

Guidance

Works Permits and Consent to Connect for Developments within Forest Service Road Right of Ways

for the British Columbia Ministry of Forests, Lands and Natural Resource Operations (FLNRO) and the Oil and Gas Commission (OGC)

Both FLNRO and the OGC can issue road use permits (RUP) for industrial traffic on forest service roads (FSR). However, for developments adjacent to and beyond the ROW for activities not related to traffic, additional tenures may be required under the *Forest Act* and *Lands Act*. The OGC may issue these permits specifically for oil and gas activities under section 1(2) “specified provision” of the *Oil and Gas Activities Act*.

When proponents wish to develop areas within the FSR right of way (ROW) for non-traffic purposes (e.g., not related to vehicular or pedestrian traffic), section 11 of the Forest Service Road Use Regulation requires them to obtain a “works permit” from the FLNRO district manager.

When proponents wish to connect a road to an FSR, section 23 of the *Forest and Range Practices Act (FRPA)* requires that they receive consent of the minister (“consent to connect”).

Delegation for works permits and consent to connect has not been transferred to the OGC for these sections of the *Forest and Range Practices Act (FRPA)* or for acting on behalf of the district manager.

Issue:

- The majority of the permitting for roads for oil and gas/LNG proponents can be completed by the OGC.
- The FLNRO district manager must issue works permits and consent to connect under separate processes.

Situations where works permits and consent to connect may be required:

1. Oil and gas/LNG developments that cross FSR rights of way (i.e., roads, pipelines, power lines, etc).
2. Oil and gas/LNG developments that are within and run parallel to FSR rights of way (i.e., roads, pipelines, power lines, etc).
3. Other oil and gas/LNG development or infrastructure within or adjacent to FSR rights of way (i.e., camps, lay down, storage, or staging areas).

Suggested process:

Works permits and consent to connect authorizations can be issued through two potential processes.

1. Proponent-initiated application for works permit and/or consent to connect with support from Front Counter BC (FCBC). (This process is currently used in the North East.)
 - a. Proponent applies for road tenures with OGC.
 - b. Proponent applies for works permit and/or consent to connect with FCBC.
 - c. FCBC completes administration and paperwork, sends works permit and/or consent to connect to district engineering section for review.

- d. Engineering staff and district personnel give complete administration and paperwork and provide to FLNRO district manager for signing.
 - e. Works permit and/or consent to connect are returned to FCBC for tracking permits and consent to connect authorizations for each FSR.
 - f. FCBC provides works permit and/or consent to connect to proponent.
2. Proponent-initiated application for works permit and/or consent to connect directly to FLNRO:
 - a. Proponent applies for road tenures with OGC.
 - b. Proponent applies for works permit and/or consent to connect with FLNRO.
 - c. FLNRO completes administration, engineering review, and paperwork, district manager completes signing.
 - d. Works permit and/or consent to connect are tracked according to local processes for each FSR.
 - e. FLNRO provides works permit and/or consent to connect to proponent.

Guidance for reviewing requests for consent to connect to a Forest Service Road (FSR)

The following resources and considerations are helpful:

- Section 23 (1) of the *Forest and Range Practices Act*
- Engineering Manual (<http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/resource-roads/eng-manual.pdf>)
- Road Junction Requirements Form Letter # FS1209 at <http://www.for.gov.bc.ca/isb/forms/lib/FS1209RoadJunctionRequirementsFormLetter.doc>
- Application submission criteria and considerations, consistent with FS 1209 content:
 - Map (plan) of appropriate scale and scope illustrating:
 - Location
 - Description of sightline distance
 - Brushing requirements
 - Appropriate warning signage
 - Cross drain culvert (if necessary)
 - Curves/corners
 - Grades
 - GPS location/ coordinates
 - Design speed (based on sightlines should be posted on the section of road (anything less than 80 km/hr or the posted speed of the road)
 - Signage informing users of the connecting road (T-Junction)
 - Stop sign may be required in some situations
 - Gradient, if in excess of 2%
 - Culvert may be required to address drainage concerns.
 - If so, culvert size and justification if less than 500mm.
 - Justification if culvert is not required.
 - In some cases, the FSR itself may require the cross-drain culvert as a result of the junction.
 - Angle of junction and justification if unable to achieve right angle


- Gate location on access road (if applicable) - is it within or outside the FSR R/W?
- Duration of use (e.g., Is this a temporary access road? If so, include rehabilitation and deactivation plans).

Guidance for reviewing requests for works permit for activities within an FSR right of way

The following resources and considerations are helpful:

- Section 155 of the *Forest and Range Practices Act*
- Engineering Manual (<http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/resource-roads/eng-manual.pdf>)
- Works Permit and Works Permit User Guide, Natural Resource Sector Form #NRS103 (https://www.for.gov.bc.ca/gscripts/his/forms/forms.asp?pl=mt-forms-forms_index)
 - The Works Permit User Guide (e.g., instructions for Schedule C) describes both the types of documents required to be submitted by the client/proponent for suitability review, the process for district review of documentation, and works permit form and schedule completion.

Table detailing potential developments and authorizations required.

<p>Scenario 1 OGC authorizes road construction within a FSR right-of-way, with the road connecting to a FSR</p> <p>OGC's road permit document template</p>  <p>Road Permit Template OGRR June</p> <p>OGC's Road Permit Application manual: http://bcogc.ca/industry-zone/documentation/Roads</p>	<p>Works constructed on any part of a FSR right-of-way for any purpose <u>other than</u> the passage of vehicular or pedestrian traffic</p>		
<p>Background: OGC authorizes the construction of an oil and gas activity road by issuing an appropriate <i>Land Act</i> tenure, and the road connects to a FSR. The oil and gas proponent must obtain the consent of the district manager before connecting the road to a FSR.</p>	<p>Scenario 2 Pipeline and transmission line crossing of FSR right-of-way</p> <p>Background: OGC issues an appropriate <i>Land Act</i> tenure to authorize an oil and gas proponent to build a pipeline over Crown land. The proponent must obtain authorization from the district manager to carry out such works within the FSR right-of-way.</p>	<p>Scenario 3 Pipeline and transmission line development parallel to and within FSR right-of-way</p> <p>Background: OGC issues an appropriate <i>Land Act</i> tenure to authorize an oil and gas proponent to build a pipeline over Crown land. The proponent must obtain authorization from the district manager to carry out such works within the FSR right-of-way.</p>	<p>Scenario 4 Other oil and gas activity development within the FSR right-of-way (e.g., a building, an underground electrical or waterline, a drilling pad to facilitate a geotechnical investigation, or other infrastructure that will occupy any part of a FSR right-of-way)</p> <p>Background: OGC issues an appropriate <i>Land Act</i> tenure to authorize an oil and gas proponent to build oil and gas activity related infrastructure over Crown land. The proponent must obtain authorization from the District Manager to carry out such works within the FSR right-of-way.</p>
<p>Requirement: District manager provides consent to connect a road to an FSR using a Road Junction Requirements Form Letter (FS 1209), supplemented with additional terms and conditions as appropriate.</p>	<p>Requirement: District Manager provides authorization using a works permit (NRS103), complete with terms and conditions.</p>	<p>Requirement: District Manager provides authorization using a works permit (NRS103), complete with terms and conditions.</p>	<p>Requirement: District Manager provides authorization using a works permit (NRS103), complete with terms and conditions.</p>