;
- direct emailing;
- direct phoning; and
- personal communication.

It is recommended that all records regarding contact and notification with water licensees, water purveyors or the public be maintained.

Identification of the water licensee and/or purveyor can be achieved by connecting to the following Ministry of Environment web site:

http://a100.gov.bc.ca/pub/wtrwhse/water_licences.input or: <http://geobc.gov.bc.ca/> .

Other sources of information include local health authority drinking water officers, local Ministry of Environment officials, Ministry of Forest and Range district staff and local water boards.

CONTACTS

If there are any questions about this bulletin, please contact:

David Maloney 250-828-4173 David.Maloney@gov.bc.ca

Tracy Andrews 250-387-8328 Tracy.Andrews@gov.bc.ca

¹ These recommendations do not address every method of relaying information to a water licensee or a water purveyor or every way of interpreting Section 84 of the FPPR. Each case is unique and other methods of addressing the issue might be available.