



Free Use Permits for Traditional and Cultural Activities Administration Guide

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1.0 Introduction

1.1 This Guide

This guide provides information and recommended administrative procedures for implementing the **Free Use Permits for Traditional and Cultural Activities Policy**. The intended audience is Ministry of Forests and Range (MFR) staff involved in aboriginal affairs and/or the issuance and performance monitoring of a free use permit (FUP). The policy and this guide may also be considered by any other agency that has authority to issue an FUP under the *Forest Act*.

1.2 Scope

The policy and this guide have been developed to address First Nation free use of timber, including circumstances where a First Nation may be likely to be able to demonstrate an aboriginal right to timber for domestic use. The policy and guide are consistent with advice from Ministry of Attorney General.

Given the Free Use Permit Regulation's definition of traditional and cultural activities, it is possible for a non-First Nation applicant to be eligible for a free use permit for the purposes of traditional and cultural activities but that scenario is not addressed in this guide.

1.3 Policy

Although a First Nation may be likely to be able to demonstrate an aboriginal right to timber for certain purposes, the Province continues to assert its authority to regulate timber harvesting for forest management and conservation reasons over provincial Crown lands.

Policy 8.28 of the Resource Management Policy Manual states, in part:

It is the policy of this Ministry to address a First Nation request for free use of Crown timber for a traditional and cultural activity through the issuance of a free use permit if the request meets the criteria of forestry legislation and this policy.

The policy also gives direction on applications, criteria, applicability to treaty First Nations, and permit administration. That direction is re-stated in the appropriate sections of this guide and supplemented with advice and recommended procedures.

1.4 Advice

Where this guide recommends seeking additional advice from Aboriginal Affairs staff, the normal protocol for district staff is to work with the First Nations Liaison/Stewardship person in

the district who will involve the Regional Aboriginal Affairs Manager and the Aboriginal Affairs Branch who will liaise with the Ministry of the Attorney General as necessary.

1.5 Definition of Key Terms

For the purposes of this policy

- a *traditional and cultural activity* is, as defined in the Free Use Permit Regulation of the Forest Act, an activity that
 - a) has historically been carried out in British Columbia by members of a group to which the person carrying out the activity belongs,
 - b) is carried out for a traditional or cultural purpose of the group,
 - c) is not carried out for profit or for a commercial purpose, including trading and bartering, and
 - d) is not carried out for the purpose of constructing a residential dwelling except for a residential dwelling constructed by an aboriginal community with an aboriginal right to timber that includes constructing residential dwellings.
- a *building* is any structure that is built or proposed to be built with wood from a free use permit for a traditional and cultural activity. E.g. a longhouse, community hall, or other similar structure; a residential dwelling.

General forestry terms are not defined in this guide. A glossary of common forestry terms and a list of forestry acronyms and initialisms are available at:

<http://www.for.gov.bc.ca/hfd/library/documents/glossary>.

- The location of the proposed harvest area.
- Indications that the First Nation community supports the application and if the timber will be used for the construction of a residential dwelling, an assertion of an aboriginal right to timber for constructing residential dwellings and a likelihood that the community in question would be able to demonstrate an aboriginal right in that regard. (see 2.2 Supporting Evidence)

The application form also asks if the timber will be used for a building (see section 1.5 of this document) and if so, the location. The form advises that the FUP will not provide authority to locate such a building on the permit area. It is up to the First Nation to ensure that any building is located on the First Nation's Indian Reserve or other land to which the First Nation community has a present legal right of occupation that allows construction and use of such a building.

2.2 Supporting Evidence

An application that does not exceed 50 m³ will usually not require formal supporting evidence if the information in the application appears reasonable and is consistent with the district manager's or authorized forest officer's understanding of the circumstances.

Applications for more than 50 m³ should include the following supporting evidence:

- Plans demonstrating that the timber is to be used for the construction of a longhouse, community hall or other similar structure, or a residential dwelling [FUP Reg sec. 2] (Plans may be returned upon request.)
- Calculations of the estimated volume and species to be used in construction of the building.
- A written statement(s) from the First Nation governing body (e.g. a band council resolution, a Chief's letter, or authority as per a BC-FN agreement) that:
 - confirms that the proposed building and location are endorsed by the First Nation and that construction of the building will benefit the First Nation community,
 - asserts an aboriginal right to timber on behalf of that First Nation that includes constructing residential dwellings, if the timber is for construction of a residential dwelling,
 - states whether the proposed harvest area is within the area traditionally harvested by the First Nation, and
 - supports the proposed harvest volume and harvest location.

The written statement from a First Nation can be specific to a single application or, if developed in advance and in consultation with the district manager, may be applicable to multiple applications from the First Nation.

3.0 Evaluation

Normally, it will not be necessary to critically evaluate a First Nation's assertions regarding the intended use being a traditional and cultural activity or the harvest being an aboriginal right or the harvest area being within an area traditionally harvested. Advice from Aboriginal Affairs staff should be sought if there appears to be reason to question the assertions.

3.1 Consultation

If the application for a free use permit for a traditional and cultural activity has been endorsed by the First Nation community (see 3.2.2) and the harvesting will take place in an area traditionally harvested by the First Nation (see 3.2.3), there should be no need for consultation with this First Nation regarding the proposed FUP decision. However, if the proposed harvest area falls within an overlap area and therefore has the potential to impact a different First Nation's aboriginal interests, consultation with that First Nation may be warranted. Seek advice from Aboriginal Affairs staff.

3.2 General Criteria

3.2.1 Traditional and Cultural Activity

Policy:

The applicant must be a First Nation person or an Indian Band.

The applicant requires the wood for a traditional and cultural activity of the First Nation and that activity does not involve the wood being sold, traded or bartered.

The definition of a traditional and cultural activity (see section 1.5) does not rely on the existence of an aboriginal right except in the case of a residential dwelling. If the applicant requires timber for the construction of a residential dwelling, the *Forest Act's* FUP provisions require consideration of the likelihood that the First Nation would be able to demonstrate an aboriginal right to timber for domestic purposes.

If timber is required for the construction of a building, such as a cabin, that is necessary to practice an asserted aboriginal right such as hunting, consider whether there is sufficient information to support the practice as a possible aboriginal right for this particular First Nation. (Refer to section 6.9 of this document)

The allowable characteristics of a "residential dwelling" are not defined in legislation or policy. Given the common meaning of the words, the general expectation is that a residential dwelling can be a moderate-sized, modern house.

The legislation and policy are very clear that timber harvested under an FUP for a traditional and cultural activity cannot be sold, traded or bartered. There can be no commercial component in its use. Trading and bartering may be a significant part of a local First Nation economy but free use permits are not the appropriate tenure for obtaining timber for commercial purposes.

3.2.2 Communal Right

Policy:

The request must have the support of the First Nation community.

Applications for more than 50 m³ ... should include ... a written statement of support from the governing body of the First Nation....

The FUP Regulation's definition of a traditional and cultural activity and the aboriginal right to timber for domestic purposes referenced in the Supreme Court of Canada Sappier-Gray decision are defined in terms of a group or community activity/right. The applicant must therefore have communal authority to carry out the harvest and the harvest must be for the benefit of the community.

Endorsement from the First Nation is required for any FUP for a traditional and cultural activity. The policy requires that an application for more than 50 m³ warrants a written statement of support from the governing body of the First Nation. Example forms of written support include a band council resolution, a Chief's letter, or an endorsement within an existing MFR-FN letter of understanding or agreement. If the volume does not exceed 50 m³, the district manager or authorized forest officer still needs to be satisfied that the First Nation community supports the application but the endorsement does not necessarily have to be formal or in writing. Previous communications with the First Nation or a telephone call to a Chief may be enough to demonstrate community support.

3.2.3 Harvest Location

Policy:

The harvest area should be within the area traditionally harvested by the First Nation, on Crown land, and not in conflict with rights held by others.

The communal right to use of wood (especially for constructing residential dwellings) relates to an area traditionally harvested by the First Nation for domestic purposes. However, it may be difficult to establish the extent of "areas traditionally harvested" and/or there may be an extenuating circumstance that prevents the harvesting of areas traditionally harvested. (E.g. all suitable timber was previously harvested by others under *Forest Act* agreements.) A practical solution for these circumstances may be to authorize an FUP for harvesting in areas within the asserted traditional territory of the First Nation that may not have been used for those

purposes historically. Harvesting outside of the asserted traditional territory should only be considered in exceptional circumstances and only after seeking advice from Aboriginal Affairs staff.

Timber identified for harvest in the application must be on Crown land without conflicting occupation or timber rights held by others. Regardless of any assertion of aboriginal rights, MFR must follow legislative requirements when issuing an FUP under the *Forest Act*. This means that an FUP cannot be issued within a tenure that grants exclusive timber harvesting rights to others (e.g. a cutting permit, woodlot licence or community forest agreement). Seek advice from Aboriginal Affairs staff if the First Nation's only areas for harvesting appropriate timber fall within such a tenure.

See guidance on special cases (CP, TFL, etc.) in Part 6.0.

3.2.4 Reforestation and Other Forest Management Risks

Policy:

If the harvest area will be greater than one hectare, the harvest location, method and extent must be satisfactory to the First Nation and the district manager or authorized forest officer, considering forest management objectives for the area.

Free use permits cannot impose reforestation obligations nor require levies or fees that could fund silviculture activities by MFR. Therefore, the potential for creating reforestation issues should be considered in the evaluation of the free use permit application. If the proposed area, location and/or method of harvesting raise significant forest management concerns, alternate locations or methods should be discussed with the applicant. If the forest management concerns remain unresolved, the suitability of an application covering more than one hectare should be determined jointly with the First Nation governing body or the governing body's appropriate representative.

3.2.5 Volume Authorized for Harvesting

Policy:

The volume, quality and species to be authorized in the free use permit must be appropriate for the traditional and cultural activity.

First Nations' access to free use of timber for traditional and cultural activities is being regulated through the issuance of FUPs to address forest management and conservation objectives. It is therefore appropriate for the district manager or authorized forest officer to be satisfied that the volume and type of timber requested is appropriate for the intended purpose.

Volume estimates are also discussed under section 3.5.2 within the discussion of *Requests for more than 50 m³*.

If there are concerns about the volume estimates or the requested timber type (quality and species), district staff should work with the applicant to see if the estimates can be improved. If necessary, seek advice from Aboriginal Affairs staff.

3.3 Timber for a Building – Location Considerations

Policy:

A request for timber for construction of a building will have additional criteria depending on the type of building and volume required. See Requests for 50 m³ or less and Requests for more than 50 m³.

If construction of a building qualifies for a free use permit for a traditional and cultural activity, the applicant should be informed that the free use permit does not provide any occupation rights for the building. The building will need to be located on an Indian Reserve or on other land where the First Nation community has or has obtained a present legal right of occupation that allows for construction and use of such a building.

A traditional and cultural activity that involves construction of a building will normally be expected to occur on an Indian Reserve where the First Nation has occupation rights.

If the applicant proposes to use wood to construct a building off reserve, (e.g. on private land owned by the applicant or First Nation or on Crown land), it may be more difficult to meet the criteria that the activity is being carried out for a communal traditional and cultural purpose. Also, if the area is un-tenured Crown land, the First Nation would need to have a present legal right of occupation* that allows the proposed use.

*Note: claims of aboriginal title that have not been accepted and declared as existing by a court of competent jurisdiction do not qualify as a present legal right of occupation for the purposes of forestry legislation and this policy.

If the applicant proposes to use the timber to construct a building at a location that is off reserve, but there is uncertainty about the right of occupation, the district should seek advice from Aboriginal Affairs staff.

3.4 Requests for 50 m³ or less

Policy:

The request must have the support of the First Nation community

If the application is for the purpose of constructing a residential dwelling, there must be an assertion by the First Nation and the likelihood of the First Nation being able to demonstrate an aboriginal right to domestic use of wood that includes constructing residential dwellings.

As stated under Part 2.0 – Application for FUP, an application that does not exceed 50 m³ will usually not require formal supporting evidence if the information in the application appears reasonable and is consistent with the district manager's or authorized forest officer's understanding of the circumstances. Whatever the form of application, the district manager or authorized forest officer still needs to be satisfied that the First Nation community supports the application, and if the purpose is constructing a residential dwelling, the First Nation has asserted that they have an aboriginal right to do so.

3.5 Requests for more than 50 m³

Policy:

Applications for more than 50 m³ must be accompanied by:

- *a plan demonstrating the location, type and size of building to be constructed with wood from the permit,*
- *a written statement of support from the governing body of the First Nation and, if the application is for the purpose of constructing a residential dwelling, an assertion of an aboriginal right to domestic use of wood for that purpose.*

The requirements for a written application, a building plan and a written statement of support and assertion of an aboriginal right will assist the evaluation of applications for more than 50 m³.

3.5.1 Building Plans

A building plan submitted with an FUP application for more than 50 m³ has two roles. It can be evidence that the timber will be used for an eligible activity (e.g. longhouse, community hall or other similar structure or a residential dwelling). The building plan can also be used to assess the type of wood needed and the amount of timber required.

The building plan is only needed to provide context for the application. A copy of the building plan does not need to be kept by the MFR. It can be returned after the evaluation of the application. MFR staff must take care to prevent any implication that MFR is assessing or endorsing structural worthiness of the building.

Note that although an aboriginal right to use wood for domestic purposes may have historically involved the construction of simple buildings or temporary shelters, such a right will now be treated by the courts as having evolved to include harvesting wood by modern means for use in the construction of a modern dwelling. There is no need to evaluate the building plan for historical accuracy.

The size of the planned building will affect the estimated volume of timber required and so a very large building could raise questions about how much timber is appropriate to authorize

under an FUP. Currently, there are no guidelines for evaluating the size of a community building such as a longhouse. The general expectation for a residential dwelling is that it can be a moderate-sized, modern house.

In the absence of any guidelines for a “moderate” house size, the following information may be helpful:

- Data from Natural Resources Canada for 2006 indicates an average size of 126 m² or 1356 ft² per household. Presumably, this includes households in apartments and other multi-dwelling buildings.
- Communications from staff at the Ministry of Housing and Social Development indicate that there is no standard for the size of a single family house. Around 1200 ft² is probably typical for houses classified as affordable housing.
- Other sources on the internet indicate that new houses are averaging 1800 ft² in Canada and around 2400 ft² in the United States.

If the planned building size seems to be outside the range of “moderate” and there are concerns that the resulting FUP volume might be excessive, seek advice from Aboriginal Affairs staff.

3.5.2 Volume Estimate Calculations

Information is provided in Appendix 7.5 to assist with the estimate of log volumes from a house size. The information and examples have been compiled from various sources and are not statistically defensible. They should only be used to flag whether an application might warrant closer review and/or additional discussion with the applicant.

3.5.3 Aboriginal Right to Timber for Residential Dwelling

A First Nation without a treaty which asserts an aboriginal right to timber for constructing residential dwellings should normally be assumed to be likely to be able to demonstrate an aboriginal right in that regard for the purpose of evaluating an application for an FUP under section 48(1)(g) of the *Forest Act*. The need for additional evidence may arise if the application seems excessive or the district manager is not satisfied with the available information. In those circumstances, the district should seek advice from Aboriginal Affairs staff.

3.6 Firewood

If a First Nation person requests firewood for their personal domestic use and a suitable public firewood area is available, the local, firewood application process for the general public should be followed. In many cases, this may be a verbal request and an over-the-counter issuance of the permit. Such an FUP would not be subject to the *Free Use Permits for Traditional and Cultural Activities* policy and procedures.

There may be circumstances, however, where a First Nation person's request for firewood would not be eligible for an FUP from a public firewood area and would warrant consideration under the *Free Use Permits for Traditional and Cultural Activities* policy. For example:

In some districts, public firewood FUPs typically exclude alder. If a First Nation person required alder firewood for smoking fish, an FUP for a traditional and cultural activity should be considered.

Regardless whether an FUP is issued under section 48(1)(b) or 48(1)(g), the legislation does not allow the authorized volume to exceed 50 m³ for firewood.

3.7 Treaty First Nations

Persons from a First Nation with a treaty may be eligible for a free use permit for a traditional and cultural activity unless the activity is for the purpose of constructing a residential dwelling which is based upon an assertion of an aboriginal right to use of wood for domestic purposes, and no such right is reflected in the treaty as a treaty right. If the Treaty has specific provisions regarding use of wood or timber from Crown land, the wording of the final agreement and any associated side agreement will apply.

Treaties typically modify aboriginal rights into specific treaty rights and as such, the Treaty First Nation would not be eligible for an FUP which is for the purpose of constructing a residential dwelling unless the treaty specifically created a treaty right to domestic use of wood off of treaty settlement lands. Each treaty and the specific provisions and requirements regarding use of wood or timber from Crown land must be carefully considered and if there is any uncertainty, advice should be sought from Aboriginal Affairs staff.


If a treaty does not explicitly provide for access to domestic use of wood, a person from the Treaty First Nation may still be eligible for an FUP for a traditional and cultural activity that is not reliant on an aboriginal right.

Aboriginal Affairs staff advice should always be sought if an assertion of an aboriginal right to timber for a residential dwelling is made by a First Nation with a treaty, and the treaty in question does not explicitly address timber for residential dwellings.

4.0 Preparing and Issuing the FUP

4.1 Generic Permit Template

Appendix 7.3 contains a copy of a generic permit template for an FUP entered into with a person qualified under section 48(1)(g). The latest permit template will be posted at <https://gwww.for.gov.bc.ca/hth/timten/templates/MoF%20Templates%20Review%20Page%202.htm>

Note that the template contains guidance in the form of green hidden text. Optional or input wording is in red text. Ensure that your word processing program is set to display hidden text while preparing the permit. In Word 2007, display hidden text by clicking the Office button  > Word Options > Display > check Hidden Text. Ensure that print settings omit hidden text, and that print output is in black and white.

Guidance for each clause in the permit:

| Clause | Description | Guidance |
|---------------------------|--|--|
| Whereas | Information for context. | Whereas clauses are not enforceable. |
| 1.00 Authorization | | |
| 1.01 (a) | Authorizes occupation for FUP purposes | The purposes of the FUP only relate to harvesting. The FUP does not give occupation rights for traditional and cultural activities (e.g. a building). This clause also defines Permit Area by referencing an attached map. |
| 1.01 (b) | Authorizes harvesting of types and volumes of timber | Select the applicable version of the clause: decked timber, marked trees, marked area or species and types (e.g. any species dead and down) The maximum volume of the permit should be the volume in the application if the district manager or authorized forest officer is satisfied with the application. The legislation does not allow an FUP to exceed 50 m3 unless it is for a community building or residential dwelling as described in section 2 of the Free Use Permit Regulation. |

| Clause | Description | Guidance |
|---|---|---|
| 1.02 | Term of the permit | The term of the permit should be the period of time requested subject to the 1 year maximum specified in section 49 of the <i>Forest Act</i> . |
| 1.03-05 | Optional clauses | These clauses are not normally necessary but they may be needed for local circumstances. |
| 2.00 Other Conditions and Requirements | | |
| 1.02 | Cut/damage/destroy/remove prohibited unless for a traditional and cultural activity | Note that while the application and the Whereas section of the permit describes the specific <u>intended</u> traditional and cultural activity, the actual permit provisions only uses the general definition in the regulation. |
| 2.02 | FUP timber must not be sold, traded or bartered. | Consistent with court decisions and the policy, timber harvested under the FUP can only be used for traditional and cultural purposes. |
| 2.03 | Treatment of slash and debris | Note that section 7 of the <i>Wildfire Act</i> applies to industrial activities on an FUP making the FUP holder responsible to abate fire hazards. Given the small scale of FUP cutting, slash treatment clauses are warranted to clarify responsibility. |
| 2.04 | Suspension or cancellation | Consistent with 49(2)(d) of the <i>Forest Act</i> , this clause adds FRPA and Wildfire Act compliance. Note that 49(3) of the <i>Forest Act</i> allows the holder to require a review by the regional manager. |
| 3.00 Timber Marking, Scaling and Reporting | | |
| 3.01 | Timber mark | Each FUP for traditional and cultural activities must have a unique timber mark. The timber mark will consist of the letters FUP followed by an FTA-generated FUP number or one of the block of FUP numbers allocated to the district. e.g. FUP F12345 |
| 3.02 | Marking requirements | This clause serves as a timber marking exemption with conditions per s 84(5) of the <i>Forest Act</i> . Note that a forest officer signing the FUP with this clause needs to be authorized under section 84(5) of the <i>Forest Act</i>. |

| Clause | Description | Guidance |
|--------|--|--|
| 3.03 | Documentation | This clause serves as an exemption per sec 10(5) of the Timber Marking and Transportation Regulation. |
| 3.04 | No scaling | <p>In most cases, scaling will not be warranted. The clause that scaling is not required is consistent with sec 94(1)(b)(i) of the <i>Forest Act</i> that only requires scaling for timber “that under the authority to cut is required to be scaled.”</p> <p>If the district manager determines that scaling is warranted and can be done by MFR, the no-scaling clause can be replaced with the following: “On request of a forest officer, the Permittee must make the timber available for the Crown to conduct a scale of the harvested timber at a designated scale site.”</p> |
| 3.05 | Report estimated harvest volume if permit >50 m ³ | <p>Although scaling is not normally warranted, FUPs > 50 m³ should require reporting of an estimate of actual harvest to support future policy considerations.</p> <p>Specify a workable methodology. (See section 4.2 of this Guide)</p> |

4.2 Reporting Volumes Harvested

If an FUP is less than 50 m³, the authorized volume in the FUP (sale volume field in FTA) is assumed to be the volume actually harvested for corporate tracking purposes. There is no need to revise that number with a post-harvest estimate.

If the FUP is authorized for a volume greater than 50 m³, the FUP should include a requirement for the permit holder to report a post-harvest estimate of the timber actually cut. The district can specify a simple methodology in the permit. Examples: Number of trees cut or number of loads and size of truck, or estimate of a licensed scaler, or log length and radius of small and large ends (for input into Smalian’s Formula in Chapter 4 of the Scaling Manual).

If size and number of truckloads are used, Appendix 7.6 can be used to obtain a volume estimate. The estimate will be inputted into FTA as a rough update to the sale volume. It will not be inputted into the Harvest Billing System so there are no scale or cruise implications.

4.3 Tracking FUP Information

It is important to track information about FUPs issued for traditional and cultural activities. Tracking can:

- identify potential forest management concerns from cumulative impact
- produce facts to back up the Softwood Lumber Agreement (SLA) safe harbour
- inform treaty negotiations
- support future policy and forest management decisions
- answer questions from the legislative assembly
- track possible accommodation for First Nations impacted aboriginal interests
- prevent blending of FUP and non-FUP wood

Tracking will eventually be accomplished through FTA. As of fall 2009, there is an ESF-FTA linkage problem that prevents the creation of new FUP records. An application fix and enhancement is being pursued that will allow the collection of the attributes in the following table. Until the fix allows FUP entries, districts will need to keep a spreadsheet record of this data for every issued FUP. The data will need to be entered into FTA once the FUP component of FTA is working.

Attributes to collect:

| Attribute | Description | FTA Location |
|-----------------|--|---------------|
| Management Unit | The management unit where the FUP is located. | Tenure Screen |
| Client Name | The name of the MFR client issued the FUP. <u>Purpose:</u> In order to effectively report on First Nation FUPs it is essential that the applicant be entered into the Client system and the FUP be issued to the applicant directly. This can be facilitated by MFR staff providing a Client number to the applicant. | Tenure Screen |

| Attribute | Description | FTA Location |
|---------------|--|---------------------------------------|
| First Nation | <p>The First Nation affiliation of the FUP holder is required to be tracked. All First Nation Organizations were entered into the Client system as part of the FNIRS 2b project implementation (spring 2009):</p> <p>CLIENT TYPE CODE: First Nations Band</p> <p>The First Nation will be linked to the Client the FUP is issued to via the CLIENT RELATIONSHIP CODE. As a result, FUPs will be able to be tracked back to the source First Nation via relationships already implemented in the Client system.</p> <p><u>Purpose:</u> This will allow reporting of FUP issuance by First Nation.</p> | Related Client Screen (Client System) |
| Sales Volume | <p>Volume is not normally tracked for firewood FUPs as there are no billings associated with these permits. However, for First Nation FUPs, the volume should be tracked (though not billed) using the "sale volume" attribute. FUPs greater than 50 m3 will also require a post-harvest estimate of volume actually harvested. "Sales Volume" should be updated with this estimate.</p> <p><u>Purpose:</u> First Nation FUPs for community buildings and dwellings are not limited under legislation. It is important that the volume is tracked to determine whether the volumes are cumulatively significant.</p> | Sale Info Screen |
| Exhibit A Map | A digital map of the FUP area will need to be placed into FTA. | Tenure Application Screen |
| Notes | The notes screen should be available for First Nation FUPs to add any relevant information on the particulars of the tenure. | Notes Screen |

The following attributes are dependent upon a requested FTA enhancement. If FTA FUP entry is fixed but not enhanced to add these attributes, the information should be entered into the Notes screen.

| Attribute | Description | FTA Location |
|-----------|--|---|
| Purpose | <p>The following are specific purposes that need to be tracked for First Nation FUPs. If the FUP serves more than one purpose, only record the primary purpose.</p> <ul style="list-style-type: none"> • First Nation - Building, Residential • First Nation – Building, Communal • First Nation – Furniture • First Nation – Cultural • First Nation – Firewood, communal <p><u>Purpose:</u> This will allow the Ministry to determine what First Nations are using FUPs for. This will assist in long term planning of First Nation FUP issuance.</p> | <p>New FTA field or enter into Notes screen as:</p> <p>Purpose:</p> |
| Species | <p>A cedar species indicator is needed if the primary species is cedar.</p> <p><u>Purpose:</u> There are special requirements for cedar usage by certain First Nations. This attribute will allow for the tracking of accommodations to First Nations to meet this specific requirement.</p> | <p>New FTA field or enter into Notes screen as:</p> <p>Cedar?: yes/no</p> |

4.4 Communications

When a new FUP is issued, districts should include a First Nations FUP information pamphlet and a “Firewood or Wildlife Tree” pamphlet. (See Appendix 7.4)

A cover letter with the FUP should not add any new requirements but can include information about the FRPA requirement for a notice of commencement and the name of a C&E person as the contact for that notice.

Note that while a notice of commencement is required by law, it does not have to be in writing. In some cases, a verbal notification may be appropriate.

Given the FUP’s reliance on the First Nation’s endorsement of the communal traditional and cultural activity, it is usually appropriate to provide a copy of the cover letter to the First Nation. If requested, the First Nation can also be provided with a copy of the FUP.

Consider providing a notification letter to a licensee if the FUP is issued within the licensee’s operating area, especially if the First Nation or licensee could be affected by the other party’s operations.

5.0 Roles and Responsibilities

5.1 Finding Suitable Timber

It is not the responsibility of MFR staff to find timber for traditional and cultural activities. However, given the forest management considerations that need to be evaluated by MFR in any FUP application, districts may wish to work with First Nations to locate suitable areas of trees within areas traditionally harvested by the First Nation community.

5.2 FRPA Reserves and Other Forest Management Considerations

Issuance of an FUP and subsequent harvesting are subject to the general restrictions established under the *Forest and Range Practices Act* (FRPA). Examples include orders under the Government Action Regulation establishing areas, measures, and features. Other examples include old growth management areas, wildlife tree retention areas and riparian reserve zones.

For commercial forestry operations, the agreement holder (or BC Timber Sales) is expected to have or hire the expertise needed to track and understand the FRPA reserves applicable to their operating area. The pre-requisite planning process specifically addresses these reserves.

For most cases of FUP harvesting, it is not reasonable to expect the applicant to be aware of all possible FRPA restrictions or other forest management considerations. District MFR staff should facilitate FRPA compliance and good forest management by identifying reserves and forest management issues in proposed FUP areas and encourage the applicant to avoid areas subject to restrictions. The Land and Resource Data Warehouse (LRDW) database, viewable by MapView has some but not necessarily all of the applicable reserves. A clearance adjudication report may be used to identify wildlife tree retention areas input to RESULTS by licensees. This process might best be assisted by a FRPA Objectives Matrix maintained by some districts.

If an FUP application is made for an area that does not allow harvesting or has requirements that appear to be beyond the capacity of the applicant, the application should be discussed with the applicant and/or the First Nation to find a satisfactory approach.

5.3 Wildfire Hazard Abatement

Timber harvesting under a free use permit may be considered an industrial activity [*Wildfire Act* section 7] and a high risk activity [*Wildfire Regulation* section 6]. This means that the person carrying out the activity is required to abate fire hazards in accordance with the legislation.

Although the legislation places responsibility on the permit holder, MFR staff can provide advice that clarifies hazard abatement responsibilities and recommends best practices. The

permit template and information pamphlet have some general provisions that can be customized to address local circumstances.

One clause in the permit template “use other methods appropriate for the circumstances that will meet the fire hazard abatement requirements ...” is intended to encourage the permittee to consider innovative practices that abate the hazard while creating other benefits. For example, slash could be removed for use in bioenergy, essential oil production, mushroom growing medium, raw material for art, etc.

5.4 Monitoring and Compliance & Enforcement

MFR Tenures staff issuing the FUP should provide the FUP holder with a cover letter that:

- indicates the need for a notice of commencement and identifies the C&E contact person,
- encloses an information pamphlet that encourages compliance with key requirements of applicable forestry legislation.

The FUP will have a map of the cutting area plus timber marking and documentation requirements that will support monitoring and inspection activities. Field staff should note that the timber mark will be the FUP number which will be in the FTA system but not in the scaling and billing systems (no scaling required and no billing).

Generally, the FUP’s contractual obligations will be monitored by Tenures staff while potential contraventions of legislation will be inspected by C&E staff.

If a First Nation person is suspected of harvesting without authorization (either without an FUP or outside the authority of an FUP), and the person asserts that their actions are supported by their First Nation’s aboriginal rights, C&E staff should notify Compliance and Enforcement Branch. Compliance and Enforcement Branch will develop an appropriate compliance and enforcement response with advice from Aboriginal Affairs Branch who will liaise with the Ministry of the Attorney General as necessary.

6.0 What if ...?

The policy and this guide focus on the “normal” scenarios that the legislation was intended to address. There will no doubt be a multitude of “what ifs” that staff will have to deal with. This part of the guide provides advice on some of those scenarios.

The general advice whenever circumstances are grey: discuss it with Aboriginal Affairs staff (see section 1.4 in this guide.)

6.1 Cultural Tourism or Commissioned Art

The legislation and policy are clear that timber harvested under an FUP for a traditional and cultural activity cannot be sold, traded or bartered. There can be no commercial component in its use.

The making and selling of art and crafts may be important cultural and economic activities for a First Nation but because of the commercial component and the FUP legislative requirements, MFR cannot issue an FUP for these activities. A timber supply for art or craft making would need to come from a commercial tenure such as a forestry licence to cut or possibly from a business or goodwill arrangement with a commercial tenure holder.

6.2 Free Use Timber from a Cutting Permit

FUPs should avoid active cutting authorities (CP or TSL) and area-based tenures with exclusive cutting rights (CFAs, WLs, TLs). Issuing an FUP to a First Nation on such a tenure will create a conflict between authorized rights. Theoretically, taking free use timber from an appraised CP can distort the appraisal process and create a revenue risk.

However, there may be times when a First Nation and the holder of a cutting authority or area-based tenure have come to an agreement and are seeking MFR support to allow free use of some timber for traditional and cultural activities. Here are two options to consider:

- a) **Pre-planned** – The CP application could specify in Schedule B that a certain volume and species will be cut but reserved from hauling so that it may be used for a First Nation FUP. The appraisal data would exclude that volume. When issuing the CP, the district could simultaneously enter into an FUP with the First Nation that covers the CP area but restricts the volume to a specified volume of decked timber. Although the FUP and CP cover the same area, the harvest rights are separate and not in conflict.
- b) **Existing CP** – If the CP holder is agreeable and the district is satisfied that the proposed volume to be removed by the First Nation is not significant enough to distort the appraisal rates, the district could enter into an FUP with the First Nation that covers the CP but restricts the volume to a specified volume of decked timber.

Under either of the above options, the First Nation (or the CP holder on the First Nation's behalf) would apply the FUP timber mark to timber before hauling it to the First Nation's Indian Reserve.

6.3 Application for an FUP within a TFL

FUPs can be issued within the Crown land portion of TFLs. TFLs typically have a provision allowing up to 0.5% of the TFL's AAC that is attributable to Schedule B lands to be disposed of through FUPs. If accumulated FUP volumes approach the 0.5% limit, seek advice from Aboriginal Affairs staff.

6.4 FUP within FRPA Reserve

Generally, areas with restrictions under FRPA should be avoided at the FUP application stage (see discussion in 5.2 FRPA Reserves and Other Forest Management Considerations).

If proposed FUP harvesting within a FRPA reserve appears to be worth considering (e.g. monumental cedar not available elsewhere), and the district wants to investigate options, consider the following:

- The wording of the applicable legislation and order must be examined carefully, and with legal advice if there is doubt.
- Many Government Actions Regulation (GAR) orders do not allow any harvesting and apply to everyone, including First Nations harvesting timber for traditional and cultural activities. There is no discretion to provide exemptions unless specified in advance in the GAR order.
- Amending a GAR order is a long and complex process that would probably not be practical for a single FUP.
- If a GAR order is at the proposal stage and MFR is providing advice on FUP exemption wording, the exemption reference should avoid any specifics about species, quality, end use, etc, but should give guidance to the conditions when a request would be considered. E.g. required for First Nation domestic use, other sources are not available and the removal will not impact the order's intended purpose.

6.5 FUP within FDU of Licensee FSP

An approved forest stewardship plan (FSP) does not grant any exclusive rights to the plan holder. FUPs can be issued within a FDU of an approved FSP without a legal conflict. However, an approved FSP indicates that intensive planning has been done on the area and any FUP application would benefit from the licensee's expertise and understanding of the area and any

FRPA restrictions. MFR should encourage the FUP applicant and licensee to work together on the FUP application.

6.6 FUP within a Controlled Recreation Area

Controlled recreation areas are established by regulation under the *Resort Timber Administration Act*. Within such an area, the Minister of Tourism, Culture and the Arts has the authority and responsibility pertaining to sections of the *Forest Act* specified in regulation. Currently, the regulation only refers to occupant licence to cut and forestry licence to cut. The authority and responsibility for FUPs remains with the district manager and authorized forest officer.

Although there are no legal restrictions to the MFR issuing an FUP within a controlled recreation area, MFR should consult with the Ministry of Tourism, Culture and the Arts about any proposed FUP application. If significant issues arise and the FUP applicant still wishes to proceed, seek advice from Aboriginal Affairs staff.

6.7 Extensions / Renewals

The *Forest Act* limits FUPs to a maximum one year term* so there is no way to extend or renew an FUP beyond one year. The current version of FTA provides an option to extend an FUP, but it is not supported by legislation.

It is possible to issue a new FUP upon the expiry of an old FUP but all of the FUP legislation and policy requirements would need to be met at the time of the new FUP's issuance. Normally, the new FUP would require a new FUP number and a new permit document.

* A longer term (up to 5 years) may eventually be possible for an FUP is associated with a treaty agreement, if pending legislation amendments are brought into force.

6.8 Reforestation Issues

Under FRPA, openings harvested under an FUP do not result in any legal free growing obligations. Also, FUPs cannot contractually impose reforestation obligations and cannot collect levies that could pay for MFR silviculture activities. Given these circumstances, the FUP is evaluated for potential forest management risks at the application stage. Most free use permit harvesting is expected to be small enough or dispersed enough to avoid stocking issues.

6.9 Cabin on Traditional Territory

What if a First Nation traditionally used a building or seasonal shelter (cabin) that was necessary to enable that First Nation to practice a potential aboriginal right on territory outside of an Indian Reserve and the First Nation now requires timber to construct a cabin for this purpose?

To construct a cabin on Crown land, the First Nation should obtain a right to occupy the cabin site. (E.g. a licence of occupation from Integrated Land Management Bureau that allows construction and use of the cabin). To obtain timber for the cabin construction, a First Nation person may apply for a free use permit for traditional and cultural activities under section 48(1)(g) of the *Forest Act*.

The eligibility criteria of the legislation and policy, and the general advice in the *Free Use Permits for Traditional and Cultural Activities Administration Guide* are fully applicable. The following additional guidance is specific to this cabin scenario:

- The intended use of the cabin can only be to undertake an activity(ies) historically carried out that would form the basis for an aboriginal right and not for recreational, residential or commercial use.
- The proposed cabin site must be located within the First Nation's traditional territory and on land that the First Nation community traditionally used to undertake the activity(ies).
- If the cabin is proposed to be built on private land, the circumstances should be discussed with Aboriginal Affairs staff.
- The cabin would not be considered a residential dwelling and so sections 1(d) and 2(b) of the Free Use Permit Regulation would not apply and therefore the FUP could not exceed 50 m³.
- The cabin may be in a modern form but should not be a residential dwelling.

It is worth emphasizing that the above guidance applies to a cabin that is necessary or integral to a First Nation being able to practice its asserted aboriginal right. Here is an example: A First Nation has historically hunted at a distance from the community and requires a cabin in order to enable the First Nation to practice that hunting right and therefore, without the cabin – there is no ability to practice the asserted right.

This guidance is not intended to address trapper cabins associated with a trapping licence.

7.0 Appendices

7.1 References

- *Forest Act*
<http://www.for.gov.bc.ca/tasb/legsregs/FORREST/FORACT/contfa.htm>
- *Policy 8.28 - Free Use Permits for Traditional and Cultural Activity*
<http://www.for.gov.bc.ca/tasb/manuals/policy/resmngmt/rm-toc.htm>

7.2 Application Form



FN_FUP_Application.
docx

This embedded Word file can be customized for local use.

7.3 Permit Template

A copy of the generic permit template is reproduced on the following 4 pages




FN_FUP_Permit_Tem
plate.docx

and embedded here.

The latest version of the template will be posted at:

<https://gww.for.gov.bc.ca/hth/timten/templates/MoF%20Templates%20Review%20Page%202.htm>

Red text is content that should be replaced by FUP specific information. The green text is explanatory guidance that is formatted as hidden text in the actual FUP template file.

→NOTE: This template contains hidden text instructions (green). Display hidden text by clicking the Office button  > Word Options > Display > check Hidden Text. Ensure that hidden text is not printed. Also, delete this unhidden note before printing. ←



**FREE USE PERMIT
(PERMIT#)**



THIS PERMIT, dated for reference (Date with 4 digit year) is issued to:

PERMITTEE'S LEGAL NAME
ADDRESS LINE 1
ADDRESS LINE 2, BRITISH COLUMBIA
ADDRESS LINE 3
Phone: () Fax: ()
(the "Permittee")

WHEREAS:

NOTE: These whereas statements provide context for the FUP by providing key information from the application.

While statement A describes the specific use from the application, the whereas statement is not enforceable and will not restrict the Permittee to this use only. Condition 2.01 is intended to be enforceable but it allows use for any traditional and cultural activity.

Although statement C refers to a general "area of interest", a more specific "area traditionally harvested" would have been considered during the application evaluation.

- A. The Permittee requires Crown timber for the following traditional and cultural activity:
- a.
- B. The location that the timber will be used is _____.
- C. The Permit Area is within the area of interest of the _____ First Nation,
- D. The _____ First Nation supports the Permittee's use of Crown timber from the Permit Area for an activity that has historically been carried out by the _____ First Nation and that will benefit the _____ community.

Under section 49 of the *Forest Act*, the parties agree as follows:

1.00 AUTHORIZATION

1.01 Subject to the terms and conditions of this Permit and in consideration of the Permittee's covenants in it, the Permittee is authorized, during the term of this Permit as defined in paragraph 1.02, to:

(a) enter and occupy for purposes of this Permit, Crown land within the Permit Area outlined in a **bold black line** on the map attached to this Permit, and

Include one of the following options:

OPTION #1 – Decked Timber

(b) remove decked timber within the Permit Area up to a maximum total volume of ___ m3

OPTION #2 – Marked Trees

(b) cut and/or remove all marked trees within the Permit Area up to a maximum total volume of ___ m3.

OPTION #3 – Marked Area (if necessary, specify maximum volume by species)

(b) cut and remove Crown timber within the boundaries of the Permit Area as marked with ___ flagging/paint up to a maximum volume of ___ m3.

OPTION #4 – Species and Type

(b) cut and remove from the Permit Area only the following species and types, up to a maximum total volume of ___ m3:

(i)

1.02 The **term** of this Permit will begin on (Date with 4 digit year) and will expire on (Date with 4 digit year).

Include any optional clauses related to permit rights.

1.03 (Optional:) This Permit does not authorize removal of any timber which has been cut prior to the effective date of the Permit and remains on the Permit Area.

1.04 (Optional:) The rights authorized under this Permit are subject to other rights of use and occupation and the Permittee must not interfere with exercise of those rights.

1.05 (Optional:) The Permittee must not erect or operate any permanent or portable sawmill or wood processing facility on the Permit Area.

2.00 OTHER CONDITIONS AND REQUIREMENTS

- 2.01 Timber must not be cut, damaged or destroyed or removed from the Permit Area except for a traditional and cultural activity as defined by the Free Use Permit Regulation of the *Forest Act*.
- 2.02 The Permittee must not sell, trade or barter any timber obtained under this Permit.
- 2.03 Roads and ditches shall be cleared of debris immediately following harvesting operations.
- 2.04 The Permittee must abate fire hazard resulting from activities carried out under this Permit as follows:

Note that section 7 of the *Wildfire Act* applies to industrial activities on an FUP making the FUP holder responsible to abate fire hazards. Since FUP holders may not be familiar with forestry operations and fire hazard abatement, specific slash provisions may be warranted.

- (a) branches and unused portions of logs (slash) shall be dispersed to avoid concentrations of flammable material,
 - (b) slash shall be cut and placed close to the ground to avoid creating a fire hazard of suspended material,
 - (c) use other methods appropriate for the circumstances that will meet the fire hazard abatement requirements of the *Wildfire Act*.
 - (d)
- 2.05 This Permit may be suspended or cancelled, or both, without notice by a forest officer if its holder fails to comply with its terms or conditions, the *Forest Act*, the *Forest and Range Practices Act* or the *Wildfire Act* or regulations under those Acts.

Include any optional clauses regarding restrictions or obligations not already stated in legislation.

3.00 TIMBER MARKING, SCALING AND REPORTING

- 3.01 The Timber Mark for this tenure is

The following serves as timber marking exemption with conditions. A forest officer signing the FUP with this clause needs to be authorized under section 84(5) of the *Forest Act*.

- 3.02 Under the authority of section 84(5) of the *Forest Act*, timber cut under this Permit is exempted from the timber marking requirements of sections 84(1) and (3) with the following conditions:

- (a) If timber cut under this Permit is transported by land, the Permittee must ensure that the front, sides and back of each load of timber is marked with the Timber Mark using paint, crayon or a sign.
- (b) If timber cut under this permit is transported by water, the Permittee must ensure that one end of each log is marked with the Timber Mark using waterproof paint or crayon.

The following serves as an exemption per Timber Marking and Transportation Regulation s 10(5)

- 3.03 This Permit or a copy must be carried while cutting and while transporting timber from the Permit Area and must be presented to a forest officer upon request. The Permittee is exempted from other documentation requirements specified in section 10 of the Timber Marking and Transportation Regulation.

The following "scaling not required" clause should be used for most FUPs. If the district manager determines that scaling is warranted, replace with:
"On request of a forest officer, the Permittee must make the timber available for the Crown to conduct a scale of the harvested timber at a designated scale site."

- 3.04 Timber scaling is not required.

The following should only be used for FUPs that authorize **more than 50 m3**.

- 3.05 Within ___ days of removing timber from the Permit Area, the Permittee will provide the District Manager or Forest Officer with an estimate of gross harvested volume by species, using the following methodology and format:

Specify a method and format: e.g. Number of trees cut or number of loads and size of truck, or estimate of a licensed scaler, or log length and radius of small and large ends (for input into Smalian's Formula (Ch 4 of Scaling Manual)

Application accepted and free use permit entered into, by:

Permittee

(District Manager/Forest Officers Name)
District Manager /Forest Officer
(Forest District) Forest District

7.4 Information Pamphlet

The following information pamphlet should be provided with every issued FN FUP to identify applicable requirements and to clarify how aboriginal rights are being addressed.



FN_FUP_Pamphlet.d
OCX

The embedded file can be customized for district circumstances.

The brochure *Firewood or Wildlife Tree?* should also be offered to encourage protection of wildlife trees.

Information for First Nations Requiring Timber for a Traditional and Cultural Activity

Access to Timber

While a First Nation may be able to demonstrate the likelihood that it has an aboriginal right to use of wood for domestic purposes, the Province of British Columbia continues to assert its authority to regulate for forest management and ensure forest conservation. First Nations wishing to obtain free use of timber for a traditional and cultural activity will need to obtain a free use permit from a forest district office.

Ministry of Forests and Range (MFR) staff can only issue a free use permit if the application meets criteria set by the Forest Act. For the purposes of free use permits, the Forest Act's Free Use Permit Regulation defines traditional and cultural activity as an activity that:

- (a) has historically been carried out in British Columbia by members of a group to which the person carrying out the activity belongs,
- (b) is carried out for a traditional or cultural purpose of the group,
- (c) is not carried out for profit or for a commercial purpose, including trading and bartering, and
- (d) is not carried out for the purpose of constructing a residential dwelling except for a residential dwelling constructed by an aboriginal community with an aboriginal right to timber that includes constructing residential dwellings.

Applications

An application will provide information that the district manager or authorized forest officer needs to evaluate the request for timber. Things to consider:

- The applicant can be a First Nation person or an Indian Band.
- The requested timber can only be used for a traditional and cultural activity, and cannot be sold, traded or bartered*.
- A traditional and cultural activity is defined in terms of a group or community so the application must have support from the First Nation community.
- The applicant should propose an area with the desired volume and quality of timber that is within the area traditionally harvested by the First Nation. The applicant is encouraged to work with MFR staff or established licensees who have specialized knowledge of legal and forest management factors that should be identified and considered.
- If the timber is intended to be used for the construction of a building (examples: longhouse, community hall, residence), the application should state where the building will be located and whether the applicant has the necessary present legal land occupancy rights for a building proposed to be located outside of Indian Reserve land.
- If the timber is to be used for the construction of a residential dwelling, the application needs confirmation that the First Nation asserts and is likely to be able to demonstrate that it would have an aboriginal right to timber for constructing residential dwellings.
- The total volume under application cannot exceed 50 m³ unless the timber is to be used for construction of a longhouse, community hall or other similar structure, or a residential building.
- Applications for more than 50 m³ will require building plans, calculations and a written endorsement from the First Nation.

*Trading and bartering may be a significant part of a local First Nation economy but free use permits for traditional and cultural activities are not the appropriate tenure for obtaining timber for commercial purposes. Free use permits will always prohibit selling, trading and bartering of any timber cut under the permit.

December 29, 2009

Costs

Although the free use permit is free, the holder of the FUP will be responsible for all costs associated with logging, yarding, loading, transporting, milling, drying and any other incidental costs that may come up in association with harvesting timber. These costs should be considered before applying for a free use permit. Depending on the circumstances, purchasing lumber from a retailer may actually be cheaper and more convenient.

Using the Permit

Permit Provisions

Once the free use permit is issued, please become familiar with the conditions in the permit. Typical provisions:

- Cutting can only occur within the permit area shown on the map.
- Volume limits cannot be exceeded.
- Timber can only be removed from the permit area if it will be used for a traditional and cultural activity and the timber cannot be sold, traded or bartered.
- The free use permit must be carried or in a nearby vehicle while harvesting or transporting timber.
- Before moving the logs, label your load with the timber mark indicated in the free use permit.
- Scaling is not required but if the free use permit authorizes more than 50 m³, an estimate of the volume actually harvested may need to be reported to the Ministry of Forests and Range.
- The permit does not authorize road construction.

Legislation Requirements

In addition to the permit provisions, harvesting and transporting must follow applicable legislation including the *Forest Act*, the *Forest and Range Practices Act*, and the *Wildfire Act*. Common requirements:

- A Notice of Commencement must be provided to the compliance and enforcement staff of the forest district office that issued the free use permit. (*Forest and Range Practices Act*, Forest Planning and Practices Regulation section 85)
- Harvesting on the free use permit may be considered an industrial activity (*Wildfire Act* section 7) and a high risk activity (*Wildfire Regulation* section 6) so the person carrying out the activity is required to abate fire hazards.

Best Practices and Operational Logistics

If you are operating over a period of time, you should regularly contact the forest district office for fire hazard and road use updates information.

Branches or unused portions of the tree stem are potential fuel for a forest fire. There will be a greater risk of a forest fire if any of this slash is elevated (in piles or leaning against trees) or if the slash is left in an opening where the sun can dry it out. You can reduce the fire hazard:

- Prevent concentrations of flammable material by spreading the slash around (ideally in shady areas where the slash can stay moist and rot faster).
- Cut large pieces and place close to the ground to avoid creating a fire hazard of suspended fuel.
- Use other methods of abatement appropriate for the circumstances.

Please help protect wildlife trees. Read the brochure: [Firewood or Wildlife Tree?](#)

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7.5 Estimating Timber Volumes for House Construction

The following information and examples have been compiled from various sources and are not statistically defensible. The information should only be used to flag whether an application might warrant closer review and/or additional discussion with the applicant.

Estimated volume of timber required for one house = 41 m³

(Different assumptions can produce alternate estimates of 51, 68 or even 85 m³)

Assumptions:

- House size = 1500 square feet
- Average framing lumber used in a house* is approximately 8 foot board measure per square foot (1994 article in Forest Products Journal)
- Tree to lumber conversion (lumber recovery factor) = 290 fbm/m³ (information from Wood Products Online for typical northern softwood sawmill).

Calculation: 1500 ft² x 8 fbm/ ft² = 12,000 fbm per house. 12,000 fbm divided by 290 fbm/m³ = 41 m³ of timber as logs per house.

Alternate Estimates:

A different estimate of lumber used in a house is closer to 10 fbm/ ft² so a 1500 ft² house would require 51 m³.

If a small portable mill is used, lumber recovery ranges from 5-6.5 fbm/ft³ (Idaho City Portable Sawmill Assessment, 2002). That is equivalent to 176 to 229 fbm/m³. A small portable mill would therefore need 52 to 68 m³ to make enough lumber for a 1500 square foot house. This would rise to 85 m³ if the lumber use ratio is 10 fbm/ft² of floor space.

7.6 Estimating Timber Harvest Volumes

Wood Volume Estimate by Truck Capacity

| Logging Vehicle Type | Volume Capacity (cubic yards) | A-Weight Capacity (tonne) | B-Volume (m3) Green Wood |
|---|----------------------------------|---------------------------------|-----------------------------|
| Full Size Pick-Up Truck-1/4 tonne | | 1/4 | 0.33 |
| Full Size Pick-Up Truck-1/2 tonne | | 1/2 | 0.65 |
| Full Size Pick-Up Truck-1 tonne | | 1 | 1.3 |
| Single axle dump truck | 5 | 2 | 2.6 |
| Tandem axle dump truck | 12 | 19 | 6.1 (limited by size) |
| Truck with pup | 28 | 22 | 14.3(limited by size) |
| Truck with transfer trailer | 32 | 24 | 16.3(limited by size) |
| Logging truck (hwy) green logs | | 27 | 35.1 |
| Logging truck (hwy) dry logs | | 27 | 44.55 |
| Super B-train | | 42.8 | 55.6 |
| Tridem B-train | | 43.3 | 56.3 |
| Tandem/Quadaxle | | 42.1 | 54.7 |
| Tridem/Quadaxle | | 44.2 | 57.5 |
| Tridem tractor/Tridem semi-trailor | | 35.3 | 45.9 |
| For every tonne of capacity, the average volume for all species is 1.3 m3/tonne. (A=weight x 1.3) | | | |
| For dry MPB Lodgepole pine the volume is 1.65 m3/tonne. (A=weight x 1.65) | | | |