

# FRPA Facts: Forest Operations Map

**IMPORTANT CAUTION:** This document is intended to assist forestry practitioners with interpretation of recent changes to the *Forest and Range Practices Act*. The information contained within does not constitute legal advice. Government practitioners should seek legal advice from the Ministry of Attorney General, whereas industry practitioners should seek independent legal advice.

## BACKGROUND

Forest Stewardship Plan (FSP) holders are required to publish a Forest Operations Map (FOM) of any proposed cutting and road permits starting on April 1, 2024. This requirement will come into force resulting from changes to division 3.1 of the *Forest and Range Practices Act* (FRPA). FSP holders are required to publish the FOM and allow for a 30-day public review and commenting period.

The Forest Operations Map portal is a newly developed tool that allows the public to view and comment on planned forest operations, that require cutting permits or road permits. [The Forest Operations Map online portal](#) is a website where FSP holders can voluntarily publish a FOM to meet the new requirements. It allows the public to easily see most proposed forest operations. Since use of the online tool is voluntary, some FSP holders might choose to only make their FOMs available for review and comment at their place of business. Additional FOM requirements are provided in the Forest Planning and Practices Regulation (FPPR).

## HIGHLIGHTS

### Application

The requirement to prepare and make available a FOM applies to FSP holders. For the purposes of this document, an “FSP holder” is any agreement holder under the *Forest Act* that is required to prepare an FSP. For FSPs held by multiple agreement holders, each agreement holder must prepare a FOM.

### Transition

FOM provisions will come into force on April 1, 2024. This gives FSP holders time to prepare for the new FOM process.

### Content requirements

A FOM must:

- Use a scale and format satisfactory to the minister for meaningful review and comment,
- Identify the FSP holder who prepared the FOM and the FSP to which the FOM pertains, and
- Include on the map (FPPR s. 34.1):
  - general geographic area with approximate location of proposed cutblocks and roads for each identified cutblock and road, and
  - approximate periods during which timber harvesting or road construction is intended to occur.

### When is a Forest Operations Map not required?

A FOM is not required for timber harvesting if:

- Harvesting is required to eliminate a safety hazard,

- Harvesting is required for seed collection (opening < 1 hectare),
- Harvesting is required to remove felled trees from landings and road right of ways,
- In the opinion of the minister, harvesting is necessary for pest control (volume ≤ 500 m<sup>3</sup>) (FRPA Section 15.1 (4)),
- Harvesting is exempt from the requirement to have an FSP, or harvesting is incidental (does not exceed 50 m<sup>3</sup>),
- Harvesting is related to a research installation, or
- Harvesting is associated with non-forestry activities (*not* authorized under the *Forest Act*).

### **Exemption provisions**

Under FRPA Section 15.3, the minister may exempt an FSP holder from the requirement to publish a FOM if the minister determines timber should be harvested without delay because it is in danger of being damaged, significantly reduced in value, lost or destroyed.

### **Notice**

- Prior to the start of the review period, a notice advertising the FOM public review and comment period must be published at least once in a newspaper (defined in the FPPR), and on a publicly available website (with no paywall) maintained by the FSP holder or government.
- The notice facilitates public comments on the FOM during the review period.
- As per FPPR Section 34.2, the notice must include:
  - A statement that the map is available for public review and comment,
  - The beginning and end dates of the 30-day review and comment period,
  - An address at which a person may view the FOM, an optional website address at which the FOM may be accessed,
  - The hours during which the FOM can be viewed and comments can be submitted,
  - The physical address, mailing address, email address and, where applicable, a website to which a person may submit comments,
  - The three-year validity period during which the FOM may be relied upon to apply for a cutting or road permit to harvest a cutblock or construct a road shown on the FOM, and
  - The period during which comments on the FOM will be received.

### **Review and comment**

- The public review and comment period begins on the date stated in the notice posted on the website and in the newspaper and ends 30 days thereafter. See below for differences for B.C. Timber Sales.
- Under FPPR 34.2 the minister may reduce the review period if the minister determines timber should be harvested without delay to address environmental, forest health or wildfire risks.
- During the 30-day review and comment period, the FSP holder must:
  - Provide a person who is interested in the FOM an opportunity to review during normal business hours at the FOM holder's place of business or the place stated in the notice.
  - Refer the FOM to any affected Timber Sales Manager.
- If required by the minister, refer the FOM to specified government agencies (provincial or federal).
- Persons may submit comments on the FOM during the 30-day period by the means specified in the notice.
- The FSP holder must consider any comments received that are relevant to the FOM.

### **FOM report**

As per FPPR Section 34.4 the FSP holder must submit a report on the public review to government that includes:

- A copy of the final FOM,

- A copy of the published notice,
- A record of comments received, and
- A description of any changes to the FOM as a result of comments received (i.e. show proposed and final shapes).

### **BC Timber Sales (BCTS)**

The BCTS Timber Sales Manager must also produce a FOM and complete the associated process. Notable differences from FOM requirements for BCTS (FPPR Division 3) include:

- The operating period (validity) for the FOM is three years, starting the day the review and commenting period ends (30 days after the publication of the FOM),
- BCTS notices must also identify the Timber Sales Manager and Business Area, and
- BCTS is not required to submit a report on review and comment or submit a FOM to government.

As per FRPA Section 15.2 (3), the FOM process is not intended to limit a Timber Sales Manager's authority to invite applications for, or issue a timber sale licence, or construct a road.

### **Validity**

Under FPPR Section 34.5, an FSP holder may rely on a FOM for the application for a cutting or road permit for three years. The three-year period starts on the date the review and commenting period commences. For BCTS the three-year validity period starts after the 30-day review period.

### **Permit refusal (Forest Act)**

Once *Forest Act* Section 81.2 is in effect, the permit issuer must refuse the application for a cutting or road permit if:

- The applicant does not hold an FSP,
- The applicant did not comply with FRPA Section 15.1 by not preparing a FOM, making it publicly available for review and comment prior to permit application, or not submitting the report on public review and comment to government,
- The areas within the cutting or road permit are subject to a FOM that is no longer valid, or
- If the harvest area or road location in a permit application is inconsistent with the approximate locations of cutblocks and roads on a valid FOM.

### **Retention**

A FOM must be retained for five years from the date the public review and comment period starts (FPPR 34.6).

Additional questions about this information can be  
directed to  
[forests.forestpracticesbranchoffice@gov.bc.ca](mailto:forests.forestpracticesbranchoffice@gov.bc.ca)