

The Forest Operations Map and the One Cutting Permit on Community Forest Agreements

Best Practices Guide

August 2023

Part 1 Introduction

1.1 Purpose

The purpose of this guide is to outline the requirements and best practices for using the Forest Operations Map (FOM) in context of a One Cutting Permit (1 CP) on Community Forest Agreements (CFAs). Users of this document are strongly encouraged to refer to the *Forest Act* (FA), *Forest and Range Practices Act* (FRPA) and Forest Planning and Practices Regulation (FPPR) for legal requirements and if necessary, obtain legal advice from their own sources.

1.2 Background

One Cutting Permit

The 1 CP for CFAs was developed to create efficiencies for the Ministry of Forests (FOR) and CFA holders by allowing a Cutting Permit (CP) that could cover the entire agreement area for a 4-year period. The 1 CP brings significant administrative operational flexibility to CFAs and FOR.

Changes in Forest Practices

In 2019, amendments were made through Bill 21 *Forest and Range Practices Amendment Act* to FRPA and the FA to support the health and sustainability of B.C.'s forests and range lands, while strengthening public confidence in how these vital resources are managed. The changes were designed to:

- create more frequent and reliable opportunities for public input;
- improve public and stakeholder engagement in forest planning;
- reassert Government as the land manager;
- strengthen the responsible Minister's ability to manage forest practices.

To improve opportunities for stakeholder engagement and public input the following changes were made (refer to Bill 21 and the FPPR for details):

Prior to submitting a CP or Road Permit (RP) for approval a Forest Stewardship Plan (FSP) holder will be required to:

- Prepare a FOM that shows the approximate location of cutblocks and roads within the FSP area, the estimated period of harvesting and road construction for features on the FOM.
- Make the FOM publicly available to interested parties for a 30-day review and commenting period. The FSP holder must publish notice of the FOM in a local newspaper and on a publicly available website inviting public review and comment.
- Refer the FOM to BC Timber Sales managers who may be affected and, if the Minister (or delegate) requires it, to a provincial or federal agency.

Content requirements of Final FOM submissions:

- The notice of advertisement for the FOM;
- A report to Government containing comments received and a description of the changes made in response, and
- The final FOM.

Once submitted the FOM can be relied upon for a 3 year period to apply for CPs or RPs. The FOM is not approved by FOR but must be in place and meet legal requirements before the District Manager can issue a CP or RP.

A new legislative requirement is that a permit issuer (usually the District Manager) **must refuse an application for a cutting permit or road permit** to construct a road if any of the following applies:

- The applicant does not hold a valid FSP for the area, or
- In the case of an application for a cutting permit, **the area requested to be harvested under the permit is inconsistent with the approximate locations of** cutblocks shown on a valid forest operations map, or
- In the case of an application for a road permit, **the location of the proposed road is inconsistent with the approximate locations of** roads shown on the forest operations map.

The Law

Users of the 1 CP should consult the FRPA, FA and FPPR for legal requirements. Relevant sections include:

- Bill 21 - FRPA *Division 3.1 – Forest Operations Map* Publication of forest operations maps by forest stewardship plan holders.
 - Section 15.1 details the requirements and rules for the FOM.
 - Section 15.3 provides **exemptions** for use of the FOM:
 - if the Minister responsible considers that timber should be harvested without delay because the timber is in danger of being
 - damaged,
 - significantly reduced in value, or
 - lost or destroyed.
- FA Refusal of permit – Section 81.2 details the reasons a permit issuer can refuse to issue a CP or RP.
- Bill 21 – FRPA – Section 151.1 authorizes the Lieutenant Governor in Council to make regulations respecting the FOM. FPPR Part 3.1 contains those regulations.

Part 2 Best Practices

The traditional 1 CP procedure does not require the CFA holder to show the approximate location of cutblocks and roads, which is inconsistent with the intent of the FOM. The following Best Practices are recommended to integrate 1 CP with new forest planning requirements:

BP#1) At the time of 1 CP application, the FOM should show the outside boundary of the area being considered for the 1 CP **and the approximate location of cutblocks and roads, the estimated period of operations, and the estimated year of harvesting and road construction for each cutblock and road.**

Government provides an [online platform](#) for FSP holders where they can publish their proposed FOMs, solicit and report public review & comments, as well as submit their final FOM packages.

BP#2) The final FOM package submitted to the decision maker must include the outside boundary of the 1 CP area and should also show the initial and final cutblock and road shapes.

BP#3) During the term of the 1 CP, if new harvesting or road construction is planned that was not shown on the initial FOM (i.e. the approximate location of cutblocks and roads), unless exempted (i.e., Bill 21 FRPA section 15.3), a new FOM that is consistent with the planned activities should be developed, and made publicly available for review and comment.

BP #4) Although the FOM is not subject to approval and does not constitute consultation with First Nations, CFA holders should make reasonable efforts to share their FOMs with First Nations and known stakeholders (Ranchers, Trappers, Guide Outfitters etc.).

Issuance of a 1 CP is a discretionary decision, and should a CFA holder not choose to follow these Best Practices they may be advised to make application for a conventional CP.

Please contact Julius Huhs, RPF, RFT, SFM Team Lead (Julius.Huhs@gov.bc.ca), with questions regarding the use of the FOM and Emma Neill, Senior Tenures Forester, Forest Tenures Branch (Emma.Neill@gov.bc.ca) regarding Cutting Permit administration.