



Ministry of  
Forests

# Cutting Permit and Forest Road Administration Manual

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## ABBREVIATIONS, ACRONYMS AND INITIALISMS

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AAC	Allowable Annual Cut
BCGW	BC Geographic Warehouse
BCTS	BC Timber Sales
CFA	Community Forest Agreement
CIMS	Compliance Information Management System
CLIENT	Client Management System
CP	Cutting Permit
CTP	Christmas Tree Permit
ECAS	E-Commerce Appraisal Application System
ESF	Electronic Submission Framework
FL	Forest Licence
FDU	Forest Development Unit
FLTC	Forestry Licence to Cut
FNWL	First Nations Woodland Licence
FPC	<i>Forest Practices Code of British Columbia Act</i>
FPPR	<i>Forest Planning and Practices Regulation (FRPA)</i>
FRPA	<i>Forest and Range Practices Act</i>
FSP	Forest Stewardship Plan
FSR	Forest Service Road
FTA	Forest Tenure Administration
FTB	Forest Tenures Branch
FUP	Free Use Permits
HBS	Harvest Billing System
ILRR	Integrated Land and Resource Registry
NRFL	Non-Replaceable Forest Licence
NROS	Natural Resource Online Services
OLTC	Occupant Licence to Cut
RESULTS	Reporting Silviculture Updates and Land status Tracking System
PA	Pulpwood Agreement
RP	Road Permit
RRS	Resource Roads System
RUP	Road Use Permit

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SN CSC	Status and Clearance Service Component
SUP	Special Use Permit
TL	Timber Licence
TFL	Tree Farm Licence
THLB	Timber Harvesting Land Base
TSA	Timber Supply Area
TSL	Timber Sale Licence
WL	Woodlot Licence
WLP	Woodlot Licence Plan
WLPPR	<i>Woodlot Licence Planning and Practices Regulation (FRPA)</i>
WTRA	Wildlife Tree Retention Area

## GLOSSARY OF TERMS USED IN THIS MANUAL

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**Aboriginal Rights and Title, Treaty Rights or Aboriginal Interests** are defined in the [Updated Procedures for Meeting Legal Obligations When Consulting with First Nations](#)

**Agreement** unless the context implies otherwise ‘agreement’ in this manual refers to an agreement entered into under Part 3 of the Forest Act which grants the right to harvest Crown timber.

**Approve** means a statutory decision maker accepts a licensee’s document. An example is a Forest Stewardship Plan (FSP) or Woodlot Licence Plan (WLP). Legislation requires the licensee to prepare an FSP or WLP and obtain approval but after approval the licensee retains responsibility for the plan. Compare with the term ‘issue.’

**Clearance** is the adjudication report which outlines whether pre-existing rights (determined through a status) conflict with a proposed granting of rights to an applicant. Overlapping Indigenous and Treaty Interests are outside of the Status/Clearance process.

**Conflict** is an existing or prior right or interest on land which must be mitigated to provide for the issuance of a tenure or establishment of interest or use of land.

**Cutblock** generally means an area of Public or private land in which timber is to be harvested or has been harvested other than a road right of way.

**Cutting Authority** means:

- a Cutting Permit (CP),
- a Road Permit (RP), or
- an agreement, such as a Timber Sale Licence (TSL), that grants the authority to harvest Crown timber, but does not provide for a CP, i.e., a CP is not required prior to harvesting timber.

**Cutting Authority Area** refers to the area identified in the Exhibit A map attached to a cutting authority within which timber is authorized for harvesting subject to the agreement, forestry legislation and the conditions in the cutting authority. Refer to section 2.4.3 for guidance on what should and should not be shown on the Exhibit A map.

**Cutting Permit** is the authority issued by the Ministry of Forests that authorizes the holder of certain agreements to exercise timber harvesting rights.

**Forestry Legislation** includes, but is not restricted to:

- the *Forest Act*
- the *Forest Practices Code of British Columbia Act*
- the *Forest and Range Practices Act*
- the *Wildfire Act*

and the regulations under those Acts as amended from time to time.

**Issue** is a process whereby the statutory decision maker grants a right to an applicant under an authority of the *Forest Act* or an agreement. For example, a CP or RP is issued if the licensee satisfies the application requirements. The application is checked to see if it fulfills the statutory requirements, but it is not approved. Compare with the term ‘approve.’

**Ministry** means the Ministry of Forests, unless the context suggests otherwise,

**On block road** is a road authorized by a CP, RP, or TSL that is wholly contained within a single cutting authority and does not provide access from one cutblock to another.

**Prescribed** as in the “prescribed manner” is a reference to provisions in a regulation associated with an Act.

**Status** is an identification of documented pre-existing granted rights in a subject area of interest. (Any conflicts found are adjudicated in a Clearance). Overlapping Indigenous and treaty interests are outside of the Status/Clearance process.

**Take or Pay** refers to the policy of billing waste for timber that was authorized for harvest but was left on site. The policy is established by the Waste Assessment Policy 13.6.

**Tenure** generally refers to an agreement, licence or permit that grants the holder with rights that could include occupation, timber harvesting or road construction on Public land.

**Timber mark** is a unique identifier that must be assigned to any timber harvested from Public land, or private land that is being transported on public roads.

## Other Forestry Terms

Each of the Forestry Legislation acts has definitions, for example:

- Section 1 definitions in the *Forest Act*
- Section 1 definitions in the *Forest and Range Practices Act*

Definitions can also be found at the beginning of some Regulations and Sections or Parts of Acts and Regulations.

## ABOUT THIS MANUAL

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### PURPOSE

This manual provides guidance regarding the application, issuance, maintenance, and termination of Cutting Permits (CPs), Road Permits (RPs) and Road Use Permits (RUPs). Other forms of agreements that are also a cutting authority such as timber sale licences, free use permits, licences to cut while other authorization (Section 52 of the *Forest Act*) are addressed in a limited capacity. In addition, while forest road administration is addressed primarily through RPs and RUPs, roads authorized through Special Use Permits (SUPs) and CPs are addressed in a limited capacity.

### ORGANIZATION AND FORMAT

This manual is presented in four parts:

1. Introduction
2. Cutting Permit Administration
3. Forest Road Administration
4. References

References with a [blue hyperlink](#) are also listed in the References table where there will either be a hyperlink to the referenced document or a pdf copy.

Acts and Regulations referred to can be accessed through the link to BC Laws website in the References Table.

*Italics* indicate legislation.

References to Sections of legislation are capitalized; references to sections of this manual and other documents are not capitalized unless they begin a sentence or are in a title.

**Bold text** indicates emphasis.

### UPDATES AND FEEDBACK

This manual will be updated as needed. The latest version will be available from here:

<https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/forest-tenure-administration/cutting-permit-road-tenure-administration>

Questions, suggestions for new content, or corrections should be directed to the general Forest Tenures Branch email address: [ForestTenuresBranch@gov.bc.ca](mailto:ForestTenuresBranch@gov.bc.ca)

## PART 1 INTRODUCTION

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This section provides background information, roles and an overview of computer systems related to cutting authorities.

### 1.1 CUTTING AUTHORITIES

A **cutting authority** allows the holder of an agreement to exercise rights to Crown timber by authorizing the holder to cut and/or remove Crown timber from a specific area.

Cutting authorities may authorize the following:

- **Occupation and use of Public land** Authorization to occupy Public Land is necessary before timber harvesting can take place. Most agreements authorize occupation for timber harvesting and related purposes, but if not, authority to occupy Public Land must be included in the cutting authority.
- **Cut and Remove Crown Timber** Normally, a cutting authority allows cutting and removal of Crown timber. Exceptions include an agreement holder only being authorized to cut and deck timber (not remove it) that will be subsequently removed by a different agreement holder. That agreement holder will be given a cutting authority which allows removal but no additional cutting.
- **Cut and Remove Private Timber** Tree Farm Licenses (TFLs) and Woodlot Licenses (WLs) may have private lands associated with them. In accordance with the agreement, the private timber on those lands can only be harvested under a CP even though stumpage is not paid on that timber.

#### 1.1.1 Types of Cutting Authorities

Some agreements include the cutting authority while others require the agreement holder to apply for a cutting authority under the agreement to exercise the harvesting rights. Table 1-1 lists the cutting authority for agreements and harvest authorities under the *Forest Act* and *FRPA*.

Table 1-1 Types of Cutting Authorities

<b>Forest Act Agreement</b>	<b>Type of Cutting Authority</b>
Forest Licence (FL) Woodlot Licence (WL) Timber Licence (TL) Tree Farm Licence (TFL) First Nations Woodland Licence (FNWL) Community Salvage Licence Community Forest Agreement (CFA) Master Licence to Cut* (MLTC)	CP issued under the agreement
Timber Sale Licence (TSL)	Provisions within the TSL
Forestry Licence to Cut (FLTC)	Provisions within the FLTC or a CP issued under an FLTC that provides for CPs
Occupant Licence to Cut (OLTC)	Provisions within the OLTC
Fibre Supply Licence to Cut (FSLTC)	Fibre Recovery Permit
Christmas Tree Permit (CTP)	Provisions within the CTP
Free Use Permits (FUP)	Provisions within the FUP
Road Permit (RP)	Provisions within the RP (if timber harvesting required)
Pulpwood Agreement (PA) (Pulpwood Agreements exist but no new PAs can be entered into.)	FLTC issued under the PA (or CP issued under an FLTC issued under the PA)

\*CPs for MLTC issued by Oil and Gas Commission

<b>Other Harvest Authorities</b>	<b>Form of Cutting Authority</b>
Section 52 of the <i>Forest Act</i> .	Letter or other written authorization.  (only available to authorized employees and agents of Government)

Other Harvest Authorities	Form of Cutting Authority
Section 52 of <i>FRPA</i> .	Authorization by the Minister for silviculture, stand tending, forest health, fire hazard abatement or another purpose.

## 1.2 BUSINESS PROCESSES ASSOCIATED WITH CUTTING AUTHORITIES

### 1.2.1 Overview

Figure 1-1 illustrates how CP/RP administration links to other business processes.

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

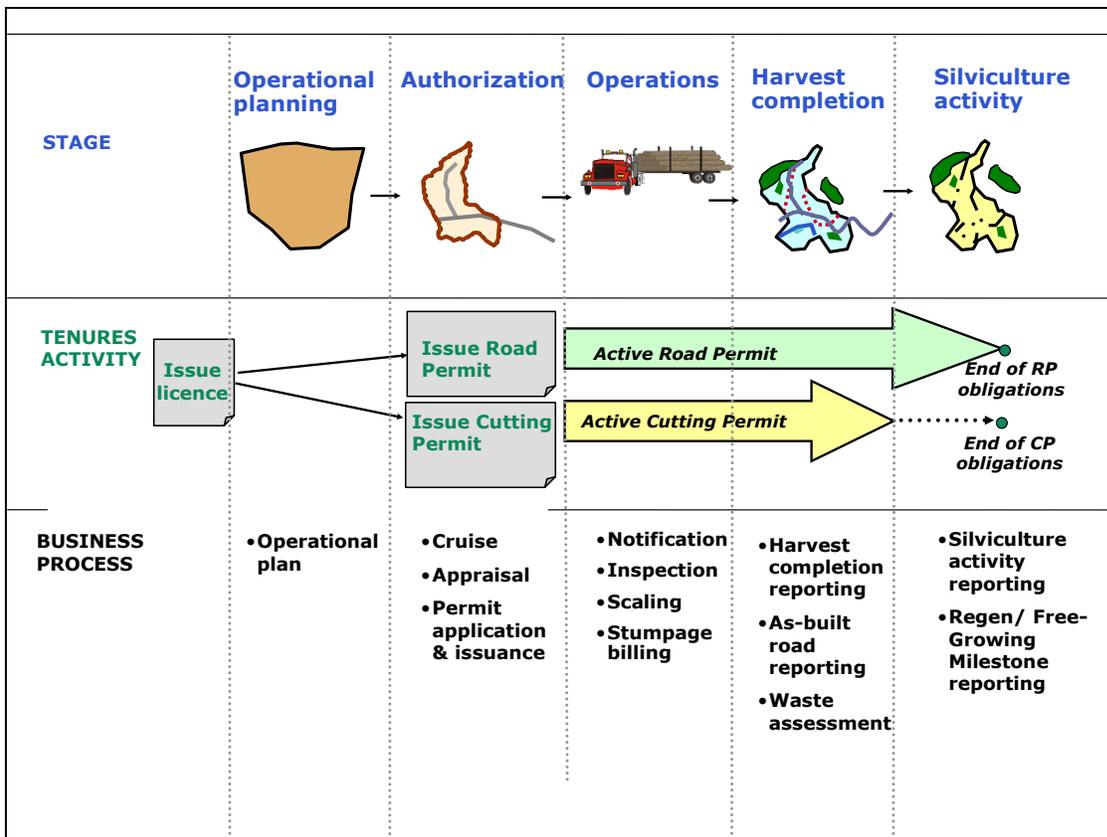


Table 1-2 outlines corporate systems and applications and Table 1-3 outlines digital business applications for each of the above business activities.

### 1.2.2 Revenue Activities

Revenue activities include timber cruising, appraisal, scaling, stumpage and waste billing as described below:

### *1.2.2.1 Timber Cruise*

Timber Cruising is the measurement of timber attributes on samples of proposed CP areas, or other areas, using methodology that is statistically sound. When compiled, timber cruise information provides a reliable estimate of timber volume, species composition, quality and other data. It also provides key information to determine stumpage rates on scale-based and cruise-based CPs. The [Cruising Manual](#), establishes the cruising standards that must be met. These include specifications for the statistical design of the cruise, the accuracy of field measurements and standard compilation procedures. Note that the [Cruising Manual](#) sets different cruising requirements for CPs that will be cruise-based versus scale-based.

The [Cruise Compilation Manual](#) establishes Ministry policy for compiling cruise data and provides a set of instructions for system designers and programmers who are building or maintaining a Ministry-standard cruise compilation program. Any agency compiling cruise data for a licensee must adhere to these guidelines if the compilation is being submitted to the Ministry for a timber appraisal to set a stumpage rate.

### *1.2.2.2 Appraisal*

The appraisal manuals contain the Minister's policies and procedures for determining stumpage rates for Crown timber. There are different manuals for the [Coast](#) and the [Interior](#).

Both Coast and Interior use the Market Pricing System (MPS). The central concept of the MPS is that auctions of a percentage of standing timber in defined areas establish the market value of the timber and those market values are then used to determine the stumpage price for the timber harvested under agreements. Timber Pricing Branch has several [publications](#) describing the Coast and Interior systems.

### *1.2.2.3 Scaling*

Scaling is the measurement of timber to determine its volume and grade (quality). Scale data is reported by species and grade, and volumes are expressed in cubic metres (m<sup>3</sup>).

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

The [Scaling Manual](#), defines how scaling is practiced and administered.

### *1.2.2.4 Stumpage Billings*

Under Part 7 of the *Forest Act*, the holder of an agreement that harvests Crown timber is required to pay stumpage in accordance with that Part and the agreement. Consequently, all Crown timber harvested under a CP or RP is subject to payment of stumpage. If a CP is scale-based, the stumpage rates are applied to timber that is either piece-scaled or weigh-scaled. If a CP is cruise-based, the stumpage rate is applied to the estimated volume harvested, which is obtained by

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multiplying the harvested hectares of the CP with the volume per hectare from the cruise compilation.

The [Harvest Billing System](#) (HBS) is a corporate data base that records and prepares stumpage billing and related fees with respect to Crown timber harvested under an agreement.

#### *1.2.2.5 Waste Assessments*

Once harvesting has begun under a cutting authority all merchantable Crown timber (that is not reserved) must be paid for as either stumpage or waste. The [Waste Assessment Policy](#), chapter 1, states that waste is merchantable Crown timber, whether standing or felled, that is not reserved from cutting and remains on site upon the completion of primary logging of each cutblock or at the expiry of the agreement or CP. Ministry will issue monetary billings for waste and will also charge the volume of waste to the agreement's cut control.

The [Provincial Logging Residue and Waste Measurement Procedures Manual](#) establishes the administration and field procedures that are used for determining the amount and billing of waste.

### **1.2.3 Timber Marks**

A timber mark is a unique identifier assigned to timber that is harvested from Public land or private land associated with an agreement. Any timber that is being transported on public highways must have a timber mark, including timber originating from private land not associated with an agreement.

Timber marks are governed by Part 5 of the *Forest Act* and the *Timber Marking and Transportation Regulation*.

A timber mark identifies:

- the authority under which the timber was harvested
- whether the timber came from Public or Private Land
- exportability of the timber
- the general location from which the timber is removed (to the level of the cutting authority area or private land parcel)
- the holder of the timber mark
- the stumpage rate if it is Crown timber
- the agreement to which scaled timber volumes will be associated for stumpage billing, cut control and waste assessment billing.

Each CP will normally have one timber mark assigned to it; however, TFLs or WLs may have more than one timber mark assigned to a CP to address timber coming from private land portions of the agreement for WLs, as well as Timber License (TL) portions of the agreement for TFLs.

Road permits that authorize timber harvesting may have one or more timber marks assigned to it i.e., the entire RP may be covered by the same timber mark, or different sections of the road permit may be associated with different timber marks.

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### 1.2.4 Cut Control

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

The administration of cut control is regulated by Part 4 - Division 3.1 of the *Forest Act* and the *Cut Control Regulation*. This legislation defines what contributes to the 'volume of timber harvested,' which is the volume that counts towards cut control of an agreement. The primary sources of volume charged to cut control are:

- the volume of timber cut under the agreement and under RPs associated with the agreement, and
- the volume of timber estimated to be wasted or damaged under the agreement and under RPs associated with the agreement.

The legislation also provides the authority for an agreement to contain a different definition of 'volume of timber harvested.'

Timber merchantability specifications in the [Provincial Logging Residue and Waste Measurement Procedures Manual](#) are used to establish how residue and waste is measured while species and grades of the volumes are identified in regulation and charged to cut control when removed from the site or in waste assessments if left on the site, i.e., these volumes will be counted as 'volume of timber harvested' for cut control purposes. See the [Cut Control Administration Guide](#) for further information.

## 1.3 ELECTRONIC SYSTEMS

Corporate system applications support key functions within the Ministry such as forest tenure and road administration, revenue collection and Compliance and Enforcement and are integral to the issuance and administration of CPs and RPs. General corporate systems and activity-specific applications are described in Table 1-2 and Table 1-3 below. While some corporate systems, such as Forest Tenure Administration (FTA) and Resource Roads System (RRS), and activity-specific applications are referred to in this manual they are not discussed in detail. Users should refer to applicable guidance for the specific system or application if required. Access to some applications can be made through this link [Application Index](#) or by the link provided in the tables below.

## General Corporate Systems and Applications

Table 1-2 General systems

System	Details
<a href="#">Electronic Submission Framework</a> (ESF)  <a href="#">ESF Guides</a>	<p>ESF provides a single framework for licensees to submit data to the Ministry electronically in a predefined format. Tenure data is submitted to FTA and RRS, and silviculture data to RESULTS. (FTA, RRS and RESULTS are described in Table 1-3. Spatial data which accompany submissions are also submitted in electronic format and stored in SNCSC and FTA or RRS. The spatial data is then captured and stored in the BC Geographic Warehouse (BCGW). Licensees can submit applications for CPs, RPs or amendments to permits through ESF.</p> <p>The link to the ESF Guides offers the following PDF documents:</p> <p><a href="#">Industry ESF Submission Guide</a></p> <p><a href="#">Industry &amp; BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework</a></p>
<a href="#">Client Management System</a> (CLIENT)  (Ministry only)	<p>CLIENT is the system used by Ministry to manage the names, addresses and business relationships of corporate clients and individuals who do business with the Ministry.</p>
<a href="#">Jasper Corporate Reporting System</a>	<p>Jasper is a Ministry web-based corporate reporting tool. It is available to Ministry staff and licensees for information reporting and operational support. Licensees can view and produce a variety of reports on certain information contained in Ministry databases.</p>
<a href="#">iMapBC</a>	<p>iMapBC provides view access over the web to the information in the BCGW and provides querying and report generating tools.</p>

### Activity-Specific Applications

A summary of each application is outlined in Table 1-3 below for each of the forestry business activities shown in Figure 1-1.

Table 1-3 Business Applications

Activity	System & Link	Details
<b>Forest Stewardship Planning</b>	<a href="#">FSP Tracking System</a>	FSP Tracking System is an electronic repository of spatially enabled Forest Stewardship Plans. Forest Licensees, BC Timber Sales and Ministry users can electronically manage FSP submissions, determinations and retrieve plans post approval.
<b>Cruise/ Appraisal</b>	<a href="#">E-Commerce Appraisal Application System (ECAS)</a>	ECAS is an electronic commerce application for transmitting appraisal data between forest licensees and the Ministry.
<b>Forest Tenure and Permit Administration</b>	<a href="#">Forest Tenure Administration (FTA)</a>	FTA is an internal application that supports forest tenure administration and tenure registry business requirements of the Ministry. Licensees and BCTS make tenure submissions to FTA only through ESF (See ESF in Table 1-2). FTA is not accessible to licensees.
	<a href="#">Tenure Mapping Service (TMS)</a>	TMS validates and displays a graphical map of electronic submissions destined for the FTA via the ESF (see Table 1-2). Once the submission is ready, the user uploads the file for processing through FTA.
<b>Road Authorization Applications</b>	<a href="#">Resource Roads System (RRS)</a>	RRS is an internal application that is similar to FTA but supports the administration of forest road authorizations. RRS is not available to holders of road authorizations.
<b>Road Tracking</b>	Land Resource Manager Operations (LRMOPS) – need access to <a href="#">CITRIX</a>	LRMOPS spatially displays roads and allows users to add, update and query attribute information on roads thereby facilitating the management of forest roads by Field Services Staff.
<b>Notification &amp; Inspection</b>	Compliance Information Management System (CIMS)	CIMS is used by Compliance and Enforcement staff to track inspections and related actions.

Activity	System & Link	Details
<b>Submitting and Reviewing Cutting Permit and Road Permit Applications</b>	<a href="#">Natural Resource Online Services – Staff Portal</a> (NROS)	<p>NROS is the one-stop information hub for all Natural Resource Services where licensees can electronically submit and manage applications for Road Use Permits and Cutting Permit Amendments as well as over 180 other natural resource activities and authorizations.</p> <p>The Staff Portal of NROS enables authorized staff to receive and review all application submissions from the Client Portal.</p>
<b>Scaling</b>	<a href="#">Mark Site Designation</a> (MSD)	MSD allows industry to see which scale sites a timber mark can be scaled at, and conversely, shows which timber marks can be scaled at a particular site.
<b>Timber Harvest and Stumpage Billing</b>	<a href="#">Harvest Billing System</a> (HBS)	HBS is a web-based application that collects daily scale data from the scale site. Process samples, invoice piece scale and weight returns are recorded. Audit, reconciliation and a variety of reporting capabilities are available for use by the Ministry, industry and public. It can also report on appraisal data and do cut/cruise comparisons.
<b>Silviculture Obligation Reporting</b>	<a href="#">Reporting Silviculture Updates and Land status Tracking System</a> (RESULTS)	<p>RESULTS tracks silviculture information by tracking silviculture activities and obligation compliance as required by forest legislation.</p> <p>Silviculture data submitted under ESF is linked to spatial information to ensure consistency in the geographic information. Information is always instantly accessible to both Ministry and forest industry staff either online or through various reports. All data (including Spatial data) is replicated to the BCGW and can be viewed in RESULTS using MapView.</p>
<b>Adjudication – Status and Clearance</b>	<a href="#">Status and Clearance Service Component</a> (SNCS)	SNCS is an internal application where all forest, range, recreation, road and other non-tenure file-types are adjudicated, and the Exhibit A created. All tenure applications are approved here before issuance. SNCS is not available to licensees or holders of road authorizations.

Activity	System & Link	Details
Waste assessment	<a href="#">Waste System</a>	The Waste System is a web-based system which allows clients to submit waste assessment plans and data. Waste information can also be submitted by licensees through ESF. Ministry district staff can approve or reject the submitted Annual Plans, Reporting Units and Blocks online. Once linked to the Harvest Billing System, waste invoices are automated.
Forest Tenures Application Training and Resources	<a href="#">Forest Tenures Applications Training and Resources - FRAM / IFP (FTA5) Project - Confluence (gov.bc.ca)</a>	Provide internal staff with training and support resources relating to the newly launched suite of web-based forest tenure administration systems and provide updates on tenure administration processes.

### 1.3.1 Spatial Data Repositories

Ministry corporate databases are shared and maintained by other agencies within government. District input of CP and RP information is an essential part of the upkeep of the following provincial government databases:

#### 1.3.1.1 BC Geographic Warehouse

The [BC Geographic Warehouse](#) (BCGW) is the corporate repository for land, resource and geographic data that supports a variety of business requirements for the natural resource sector, other government agencies, industry and the public.

#### 1.3.1.2 Integrated Land and Resource Registry

The [Integrated Land and Resource Registry](#) (ILRR) provides a single source of information on 262 different legal interests on Public land (tenures, regulated uses, land and resource use restrictions and reservations) that are visually represented on a map and available to the public using a web browser. The ILRR also contains information on Public land parcels, private land parcels (where available), administrative boundaries (e.g., forest districts, electoral boundaries) and base map information (topography, grids, etc.).

## PART 2 CUTTING PERMIT ADMINISTRATION

### 2.1 THE ROLE OF THE CUTTING PERMIT

A CP is a cutting authority that authorizes timber harvest on a specific area, in accordance with rights and obligations under agreements that require a cutting authority prior to harvest. For

example, a Forest Licence (FL) provides the non-exclusive right to an Allowable Annual Cut (AAC) of timber within a Timber Supply Area (TSA), but authority to harvest a specific area of the TSA is granted through the issuance of a CP. In another example, a TFL grants the 'exclusive' right to Crown timber over the agreement area; however, the TFL holder must obtain a CP prior to harvesting a specific area of the TFL.

Note that unless it is otherwise encumbered, timber on an area of Public land, is available until a cutting authority or agreement that provides exclusive harvesting rights is issued for that area. Established operating areas or approved operational plans do not provide rights to apply for a cutting authority or exclude others from applying.

The purposes of the CP include:

- defining the cutting authority area (through an Exhibit A map)
- specifying areas reserved from cutting, if applicable
- setting a term for the cutting authority (beginning and expiry date)
- identifying a unique timber mark (or marks where multiple timber marks apply) for timber harvested under the CP
- specifying whether stumpage billing and cut control charges will be based on cruised or scaled volume
- authorizing the construction and maintenance of on block roads, and the industrial use of these roads.

## 2.2 CPS AND KEY LEGISLATION

### 2.2.1 Forest Stewardship Plans

**NOTE: References to 'licence(s)' and 'agreement(s)' in this section do not include WLS.**

Section 3(1) of *FRPA* prohibits holders of a "licence" (defined as a major licence<sup>1</sup>, TSL requiring a FSP, or Community Salvage Licence) or an "agreement" (defined as a Pulpwood Agreement or CFA) from harvesting timber (or constructing a road) unless they hold an approved FSP that includes a FDU containing the timber harvesting (or road building) area. This *FRPA* requirement does not, restrict the issuance of a CP (or RP) to a licence or agreement holder without an approved FSP, but it does restrict the holder from commencing harvesting operations under a CP (or constructing roads under an RP) until the subject area is covered by a FDU in an approved FSP.

Section 4(1) of *FRPA* provides exemptions that allow timber harvesting (or road construction) outside of a FDU of an approved FSP, (despite the requirement under *FRPA* Section 3(1)), for the following purposes:

- a) harvesting timber to eliminate safety hazards

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<sup>1</sup> "Major licence" is defined in Section 1 of the *Forest Act* and includes FLs, TFLs, and other agreements.

- b) harvesting timber for collection of seed (maximum 1 ha. opening)
- c) removing felled trees from landings and road rights of way
- d) harvesting up to 500m<sup>3</sup> of timber that, in the opinion of the Minister, is a) in danger of being significantly reduced in value, lost or destroyed due to insects, disease or fire, or b) is treated, or will be treated, for the elimination of pests, or
- e) other prescribed purposes.

Section 4(2) of *FRPA* allows for timber harvesting (or road construction) without an approved FSP, (despite the requirement in *FRPA* Section 3(1)), for one or more of the purposes listed in a) to e) above, or if the operations will be carried out in prescribed circumstances or under prescribed conditions.

There is no requirement for a CP to be consistent with an FSP, and issuance of a CP should not be refused because it does not appear to be consistent with an FSP. However, if the operations carried out under the CP are not consistent with the FSP the agreement holder would be subject to compliance and enforcement action under *FRPA*.

Section 19 of *FRPA* states that an amendment of a FSP, or the approval, or refusal of approval, of a FSP does not affect a CP (or RP) that was in place immediately before the amendment of a FSP or the approval, or refusal of approval, of a FSP. This includes mandatory amendments to FSPs under *FRPA* Section 8. Consequently, it is the FSP in place at the time harvesting under a CP begins that applies to the operations under the CP, regardless of an amendment to the FSP or the approval, or refusal of approval, of a FSP.

Section 3(1.1) of *FRPA* allows the harvesting of timber (or constructing of roads) under a CP (or RP) despite the expiry of a FSP if the CP (or RP) was issued prior to the expiry of the FSP.

The [Administrative Guide to Forest Stewardship Plans, FRPA General Bulletin #7](#) and [FRPA General Bulletin #13](#) contain additional information regarding FSPs and CPs.

### **2.2.2 Woodlot Licence Plans**

Section 12(1) of *FRPA* requires an approved WLP to be in place prior to timber harvesting (or road construction) on a WL. In addition, Section 12(2) of *FRPA* requires that a WL holder be issued a CP (or RP) only if it is consistent with a WLP. Consequently, an approved WLP is required prior to the issuance of a CP for a WL, and the CP must be consistent with the WLP.

Section 12(3) of *FRPA* provides for an exemption from the requirements of Section 12(1) and Section 12(2) in prescribed circumstances and conditions that involve forest health emergencies or damaged timber that is in danger of being significantly reduced in value, lost or destroyed. Section 5(3) of the *Woodlot Licence Regulation* states these prescribed circumstances and conditions as: 1) enabling the WL holder to harvest timber damaged by natural causes, and 2) to address conditions created by persons other than the WL holder.

Section 19 of *FRPA* states that the amendment of a WLP or the approval, or refusal of approval, of a WLP does not affect a CP (or RP) that was in place immediately before the amendment of a WLP or the approval, or refusal of approval, of a WLP. Section 15 of *FRPA* states that mandatory

amendments to WLPs under that Section do not apply to active CPs (or RPs). Consequently, it is the WLP in place at the time harvesting under a CP begins that applies to the operations under the CP, regardless of an amendment to the WLP or the approval, or refusal of approval, of a WLP.

Section 12(1.1) of *FRPA* allows the harvesting of timber (or constructing of roads) under a CP (or RP) despite the expiry of an WLP, if the CP (or RP) was issued prior to the expiry of the WLP.

### **2.2.3 CPs, Wildlife Tree Retention Areas and other FRPA Reserves**

The following is a summary of how Wildlife Tree Retention Areas (WTRAs) are administered with respect to CPs. See [FRPA General Bulletin #15 Managing and Tracking Wildlife Tree Retention Areas](#) for more information.

The CP is issued through an agreement in accordance with the *Forest Act* and provides the authority to harvest timber within the area defined in the issued CP. While the *Forest Act* provides the authority to harvest, *FRPA* defines the practice requirement to be applied on the area under the CP, and this includes the requirement for WTRA.

Prior to annual WTRA reporting an agreement holder is responsible for the unreported WTRA and can move the unreported WTRAs, without an exemption.

In accordance with Section 86(3) of the *FPPR*, agreement holders (and BC Timber Sales (BCTS)) must submit an annual report of WTRA areas to the Minister before June 1 of each year. The WTRA report must include WTRAs in any areas where timber harvesting was completed during the previous reporting period (12 months) and include the location and approximate size of the associated WTRAs. Once a WTRA has been reported an exemption is required to amend the reported WTRA, in accordance with *FPPR* Section 91(2), unless the proposed amendment is consistent with an alternate result and strategy in an approved FSP or WLP that provides the licensee with the authority to amend the WTRA.

Once the WTRA is reported, the licensee has met their obligation and the WTRA becomes the responsibility of the Minister. Note the reported WTRA must be maintained, until the CP area associated with the WTRA meets rotation age targets set in legislation or an FSP or WLP.

Additional information and guidance on WTRAs are provided in the following:

- [Sections 2.4.4 Status and Clearance](#) and [2.6.2 CP Doc Components – Schedule B-Reserved Timber](#)
- [FRPA General Bulletin #15, Managing and Tracking Wildlife Tree Retention Areas](#)

### **2.2.4 CPs, Licence AAC and other Agreement Provisions**

Agreements sometimes have unique provisions that can affect the eligibility of the CP application. For example, an agreement could state that a CP application must be consistent with the provisions in the applicant's agreement including any area restrictions and specified timber types.

In addition, the rights provided in an agreement are subject to the terms of the agreement and legislation including cut control provisions, AAC available (as defined in the *Forest Act*) and AAC partition orders (if any). See [section 2.5.2 Application Adjudication](#) for examples.

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### 2.2.5 CPs and Potential Non-Compliance with Plans, Orders and Cut Control

As a courtesy, staff can contact an agreement holder if they are concerned that issuance of a CP may lead to non-compliance with an approved FSP, spatial or non-spatial *Government Actions Regulation* (GAR) orders, AAC Partition Orders, cut control provisions or any other potential non-compliance situations that may occur if a CP is issued under a CP application; however, issuance of a CP must not be withheld if the agreement holder does not respond or does not share the same concerns. If, however, the agreement holder does recognize that issuance of the CP as submitted may lead to non-compliance situation they may wish to withdraw the CP application and submit a revised CP application.

If operations under the issued CP do result in a non-compliance situation, the CP holder will be subject to compliance and enforcement action, and/or administrative penalties.

## 2.3 CUTTING PERMITS AND ABORIGINAL INTERESTS

The purpose of the consultation process is to identify impacts of crown conduct on Aboriginal or Treaty rights (“Aboriginal Interests”) and accommodate those impacts where it is appropriate to do so.

Government has an obligation to ensure that potentially impacted First Nations have been adequately consulted regarding administrative and statutory decisions under agreements and the Forestry Legislation, including the issuance of a CP, and CP postponement. To support transparency in government processes and government-to-government relationship building, First Nations consulted on initial cutting permit decisions should be notified of subsequent decisions such as a CP amendment or extension of a CP postponement and actions where there is no decision, such as cancelation (rescinding) of a CP postponement. Certain subsequent decisions on cutting permits may also require additional consultation, depending on the circumstances and the potential impacts on Aboriginal Interests.

The Ministry [Aboriginal Rights and Title Policy](#) and associated [Consultation Guidelines](#) provide Ministry staff with guidance when making statutory and administrative decisions or taking other actions that may affect Aboriginal Interests.

Also applicable to the issuance of CPs (and RPs) are [FRPA Administration Bulletin Number 1](#) and the [Administrative Guide to Forest Stewardship Plans](#).

These documents provide direction and guidance regarding:

- Why the adequacy of consultation with First Nations must be considered by any decision-maker prior to making administrative and statutory decisions on behalf of the Crown.
- The need for a preliminary strength of claim assessment of asserted Aboriginal rights and title that may exist within the area in question and the potential impact the decision may have on those interests to determine the appropriate depth of consultation. As Treaty rights and proven Aboriginal rights and title are established rights, the depth of consultation is based solely on the seriousness of impact assessments. (Refer to [the](#)

[Administrative Guide to Forest Stewardship Plans Volume I](#) and the most recent guidance to Ministry staff from First Nations Relations Branch).

- What must be considered prior to a decision and the potential forms of accommodation (policies and the [Administrative Guide to Forest Stewardship Plans](#)).
- The consultation process for the development and review of FSPs ([section 4.2.2 of the Administrative Guide to Forest Stewardship Plans Volume I](#)).
- Advice on communications with First Nations in the post-FSP approval phase ([section 1.4.2 of Administrative Guide to Forest Stewardship Plans Volume II](#)).

The policy and guidance documents referenced above must be considered when deciding on the adequacy of First Nations consultation and, if appropriate, accommodation prior to making a decision regarding issuance of a CP or granting a CP postponement. The [accommodation](#) guide should also be considered when a CP amendment is requested or a CP postponement is cancelled (rescinded).

The [FRPA Administration Bulletin Number 1](#) and the [Administrative Guide to Forest Stewardship Plans](#) acknowledge that there are few detailed operational information requirements for an FSP and that situations will likely arise where a First Nation seeks further relevant site-specific information. Consequently, when reviewing an FSP, a statutory decision-maker may accept the adequacy of consultation with respect to the FSP while recognizing that further consultation and information sharing may be required later, such as where a First Nation requests relevant operational information at the CP stage that was not available at the FSP stage. Furthermore, the decision-maker may become aware of Aboriginal Interests that may be impacted only after seeing more detailed information.

There could be delays and uncertainty in the CP issuance or postponement process if operational details are not made available until submission of the CP application and, while Ministry staff cannot insist on early information sharing, it is in the agreement holder's best interest to ensure that enough operational details are available to the First Nation sufficiently prior to the CP application to facilitate consultation and appropriate accommodation.

The Ministry's policy and guidelines recommend consulting with First Nations early in the CP process; however, even if early consultation occurs, the decision-maker still has an obligation to ensure that, at the time of the decision, the consultation process (i.e. deep consultation vs notification) has been adequate and impacts on Aboriginal Interests have been addressed and, where appropriate, accommodated.

The following are some examples where the decision maker could determine that additional consultation, notification, and/or accommodation is required:

- a court order determines that there has been an infringement of Aboriginal Interests that include the area under the CP
- First Nations have identified outstanding impacts on their Aboriginal Interests not already addressed in the consultation process

- detailed information regarding Aboriginal Interests that will be affected by the proposed Operational Plan have been made available by the First Nation to the agreement holder; however, that information has not been adequately addressed in the Operational Plan
- the First Nation requests operational information that was not available at the time the Operational Plan was approved
- the agreement holder has not provided a summary of First Nations information sharing or engagement
- there has been a commitment by government to a consultation process at the CP stage (e.g., in a consultation protocol, or interim measures agreement)
- accommodation options to address known or newly identified Aboriginal Interests do not appear to have been discussed with the First Nation or adequately considered in the opinion of the decision-maker, and
- any other situation that, in the opinion of the decision-maker, warrants additional First Nation consultation.

If the decision maker is considering refusing to issue or postpone a CP because of a concern regarding outstanding impacts on Aboriginal Interests or a potential infringement, advice should be requested from the district First Nations Relations Advisor, the Regional First Nations Relations Manager, or Indigenous Relations Branch who will liaise with the Ministry of Attorney General as necessary.

## **2.4 CUTTING PERMIT ISSUANCE PROCESS**

Figure 2-1 illustrates the process for CP issuance. Note that procedures may vary to suit district-specific circumstances.



### **2.4.1 CP Application**

The following guidelines apply to most agreements that provide for CPs.

#### *2.4.1.1 Content of the CP Application*

Agreements typically require that a CP application include:

- a map or spatial/.xml file of one or more proposed cutblocks (developed according to ESF standards and submitted into FTA and SNCSC)
- appraisal data and information (gathered and compiled in accordance with the [Coast](#) or [Interior](#) Appraisal Manual and submitted through the E-Commerce Appraisal Application System [ECAS]), and
- a proposed term (not to exceed 4 years or the term of the agreement).

Some agreements also require CP applications to include "a description acceptable to the District Manager of any timber that is reserved from cutting". Guidance on the need to describe reserved timber in the CP is contained in section [2.4.3.2 Exhibit A Map Boundary](#) and [section 2.6.2 under 'Schedule B - Reserved Timber.'](#) It is optional to include mapping of proposed WTRAs at the same time as the CP application but outside the ESF submission. Submitted WTRAs should not be included on the Exhibit A map of the cutting authority area. For additional guidance on wildlife tree retention see section 2.2.3 and 2.4.4.

#### *2.4.1.2 Form of CP Application*

The form of a CP application must be acceptable to the District Manager. For example, the District Manager may specify that the application:

- include maps or spatial/.xml file of a specific scale
- identify reserved timber a certain way
- provide reference numbers for the associated ESF and ECAS submissions.

The District Manager may also require other information that is reasonably required to make the decision to issue the CP and reasonable to obtain; however, information must be specific to the CP. The District Manager should seek legal advice if they are unsure if the information, they want to request would be considered reasonable.

Staff should ensure that agreement holders understand the District Manager's requirements for CP applications.

### **2.4.2 Spatial Data Integrity**

Spatial data integrity is an important component of a CP application and requires verification of spatially geo-referenced data. The confirmation of the spatial data must provide a high level of certainty on the location of area under the CP and its relationship with other values delineated on Public land. The confirmation of the spatial data and potential for conflict is addressed through the SNCSC process discussed in section 2.4.4.

#### *2.4.2.1 Cutblocks in the CP Application*

A CP is made up of one or more cutblocks. (See definition of cutblock in the Glossary and section 2.4.3.1). Cutblocks included in a single CP application must be fully within the area authorized under the agreement. Where agreements have a requirement for 'proximate' cutblocks, the District Manager can establish an interpretation of 'proximate,' consistent with the applicable Appraisal Manual ([Coast](#) or [Interior](#)).

#### *2.4.2.2 CP Application Overlapping an Existing Cutting Authority*

A CP's cutting authority area cannot overlap another cutting authority area unless the rights authorized under the CP are different from the rights under the other cutting authority. For example, a CP could be issued for a cutblock with a provision excluding previously decked timber and then the decked timber would be sold under a Forestry Licence to Cut (FLTC).

A Fibre Supply Licence to Cut (FSLTC) for timber removal only can, however, be issued overtop of an active CP if the waste assessment (if applicable) has been completed for the specific area/cutblock(s) identified in the proposed FSLTC.

#### *2.4.2.3 Two or More Applications for the Same Timber*

If more than one application for a cutting authority (CP or other authority listed in Table 1-1) is submitted for the same timber, the applications should be processed based on a first-come, first-served policy using the date and time that a complete application/proposal is submitted. See section 2.4.1-2.4.3 for what constitutes a complete application.

If during processing, an application/proposal is deemed ineligible (see section 2.5), the application/proposal could be rejected and the next complete application/proposal processed.

In the case of an amendment to an application/proposal, the date that the complete amendment request was submitted will become the date used for determining first-come, first-served, unless the amendment was due to forest management reasons that, in the district manager's opinion, were not reasonably foreseeable.

Applications that were submitted after the first application should not be rejected until a cutting authority for the timber is issued. This allows for a CP to be issued to the next earliest application should the earliest application not proceed.

Note that an ESF submission into FTA will show that a CP or TSL is at the planning stage. If there has been a previous ESF submission for the same area, a conflict will be indicated; however, that automated conflict flag is not the determining factor for which application/proposal is first in line. All aspects of the application must be complete to determine who is first and the application must be eligible (see section 2.5.1) to remain first in line.

### **2.4.3 Exhibit A Map Process**

The Exhibit A Map process is described below. For further instruction on the CP process for submissions, status and clearance and finalizing the Exhibit A maps see the [SNCS user manual](#).

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#### *2.4.3.1 Cutblock Mapping Conventions*

The cutting authority area can consist of one or more cutblocks, with each cutblock comprising a single or multi-part polygon. The spatial and naming rules for cutblocks are described in the guideline for integrating spatial mapping standards across Ministry business areas (see section [Error! Reference source not found.](#)).

#### *2.4.3.2 Exhibit A Map Boundary*

The Exhibit A map typically defines the boundary of the cutting authority area with a bold black line. This could include one, or more than one, cutblock.

Cutblocks with ‘tails’ are not an acceptable alternative to permitted road access. If access to an adjacent cutblock is required, a RP should be obtained (see section 3.6.1 RP Applications).

The cutting authority area in the Exhibit A map must include all areas of merchantable timber that can be harvested according to appraisal data and maps. There may be scenarios where the Exhibit A map describes more area than the appraisal map(s). For example, additional area of non-merchantable timber may be required for access. Another example is the Exhibit A map including a landing area that is outside a helicopter-logged cutblock.

To prevent redundant and potentially inconsistent requirements, the Exhibit A map should not identify reserves that are required and enforceable under *FRPA* such as WTRAs, which if they are internal, contiguous or external are immaterial to issuing a cutting authority.

The Exhibit A map may indicate areas that are excluded from harvesting if they are under a different cutting authority or otherwise encumbered, restricted or unavailable, e.g., area-based agreement, private land, Part 13 designated area, statutory right of way, etc.

Where partial retention harvesting is proposed, trees that are being left should be identified as reserved trees in Schedule B and possibly shown on the Exhibit A map consistent with partial retention information in the appraisal data and maps. (See section 2.6.2 CP Doc Components – Schedule B - Reserved Timber).

Exhibit A maps for blanket CPs will typically indicate a general cutting authority area within which harvesting will be restricted to certain timber profiles by clauses in the CP (e.g., blowdown, special forest products, etc.); however, for ease of administration it is recommended that a separate CP for Public land and a separate CP for Private Land be created.

#### *2.4.3.3 Exhibit A Mapping Standards*

Standards for preparation of Exhibit A maps are outlined in [Exhibit A Mapping and Clearance Processing Manual for Tenure Administration](#).

The [Mapping Requirements Guide](#) also provides information on various mapping standards including field data standards.

#### 2.4.4 Status and Clearance

Prior to issuing a CP, the Ministry must ensure that the proposed area is Public Land (or private land within a TFL or WL) and that there are no pre-existing rights that conflict with the proposed CP. The Exhibit A process identifies conflicts (status) and adjudicates them (clearance).

Adjudication reports may identify existing authorizations, orders or land use designations, but most conflicts would not provide a rationale for refusing to issue a CP as it is the CP holder's responsibility to be aware of existing authorizations prior to applying for the CP. In addition, the CP application does not require information to demonstrate the plan for the area under the CP. For example, where harvesting has been completed on a CP, information regarding the associated WTRA is reported to RESULTS annually by the licensee and stored spatially in the BCGW. During a CP application, reported WTRA areas within the BCGW will show up in the adjudication report as a 'conflict.' However, this is not a tenure-rights conflict that would cause the CP to be held up or rejected. The 'conflict' status is intended to flag a WTRA-CP overlap. The flag ensures Ministry staff are aware of any WTRA conflicts identified in the adjudication report and should trigger a professional conversation with the CP applicant regarding the conflict. The CP applicant must then decide whether they wish to proceed with the application, apply for an exemption, or amend their harvesting plan with consideration to their legal and professional obligations. Refer to [FRPA General Bulletin #15](#) for more information on the administration of WTRAs.

If there is information in the adjudication report that indicates the proposed harvesting operations in the CP application will conflict with existing rights, e.g., timber harvesting rights have been granted to another person, or a Ministerial Order of an established Part 13 Designated Area, the District Manager may refuse to issue the CP or issue the CP with appropriate restrictions (if authorized); however, once an application is received, the Ministry must not unilaterally adjust the cutting authority area boundary. It is up to the agreement holder to decide if they will submit a revised CP application.

The adjudication report has no contractual role and must not be included in the CP.

## 2.5 CUTTING PERMIT APPLICATION ELIGIBILITY AND ADJUDICATION

### 2.5.1 CP Application Eligibility

As described in sections 2.3 and 2.4, CP applications must be reviewed by district staff to ensure that the applicant is eligible for the CP and that other interests on the proposed area have been adequately addressed. District staff should verify that:

- The agreement associated with the CP is active, i.e., not suspended, cancelled, or expired.
- The application is in a form that is acceptable to the District Manager.
- The application is consistent with the agreement provisions including Parts of the agreement that address Grant of Rights and Term, Timber Disposition and CPs and RPs, if applicable.
- For a NRFL and a major FLTC with a CP, the CP area is located within an FDU of an approved FSP or be exempted under Section 4 of *FRPA* from the requirements for a FSP (*FRPA* requirement).
- In the case of a Woodlot Licence, Section 12(2) of *FRPA* requires that a WL CP application must be consistent with an approved WLP. Consequently, an approved WLP must be in place for a WL CP application to move forward.
- The CP application map(s) submitted by the agreement holder through ESF and the appraisal information submitted through ECAS are both acceptable.
- There are no conflicts that would prevent the issuance of the CP. For example, the area under the CP application is currently under a CP issued to another person, or the area under application has exclusive rights granted to another person through an area-based agreement.

### 2.5.2 CP Application Adjudication

Issuance of a CP from an eligible application is not discretionary, i.e., the decision maker must issue the CP unless issuance of the CP would contravene a provision within the agreement or legislation that provides authority to refuse or delay the issuance of the CP. This adjudication process would involve consideration of the following:

- If a court order applies to the area under the CP and or First nations identified in the court order.
- If consultation with First Nations has identified that the issuance of the CP or operations under the CP may result in adverse impact to Aboriginal Interests or a potential infringement of determined established Aboriginal right(s) or Treaty right(s) that have not been adequately accommodated.
- If an operational plan for an area was approved and the District Manager later determines, based on information that was not known to the person who granted the approval, that the plan will continue or result in a potential unjustifiable infringement of a Treaty or Aboriginal interest in respect of the area, Section 77.1 of *FRPA* allows the Minister to vary or suspend a CP to the extent the Minister considers necessary.
- In accordance with Section 12 of *FRPA* the CP application from a WL must be consistent and within an approved WLP or is exempted under *FRPA* from the requirement for a WLP.

- Under Part 13 (Designated Areas) of the *Forest Act* the Minister through a Ministerial Order may direct a District Manager to not issue a CP or to vary the CP to reflect the Designated Area.
- Under Section 81 (Eligibility) of the *Forest Act* and the *Performance Based Harvesting Regulation*, the District Manager may refuse to issue a CP, or attach special conditions, if the rights under the agreement are under suspension, the agreement holder has failed to provide the required security deposit for the agreement or has failed to perform an obligation under a CP or RP associated with the agreement.
- Under Section 81.1 of the *Forest Act* the District Manager must refuse a CP application if the Minister determines that issuance of the CP (or RP) would compromise the government objective relating to protection of BCTS interests as per the [Refusal of Cutting Permit or Road Permit Regulation](#).
- A CP application could be refused if the application is for more timber than the applicant reasonably has rights to. This applies to all replaceable and non-replaceable agreements. Note that the potential of a volume attribution in the future should not be a relevant consideration regarding the decision to issue a CP.
- In the case of a non-replaceable agreement, the District Manager may refuse to issue the CP if the volume harvested under the CP would exceed the maximum volume under the agreement or if the proposed term of the CP would exceed the term of the agreement.
- The CP application could be refused if it would not be consistent with provisions in the agreement. For example, agreements that provide rights to specific timber types or terrain types.

In some cases, legislation requires that the applicant be notified in writing with rationale for why a CP application is being refused (see [Performance Based Harvesting Regulation](#) and [Refusal of Cutting Permit or Road Permit Regulation](#)). In addition, most agreements require notice, within 45 days from the date the application is received, if a CP application cannot be issued because requirements of the application have not been met, First Nations consultations are being conducted or the CP application is being refused (for reasons described above); however, if the 45 days is exceeded without notification, the District Manager can still refuse the application or continue to delay issuance with valid rationale, i.e., the CP application is not automatically rejected or issued if the 45-day timeline is not met, but reasonable efforts must be made to meet this timeline.

Table 2-1 below provides a list of potential issues that may involve a CP application, the available actions to the decision maker and the authority for those actions.

Table 2-1 CP Adjudication Considerations

Potential Issue	Available Actions	Authority
Court order applies to the area under the cutting permit or the impacted First Nations (i.e. court determination of infringement of Aboriginal rights or Treaty rights)	Vary or suspend, in whole or in part, or refuse to issue CP in accordance with court determination.  May include conditions in Schedule A of the issued CP (with the assistance of the Ministry of Attorney General)	Court Order
Outstanding impacts on First Nations Aboriginal Interests	CP issuance may be delayed, refused or have conditions attached to accommodate impacts on Aboriginal Interests.  Note that any conditions attached must be discussed with impacted First Nations in order to be considered an accommodation measure.	Provisions in CP/RP section of agreements.
CP application is from a WL and is not consistent with the WLP and has not been exempted from the requirement for a WLP.	CP may be refused.	FRPA Section 12.
Part 13 Designated Area and Ministerial Order cover part or all of CP area.	Minister may direct the District Manager to not issue CP or to issue with terms and conditions.	Forest Act Section 173 (Designated Areas).
Issuance of CP would compromise government objectives regarding BCTS operations.	CP may be refused.	Forest Act Section 81.1 and <a href="#">Refusal of Cutting Permit or Road Permit Regulation</a> .

Potential Issue	Available Actions	Authority
The CP application is for more or different timber than the agreement holder reasonably has rights to.	CP may be refused. Applies to all replaceable and non-replaceable agreements.	<i>Forest Act</i> Section 1 'definition of AAC available' and <i>Forest Act</i> Part 4 Division 3.1 Cut Control.  Agreement provisions.
Rights under the agreement are under suspension, the agreement holder has failed to provide the required security deposit or has failed to perform an obligation under a CP or RP associated with the agreement.	CP may be refused or special conditions attached.	<i>Forest Act</i> Section 81 and the <a href="#">Performance Based Harvesting Regulation</a> .
For a non-replaceable agreement, the volume harvested under the CP would exceed the maximum volume under the agreement or the proposed term of the CP would exceed the term of the agreement.	CP may be refused.	<i>Forest Act</i> Section 1 'definition of AAC available' and <i>Forest Act</i> Part 4 Division 3.1 Cut Control.  Agreement provisions.

## 2.6 CUTTING PERMIT DOCUMENT PREPARATION AND ISSUANCE

### 2.6.1 CP Templates

Generic permit templates are maintained on the Forest Tenures Branch (FTB) internal SharePoint site and are also available in FTA. To ensure using the latest version of the generic templates, and to access background information and guidance, it is recommended that permit templates be downloaded from the FTB SharePoint site.

FTB SharePoint site (Ministry access only): [FTB SharePoint site](#)

### 2.6.2 CP Document Components

The components of the CP document listed here are discussed in the following sections:

- **Main body** (standard clauses)
- **Schedule A** (other conditions and requirements)
- **Schedule B** (reserved timber)
- **Exhibit A** (map describing the cutting authority area).

## Main Body

**Note:** CPs are part of the agreements they are issued under and must be consistent with that agreement and the *Forest Act*. The main body of the CP template has been reviewed by legal counsel. Consequently, to avoid risk to Government, and the agreement holder, **do not modify any wording in the main body of a CP**. Contact Area Tenures or FTB if there is a specific operational requirement that is not being met by wording in the current templates.

The main body of the CP template is designed for all agreements. The sections within the main body are described briefly in Table 2-2.

Table 2-2 CP Template Parts

Part	Description	Guidance
<b>Cutting Permit Area and Term</b>	Provides cutting authority to the area described in the Exhibit A map (see section 2.6.4).  Sets the term and commencement date (issue date).  Addresses amendments and extensions to the CP.	The commencement date is the date the permit is issued (i.e., the date the CP is signed by the District Manager).
<b>Other Conditions and Requirements</b>	States standard conditions and requirements that apply to the CP.	This section should not be modified or added to.
<b>Waste Assessment</b>	States that a waste assessment must be performed as per the <a href="#">Provincial Logging Residue and Waste Procedures Manual</a> .	This section should not be modified or added to.
<b>Timber Marks</b>	Identifies the timber mark to be applied to timber removed from the CP area and requires marking in the prescribed manner.	Each CP must have one timber mark. An exception is a CP within a TFL or WL that covers Public land and private land described in Schedule A of the agreement. TFLs could also have a third timber mark for the same CP if the CP area covered a TL associated with the TFL.
<b>Scale Based Volume or Cruise-Based Volume</b>	Separate clauses apply depending on whether the CP will have stumpage billed according to scale or cruise data.	Ensure the correct scale method is identified.
<b>Roads</b>	Authorizes construction or modification of roads within the CP cutblocks.	This section should not be modified or added to.

Part	Description	Guidance
<b>Miscellaneous</b>	<p>Links the Schedules and Exhibit A to the CP and the CP to the agreement.</p> <p>Requires notification when primary logging is complete and again when timber removal is complete.</p>	This section should not be modified or added to.

### Schedule A – Other conditions and requirements

The Schedule A consists of other conditions and requirements that have been deemed necessary for a specific CP. As with the main body of the CP, the Schedule A clauses form part of a legal document and it is imperative that their contents be consistent with legislation and the agreement.

To avoid causing risk to government, and agreement holders, do not create new Schedule A clauses that are not supported by legal counsel.

If there is an operational requirement that cannot be met with the current CP content, contact Area tenures staff who will work with FTB, and legal counsel to develop an appropriate optional clause, if necessary, or confirm that a previously used clause is appropriate for the current situation.

Before requesting a new or revised clause, consider the following:

- The clause must be consistent with the agreement and legislation.
- The purpose of the clause must be consistent with the role of the CP (i.e., related to cutting authorization not the regulation of forest practices).
- The clause must be essential to meet operational circumstances or government objectives that are unique or specific to a regional goal, site-specific requirement or a client group.
- The person issuing the permit must have the authority to impose the clause.
- Enforcement authority must exist, and compliance should be measurable.
- The clause must not restate a requirement or obligation already specified in the agreement, legislation or approved FSP or WLP.

### Schedule B – Reserved Timber

Schedule B describes timber that is reserved from cutting under the CP.

As discussed in section 2.2.3 it is not appropriate to include WTRAs or other *FRPA* reserves in Schedule B of a CP.

The following circumstances would warrant inclusion in Schedule B:

- Wildlife Tree Patches for a CP issued under a Forest Development Plan (FDP) approved under the *Forest Practices Code of British Columbia Act*. See below for guidance from [FRPA General Bulletin 8](#).

- partial cutting retention – the specific retention objectives should be detailed
- timber that the agreement does not provide rights to, for example live/undamaged timber in an agreement that was issued in a salvage situation or where a licence is restricted to a particular type of timber or a particular type of terrain
- MSMA-treated trees reserved from removal
- seed trees, deciduous or other timber reserved for reasons other than that required to be reserved in the FSP or WLP and under *FRPA* (e.g., riparian management areas or proposed WTRAs).

Normally, timber reserved or partial cutting under Schedule B will be identified as reserved in the appraisal data and maps. To prevent confusion with waste assessments, the Schedule B wording should be consistent with the appraisal information i.e. it should detail the expected size, species, number and location of retained trees. In some cases, it may be appropriate for the Schedule B clause to cross-reference the reserved timber in the appraisal information if it can be done in a way that is clear and definitive.

### **Exhibit A map**

The Exhibit A map describes the external limit of the cutting authority area. It must not indicate any operational planning restrictions or appraisal data. It is strictly a method of describing the area authorized for harvest (see section 2.4).

## **2.6.3 Additional Guidance for CPs**

### *2.6.3.1 Term*

The term should be what the licensee applied for, provided it is consistent with the agreement and legislative restrictions e.g., it would not be appropriate to issue a CP with a 4-year term (maximum term permitted for a CP) for an agreement that expires in 2 years.

### *2.6.3.2 Authorizing Landings Outside of Cutblocks*

Heli-logging or other circumstances may require the use of a landing site located away from the cutblock where the trees are being harvested. Operators require authority to use such sites. The recommended approach is for the CP application to include the landing site as one of the cutblocks within the CP that is being harvested. Under the CP, the holder has both occupation and harvesting rights. If no harvesting is needed at the landing site, the appraisal information will show 0 m<sup>3</sup> of timber for that cutblock.

It is also possible to authorize a heli-logging landing under a SUP; however, this would normally be for longer-term use as SUPs involve deposits and annual rent.

## **2.6.4 CP Issuance**

In accordance with the agreement, the District Manager must issue a CP when satisfied that the CP application is eligible, and the application has been adjudicated against all criteria that could result in refusal of the CP (see section 2.5.2).

No rationale is needed to for issuing a CP. However, a written rationale to the applicant is warranted if the CP application is refused by the District Manager or other authorized official.

Upon issuance the CP holder immediately has the right to harvest the timber described in the CP for the term of the CP, subject to the terms and conditions of the CP, the agreement and Forestry Legislation. Note that authority to occupy Public land for the purposes of harvesting timber under the CP is typically contained in the agreement.

CP cover letters are optional and, if included with the CP, must not contain any conditions, directions or exemptions and must not state that it “is an integral part of the cutting permit and should be attached thereto” or something similar.

## **2.7 ADMINISTERING ACTIVE CUTTING PERMITS**

This section describes the following activities related to CP administration:

- General CP Activities
- CP Amendments
- CP Extensions
- CP Postponements
- Ending a CP (expiry, surrender, suspension/cancellation).

### **2.7.1 General CP Activities**

Once a CP is active, administrative activities related to harvesting on the CP are as follows:

- Prior to harvesting timber, the agreement holder must provide notification of commencement to the District Manager in accordance with Section 85 of the *FPPR* and Section 74 of the *WLPPR*.
- The agreement holder must mark timber using the mark identified in the CP, and the timber must be scaled (see section 1.2.2 and 1.2.3).
- The agreement holder must conduct waste assessments after harvesting operations are completed (see section 1.2.2).
- Compliance inspections, if conducted, are completed by Compliance and Enforcement staff.
- Billings for stumpage and waste are issued see section 1.2.2).

See section 1.3 for Systems information on these activities.

### **2.7.2 CP Amendments**

All changes to the cutting authority area require an amendment to the CP. Only the agreement holder can apply for the amendment and the application must meet the same requirements as a new application. Only the District Manager signs CP amendments; they are not countersigned by the applicant.

Depending on the size and nature of the CP amendment a re-appraisal may be required, or it could invoke a retroactive rate change as per the [Coast](#) or [Interior](#) Appraisal Manual.

CP amendments can be in a letter format and should contain a statement such as: “This amendment forms an integral part of cutting permit and should be attached to it.”

Note that *FRPA* provisions allowing changes without re-submission (Section 30 of the *FRPA Forest Planning and Practices Regulation* and Section 21 of the *WLPPR*) only affects operational plan amendments, **not** CP amendments. The CP cannot be indirectly amended by an operational plan or exemption nor by any other approvals. Despite any operational plan changes, the cutting authority area and the permit clauses remain in force unless they are amended by the District Manager.

### **2.7.3 CP Extensions**

A CP may be extended in certain circumstances as described below. An extension fee may apply.

#### *2.7.3.1 Extensions for CPs Issued on or after November 4, 2003*

Section 58.1 of the *Forest Act* enables CP holders of CPs issued on or after November 4, 2003, to apply for an extension of one year or less, provided:

- the agreement does not prohibit extension
- the CP was not issued under a licence to cut
- the CP’s initial term plus previous and current extensions will not exceed 4 years
- the CP is still active, rights are not under suspension, and
- an extension fee is paid in accordance with Section 18 of the [Advertising, Deposits, Disposition and Extension Regulation](#) (unless the fee is waived—see below).

The District Manager has discretion to reject the extension application if, in their opinion, the extension would prevent the fulfillment of an obligation under the *FRPA* or the *Forest Practices Code of British Columbia Act (FPC)*.

#### *2.7.3.2 No Extensions for CPs issued before November 4, 2003 ('legacy CPs')*

It is no longer possible to extend (or postpone) a CP that was in effect on November 4, 2003. In accordance with *Forest Act* Section 58.201, CPs that were in effect on November 4, 2003, and were still in effect on November 25, 2021, (the date Section 58.201 came into force) were extended until November 25, 2022.

CPs that were in effect on November 4, 2003, and expire after November 25, 2022, expire on the date indicated on the CP (if they were extended in accordance with the, now repealed, Section 58.2 of the *Forest Act*), but they cannot be further extended (or postponed). For further details refer to the March 3, 2022, memo [“Transition for Cutting Permits in effect on November 4, 2003”](#).

#### *2.7.3.3 CP Extension Fees*

Section 18 of the *Advertising, Deposits, Disposition and Extension Regulation* specifies the extension fee, which is reduced by up to 90% based on the amount harvested under the CP prior to the extension application.

Section 58.1 (6) of the *Forest Act* allows the Minister or Regional Executive Director (see May 10, 2005, memo in section 4.7) to waive the fee for a CP extension at the request of the holder provided the reasons for the extension are: 1) based on circumstances beyond the holder's control, and 2) unrelated to the holder's financial situation.

The following list outlines examples of the circumstances the Minister or Regional Executive Director may wish to consider in making this decision:

- The permittee's opportunity to harvest was limited by factors beyond their control such as weather conditions, fire or other catastrophic event, unforeseen consultation requirements, or blockades.
- The actions of other operators in the surrounding area impacted the CP holder's ability to harvest.
- The permittee's operations shifted to address forest health, salvage or other situations that reflected proper forest management and where time was of the essence.

Poor market conditions should not be a consideration in waiving extension fees.

#### **2.7.4 CP Postponement**

Section 58.21 of the *Forest Act* allows the holder of a CP issued on or after November 4, 2003, to apply for postponement of CP operations for up to 2 years, in accordance with the *Cutting Permit Postponement Regulation*. Postponement of a CP shifts the active period of the CP forward for the postponed timeframe, and it prohibits the exercise of any CP rights during the period of postponement.

The regulation specifies the only circumstances under which a CP can be postponed:

- To enable harvesting of other timber that is in danger due to forest health factors, if postponement will not harm the value of the deferred timber.
- If continued harvesting would result in an adverse effect on reforestation or an unacceptable fire hazard.
- When access to the timber isn't available due to circumstances beyond the holder's control and unrelated to the holder's financial position or market conditions.

The effective date of a postponement is determined by the Minister and can be on or after the date of the postponement application. Additional provisions apply to the effective date of a postponement to CPs issued on or after November 4, 2003, and before June 1, 2007—see *Forest Act* Section 58.21(3).

Section 58.21(4) of the *Forest Act* authorizes the Minister to grant extensions to a CP postponement of up to 2 years upon application from the CP holder. The Minister may refuse the CP Postponement if not consistent with the circumstances stated above, or the term of the CP postponement and the time remaining on the CP would exceed the term of a non-replaceable Forest Licence or a Forestry Licence to Cut.

Section 58.21(5) of the *Forest Act* states that the CP holder must not exercise any rights granted under the CP during the period of postponement. Therefore, it is recommended that a CP

postponement be issued after all cut and decked timber has been removed from the area under the CP, where and when practicable. In addition, the CP holder can, and must, carry out any obligations imposed by the forestry legislation regarding the CP area while the CP is postponed including achieving Free Growing, fire hazard abatement and waste assessments.

A postponement ends after the postponement period expires, or the CP holder requests the CP postponement be rescinded (cancelled). When a CP postponement ends all rights under the CP return.

In accordance with *Forest Act* Section 58.21(8)(c), if a CP postponement is rescinded, no new postponements or extensions to an existing postponement can be granted for that CP; however, if the postponement expires because the end of the postponement period was reached, new postponements for the CP can be granted, and extensions to the existing postponement are possible.

Prior to approving a CP postponement, the District Manager must be satisfied First Nations consultation has been adequate. During consultation process staff should communicate the term of the postponement, that extensions are possible and that, upon receipt of an application from the CP holder, the Minister must rescind the postponement (see Section 58.21(7) of the *Forest Act*). Including this information in the consultation process provides an opportunity to address potential impacts early in the consultation/notification process.

Additional First Nations consultation may be required prior to extension or cancellation of a CP postponement, depending on the total length of the postponement, if landscape changes may have altered the results of the original consultation, if new information has been made available or a court order applies to the area under the CP and or impacted First Nation.

Figure 2-2 illustrates the business process for CP postponement with integrated FTA instructions.

Refer to the [Cutting Permit Postponement Policy dated 2008 08](#) for additional information.



Figure 2-2 Process Map for CP Postponement

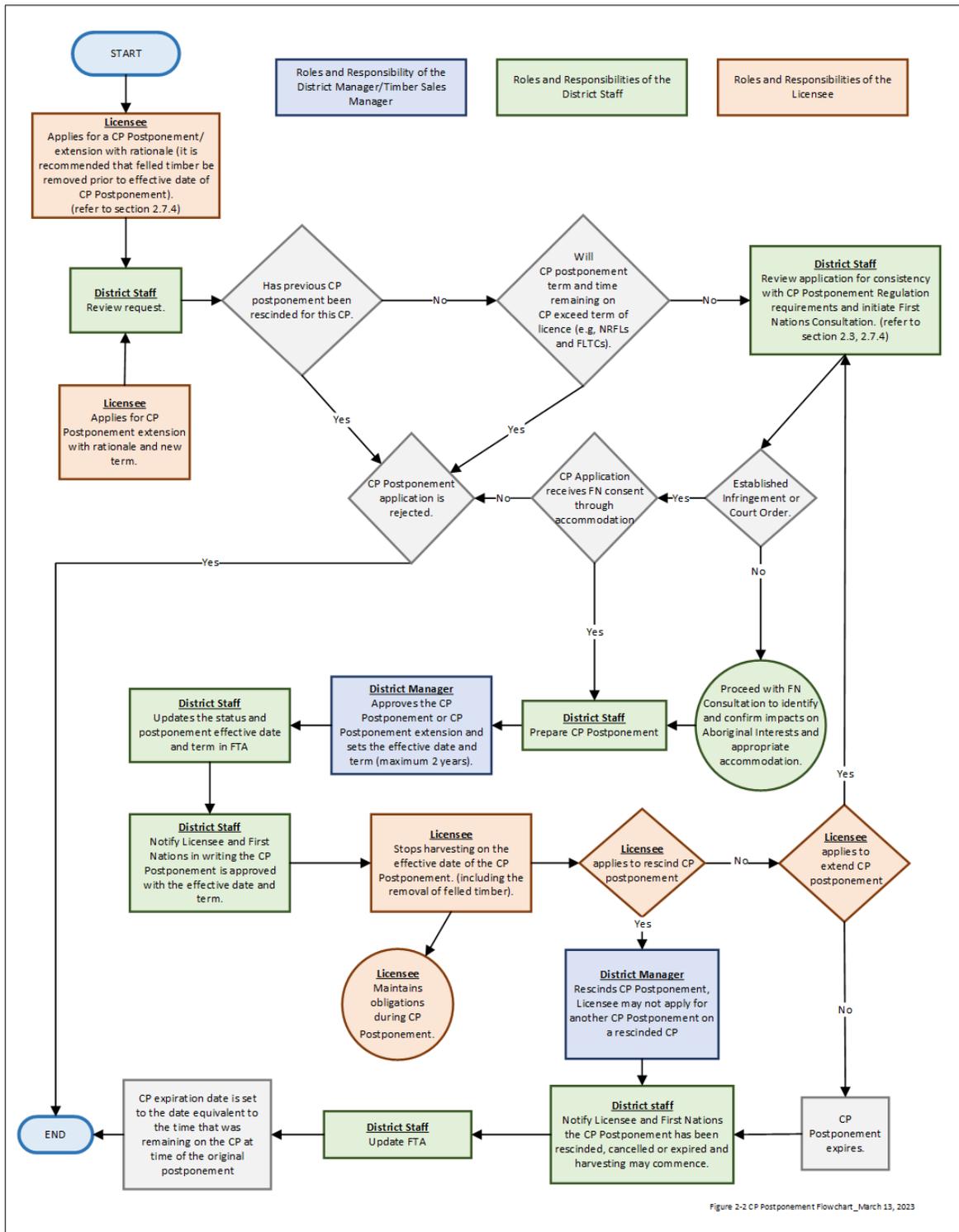


Figure 2-2 CP Postponement Flowchart\_March 13, 2023

## CP Expiry

After the holder of the CP gives commencement notification (see section 2.7.1) there is no further requirement to report cutblock activity until primary logging is complete on a cutblock.

At the end of the term specified in the CP, the permittee's rights expire regardless of whether all timber has been harvested. The permittee's obligations, however, continue until fulfilled as per Section 79 of the *Forest Act*.

Key Points Regarding CP Expiry:

- It is not required, or recommended, that advance notice of CP expiry ('closure' or 'deletion' letters) be provided to the CP holder.
- In FTA, the status code for an expired CP needs to be manually changed to "HC" (closed). Prior to HC, the licensee should have changed the status of all cutblocks in the CP to "LC" (logging complete) or "S" (Silviculture) by updating the RESULTS information.
- Inspections can continue after CP expiry because obligations continue. (See Section 79 of the *Forest Act*.)
- Waste assessments and billings can be done after CP expiry. There is no need to extend the CP term to facilitate monetary billings.

If there has been no harvesting on a CP that expires, the waste assessment procedures state that a waste bill will not be issued (see [Waste Manual](#)).

### 2.7.5 CP Surrender

A cutting permit may be surrendered; however, all cutblocks in the cutting permit will be subject to the Take or Pay rules as described in the [Provincial Logging Residue and Waste Measurement Procedures Manual](#). Consequently, if there has been no harvesting, waste billing is not done. If there has been harvesting, a surrendered CP will be subject to a waste assessment including on any remaining standing timber. The District Manager does not have the authority to waive waste billing.

Note that for the purposes of Take or Pay, when determining if there has been timber harvesting, the waste manual excludes felling and removal of timber from roads (both in-block roads and any roads within the cutblock that are under Road Permit).

It is possible for two licensees to 'trade' an unharvested CP as follows: Licensee A notifies the District Manager of the wish to surrender their unharvested CP and that Licensee B will apply for the exact same area under their licence. The district waits until the application from Licensee B is received and verifies that it is identical to the existing CP held by Licensee A, including that the appraisal information is identical. The district then cancels the CP issued to Licensee A and issues a new CP to Licensee B, including a new timber mark for the CP.

### 2.7.6 CP Variance, Suspension and Cancellation

Under *Forest Act* Section 168, Public land may be specified as a 'designated area' for up to 10 years. 'Permits, licences and plans,' including CPs, located in a designated area can be suspended,

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in whole or in part, or varied under *Forest Act* Section 170. Once the area ceases to become a designated area, permits, licences and plans can be restored.

If an agreement is suspended under Section 76 of the *Forest Act*, CPs issued under the agreement are also suspended; however, in some cases, individual CPs or even parts of CPs can be suspended.

If an agreement is cancelled under Section 77 of the *Forest Act*, CPs issued under the agreement are also cancelled.

Under Section 79 of the *Forest Act*, the holder of a suspended or cancelled CP remains responsible for the obligations under the agreement including those relating to CPs issued under the agreement.

## **2.8 MANAGING SPECIAL CIRCUMSTANCES**

The following sections address special circumstances that may arise during CP administration.

### **2.8.1 Blanket Salvage CPs**

‘Blanket salvage CPs’ and ‘Bark Beetle Salvage CPs’ have been an efficient and effective way to facilitate harvest of minor, scattered volumes of salvage timber such as blow-down or special forest products in old cutblocks. A single timber mark and Exhibit A that covers the salvage area are key features of these permits.

Appraisal methods and special cruising methodology, which includes exemptions, were developed for blanket salvage permits and are updated from time to time.

Currently, the following directive and guidelines address the use of blanket CPs:

- A July 3, 2014, memo from the Deputy Minister re: Blanket Salvage Cutting Permits. (see copy in section 4.7)
- The [Interior Appraisal Manual](#) has specific requirements for Blanket Salvage Permit amendments for the North and South Areas.

### **2.8.2 Changes Affecting Stumpage Rates**

#### **Changing site plans after CP is issued**

*FRPA* allows an agreement holder to amend a site plan without seeking authorization. If an agreement holder amends the plan and causes some additional timber to be reserved, it will not change the cutting authority area nor require a CP amendment. The agreement holder will pay for the additional timber that has been reserved as part of the volume of a cruise-based CP or as standing waste if the CP is scale based.

### **2.8.3 CPs under an Agreement that is Subdivided, Consolidated or Transferred**

#### **Subdivision and Consolidation**

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Subdivision or consolidation of FLs or TFLs or consolidation of WLs may require associating existing issued CPs to a different agreement. For example, a person holding an agreement that is being subdivided under the *Forest Act* may propose that certain existing CPs be associated with the newly created agreement. Conversely, if two or more agreements held by an individual holder are being consolidated, all existing CPs need to be associated with the consolidated agreement.

Refer to [Agreement Subdivision and Consolidation Guidelines](#), May 1, 2008, for advice and business rules for CPs affected by subdivision (section 7.1.3 of the Guidelines) or consolidation (section 7.2.3 of the Guidelines).

### **Transfers**

If an agreement is being transferred, a Request for Approval of an Intended Transfer must list all tenures and RPs involved. There is no requirement to specify the CPs under the agreement being transferred. If the Minister or their delegated decision maker approves a transfer and issues a Notice of Approval, and if the parties proceed with the transfer, the parties must submit a Notice of Completion of the transfer when they have completed their transaction. Upon receipt of the Notice of Completion, staff are responsible for completing the various licence administration requirements including the updating of the files and systems.

Note that it is not a legal requirement to directly amend the agreement or CPs to reflect a completed disposition; however, for TFLs, FTB staff should create an 'instrument by transfer', which is an instrument that does not require a signature as it is made effective by the ministerial decision under Section 54.2 of the *Forest Act*. For other agreements, such as FLs, WLs, etc., Area staff can initiate an amendment to the licence document using the FS 3 Amendment form. The instrument and amendments, as well as the Notice of Completion, must be placed on appropriate files and the licence document itself may be updated at the earliest opportunity e.g., at agreement replacement, subdivision or consolidation.

For more information, refer to the guidance for agreement dispositions on the [Timber Tenure Transfers and Dispositions](#) website.

### **2.8.4 Danger Trees and Other Cutting or Harvesting Outside the CP Area**

Cutting or harvesting timber without a cutting authority or other authorization is a contravention of Section 52 of *FRPA* and subject to compliance and enforcement actions. This includes 'incidental' harvest of timber for purposes such as beetle sanitation, salvage, etc.

Work Safe BC requires that timber harvesting be conducted in a safe manner. Consequently, the CP document includes an authorization under Section 52(1)(b) of *FRPA* for cutting of dangerous trees outside of the CP area. While Section 52(1)(b) of *FRPA* can authorize cutting of dangerous trees outside of a CP, it cannot authorize utilization or removal of those trees. Consequently, a separate *Forest Act* authorization would be required to allow utilization or removal of danger trees cut under *FRPA* Section 52(1)(b), including areas outside the cutting permit area.

To ensure that the rights of others are not impacted, a status clearance must be done for the any areas where authorization of cutting dangerous trees, outside of a CP, will be provided. Status

clearance of CP areas often provides information for an area 20 metres beyond the cutting authority boundary. If this is not the case, or if the CP will authorize cutting of dangerous trees greater than 20 metres from the CP boundary, status clearance should be sought for that greater distance prior to providing the right to cut dangerous trees outside the CP area.

The Schedule A clauses cannot authorize harvesting within *FRPA* reserves. Practice requirements are separate from permit requirements. For example, there is no flexibility for danger trees to be taken from reported WTRAs. Although many wildlife trees could be considered dangerous trees, they cannot be cut unless an FSP has approved results and strategies that specifically enable cutting of danger trees in WTRAs. If an FSP does not provide the authority to cut in WTRAs, an exemption is required under *FRPA* Section 66.

## PART 3 FOREST ROAD ADMINISTRATION

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Note: The [Engineering Manual](#) also addresses Forest Road Administration and is referred to throughout this part of the manual for additional information where applicable.

### 3.1 CLASSIFICATION OF FOREST ROADS

Forest roads are classified as follows:

#### Status Roads

Status roads are roads on Public land that are under a form of government authorization including forestry authorizations described in section 3.2 and authorizations under other natural resource Acts including those related to oil and gas and mineral tenures. Depending on the authorization, tenured roads may have one, or more than one, industrial user.

#### Non-status Roads

Non-status roads are roads on Public land that are not covered by any form of government authorization. The origin of non-status roads varies but includes roads constructed without authorization and roads that were constructed with authorization but have since been abandoned.

#### Private Roads

Private roads are roads built on privately owned (fee simple) forest land. Forest tenure agreement holders have no right to construct, maintain or use private roads unless they obtain permission from the registered owner; however, in some cases private roads are associated with an agreement, e.g., private land portions of TFLs or WLs. These agreements often require that other agreement holders be allowed to use private roads associated with the WL or TFL. If an agreement holder wishes to use private roads they should receive consent from the WL or TFL holder prior to use and ensure that the use does not impact the operations of the holder, contravene any operational plans or certification schemes or damage the road.

### 3.2 FOREST ROAD AUTHORIZATIONS

The following section describes five forest road authorizations.

#### 3.2.1 Forest Service Road (FSR)

Section 1(1) of the *Forest Act* defines a 'Forest Service Road (FSR)' as "a road on Public land that is declared under this Act or the former Act to be a forest service road". Section 120.1 of the *Forest Act* authorizes the minister to declare a road on Public land to be an FSR if the road is:

- under a RP (if this occurs the minister must grant the holder of the road permit a RUP). See section 3.10.2.1.

- a ‘forest resource road’ as per Section 21.1 of *FRPA*
- constructed or maintained by the Minister under Section 121(1) of the *Forest Act* or is on private land taken by the Minister under that Section, or
- on land dedicated to government under Section 121(8) of the *Forest Act*.

FSRs are managed by the ministry for persons involved in timber harvesting, silviculture and natural resource development purposes, and for use by the public. ‘Industrial’ use of FSRs is granted through issuance of RUP (see section 3.2.3). FSRs are administered primarily through *FRPA* which addresses authorized uses of FSRs, responsibility for maintenance and other topics (see section 3.3.4—3.3.6).

### **3.2.2 Road Permit (RP)**

#### **Availability and rights**

In accordance with Section 115(1)(a) of the *Forest Act*, a person who has the right to harvest timber under a FL, TSL, TL, ‘area-based licence’ (defined as a TFL, CFA, FNWL or WL), Christmas Tree Permit (CTP) or FLTC may apply for an RP to construct a road on Public land or maintain a road on Public land, other than an FSR.

Section 115(2) of the *Forest Act* states that an application under 115(1)(a) must be granted subject to *Forest Act* Section 81 (which describes grounds for rejecting applications).

Section 116 of the *Forest Act* states that a road permit granted to construct a road must also grant the right to harvest Crown timber, if the permit issuer is satisfied Crown timber must be harvested to construct the road.

#### **Permit content**

Section 118 of the *Forest Act* specifies that RPs must:

- describe the location of the road (as described on an Exhibit A map)
- authorize use, maintenance and deactivation of the road
- if the RP is granted under *Forest Act* Section 115(2), authorize road construction
- require the holder to pay stumpage and conduct waste assessments, if the RP grants the right to harvest timber.

Section 118 of the *Forest Act* also specifies that a RP may:

- authorize the use of sand and gravel pits and rock or other quarries in the road right of way
- specify the date the road must be deactivated, or
- include other terms and conditions.

Section 118 of the *Forest Act* states that RPs associated with TSLs many include provisions that specify standards and programs established by standard making bodies, require holders of the permits to meet those standards or programs and specify how the holder must conduct operations to meet the standards and programs.

In addition to the content required under Section 118 of the *Forest Act*, RPs may also:

- indicate the timber mark(s) that apply to the harvest of timber during construction of the road, if applicable (see section 3.8.3.3)
- set an expiry date for the RP.

### **3.2.3 Road Use Permit (RUP)**

**See section 1 of the Engineering Manual for additional information regarding issuance and administration of RUPs.**

#### **Availability and rights**

In accordance with Section 115(1)(b) of the *Forest Act*, a person who has the right to harvest timber under a FL, TSL, TL, 'area-based licence' (defined as a TFL, CFA, FNWL or WL), CTP or FLTC may apply for a RUP to use an FSR for a 'timber harvesting purpose' (as defined in Section 21.1 of *FRPA*). Section 115(4) of the *Forest Act* states the RUP must be granted if the permit issuer is satisfied that use of the FSR will not adversely affect authorized users of the road or compromise an FSP or WLP.

Section 117 of the *Forest Act* authorizes the granting of an RUP to a person who wishes to use an FSR for a 'natural resource development purpose' (as defined in Section 21.1 of *FRPA*). The permit issuer must be satisfied that the use of the FSR will not cause inordinate disturbance to the environment, adversely affect authorized users of the FSR or compromise an FSP or WLP.

Typically, a RUP authorizes use of one or more 'segments' (defined in section 3.5.4) of an FSR. Section 79 of *FRPA FPPR* allows the District Manager to order the holder of a RUP to assume surface maintenance obligations for the segments covered by the RUP.

RUPs cannot authorize timber harvesting. If the holder of a RUP needs to harvest timber for any reason, including removal of danger trees, they must obtain authorization before doing so. Options for the RUP holder to obtain timber harvesting authorization include obtaining an Occupant Licence to Cut (OLTC) or an authorization under Section 52 of *FRPA*. Alternatively, the RUP holder could contact agreement holders that have timber harvesting rights in the vicinity who may be willing to harvest timber under their agreement.

#### **Permit content**

Section 119 of the *Forest Act* specifies that a RUP must describe the FSR that the holder may use, and that the RUP may include terms and conditions consistent with the *Forest Act*, *FRPA* and the *Wildfire Act*.

The RUP may assign the RUP holder as a designated maintainer responsible for maintenance or assign fees for maintenance and use. In addition, the RUP may include the term of the permit, dimensions and weights of vehicles that may use the FSR and other conditions and requirements.

### 3.2.4 Special Use Permit (SUP)

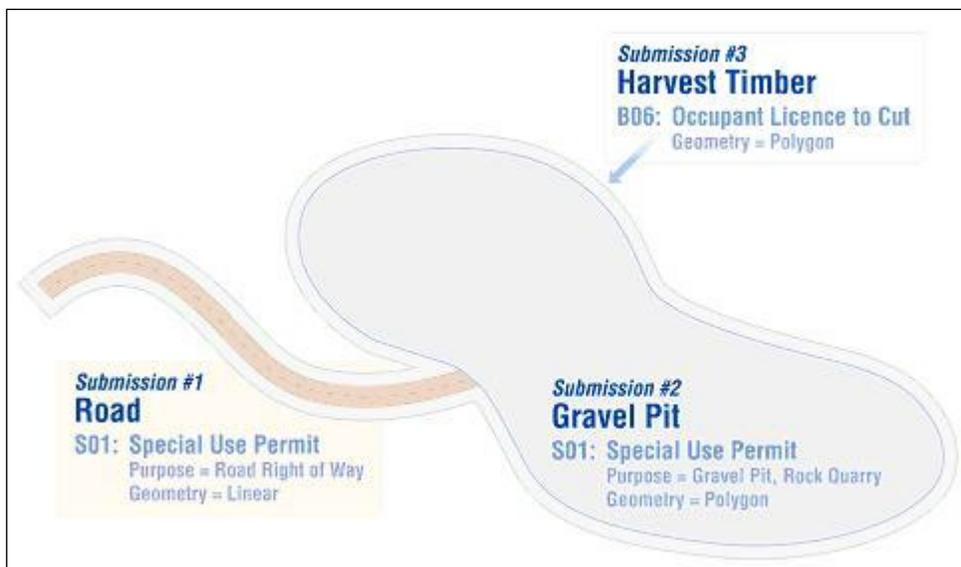
Special Use Permits (SUPs) are issued in accordance with the *Provincial Forest Use Regulation* under the *Forest Practices Code of British Columbia Act*. SUPs can include an authorization for the construction, maintenance and use of roads by the holder of a claim, lease, permit or other authorization granted or *issued* under the *Land Act*, *Coal Act*, *Mineral Tenure Act*, *Mines Act* or the *Mining Right of Way Act*.

SUPs can also authorize use of pits and quarries on Public land for road building materials.

For example, if a SUP road leads into a gravel pit, the following submissions would be required (at the same time or sequentially; Figure 3-1):

- **Submission #1:** SUP for Road, Right of Way
- **Submission #2:** SUP for Gravel Pit, Rock Quarry
- **Submission #3:** OLTC for the clearing and removal of timber from the area under the SUP area (i.e., road and the gravel pit, if necessary).

Figure 3-1 Illustration of SUP example



SUPs are not an appropriate means of authorizing road construction for timber harvesting under agreements and must not be used in place of a RP or RUP or for purposes related to a or for a commercial operation (i.e., selling of gravel). If a person requires authorization for a commercial operation they must apply for a *Land Act* tenure in accordance with the *Land Act*.

In addition, SUPs must not be used to authorize road construction over Public land to access private land. If a person requires access over Public land to harvest timber on private land that is associated with an agreement, e.g., a WL or a TFL they should apply for an RP. Otherwise persons wishing access over Public land to access private land should apply for a *Land Act* tenure.

SUPs can only be issued within a Provincial Forest and cannot authorize the cutting and/or removal of timber. An OLTC or an *FRPA* Section 52 authorization is required if timber harvesting is necessary to construct a SUP road; refer to [Forest Act vs FRPA Section 52 Bulletin](#).

The issuance process for SUP roads is contained in the [SUP Administration Manual](#).

### **3.2.5 Cutting Permit**

In addition to a cutting authority, CPs can authorize the construction, maintenance and use of a road that is within a cutblock (on block road). The CP also provides the authority to harvest timber as part of road construction.

CPs cannot authorize roads that connect cutblocks. See section 3.10.1.1.

## **3.3 FOREST ROADS AND KEY LEGISLATION**

### **3.3.1 Minister's authority to build roads**

*Forest Act* Section 121 authorizes the Minister, for the purpose of providing access to timber and other purposes under the *Forest Act*, *FRPA* and the *Wildfire Act*, to:

- construct and maintain roads
- enter on and take possession of private land and roads and trails on private land
- enter onto private land and take road building materials
- enter onto private land and construct and maintain drains, and
- enter into agreements with landowners that provide for the dedication of land to the government for use as a road.

Section 121 of the *Forest Act* also includes compensation related to the taking of private land and improvements for establishing roads.

### **3.3.2 Forest Stewardship Plans and Woodlot Licence Plans**

#### *3.3.2.1 Forest Resource Roads and FRPA Compliance*

Section 22 of *FRPA* states that a person must not use, construct, maintain or deactivate an FSR or 'forest resource road' except in accordance with *FRPA*, any FSP or WLP.

All persons that are using a road for industrial or 'natural resource development purposes' require an RP, an RUP or a road use agreement with the holder of the RP. If one of these cannot be achieved the minister may grant an exemption in accordance with *FRPA* Section 22.1(4) if the use does not negatively impact forest resources. In addition, *FRPA* Section 22.1(5) allows the minister to include conditions such as term and purpose of use. *FRPA* Section 22.1(6) requires that the person granted the exemption for a RP must maintain the area under the exemption in accordance with *FRPA* *FPPR* and the applicable FSP or WLP.

### 3.3.2.2 Forest Stewardship Plans

**NOTE: References to ‘licence(s)’ and ‘agreement(s)’ in this section do not include WLs.**

Section 3(1) of *FRPA* prohibits holders of a “licence” (defined as a major licence<sup>1</sup>, TSL requiring a FSP, or Community Salvage Licence) or an “agreement” (defined as a Pulpwood Agreement or CFA) from constructing a road (or harvesting timber) unless they hold an approved FSP that includes a FDU containing the road construction (or timber harvesting) area. This *FRPA* requirement does not, however, restrict the issuance of a RP (or CP) to a licence or agreement holder without an approved FSP, but it does restrict the holder from commencing road construction operations under a RP (or timber harvesting under a CP) until the subject area is covered by a FDU in an approved FSP.

**Section 21.1 of *FRPA* defines several terms as they apply to *FRPA* Division 2—Roads including: ‘construct’, ‘forest resource road’, ‘modify’, ‘natural resource development purpose’, ‘right of way’, ‘significant road work’, ‘silviculture purpose’ and ‘timber harvesting purpose’.**

Section 4(1) of *FRPA* provides exemptions that allow road construction (or timber harvesting) outside of a FDU of an approved FSP, (despite the requirement under *FRPA* Section 3(1)), for the following purposes:

- f) harvesting timber to eliminate safety hazards
- g) harvesting timber for collection of seed (maximum 1 ha. Opening)
- h) removing felled trees from landings and road rights of way
- i) harvesting up to 500m<sup>3</sup> of timber that, in the opinion of the Minister, is a) in danger of being significantly reduced in value, lost or destroyed due to insects, disease or fire, or b) is treated, or will be treated, for the elimination of pests, or
- j) other prescribed purposes.

Section 4(2) of *FRPA* allows for road construction (or timber harvesting) without an approved FSP, (despite the requirement in *FRPA* Section 3(1)), for one or more of the purposes listed in a) to e) above, or if the operations will be carried out in prescribed circumstances or under prescribed conditions.

There is no requirement for a RP to be consistent with an FSP, and issuance of a RP should not be refused because it does not appear to be consistent with an FSP. However, if the operations carried out under the RP are not consistent with the FSP the agreement holder would be subject to compliance and enforcement action under *FRPA*.

Section 19 of *FRPA* states that an amendment of a FSP, or the approval, or refusal of approval, of a FSP does not affect a RP (or CP) that was in place immediately before the amendment of a FSP or the approval, or refusal of approval, of a FSP. This includes mandatory amendments to FSPs under *FRPA* Section 8. Consequently, it is the FSP in place at the time road construction under a

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<sup>1</sup> “Major licence” is defined in Section 1 of the *Forest Act* and includes FLs, TFLs, and other agreements.

RP begins that applies to the operations under the RP, regardless of an amendment to the FSP or the approval, or refusal of approval, of a FSP.

Section 3(1.1) of *FRPA* allows the constructing of roads or harvesting of timber under a RP (or CP) despite the expiry of a FSP if the RP (or CP) was issued prior to the expiry of the FSP.

The [Administrative Guide to Forest Stewardship Plans](#), [FRPA General Bulletin #7](#) and [FRPA General Bulletin #13](#) contain additional information regarding FSPs and CPs.

### **3.3.2.3 Woodlot Licence Plans**

Section 12(1) of *FRPA* requires an approved WLP to be in place prior to road construction (or timber harvesting) on a WL. In addition, Section 12(2) of *FRPA* requires that a WL holder be issued a RP (or CP) only if it is consistent with a WLP. Consequently, an approved WLP is required prior to the issuance of a RP for a WL, and the RP must be consistent with the WLP.

Section 12(3) of *FRPA* provides for an exemption from the requirements of Section 12(1) and Section 12(2) in prescribed circumstances and conditions that involve forest health emergencies or damaged timber that is in danger of being significantly reduced in value, lost or destroyed. Section 5(3) of the *Woodlot Licence Regulation* states these prescribed circumstances and conditions as: 1) enabling the WL holder to harvest timber damaged by natural causes, and 2) to address conditions created by persons other than the WL holder.

Section 19 of *FRPA* states that an amendment of a WLP or the approval, or refusal of approval, of a WLP does not affect a RP (or CP) that was in place immediately before the amendment of a WLP or the approval, or refusal of approval, of a WLP. Section 15 of *FRPA* states that mandatory amendments to WLPs under that Section do not apply to active RPs (or CPs). Consequently, it is the WLP in place at the time road construction under a RP begins that applies to the operations under the RP, regardless of an amendment to the WLP or the approval, or refusal of approval, of a WLP.

Section 12(1.1) of *FRPA* allows the constructing of roads or harvesting of timber under a RP (or CP) despite the expiry of an WLP, if the RP (or CP) was issued prior to the expiry of the WLP.

### **3.3.3 Notice of Road Construction**

Section 85(1) of the *FRPA FPPR* requires that agreement holders notify the District Manager before beginning construction of a road that is not a temporary access structure (for timber harvesting) or re-starting these activities after an inactive period of 3 months or more. Notifications are submitted through the NROS Portal. For more information on the process for Notice of Road Construction, refer to the [NROS user guide/manual](#).

### **3.3.4 Use of Forest Roads**

Section 22.1 of *FRPA* states that, unless the use is related to operations associated with an agreement under the *Range Act*, a person must not use an FSR for a 'timber harvesting purpose', 'silviculture purpose' or 'natural resource development purpose' unless the person is authorized under a RUP. Section 22.1 of *FRPA* allows the minister to exempt a person from this requirement

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if satisfied the person's use will not: 1) unnecessarily impact forest resources, 2) materially affect the use of the road by others or 3) materially increase the need for road maintenance.

Section 22.11 of *FRPA* states that, unless the use is related to operations associated with an agreement under the *Range Act*, a person must not use a 'forest resource road' for a timber harvesting purpose or a silviculture purpose unless under a RP, CP, WL, TSL or FLTC issued to that person or a RP, WL or TSL issued to another person, or an SUP issued to another person.

Section 22.11 of *FRPA* also states that a person must not use a 'forest resource road' for a natural resource development purpose unless: 1) the person is authorized to use the road under an SUP, 2) the road is authorized under an RP, WL or SUP held by another person, 3) the road was constructed under authorities relating to coal or mineral tenures or 4) the road is authorized under the *Geothermal Resources Act* or *Petroleum and Natural Gas Act*.

Exemptions from the requirements under Section 22.11 of *FRPA* can be granted by the minister if satisfied that that the person's use of the 'forest resource road' will not unnecessarily impact forest resources. A person granted an exemption must maintain the road for the duration of use and comply with any conditions imposed by the minister.

Section 22.12 of *FRPA* requires that a person who: 1) intends to use an FSR for a 'timber harvesting purpose', 'silviculture purpose,' or 'natural resource development purpose;' or 2) use a road authorized under an RP, CP, WL, TSL or SUP for a 'timber harvesting purpose', 'silviculture purpose,' or 'natural resource development purpose,' must provide the minister or, if applicable, the holder of a RUP who has the obligation to maintain an FSR, at least 6 days' notice before the date the person will begin using the road or a prescribed date, if any. This does not apply if the person's use of the road is related to operations associated with an agreement under the *Range Act*.

### **3.3.5 Road Maintenance**

Section 22.3 of *FRPA* defines 'person responsible for maintaining a road' as the holder of an RP, WL, RUP with FSR maintenance obligations or the minister for prescribed FSRs, and states that person may require, by written notice, payment from a person who uses the road for a 'timber harvesting purpose', 'silviculture purpose,' 'natural resource development purpose' or a prescribed purpose; however, the holder of a RUP with FSR maintenance obligations may only give this notice in prescribed circumstances.

Notices under Section 22.3 of *FRPA* must specify that payment is required, and the amount of payment, which must be limited to: 1) a reasonable contribution to maintenance costs, 2) reasonable cost of modifying the road to accommodate the person's use of the road or 3) the reasonable cost of repairing the cost of damage caused to the road by the person's use. Section 22.3 of *FRPA* also addresses dispute settlement mechanisms should there be a dispute regarding costs under a notice.

Section 79(1) of the *FRPA FPPR* and Section 68 of the *FRPA WLPPR* states that a person may maintain a road only if authorized or required to do so. Where a road is required to be maintained *FRPA FPPR* Section 79(6) states it must be maintained to ensure:

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- the structural integrity of the road prism and clearing width are protected
- the drainage systems are functional, and
- the road can be safely used by industrial users.

*FRPA FPPR* Section 79(2) states that a person authorized in respect of a road must maintain the road and associated structures until:

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

Section 79 of the *FPPR* requires that government maintain FSRs, however, it also authorizes the District Manager to order the holder of a RUP to assume all or part of the responsibility for the road as described above.

When an FSR or road authorized under a RP, CP, TSL that does not provide for CPs, a SUP or a WL is not being used by industrial users, Section 81 of the *FPPR* allows for the road to be maintained such that the structural integrity of the road prism and clearing width are protected and the drainage systems are functional only to a level that will ensure there is no material adverse effect on a forest resource.

Section 79(8) of the *FPPR* states that the holder of a RUP that requires maintenance of an FSR may build a bridge, install a major culvert or install a culvert in a fish stream after giving 30 days' notice to the District Manager, and within 30 days of receiving a notice, the District Manager may impose requirements respecting a bridge or culvert.

Section 193 of *FRPA* establishes that for road operations (construction, maintenance or deactivation) that began under the *FPC*, the agreement holder must comply with the requirements of the *FPC* and its regulations that pertain to the holder for the road. Those requirements continue until the *FRPA FPPR* Section 79 conditions are met. Once those conditions are met, the agreement holder may submit a declaration under Section 107 of *FRPA* with the same provisions applying as for road operations that began under *FRPA*.

### **3.3.6 Significant Road Work**

Section 23.1 of *FRPA* states that a person must not carry out significant road work on an FSR unless the minister authorizes the person to carry out the work or the person is authorized under a regulation. The minister can authorize the person to use sand, gravel, rock or other materials in the road right of way for carrying out the significant road work. Section 23.1 of *FRPA* also allows the minister to attach conditions to this authorization requiring the person indemnify the government or maintain insurance. This is in addition to the general authority to attach conditions provided under *FRPA* Section 112(1).

If significant road work was authorized prior to *FRPA* Section 23.1 coming into force, it can proceed.

### 3.3.7 Road Deactivation

Section 118.1(2) of the *Forest Act* states that, except in prescribed circumstances, the holder of a RP must deactivate the road by the earliest of:

- the date the RP expires, is surrendered or rights under the RP expire or are surrendered
- the date of deactivation specified in the RP
- the date of deactivation specified by the minister when cancelling the RP under *Forest Act* Section 77(6).

Section 167.3(3) of the *Forest Act* states that, if the minister determines under *FRPA* Section 71 that a person contravened *Forest Act* Section 118.1(2), the minister may order the remedy of the contravention. That order is deemed an order under *FRPA* Section 74, which allows the ministry to complete the work and recover costs from the agreement holder, including taking from a deposit.

Section 23.2 of *FRPA* authorizes the minister to order the holder of an agreement under the *Forest Act* to deactivate a road authorized or constructed under the agreement or CP issued under the agreement. The order must specify the location of the road and the date the deactivation must be completed.

Section 23.3 of *FRPA* authorizes the minister to exempt the holder of an agreement under the *Forest Act* from a requirement to deactivate a road under the *Forest Act* or *FRPA* for a road authorized or constructed under the agreement or a CP issued under the agreement. In doing so the minister must consider public safety, human health and the environment, social and resource values and impacts on communities.

Once deactivation of a RP road has been completed the holder may, in accordance with Section 107 of *FRPA*, submit to the District Manager a written declaration that the obligation has been fulfilled.

### 3.3.8 Part 13 of the Forest Act

Under the *Forest Act* Section 168 Public land may be specified as a ‘designated area’ for up to 10 years. ‘Permits, licences and plans,’ including RPs and RUPs, located in a designated area can be suspended, in whole or in part, or varied under *Forest Act* Section 170. Once the area ceases to become a designated area, permits, licences and plans can be restored.

## 3.4 FOREST ROADS AND ABORIGINAL INTERESTS

The purpose of the consultation process is to identify impacts of crown conduct on Aboriginal or Treaty rights (“Aboriginal Interests”) and accommodate those impacts where it is appropriate to do so.

Government has an obligation to ensure that potentially impacted First Nations have been adequately consulted regarding administrative and statutory decisions under agreements and the Forestry Legislation, including the issuance of a RP, RP Amendment, deactivation orders or

declaration of a Forest Service Road. To support transparency in government processes and government-to-government relationship building, First Nations consulted on initial road permit decisions should be notified of subsequent decisions such as a RP amendment and actions where there is no decision, such as RP deactivation. Certain subsequent decisions on road permits may also require additional consultation, depending on the circumstances and the potential impacts on Aboriginal Interests.

The Ministry [Aboriginal Rights and Title Policy](#) and associated [Consultation Guidelines](#) provide Ministry staff with guidance when making statutory and administrative decisions or taking other actions that may affect Aboriginal Interests.

Also applicable to the issuance of RPs (and CPs) are [FRPA Administration Bulletin Number 1](#) and the [Administrative Guide to Forest Stewardship Plans](#).

These documents provide direction and guidance regarding:

- Why the adequacy of consultation with First Nations must be considered by any decision-maker prior to making administrative and statutory decisions on behalf of the Crown.
- The need for a preliminary strength of claim assessment of asserted Aboriginal rights and title that may exist within the area in question and the potential impact the decision may have on those interests to determine the appropriate depth of consultation. As Treaty rights and proven Aboriginal rights and title are established rights, the depth of consultation is based solely on the seriousness of impact assessments. (Refer to [the Administrative Guide to Forest Stewardship Plans Volume I](#) and the most recent guidance to Ministry staff from First Nations Relations Branch).
- What must be considered prior to a decision and the potential forms of accommodation (policies and the [Administrative Guide to Forest Stewardship Plans](#)).
- The consultation process for the development and review of FSPs ([section 4.2.2 of the Administrative Guide to Forest Stewardship Plans Volume I](#)).
- Advice on communications with First Nations in the post-FSP approval phase ([section 1.4.2 of Administrative Guide to Forest Stewardship Plans Volume II](#)).

The policy and guidance documents referenced above must be considered when deciding on the adequacy of First Nations consultation and, if appropriate, accommodation prior to making a decision regarding issuance of a RP or deactivation orders. The [accommodation](#) guide should also be considered when a RP amendment is requested, a deactivation order is being considered or a RP is being declared a FSR.

The [FRPA Administration Bulletin Number 1](#) and the [Administrative Guide to Forest Stewardship Plans](#) acknowledge that there are few detailed operational information requirements for an FSP and that situations will likely arise where a First Nation seeks further relevant site-specific information. Consequently, when reviewing an FSP, a statutory decision-maker may accept the adequacy of consultation with respect to the FSP while recognizing that further consultation and information sharing may be required later, such as where a First Nation requests relevant

operational information at the RP stage that was not available at the FSP stage. Furthermore, the decision-maker may become aware of Aboriginal Interests that may be impacted only after seeing more detailed information.

There could be delays and uncertainty in the RP issuance or amendment process if operational details are not made available until submission of the RP application and, while Ministry staff cannot insist on early information sharing, it is in the agreement holder's best interest to ensure that enough operational details are available to the First Nation sufficiently prior to the RP application to facilitate consultation and appropriate accommodation.

The Ministry's policy and guidelines recommend consulting with First Nations early in the RP process; however, even if early consultation occurs, the decision-maker still has an obligation to ensure that, at the time of the decision, the consultation process (i.e. deep consultation vs notification) has been adequate and impacts on Aboriginal Interests have been addressed and, where appropriate, accommodated.

The following are some examples where the decision maker could determine that additional consultation, notification, and/or accommodation is required:

- a court order determines that there has been an infringement of Aboriginal Interests that include the area under the RP
- First Nations have identified outstanding impacts on their Aboriginal Interests not already addressed in the consultation process
- detailed information regarding Aboriginal Interests that will be affected by the proposed Operational Plan have been made available by the First Nation to the agreement holder; however, that information has not been adequately addressed in the Operational Plan
- the First Nation requests operational information that was not available at the time the Operational Plan was approved
- the agreement holder has not provided a summary of First Nations information sharing or engagement
- there has been a commitment by government to a consultation process at the CP stage (e.g., in a consultation protocol, or interim measures agreement)
- accommodation options to address known or newly identified Aboriginal Interests do not appear to have been discussed with the First Nation or adequately considered in the opinion of the decision-maker, and
- any other situation that, in the opinion of the decision-maker, warrants additional First Nation consultation.

If the decision maker is considering refusing to issue a RP or an RP amendment because of a concern regarding outstanding impacts on Aboriginal Interests or a potential infringement, advice should be requested from the district First Nations Relations Advisor, the Regional First Nations Relations Manager, or Indigenous Relations Branch who will liaise with the Ministry of Attorney General as necessary.

### 3.5 ROAD ATTRIBUTES AND CONFIGURATION

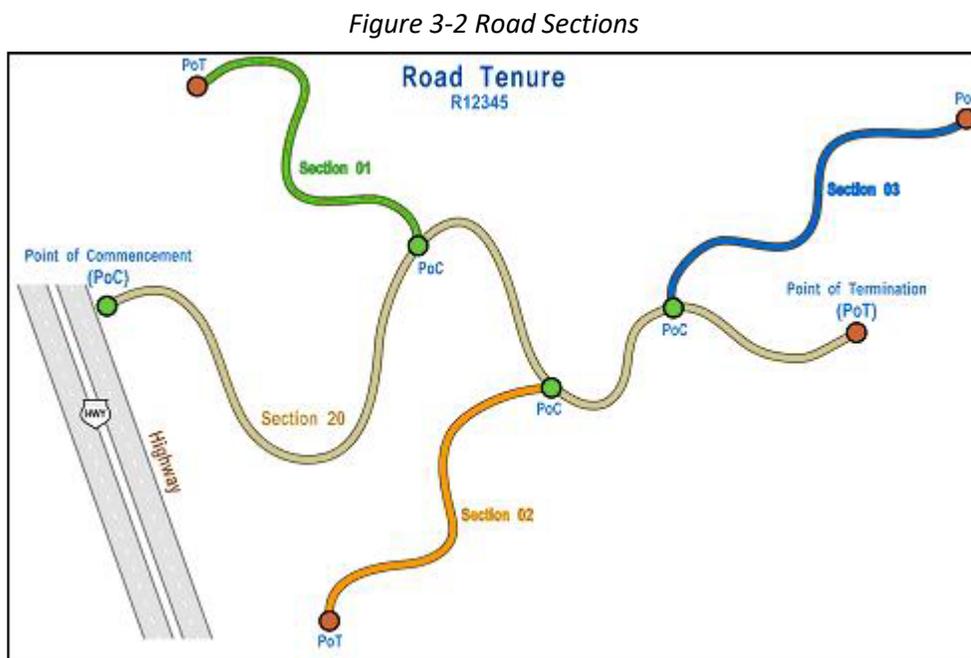
Note: Guidance on inputting information related to RP sections and segments is addressed in the [RRS User Guide](#).

#### 3.5.1 RP Sections

A RP that contains multiple roads is described by **sections**, with each section having a unique section identifier describing continuous line geometry from a junction with a public road or other RP section to its end.

Each road section has a single Point of Commencement (PoC) and Point of Termination (PoT). The distance between the PoC and PoT does not break for administrative or ownership boundaries. Note that a PoC or PoT can only be changed by a RP amendment.

Figure 3-2 below shows the various RP sections which make up Road Permit R12345.



An amendment to a road section must describe the PoC and a new PoT. The exception occurs when the amendment is to change the PoC number. Do not start a new section (PoC) starting at the old PoT. To amend a road (make it longer or shorter) the permittee must re-submit the entire road section with the new segment added or a segment removed.

Road section ID should use the RP application without additions as adding amendment numbers or segment numbers to an existing road section ID will make it a new road section ID in the system. For example, if a segment is added to an existing '4200' road section and is called 4200-

001, it becomes a new road section, not part of the original 4200 section road. (See section 3.5.2 for definition of an RP segment).

### 3.5.2 RP Segments

RP sections are divided into **segments**, which are the smallest business element of a road. A segment is used to describe a 'tenure event' along a road section that identifies the portions of the road that must be tenured in RRS and those that portions that are not. Each RP section is made up of at least one segment.

At a business level, road segments are used as partitions for attribution only. Segments are not stored spatially.

Segments are system generated, created through an overlay process that compares the RP application to underlying encumbrances on the land base. Encumbrances include other tenures and private land. The result of the overlay creates 'tenure' and 'non-tenure' segments for attribution based on the various encumbrances the RP application crosses.

Each segment of an RP (on Public land) must have the appropriate timber mark assigned to it (see section 3.8.3.3). This ensures timber is associated with the correct agreement.

Segments must be contiguous but cannot overlap. Segments are described as distances from the section's PoC.

Figures 3-3 and 3-4 provide examples of how a section of an RP road can cross multiple agreements or management units. The RP and accompanying Exhibit A map would describe which segments are authorized by the RP (Public land only) and which timber mark is to be used for each segment of Public land. If the transportation of timber must cross private land, it must be done in agreement with the landowner, which remains the responsibility of the agreement holder. Segments on private land are not part of the RP.

Figure 3-3 Road Segments and Timber Marks

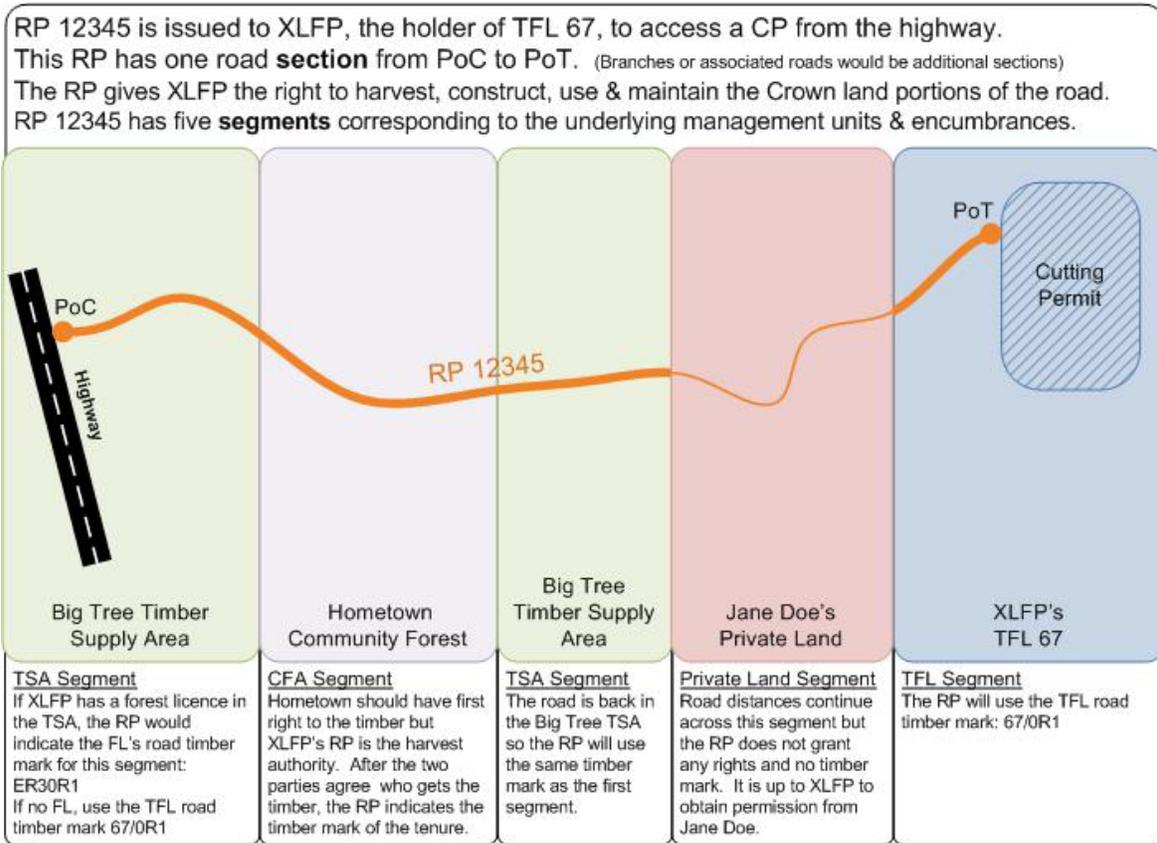
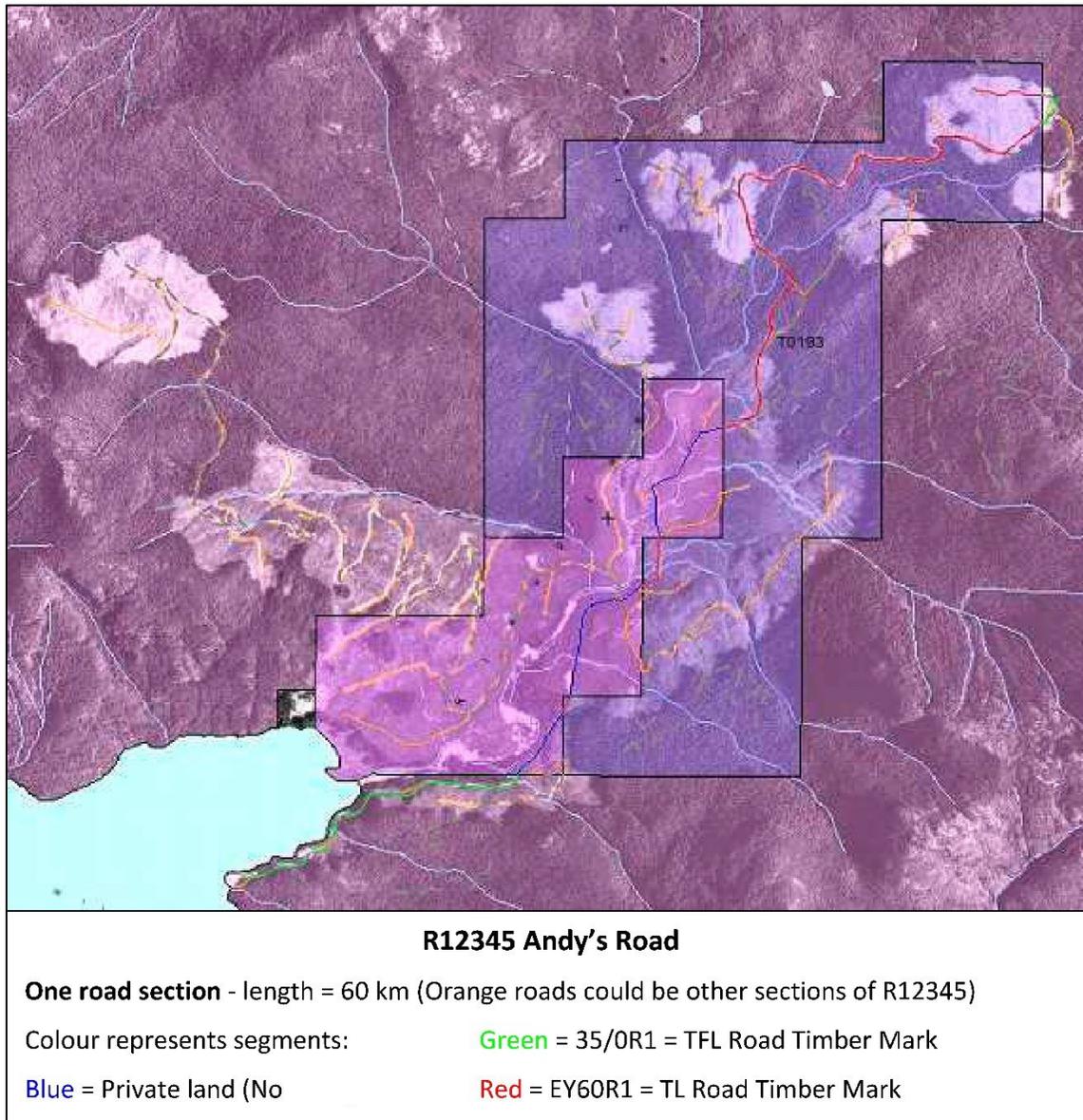


Figure 3-4 Example Road with Sections and Segments



### 3.5.3 FSR Branches and Segments

Figure 3-5 shows an example with the three segments which make up Branch 01 of FSR8117. This FSR may have evolved over time. For example, the road from 0 to 10KM may have been built years ago by BCTS to access a cutblock. After this, the District Manager may have extended the road to access a Recreation Site. In this example it is possible that BCTS is responsible for maintaining the FSR from 0 to 10KM and the District Manager is responsible from 10KM to 15KM; however, there are no set rules for who is responsible for maintenance of FSRs that pass in and out of BCTS Operating Areas.

An FSR does not provide authority to harvest; therefore, RUPs issued over road segments will not have timber marks. Segments of an FSR branch are used to identify responsibility for surface maintenance obligations.

Figure 3-5 Example FSR Branch & Segments



### 3.5.4 Permit Area, Clearing Area and Clearing Width

The Exhibit A defines the actual width of the permit area of a RP, which is typically as a 75-metre-wide right of way. This strip of land centred on the mapped line is the area within which the permit holder has a non-exclusive right to construct, use and maintain a road. Any associated landings, gravel/sand pits, rock quarries and waste areas must also be located within the permit area.

*FRPA* Section 21.1(1) defines 'right-of-way' for a road, other than an RP road, as the Public land in the area that is the length of the road and 37.5 metres on each side of the centre line of the road. The definition for an RP road is "if a road permit shows or describes the road corridor in which the road may be constructed, the Public land in that road corridor".

*FRPA FPPR* Section (1) defines 'clearing width' as an area within a road right of way that is cleared of standing trees for the purpose of constructing or maintaining a road. The RP document defines **clearing area** as "that area of Public land bounded by the outer limits of the clearing width as described in legislation and regulations, over the length of road shown on" the Exhibit A map(s).

The **clearing area** is the area that is cleared of trees to allow construction, maintenance and other road-related functions. The clearing area does not have to be centred on the mapped line on the Exhibit A but it must be located fully within the permit area.

*FRPA FPPR* Section 78 requires a person who constructs or maintains a road to ensure **clearing widths** are at least the minimum width necessary to accommodate the road having regard to safety, topography, drainage, stability and operational requirements (see specific wording of *FPPR*

Section 78 and WLPPR Section 67). The combination of the RP and Section 78 or 67 means that the RP holder is authorized to harvest trees within the permit area but only the minimum trees necessary to build the road and keep it safe.

Consequently, despite a 75-metre-wide permit area on an RP’s Exhibit A, harvesting should only be carried out within the clearing area. A CP or other cutting authority can overlap part or all of an RP’s permit area without necessarily impacting the rights of the RP holder.

### 3.6 ROAD PERMIT ISSUANCE PROCESS

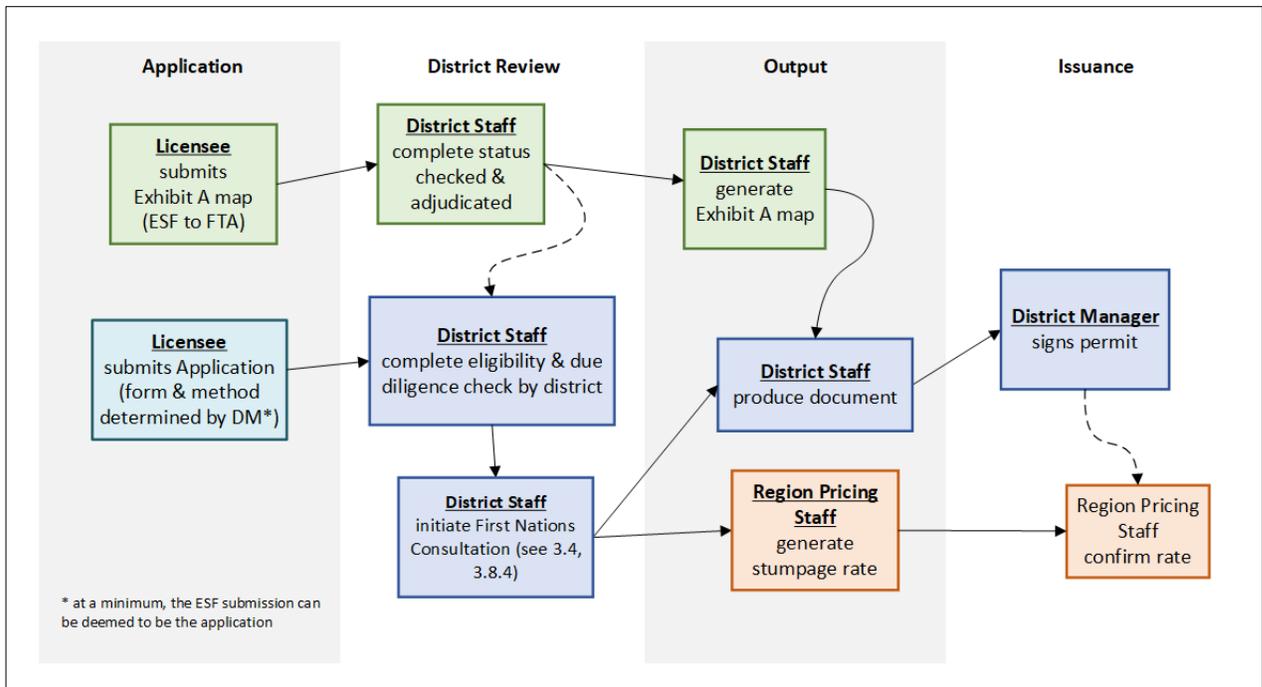
This section describes the processes required to issue a RP to an agreement holder.

See section 1.4.1 of the [Engineering Manual](#) for information on issuing RUPs, and for issuing RPs to BCTS.

Figure 3-6 provides an overview of the process to issue a RP; however, it is recognized there may be procedural variations between districts.

Note that an amendment application involves the same processes except that the nature of the amendment will dictate the actual tasks that need to be completed in each process. Section 3.9.2 has further guidance on RP amendments.

Figure 3-6 Processes for Issuing a Road Permit



The processes outlined above are discussed in the following sections:

section 3.6.1 Applications for Road Permits

section 3.6.2	Exhibit A Map Process
section 3.7	RP Application Eligibility and Adjudication
section 3.8	RP Document Preparation and Issuance

### 3.6.1 RP Applications

RP applications have five sections:

1. Identification of the agreement that provides the right to apply for a RP in accordance with Section 115(1)(a) of the *Forest Act*.
2. Description of the FSP or WLP that would apply to the proposed RP road.
3. Map(s) indicating proposed roads to be constructed or existing road to be maintained.
4. Proposed construction date for the road (if applicable).
5. Proposed deactivation date for the road.

Applying for an RP should be done electronically through ESF in accordance with the document [Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework](#).

### 3.6.2 Exhibit A Map Process

Prior to issuing a road authorization, the Ministry must verify that the area is Public Land and that there are no conflicting pre-existing rights. The Exhibit A process is where potential conflicts are identified (status) and adjudicated (clearance).

The RP Exhibit A process is similar to the CP Exhibit A process, which is described and process mapped in Figure 2-3 in section 2.4.3.

The width for status and clearance should be 75 metres from the centreline of the proposed road to identify conflicts and adjust road location where necessary.

See section 1.5.1 of the [Engineering Manual](#) for more information on preparing Exhibit As for road authorizations.

### **3.7 ROAD PERMIT AND ROAD USE PERMIT APPLICATION ELIGIBILITY AND ADJUDICATION**

An application for an RP or RUP must be reviewed by district staff to ensure that the applicant is eligible to be granted the permit and, where applicable, the decision maker must adjudicate the application. In addition to the specific eligibility and adjudication criteria below the following apply to all road authorization decisions:

- First Nation consultation and Aboriginal Rights and Title must be addressed and, where appropriate, accommodated. (see section 3.4).
- Orders that would prevent road authorizations from being granted e.g., Part 13 orders or *Government Actions Regulation* (GAR) orders must be followed.
- Potential conflicts with pre-existing rights from the Exhibit A process or associated referrals must be addressed.

#### **3.7.1 Agreement holder applications for an RUP to use an FSR (Section 115(1)(b) of the Forest Act)**

##### **Eligibility**

- The applicant must have the right to harvest timber under an agreement specified in *Forest Act* Section 115 (1), which are: FL, TSL, TL, CTP, FLTC or an 'area-based licence'.

##### **Adjudication**

- In accordance with *Forest Act* Section 115(4) the permit issuer must be satisfied that granting the RUP will not adversely affect authorized users of the FSR or compromise an FSP or WLP.

#### **3.7.2 Non-agreement holder applications for RUP to use an FSR (Section 117 of the Forest Act)**

##### **Eligibility**

- Must be a person who wishes to use an FSR for a 'natural resource development purpose' and does not hold an agreement specified in 115(1).

##### **Adjudication**

- District Manager must be satisfied that granting the RUP will not cause inordinate disturbance to the natural environment, adversely affect authorized users of the road or compromise an FSP or WLP.

### **3.7.3 Agreement holder application for RP to construct a road (Section 115(1)(a)(i) of the Forest Act)**

#### **Eligibility**

- The RP applicant must have the right to harvest timber under an agreement specified in Section 115 (1) of the *Forest Act*, which are: FL, TSL, TL, CTP, FLTC or an 'area-based licence'.
- The RP applicant must be the same person that holds the agreement (or an agent acting on their behalf) or be closely affiliated with the agreement holder.
- If specified in the agreement, format of the application must be acceptable to the District Manager.

#### **Adjudication**

- The permit issuer must be satisfied that the application is reasonable. For example, the RP application must provide access to timber available to the applicant under an agreement and the location and layout of the proposed RP must be reasonable.
- Section 12(1) of *FRPA* requires that RPs on WLS be consistent with WLPs.
- The District Manager must consider if refusal of the RP is warranted under Section 81 of the *Forest Act* and the [Performance Based Harvesting Regulation](#).
- The Minister must consider if refusal is warranted under Section 81.1 of the *Forest Act* that issuance of the RP would compromise government objectives specified by regulation (BCTS operations).

### **3.7.4 Agreement holder application for an RP to maintain an existing road on Public land other than an FSR (Section 115(1)(a)(ii) of the Forest Act)**

#### **Eligibility**

- The applicant must have the right to harvest timber under an agreement specified in Section 115 (1).
- There must not be an active RP for the road.

#### **Adjudication**

- Decision maker must be satisfied that use and maintenance of the road will not compromise an FSP or WLP.
- The District Manager must consider if refusal of the RP is warranted under Section 81 of the *Forest Act* and the [Performance Based Harvesting Regulation](#).
- The Minister must consider if refusal is warranted under Section 81.1 of the *Forest Act* that issuance of the RP would compromise government objectives specified by regulation (BCTS operations).

## 3.8 ROAD PERMIT DOCUMENT PREPARATION AND ISSUANCE

### 3.8.1 Templates

The following templates are available from the Ministry's [Forms Index Website](#) or the FTB SharePoint site:

FS 582ML	Road Permit – Major Licensee
FS 582bcts	Road Permit – BC Timber Sales
FS 581	Road Permit Application
FS 109	Road Use Permit Application.

Staff should refer to the forms website or FTB SharePoint site to ensure they are using updated templates.

### 3.8.2 RP Document Content

The contents of the RP template listed below are discussed in the following sections:

- **Main body** (standard clauses)
- **Schedule A** (Special Provisions)
- **Exhibit A** (map describing the permit area).

#### Main Body

**Note:** The main body of the RP template has been reviewed by legal counsel. Consequently, to avoid risk to Government, and the agreement holder, **do not modify any wording in the main body of a RP**. Contact Area Tenures or FTB if there is a specific operational requirement that is not being met by wording in the current templates.

The sections within the main body are described briefly in Table 3-1.

Table 3-1 RP Template Content

Part	Description	Guidance
<b>Grant of Rights</b>	<p>An RP <b>must</b> grant the right to:</p> <ul style="list-style-type: none"> <li>• use, maintain and deactivate a road.</li> </ul> <p>An RP <b>may</b> grant the right to:</p> <ul style="list-style-type: none"> <li>• construct a road, which includes the right to cut only or cut and remove timber if it is necessary to construct the road.</li> <li>• manage and use sand pits, gravel pits, rock quarries for constructing or maintaining a road.</li> </ul>	<p>Include the rights to construct a road and harvest timber if necessary.</p> <p>Include the right to manage and use pits and quarries if required.</p>
<b>Permit Area and Term</b>	<p>Defines the permit area as described in the Exhibit A.</p> <p>May include a term (expiry date).</p>	<p>See section 3.6.2 for a description of the Exhibit A.</p>
<b>Timber Marks and Reporting</b>	<p>Identifies the timber mark to be applied to timber removed from the RP area.</p>	<p>A timber mark(s) is included only if timber harvesting is authorized under the RP.</p> <p>Refer to section 3.8.3.3 for more guidance on RP timber marks.</p>
<b>Financial</b>	<p>Requires the payment of Stumpage and Waste Assessments.</p>	<p>Required only if timber harvesting (cut only or cut and remove) is authorized under the RP.</p>
<b>Approvals</b>	<p>Requires that the Permit holder obtain necessary approvals, permits and authorizations.</p> <p>Authorizes joining the RP road to an FSR.</p>	<p>This section should not be modified or added to.</p>

Part	Description	Guidance
<b>Other Rights</b>	Recognizes that other rights may exist on the permit area and that the RP holder must not obstruct or impede other parties in their authorized use and occupation of the permit area.	This section should not be modified or added to.
<b>Miscellaneous</b>	Addresses control structures and rights reserved to the Province of BC.	This section should not be modified or added to.

### **Schedule A—Other conditions and requirements**

The Schedule A consists of other conditions and requirements that have been deemed necessary for a specific RP.

As with the main body of the RP, the Schedule A clauses form part of a legal document and it is important that the contents be consistent with legislation and the agreement.

To avoid causing risk to Government, and agreement holders, **do not create new Schedule A clauses that are not supported by legal counsel.**

If there is an operational requirement that cannot be met with the current RP content, contact Area Tenures staff who will work with FTB, and legal counsel to develop an appropriate optional clause, if necessary, or confirm that a previously used clause is appropriate for the situation.

Before requesting a new or revised clause, consider the following:

- The clause must be consistent with the agreement and legislation.
- The purpose of the clause must be consistent with the role of the RP.
- The clause must be essential to meet operational circumstances or government objectives that are unique or specific to a regional goal, site-specific requirement or client group.
- The person issuing the permit must have the authority to impose the clause.
- Enforcement authority must exist, and compliance should be measurable.
- The clause must not restate a requirement or obligation already specified in the agreement, the FSP, WLP or legislation.

### **Exhibit A map**

Exhibit A map as described in section 3.6.2.

### 3.8.3 Additional Guidance for Creating RPs

#### 3.8.3.1 *RP Term and Deactivation Date*

A term should be included in a RP only if it is known that the RP holder will not require the road after a certain date. Section 118.1(2) of the *Forest Act* requires that a RP road be deactivated if the RP expires. Consequently, if an expiry date is included in the RP a deactivation date must also be included, and the deactivation date should require that the deactivation be completed prior to expiry of the RP.

If the RP holder will not require the road past a set date but other industrial or non-industrial users likely will, a plan for the road should be established prior to the deactivation date in the RP. This could include the RP being surrendered and issued to another agreement holder, the road being converted to an FSR, or the road being transferred to another agency.

Since *Forest Act* Section 118.1(2) requires that an RP road be deactivated if the RP expires or is surrendered, an exemption for that requirement must be granted under *FRPA* Section 23.3 prior to the deactivation date or expiry date in the RP where the road will be kept for other users.

Refer to [Resource road engineering standards and guidelines - Province of British Columbia](#) for more information.

#### 3.8.3.2 *RP Stumpage Rate Generation*

The stumpage rate for timber from any RP associated with an agreement is based on the previous year's weighted average stumpage rate for sawlogs in all the active scale-based CPs issued under that agreement. For agreement holders that do not have a previous year's average stumpage rate to draw from, the permit's stumpage rate will be based on a district-wide average rate. The most recent applicable [Appraisal Manual](#) should be consulted to confirm the current stumpage rate generation process.

#### 3.8.3.3 *Timber Marks*

The general role of timber marks is described in section 1.2.3.

Each segment of an RP that authorizes harvesting must have a timber mark(s) associated with it. An RP timber mark may be one of two types:

1. a 'road timber mark,' which is a separate timber mark for timber harvested from a road constructed under a road permit, but instead of the timber mark being associated with the RP, it is associated with the 'overarching tenure' for cut control purposes (See Figure 3-3 for examples of different timber marks assigned to different RP segments)
2. a timber mark generated manually using RRS. This method is only used in special circumstances, e.g., there is no overarching tenure to associate the RP timber mark.

Timber marks are not applied to the road segments where timber harvesting is not necessary to construct the road.

Note that RUPs and SUPs cannot authorize timber harvesting and, therefore, do not have timber marks assigned to them.

#### *3.8.3.4 Road Permits Crossing Active CPs or Area-based Tenures*

Area-based agreements and active CPs provide an exclusive right to harvest timber. Consequently, a RP should not be issued over an area-based agreement or an active CP if the RP will require the harvest of timber, unless the two parties can come to an arrangement. For example, the rights provided in the RP could be to cut timber only, and the timber is removed under a CP of the area-base agreement holder. In this case, the volume harvested under the RP is charged to the cut control of the area-based agreement holder.

### **3.8.4 RP Issuance**

The RP is issued when the District Manager signs the permit. Before signing, the District Manager should be satisfied that:

- The application is consistent with the applicant's rights and obligations.
- There are no unresolved conflicts with other interests granted over the area.
- First Nations interests on the area have been adequately addressed.

## **3.9 ADMINISTERING ACTIVE ROAD PERMITS**

### **3.9.1 RP General Activities**

This section describes the following activities related to RP administration:

- RP holders must provide notification of timber harvesting or road construction as required by Section 85 *FRPA FPPR*.
- Inspections of timber harvesting or road construction under a RP may be conducted on an ad hoc basis or where there are elevated risks to cultural resources, the environment, forest resources or government revenue.
- Holders of RPs that authorize the harvest of timber must ensure that timber harvested is scaled in accordance with the requirements of the *Forest Act* and the [Scaling Manual](#). In accordance with Section 75.1(1) and (2) of the *Forest Act* timber volume harvested under an RP must be attributed to the licence associated with the RP.
- Waste assessments must be completed in accordance with the [Waste Manual](#) after harvest is on the RP is complete; however, unlike waste assessments on CPs, where the entire CP area is assessed and standing timber may be subject to Take or Pay, waste assessments on RPs only assess the areas where timber harvesting occurred. Standing timber within the road clearing width is not assessed for waste and is not subject to Take or Pay.

In accordance with *FRPA FPPR* Section 79 the holder of a RP must maintain the road until it is deactivated or one of the other conditions in *FRPA FPPR* Section 79(2) are met (see section 3.3.5). The RP holder may submit a declaration under Section 107 of *FRPA* that the required obligations have been fulfilled. Unless the District Manager makes an order under Section 107(4) of *FRPA* and

within the 15 months prescribed by Section 97 of *FRPA FPPR*, the holder of the agreement is deemed to have fulfilled the obligations on the date of the declaration, assuming *FRPA* Section 107(6)(b) (misrepresentation) does not apply. The RP holder is not relieved of their obligations until the District Manager is satisfied and accepts the *FRPA* Section 107 declaration.

### **3.9.2 RP Amendments**

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

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

Note that *FRPA* provisions allowing changes without re-submission of the FSP (Section 30 of the *FRPA FPPR*) or the WLP (Section 21 of the *FRPA WLPPR*) only affects operational plan amendments, not RP amendments. The RP cannot be indirectly amended by an operational plan or exemption or by any other approvals. Despite any operational plan changes, the permit area and the permit clauses remain in force unless they are specifically amended by the District Manager.

### **3.9.3 RP Road Deactivation**

Where a RP is required to be deactivated, it must be done in accordance with *FRPA FPPR* Section 82 and 83. In addition, exposed soil must be revegetated in accordance with *FRPA FPPR* Section 40.

### **3.9.4 RP Variance, Suspension and Cancellation**

Under the *Forest Act* Section 168 Public land may be specified as a 'designated area' for up to 10 years. Permits, licences and plans, including RPs, located in a designated area can be suspended, in whole or in part, or varied under *Forest Act* Section 170. Once the area ceases as a designated area, all permits, licences and plans within the former designated area can be restored.

A RP can be suspended and subsequently cancelled under *Forest Act* Section 76-77. If a RP is canceled under Section 77 of the *Forest Act*, the Minister may specify the date by which the road authorized under the RP must be deactivated.

*Forest Act* Section 54.61(1)(1.1) specifically allows for suspension of rights under a RP relating to conditions attached to the approval of the disposition of an agreement under Section 54.01(4) of the *Forest Act* not being met (see section 3.10.1.3).

Under Section 79 of the *Forest Act*, the holder of a suspended or cancelled RP is still responsible for the obligations under the RP.

### 3.9.5 RP Surrender

In accordance with the *Surrender Regulation of the Forest Act*, a RP cannot be surrendered unilaterally; however, under Section 79(2)(b) and (c) of the *FRPA FPPR*, RPs can be surrendered, at the discretion of the District Manager, when a permit holder no longer requires the RP.

## 3.10 MANAGING SPECIAL CIRCUMSTANCES

The following are some special circumstances that may be encountered when administrating forest roads.

### 3.10.1 Special Circumstances Involving RPs only

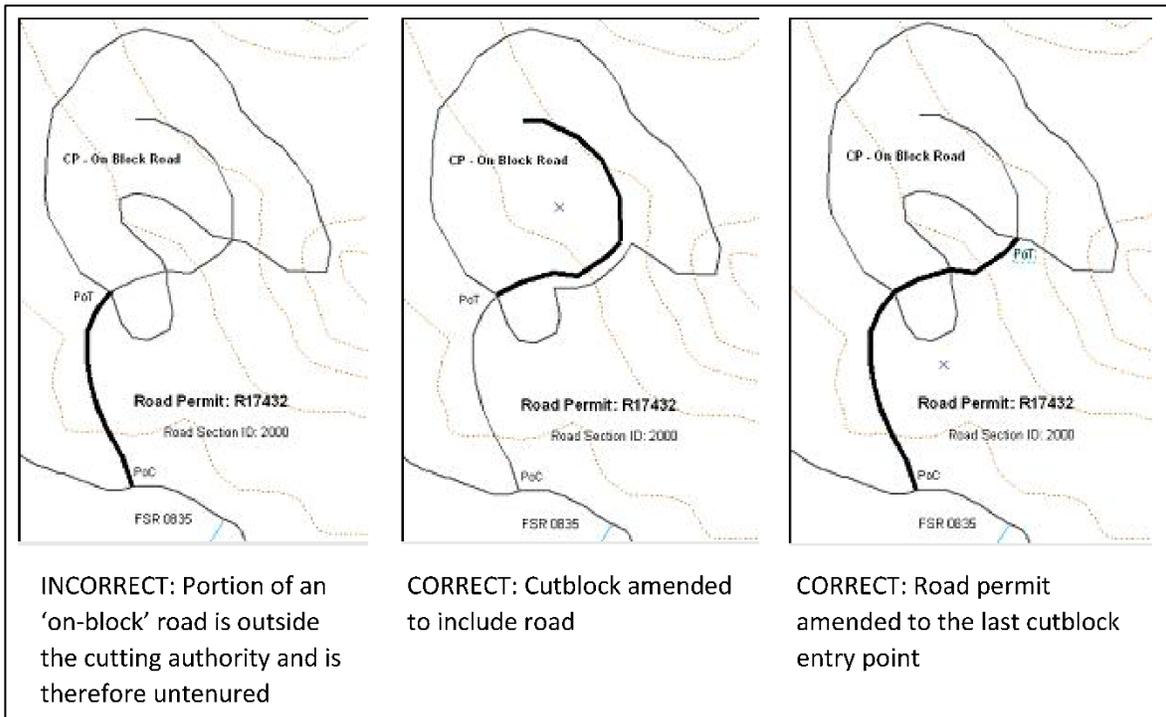
#### *3.10.1.1 Roads Extending Beyond Cutting Authority Boundary*

Figure 3-7 shows an example of a road that enters a CP area, leaves it and then re-enters the CP area.

A properly designed cutting authority and RP would have prevented this situation; however, if unforeseen circumstances prevented the planned on-block road location, the issue would have to be resolved with an application to amend either the RP or the CP.

In the example shown in the left map of Figure 3-7, the CP holder could apply for a CP amendment to ensure the road is wholly contained within the cutting authority area (the middle map). Alternatively, the RP holder could apply for an RP amendment to ensure the entire road section is authorized under the road permit up to the point where the road enters the last cutblock for the final time (the map on the right). Theoretically, the short segment of road between the two cutblock lobes in the left map could be authorized under the RP but that would result in an isolated segment of RP after the CP expires. When the CP expires, rights to use the road within the CP expire as well, (other than use required for maintenance obligations). The recommended approach is to have roads that pass through multiple cutblocks (or portions of cutblocks) be authorized under a continuous RP section from the start of the road to the last cutblock entry point. CP on-block roads must not go outside of the CP area.

Figure 3-7 CP Road Outside Cutblock



Refer to the [Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework \(ESF\)](#) for additional information regarding on-block roads extending beyond cutblock boundaries.

### 3.10.1.2 Subdivision, Consolidation, Transfer or Termination of an Agreement Associated with an RP

#### Subdivision and Consolidation of an Agreement Associated with a Road Permit

If an agreement is being subdivided under the *Forest Act* the holder may propose that existing RPs associated with the agreement being subdivided be associated with the newly created agreement. Conversely, if two or more agreements held by one person are being consolidated, all existing RPs must be associated with the consolidated agreement. The following process should be followed to make the administrative changes:

- In conjunction with the subdivision/consolidation process, the holder of the agreement(s) should identify in writing which RPs are proposed for changing their association from the source agreement to the target agreement.
- After the subdivision or consolidation has been completed, for each RP, the Ministry (district) should amend the appropriate provisions of the RP documents (agreement number), change the file (harvest tenure) association in RRS, change the file association in FTA and confirm the amendments to the RP holder.

Refer to [Subdivision and Consolidation Guidelines, May 1, 2008](#)

### **Transfer of Agreement with an Associated Road Permit**

*Forest Act* Section 54 authorizes the disposition of an agreement to another person, which can be through a transfer, a change of control or an amalgamation. If an agreement is being transferred, a Request for Approval of an Intended Transfer must be submitted and must list all agreements and RPs involved. If the Minister or their delegated decision maker approves the requested transfer and issues a Notice of Approval, and if the parties proceed with the transfer, the parties must submit a Notice of Completion of the transfer when they have completed their transaction. Upon receipt of the Notice of Completion, Ministry staff (Region or District) will be responsible for completing the various licence administration requirements including the updating of the files and systems.

*Forest Act* Section 54.01(2) authorizes the Minister to attach conditions when approving a disposition (transfer) of an agreement, and Section 54.01(4) of the *Forest Act* authorizes the Minister to attach specific conditions related to the transfer of RPs, where an associated agreement is being transferred. These conditions could require the holder of the agreement to: 1) dispose of a RP to the intended recipient of the agreement, 2) surrender a RP or rights under the RP, or 3) if the holder of the agreement will continue to hold the RP, to provide a security for the performance of the holder's obligations under the RP, *Forest Act*, *FRPA* and the *Wildfire Act*. Section 54.61(c) of the *Forest Act* further authorizes the Minister to suspend an RP if these conditions are not met.

For more information on RP transfers, refer to the guidance for agreement dispositions on the [Timber Tenure Transfers and Dispositions](#) website.

### **Termination of an Agreement with an Associated Road Permit**

To be eligible for an RP the applicant must hold an agreement; however, if that agreement expires or otherwise terminates the RP continues until it expires, is surrendered, deactivated, converted to an FSR or transferred to another person. If additional harvesting is to be conducted under the RP, it must be associated with a new agreement.

#### ***3.10.1.3 Transfer of Road Permits***

The transfer of one or more RPs to another person/company on their own (i.e., not in conjunction with the transfer of an agreement) is authorized under *Forest Act* Section 54; however, in accordance with Section 54(1)(d.4) of the *Forest Act* the intended recipient must be eligible to be granted a RP under *Forest Act* Section 115(1).

For the transfer of one or more RP(s), a Request for Approval of an Intended Transfer must be submitted and list all RPs involved. If the Minister or their delegated decision maker approves the requested transfer and issues a Notice of Approval, and if the parties proceed with the transfer, the parties must submit a Notice of Completion of the transfer when they have completed their transaction. Upon receipt of the Notice of Completion, Ministry staff (Region or District) will be

responsible for completing the various RP administration requirements including the updating of the files and systems. This may require additional information from the new RP holder.

For more information on RP transfers, refer to the guidance for agreement dispositions on the [Timber Tenure Transfers and Dispositions](#) webpage.

#### *3.10.1.4 Reassignment of a Road Permit*

Reassignment of an RP occurs when an RP is assigned to a different agreement than originally identified and both the original and the reassigned agreement belongs to the same person or company. This requires a notification to the District Manager.

#### *3.10.1.5 Re-Assigning Road Obligations Between Agreement Holders*

Road obligations can be re-assigned when a new RP is issued over the same road.

Section 79 of *FPPR* or Section 68 of *WLPPR* will end the RP holder's obligations if an RP or SUP for the road is issued to another person. See section 3.3.5 for more information on re-assigning road obligations and transfers. The recommended process is:

1. The person wanting to take over a road section(s) will apply for an RP and provide the District Manager with a letter explaining that they will assume the road maintenance obligations and provide written consent from the original RP holder.
2. The District Manager can issue the new RP and at the same time send the original RP holder a letter relieving the holder (per *FRPA* Section 79) of the requirement to deactivate the road section(s).
3. Once the original RP holder has been relieved of obligations then the applicable road section(s) can be retired by applying through NROS (see definition of 'retire roads' in section 3.10.2.2).
4. The new RP section may maintain the current number and is reassigned/associated to a different licensee.

#### *3.10.1.6 Options for Salvage Along Roads*

[FRPA Administrative Bulletin Number 19 Options for Harvesting Dead and Dying Trees along Road Permit Roads](#) describes options for salvaging trees that are outside the RP clearing width. If trees do not currently pose a hazard to industrial road users they cannot be felled and removed under the RP. If the tree is a bona fide hazard, and within the road permit area, the trees can be felled as part of the holder's maintenance obligations (*FRPA FPPR* Section 78).

### **3.10.2 Special Circumstances Involving RPs and FSRs**

#### *3.10.2.1 Converting RP Roads to an FSR*

Conversion of RPs to FSRs is authorized under *Forest Act* Section 120.1. See section 3.2.1. See also [section 3.2.1](#) and the [Resource road engineering standards and guidelines - Province of British Columbia \(gov.bc.ca\)](#) which includes direction on converting RPs to FSRs when industrial use has concluded.

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Additional information on the declaration of an FSR is in the [Ministry Engineering Manual 2013, Chapter 1: Road Administration](#) (See the topic titled “Declaring FSRs”).

### 3.10.2.2 Ending Road Authorizations

The [Resource road engineering standards and guidelines - Province of British Columbia \(gov.bc.ca\)](#) provides guidance about deactivation (see [section 3.3.7](#)) and transfers of RP roads (see [section 3.10.1.3](#)) versus declaration of FSRs. As stated in section 3.3.7, the requirement for deactivation can be waived under certain circumstances but this should not result in the road becoming a non-status road. Instead, it should be transferred or declared an FSR.

RRS allows district staff to transfer, retire(cancel), re-label, delete or reassign road sections:

- **Retire Roads** – this function is used to retire entire section(s) of a road directly in RRS or via an ESF submission. Retirement is used to relieve the RP holder of obligations. Deactivation is one of the reasons this might occur. Retirement does not remove the road section(s) from the RP in RRS. Retirement sets a ‘retirement date’ on the spatial information in BCGW and, thus, the retired section(s) no longer show up as active section(s) on the permit. The spatial information is kept for historical reasons. Once the Exhibit A is regenerated, the retired section(s) will display with “XXXX” over top.
- **Re-label** – this function is used when there is no change to the spatial information but the road label (i.e., business key) must be changed. The re-label function allows this to be accomplished without the need for a new ESF Submission.
- **Delete** – this function is only used if there is an error in the data entered into RRS.

### 3.10.2.3 Access Roads from an RP or FSR to a CP On-block Road

An access road that commences from a mainline RP or FSR and provides access to a nearby on-block road in a CP cutblock is considered fully on-block if it connects where the block boundary is contiguous with the RP or FSR; however, the access road needs a road authorization if it crosses a space that is outside the clearing area of the RP or FSR and outside the CP’s cutting authority area.

There is no minimum length for a RP. Use of an existing road can be exempted from the requirement for a road authorization under Section 22.1(4) of *FRPA* but road construction requires a road authorization e.g., an RP or a CP.

Short RPs (or RP sections) can be avoided by making sure that the CP application has a cutting authority area that touches the RP/FSR where the access road is needed.

Dealing with existing, unauthorized access roads is more complex. If the road was built and used without being in a road authorization (RP or CP), the operator is in non-compliance and Compliance and Enforcement actions may be warranted. The following are options to rectify the absence of road authorization:

- Put the access road under an RP by amending an adjacent RP or obtaining a new RP.
- Put the access road under the CP by amending the CP cutting authority area.

- Accept the road as a non-status road and, if further use is planned, seek an exemption under Section 22.1(4) of *FRPA*.

### **3.10.3 Special Circumstances Involving FSRs only**

**Note: Additional special circumstances involving FSRs are addressed in Part 1 of the Engineering Manual.**

#### *3.10.3.1 Transferring an FSR to Another Agency*

In some cases, a FSR may be transferred to another agency or user. For example, Section 121 of the *Forest Act* authorizes the transfer of a FSR to the Minister responsible for the *Transportation Act*. Refer to section 1.4.1 of the [Engineering Manual](#) for more information on the transfer of FSRs.

#### *3.10.3.2 Authorizations and Connection to MOTI Provincial Public Roads*

Authorization from the local MOTI district office must be acquired prior to connecting a FSR or RP road to provincial public roads. See section 1.5.2 of the [Engineering Manual](#) for more information.

Authorizations (cut and remove of Crown timber) within the public highways are authorized under the *Transportation Act*; any transport of timber must comply with the *Timber Marking and Transportation Regulation* of the *Forest Act*. Refer to [MOU Timber Situation on Provincial Public Highways and on other and on other BCTFA-owned lands \(May 24, 2022\)](#).

#### *3.10.3.3 Discontinue and Close a FSR*

Where an FSR has been deactivated or transferred to another agency it must be ‘discontinued and closed’ in accordance with the procedure described in section 1.4.1 of the Engineering Manual.

## PART 4 REFERENCES

### 4.1 LINKS TO LEGISLATION

Subject or Title	Hyperlink
<i>Electronic Transaction Act</i>	<a href="https://www.quickscribe.bc.ca/login/">https://www.quickscribe.bc.ca/login/</a> or <a href="https://www.bclaws.gov.bc.ca/">https://www.bclaws.gov.bc.ca/</a>
<i>Forest Act and Regulations</i>	<a href="https://www.quickscribe.bc.ca/login/">https://www.quickscribe.bc.ca/login/</a> or <a href="https://www.bclaws.gov.bc.ca/">https://www.bclaws.gov.bc.ca/</a>
<i>Forest and Range Practices Act and Regulations</i>	<a href="https://www.quickscribe.bc.ca/login/">https://www.quickscribe.bc.ca/login/</a> or <a href="https://www.bclaws.gov.bc.ca/">https://www.bclaws.gov.bc.ca/</a>
<i>Forest Practices Code of BC Act</i>	<a href="https://www.quickscribe.bc.ca/login/">https://www.quickscribe.bc.ca/login/</a> or <a href="https://www.bclaws.gov.bc.ca/">https://www.bclaws.gov.bc.ca/</a>
<i>Wildfire Act</i>	<a href="https://www.quickscribe.bc.ca/login/">https://www.quickscribe.bc.ca/login/</a> or <a href="https://www.bclaws.gov.bc.ca/">https://www.bclaws.gov.bc.ca/</a>
Delegation Matrix	<a href="#">Transfer of Authority for Natural Resource Management - Province of British Columbia (gov.bc.ca)</a>

### 4.2 LINKS TO ADMINISTRATION MANUALS/GUIDES

Subject or Title	Hyperlink
Administrative Guide for Forest Stewardship Plans	<a href="#">Administrative Guide For FSPs</a>
Agreement Subdivision and Consolidation Guidelines	<a href="#">Subdivision and Consolidation Guidelines</a>
Coast Appraisal Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing</a>
Cruising Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing</a>
Cruse Compilation Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing</a>
Exhibit A Mapping and Clearance Process Manual for Tenure Administration (Internal)	<a href="#">Forest Tenures Applications Training and Resources - FRAM / IFP (FTA5) Project - Confluence (gov.bc.ca)</a>

<b>Subject or Title</b>	<b>Hyperlink</b>
Engineering Manual	<a href="#">FLNRO Engineering Manual - Province of British Columbia (gov.bc.ca)</a>
Forest Tenures Administration Participant Training Guide	<a href="#">Forest Tenures Applications Training and Resources - FRAM / IFP (FTA5) Project - Confluence (gov.bc.ca)</a>
Harvest Billing System Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing</a>
Industry ESF Submission Guide Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework	<a href="#">Business and Policy Documentation link</a>
Interior Appraisal Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing</a>
Provincial Logging Waste and Residual Waste Assessment Manual	<a href="#">Provincial Logging Residue and Waste Measurements Procedure Manual - Province of British Columbia (gov.bc.ca)</a>
Mapping Requirement Guide	<a href="#">Forest Tenures Applications Training and Resources - FRAM / IFP (FTA5) Project - Confluence (gov.bc.ca)</a>
Resource and Business Administration Manual	<a href="#">Resource and Business Administration Manual</a>
Scaling Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing</a>
Special Use Permit Administration Manual	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/special-use-permit-forestry">https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/special-use-permit-forestry</a>
Timber Tenures Transfers and Disposition	<a href="#">Timber Tenure Transfers and Dispositions - Province of British Columbia (gov.bc.ca)</a>
Transferring FSR to MOTI	<a href="#">FS300Info (gov.bc.ca)</a>
Updated Procedures for Meeting Legal Obligations When Consulting First Nations	<a href="https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations">https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations</a>

Subject or Title	Hyperlink
Resource and Business Administration Manual (MOF only)	<a href="#">Resource and Business Administration Manual - Aug 2020</a>

### 4.3 LINKS TO BULLETINS

Subject or Title	Hyperlink
Forest Act Bulletins	<a href="#">Cutting Permit &amp; Road Tenure Administration - Province of British Columbia (gov.bc.ca)</a>
FRPA Bulletins	<a href="#">Managing Resource Values Under the Forest &amp; Range Practices Act - Province of British Columbia (gov.bc.ca)</a>
FRPA General Bulletin # 8 - Wildlife Tree Retention (WTR).	<a href="#">FRPA Implementation Bulletins.</a>
FRPA General Bulletin #15 - Managing and Tracking Wildlife Tree Retention Areas under FRPA.	
FRPA General Bulletin #19 - Options for Harvesting Dead and Dying Trees along Road Permit Roads.	

### 4.4 LINKS TO SYSTEMS

Subject or Title	Hyperlink
Forest System Applications	<a href="https://intranet.gov.bc.ca/flnrord/tools/resource/app-index">https://intranet.gov.bc.ca/flnrord/tools/resource/app-index</a>
BC Geographic Warehouse (BCGW)	<a href="#">Data Catalogue (gov.bc.ca)</a>
CLIENT	<a href="https://apps.nrs.gov.bc.ca/int/client/">https://apps.nrs.gov.bc.ca/int/client/</a>
Compliances Information Management System (CISM)	<a href="https://psc2.for.gov.bc.ca/CIMS/help/CIMS_Help.htm#getting_started/Overview_of_the_CIMS_Home_Page.htm">https://psc2.for.gov.bc.ca/CIMS/help/CIMS_Help.htm#getting_started/Overview_of_the_CIMS_Home_Page.htm</a>

Subject or Title	Hyperlink
E-Commerce Appraisal Application System (ECAS)	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing/electronic-commerce-appraisal-system">https://www2.gov.bc.ca/gov/content/industry/forestry/competitive-forest-industry/timber-pricing/electronic-commerce-appraisal-system</a>
Electronic Submission System (ESF)	<a href="https://www.for.gov.bc.ca/dsi/esf.htm">https://www.for.gov.bc.ca/dsi/esf.htm</a>
Forest Road Management Framework (FRMA)	<a href="#">Citrix Gateway (gov.bc.ca)</a>
Forest Stewardship Plan Tracker (FSP)	<a href="https://apps.nrs.gov.bc.ca/ext/fsp/">https://apps.nrs.gov.bc.ca/ext/fsp/</a>
Forest Tenures Administration (FTA)	<a href="https://apps.nrs.gov.bc.ca/int/fta/">https://apps.nrs.gov.bc.ca/int/fta/</a>
Harvest Billing System (HBS)	<a href="https://a100.gov.bc.ca/ext/hbs/">https://a100.gov.bc.ca/ext/hbs/</a>
Imap	<a href="https://arcmapping.gov.bc.ca/ess/hm/imap4m/">https://arcmapping.gov.bc.ca/ess/hm/imap4m/</a>
Integrated Land and Resource Registry (ILRR)	<a href="#">Integrated Land &amp; Resource Registry (ILRR) - Province of British Columbia (gov.bc.ca)</a>
Mark Site Designation (MSD)	<a href="#">Mark Site Designation - Ministry of Forests, Lands and Natural Resource Operations (gov.bc.ca)</a>
Jasper Corporate Reporting System (JCRS)	<a href="https://apps.nrs.gov.bc.ca/ext/jcrs/flow.html? flowId=searchFlow">https://apps.nrs.gov.bc.ca/ext/jcrs/flow.html? flowId=searchFlow</a>
Natural Resource Online Service (NROS)	<a href="https://portal.nrs.gov.bc.ca/sec/staff">https://portal.nrs.gov.bc.ca/sec/staff</a>
Reporting Silviculture Updates and Land Status Tracking System (RESULTS)	<a href="https://apps.nrs.gov.bc.ca/ext/results/">https://apps.nrs.gov.bc.ca/ext/results/</a>
Resource Road System (RRS)	<a href="https://apps.nrs.gov.bc.ca/int/rrs-web/">https://apps.nrs.gov.bc.ca/int/rrs-web/</a>
Status and Clearance Service Component (SNCS)	<a href="#">Forest Tenures Applications Training and Resources - FRAM / IFP (FTA5) Project - Confluence (gov.bc.ca)</a>
Waste System	<a href="#">Requesting Access - WASTE - HVA - Ministry of Forests, Lands and Natural Resource Operations - Province of B.C. (gov.bc.ca)</a>

Subject or Title	Hyperlink
Forest Tenures Application Training and Resources	<a href="#">Forest Tenures Applications Training and Resources - FRAM / IFP (FTA5) Project - Confluence (gov.bc.ca)</a>

#### 4.5 LINKS TO TEMPLATES AND FORMS

Subject or Title	Hyperlink
Agreement Templates	<a href="#">Generic Tenures Document Repository folder</a>
Cutting Permit	<a href="https://intranet.gov.bc.ca/flnrord/rote/forest-tenures">https://intranet.gov.bc.ca/flnrord/rote/forest-tenures</a>
Road Permit (FS 581, 582bcts, 582ML)	<a href="#">Forms Index - Ministry of Forests, Lands and Natural Resource Operations - Province of British Columbia (gov.bc.ca)</a>
Road Use Permit (FS 102, 109)	<a href="#">Forms Index - Ministry of Forests, Lands and Natural Resource Operations - Province of British Columbia (gov.bc.ca)</a>
FSR Discontinuation and Closure (FS 301)	<a href="#">Forms Index - Ministry of Forests, Lands and Natural Resource Operations - Province of British Columbia (gov.bc.ca)</a>
Index of forms	<a href="#">Index of forms</a>
Sample letters and guidance (MOF only)	<a href="#">Resource and Business Administration Manual - Aug 2020</a>
Permit optional clauses	<a href="https://intranet.gov.bc.ca/flnrord/rote/forest-tenures">https://intranet.gov.bc.ca/flnrord/rote/forest-tenures</a>

#### 4.6 LINKS TO MOF WEBSITES

Subject or Title	Hyperlink
Forest Tenures Branch	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures">https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures</a>
Indigenous Relations Branch	<a href="https://intranet.gov.bc.ca/for/exec-ops/indigenous-relations">https://intranet.gov.bc.ca/for/exec-ops/indigenous-relations</a>
Ministry of Indigenous Relations and Reconciliation	<a href="https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/indigenous-relations-reconciliation">https://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/indigenous-relations-reconciliation</a>
Forest Science Planning and Practices Branch	<a href="https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources">https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources</a>
FTB Intranet	<a href="https://intranet.gov.bc.ca/flnrord/rote/forest-tenures">https://intranet.gov.bc.ca/flnrord/rote/forest-tenures</a>

#### 4.7 LINKS TO MOF POLICIES AND DIRECTIVES

Subject or Title	Hyperlink
Waste Assessment – Policy 13.6	<a href="#">RESIDUE &amp; WASTE MANUAL (gov.bc.ca)</a>
Aboriginal Rights and Title Policy & Guidelines – Policy 15.1	<a href="#">Consulting with First Nations - Province of British Columbia (gov.bc.ca)</a> <a href="#">Indigenous and Northern Affairs Canada - Canada.ca</a> <a href="#">Aboriginal Rights and Title Policy</a> <a href="#">FRPA Administration Bulletin Number 1</a> <a href="#">Administrative Guide to Forest Stewardship Plans 3-guide topic - accommodating aboriginal interests 2015 v1 1 - final.pdf (gov.bc.ca)</a>
Cutting Permit Postponement Policy (2008)	<a href="#">Cutting Permit &amp; Road Tenure Administration - Province of British Columbia (gov.bc.ca)</a>
Cutting Permit Extension and Surrender – Policy 26	<a href="#">Cutting Permit &amp; Road Tenure Administration – Province of British Columbia (gov.bc.ca)</a>
July 3, 2014, memo from Deputy Minister applying to all blanket salvage cutting permits.	 Blanket Salvage Letter.pdf

#### 4.8 DOCUMENT CHANGE CONTROL

The table below documents the changes that have been made to this document over time.

<b>Manual Version</b>	<b>Date of Issue</b>	<b>Brief Description of Change</b>
6.0	March 20, 2023	Complete re-write of manual that includes legislative changes up to the date of issue.

*End of Cutting Permit and Forest Road Administration Manual*