



Ministry of  
Forests, Lands, Natural  
Resource Operations  
and Rural Development

# **Guidelines for Developing an Application for a Community Forest Area Increase and Boundary Adjustment**

**Version 2**

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This document contains material to assist with the administration of *agreements* entered into under the *Forest Act*. This document contains both a summary of the legal requirements and advice/suggestions from the non-legal realm. The latter are not legal requirements that you must follow, nor are they government policy.

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The authority for expanding a Community Forest Agreement (CFA) is Section 43.52 of the *Forest Act*. The Community Tenures Regulation (May 25, 2018, amendment) specifies two forms of expansion:

1. **Change in Boundary** - An increase of up to 10% of the area or 100 hectares, whichever is greater. The intent of a boundary change is to correct mapping issues, address localized land use challenges and to reflect minor operational issues such as isolated timber.
2. **Area Expansion** - A significant area expansion, unlimited by the Regulation. This is considered an increase in area. The extent of an expansion is clearly limited by available volume within the specific Timber Supply Area and based on apportionment decisions by the Minister.

The licensee must engage in discussions with their Natural Resource District Manager to ensure there is volume available to support any expansion or boundary changes prior to initiating an application. District and Area staff will need to have a mandate approved by the Minister to proceed with an increase in area under Section 4(2) of the Community Tenures Regulation. Ideally, there should be written confirmation from the District Manager that the proposed area is suitable for a CFA prior to significant effort being undertaken by the proponent. Establishment of the application area early in the process is strongly advised. The proponent will be required to share information with First Nations and early engagement is recommended. The Minister must consider the input and concerns of First Nations, the general public, stakeholders and licensed users that may be affected by a CFA. The applicant is encouraged to ascertain the position of such parties and address how any concerns can be addressed prior to a submission. FLNRORD will be responsible for consultation with First Nations.

This document references the Minister, however many decisions associated with Community Forest Agreements are delegated to the Regional Executive Director, the decision-making authority for the *Forest Act*, updated from time to time can be found here:

[https://www2.gov.bc.ca/assets/gov/environment/natural-resource-policy-legislation/transfer-of-authority-matrices/fa\\_delegation\\_matrix.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-policy-legislation/transfer-of-authority-matrices/fa_delegation_matrix.pdf)

Information about the Community Forest Program and links to references (Management Plans) can be found here:

<https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/community-forest-agreements>

# 1 Submission of Application for Boundary Change or Area Expansion

- 1.1 Applications for a boundary change must be submitted to the Minister of Forests, Lands, Natural Resource Operations and Rural Development. One paper copy of the application must be submitted and an electronic version should be provided in .pdf format by email.
- 1.2 This application is subject to the *Freedom of Information and Protection of Privacy Act*. Consequently, the public has a right of access to the document--unless the information falls within any of the Act's exceptions to disclosure.
- 1.3 The applicant is solely responsible for the cost of preparing an application.
- 1.4 Receipt of an application does not obligate the Minister to accept an application or to direct that a boundary change or expansion to an area of a CFA be provided.

## 2 Application Content – Boundary Change

The submission from the legal entity that holds the CFA must contain the following items:

- 2.1 A description, including a map, of the location of the area for the proposed expansion area or boundary change.

Reference: Community Tenures Regulation 3(4)(b)

- 2.2 Describe the reasons for the area expansion or change in boundary (()) including:

- how it is in the best interests of the community
- how it will improve the management of forest resources
- implications if the boundary change does not occur

Reference: Community Tenures Regulation 3(4)(c)(d)

- 2.3 Documentation of community awareness and support for increasing the area, including a summary of submissions of a public review completed by the applicant.

Reference: Community Tenures Regulation 3(5)(f)

- 2.4 Other information required by the Minister – this should be discussed with FLNRORD staff in advance of the submission.

Reference: Community Tenures Regulation 3(5)(g)

### 3 Application Content - Area Expansion

The submission must contain the following items, and include applicable documentation to substantiate all statements, claims and materials:

3.1 A description of the location of the area for the proposed expansion area.

Reference: Community Tenures Regulation 3(5)(b)

- A map showing the location of Crown land that will be in the expanded CFA area, nearby communities, and existing access structures. The map scale must be in the range of 1:20,000 to 1:50,000, with SHAPE files included.

3.2 Describe the reasons for the increase in area

- Describe how the area for the proposed CFA expansion has historically been used, and how it would be used under a CFA. Identify any issues or areas of potential conflict that will need to be addressed in implementing the CFA, including existing tenure rights or rights granted to others.

3.3 The application must include a plan for the management of Forest Resources of the area to be added that includes:

- A description of benefits to the community as a result of the management of the additional area
- A description of the benefits to forest resources in the additional area.

Reference: Community Tenures Regulation 3(5)(d)

- forest resources, e.g. productivity and potential uses, forest types, timber and non-timber resources;
- access to area, e.g. existing roads;
- environmental considerations, e.g. sensitive sites or unique features; and
- cultural considerations, e.g. areas of cultural significance.

3.4 The application must include:

- A proposed allowable annual cut that reasonably reflects the area to be added
- A justification (rationale) for the proposed AAC which may include a timber supply analysis
- Proposed Management Objectives for forest resources
- Guiding principles for managing forest resources

Reference: Community Tenures Regulation 3(5)(d)

3.5 Include documentation of community awareness and support for increasing the area, including a summary of submissions of a public review completed by the applicant Reference: Community Tenures Regulation 3(5)(f)

- The application must contain proof that there is a high level of community awareness of the application and strong support for the application from a broad cross-section of the applicant. Examples of how this proof could be demonstrated include:
- distribution of information newsletters or brochures to community members;
- community meeting(s) respecting the application;
- results of a community survey respecting the application;
- letters of support from licensees that operate in or near the area for the proposed licence;
- letters of support from community members and stakeholders regarding the application.

3.6 Other information required by the Minister (Community Tenures Regulation 3(5)(g))

- This may include commitments to manage for recreation resources, protect special features such as forest research sites, or any other factors.
- This information must be provided to the applicant as a part of the expansion process so they can be incorporated into any management Plan or included in the licence document as part of the FS3 Amendment Process.

## 4 Application Evaluation Process

Ministry staff will screen the application for submission requirements (Appendix 1). If one or more submission requirements are missing, the application will be returned to the applicant, or the applicant will be notified of the missing requirements. If staff is satisfied with the application, it will be forwarded to the Minister for approval

Reference: Community Tenures Regulation 4(2) – area increase

Reference: Community Tenures Regulation 4(3) – boundary change

The level of rigour applied to a review of the proposed AAC will depend on the site-specific circumstances and satisfy the decision maker that there is not an over-allocation of volume associated with the expanded CFA area. Generally, the information should be considered by District or Area staff who may seek support from staff at Forest Analysis and Inventory Branch mindful that:

- The parties should be clear which attributes to model, the proposal should be aligned with the TSR that was used to inform any apportionment decisions;

- If more current and/or accurate land base information is available, the applicant and FLNRORD staff should agree upon an approach that reflects the current inventory reality while acknowledging that volume commitments may be based on dated information;
- The approval of the application does not set the AAC for the area;
- The actual AAC for the new tenure is determined by a separate process and may differ from the proposed AAC, depending on the size and attributes of the tenure area, and changes in land base, management or modeling assumptions compared with the assumptions used in the last TSR for the management unit.

Information regarding area selection for Area Based tenures can be found here:

[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/timber-tenures/timber-tenure-bulletins-policies-procedure/principles\\_for\\_locating\\_new\\_forest\\_tenures.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/timber-tenures/timber-tenure-bulletins-policies-procedure/principles_for_locating_new_forest_tenures.pdf)

An application can be submitted, returned and re-submitted more than once. However, if, in the opinion of the Minister, it appears that the applicant is not willing to revise sections of the application that the Minister considers to be essential to the successful implementation of the CFA, adherence to the laws of British Columbia or compatible with the goals of the CFA program and the ministry, the Minister may reject the application.

## 5 CFA Amendment and Management Plan / AAC Update

If the Minister is satisfied with the application, Ministry staff will amend the area of the CFA - generally a new Management Plan would be required prior to amending the Agreement. Alternatively, the Minister may consider providing the applicant a letter requesting a new Management Plan by a specified date.

It is the discretion of the Minister whether a new or amendment to an existing Management Plan will be required based on the specific circumstances of the proponent.

Reference: Forest Act 43.3 (f)

- Considerations should include the area of the expansion and contribution to the allowable annual cut, the date of the existing Management Plan, the status of forest inventory and any other considerations deemed relevant

The determination of the AAC, although linked to the Management Plan is a separate decision.

Reference: Forest Act 8 (7)

Once First Nation consultation is complete an amendment will be initiated by FLNRORD for signature of the licensee and Minister. The Minister may require that additional statements or commitments made in the application be included in the license document and thereby become a part of the CFA. The licence document should be reviewed to ensure there are no material changes to current policy that should be amended in the Agreement document, one example may be different cut control provisions for agreements with allowable annual cuts greater than 10,000 m<sup>3</sup>/year.

### Evaluation of Applications for Area Increase or Boundary Change

The authority for expanding a Community Forest Agreement (CFA) is Section 43.52 of the *Forest Act*.

Community Tenures Regulation	Area Increase Requirement	Y/N	Comment/Explanation
4 (2) (a)	Land to be added is suitable for a CFA		<i>Volume Available, proximity to Community, other interests</i>
4 (2) (b)	Minister must evaluate applications by considering: <ul style="list-style-type: none"> <li>(i) is suitable for managing the resources known to be present in the area</li> <li>(ii) will achieve the goals established by government for the Community Forest Program</li> <li>(iii) will ensure operations are conducted in a manner that provides for meaningful input from community and stakeholders</li> </ul>		<i>Program Goals:</i> <ul style="list-style-type: none"> <li>• <i>provide long-term opportunities for achieving a range of community objectives, values and priorities</i></li> <li>• <i>diversify the use of and benefits derived from the community forest agreement area</i></li> <li>• <i>provide social and economic benefits to British Columbia</i></li> <li>• <i>undertake community forestry consistent with sound principles of environmental stewardship that reflect a broad spectrum of values</i></li> <li>• <i>promote community involvement and participation</i></li> <li>• <i>promote communication and strengthen relationships between Indigenous and non-Indigenous communities and persons</i></li> <li>• <i>foster innovation</i></li> <li>• <i>advocate forest worker safety</i></li> </ul>

4 (2) (c)	Considers the results of a public review including actions taken or proposed in response to concerns		
4 (2) (d)	Whether documentation demonstrates community support and awareness of the proposed increase in area		
4 (2) (e)	Whether increasing the area is in the best interest of the community and public		
4 (2) (f)	Other information provided by the applicant & required by the Minister		
7 (1) (a)	Rights are not under Suspension		<i>Forest Act</i>
7 (1) (b)	Accounts are Current: <ul style="list-style-type: none"> <li>(i) Section 130 (1.1) of Act</li> <li>(ii) Due and Payable</li> <li>(iii) Has been paid</li> <li>(iv) There is arrangement for payment</li> </ul>		<i>Deposits, Annual Rent, Stumpage</i>
7 (2) (a)	Minister is satisfied area increase will: <ul style="list-style-type: none"> <li>(i) Improve forest resource</li> </ul>		

	management  (ii) OR achieve development objectives of government		
7 (2) (b)	Will achieve goals established by government for the CFA Program		
7 (2) (c)	Reasons for increase are not contrary to interests of the community or public		

<b>Community Tenures Regulation</b>	<b>Boundary Change Requirement</b>	<b>Y/N</b>	<b>Comment/Explanation</b>
4 (3) (a)	Change in boundary is in best interests of community and public		<i>Highest and Best Use Principles</i>
4 (3) (b)	Whether the management of the resources in the CFA will be improved by changing the boundary		<p><i>Program Goals:</i></p> <ul style="list-style-type: none"> <li>• <i>provide long-term opportunities for achieving a range of community objectives, values and priorities</i></li> <li>• <i>diversify the use of and benefits derived from the community forest agreement area</i></li> <li>• <i>provide social and economic benefits to British Columbia</i></li> <li>• <i>undertake community forestry consistent with sound principles of environmental stewardship that reflect a broad spectrum of values</i></li> <li>• <i>promote community involvement and participation</i></li> <li>• <i>promote communication and strengthen relationships between</i></li> </ul>

			<p><i>Aboriginal and non-Aboriginal communities and persons</i></p> <ul style="list-style-type: none"> <li>• <i>foster innovation</i></li> <li>• <i>advocate forest worker safety</i></li> </ul>
4 (3) (c)	Considers the results of actions taken or proposed to be taken to address concerns		
4 (3) (d)	Whether documentation demonstrates community support and awareness of the proposed boundary change		
4 (2) (e)	Other information required by the Minister		
7 (1) (a)	Rights are not under Suspension		<i>Forest Act</i>
7 (1) (b)	<p>Accounts are Current:</p> <ul style="list-style-type: none"> <li>(i) Section 130 (1.1) of Act</li> <li>(ii) Due and Payable</li> <li>(iii) Has been paid</li> <li>(iv) There is arrangement for payment</li> </ul>		<i>Deposits, Annual Rent, Stumpage</i>
7 (3)	Reasons for increase are not contrary to interests of the community or public		