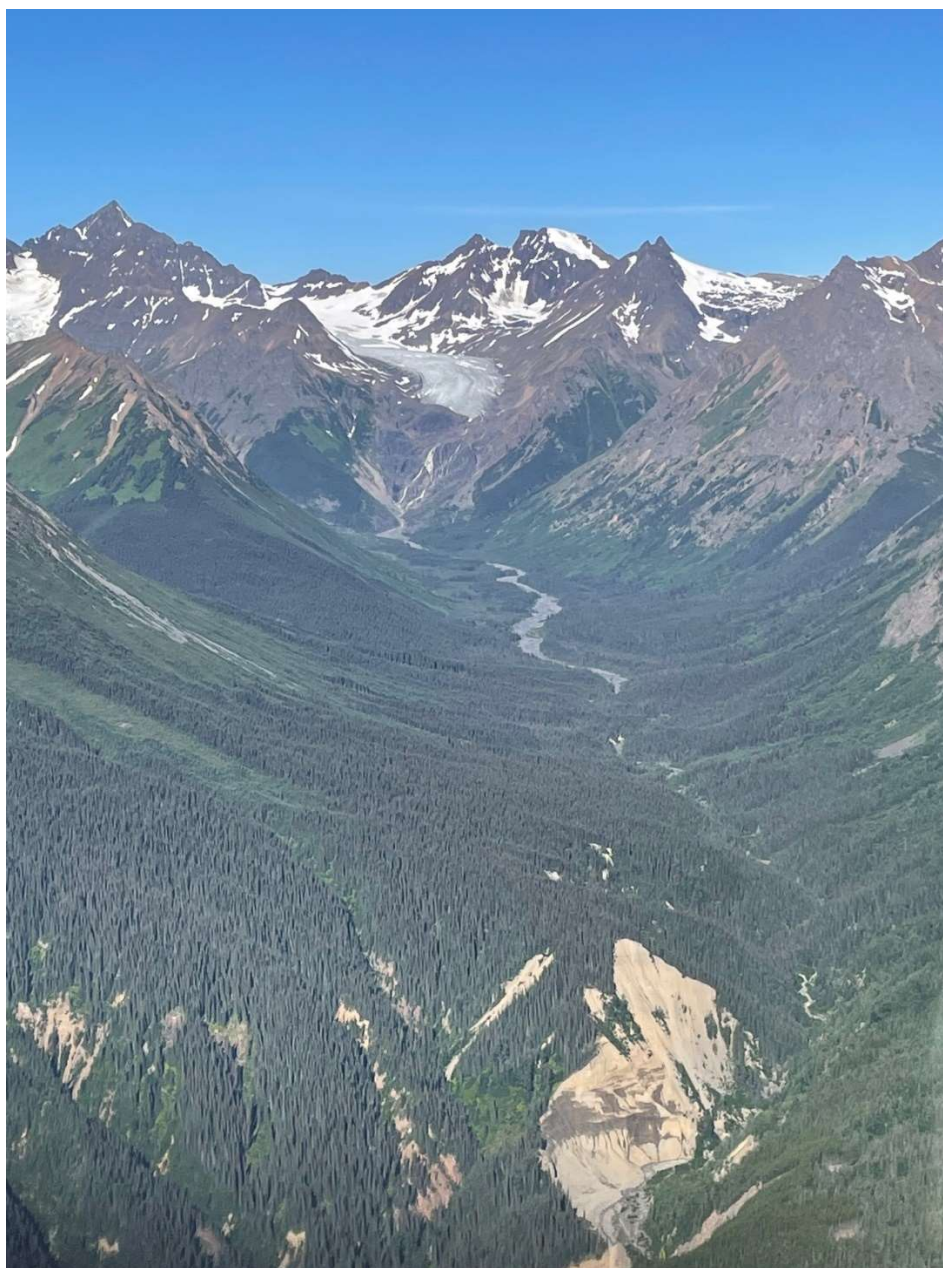


# User Guide for Peaceful Enjoyment Road Disturbance (PED) in the Skeena Region

Version 1.0



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## Definitions:

### **Access Management Definitions:**

**2x4 access:** This road can be accessed by most motor vehicles.

**4x4 access:** The road requires a vehicle with 4-wheel drive to access, such as a light truck.

**ATV access:** Road has been deactivated to the level where it can no longer be accessed by a highway authorized vehicle. It requires an all-terrain vehicle such as a quad or UTV.

**No motor vehicle access:** Access has been restricted to all motorized vehicles, including snowmobile. This can include falling trees in the road right of way.

### **Road Deactivation (FSR Eng. Manual):**

The intent of road deactivation is to place a road in a self-maintaining state that will indefinitely protect adjacent resources. Road deactivation requirements typically include removing bridges and stream culverts, stabilizing the road prism, and barricading the road surface width in a clearly visible manner to prevent access by motor vehicles (other than all-terrain vehicles).

### **Road Deactivation (FPPR)**

**82 (1)**A person who deactivates a road must do the following:

- (a) barricade the road surface width in a clearly visible manner to prevent access by motor vehicles, other than all-terrain vehicles;
- (b) remove bridge and log culvert superstructures and stream pipe culverts;
- (c) remove bridge and log culvert substructures, if the failure of these substructures would have a material adverse effect on downstream property, improvements or forest resources;
- (d) stabilize the road prism or the clearing width of the road if the stabilization is necessary to reduce the likelihood of a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act.

(2) A person may submit to the district manager, in writing, a request for an exemption from the requirements of subsection (1) (a) if

- (a) the person has not begun deactivating the road, and
- (b) the road does not contain any bridges or major culverts.

(3) The minister, in a notice given to a person who submits a request under subsection (2), may exempt the person if the minister is satisfied that the effectiveness of the works described in subsection (1) will not be negatively impacted by motor vehicle use.

(4) If a road deactivated under this section is a road that was used under the authority of a road permit associated with, or a cutting permit issued under, a tree farm licence, the holder of the tree farm licence must maintain the stability of each part of the road that was deactivated.

**Enhanced Road Deactivation:** Enhanced road deactivation includes all parts of the normal road deactivation definition from the Forest Planning and Practices Regulation as well as the following:

- a) Include a large ditch (tank trap) at the start of the road being deactivated that will make it difficult for any motorized vehicle to get through.
- b) Make at least the first **20-100m** of the road surface inaccessible to motorized traffic by placing logging debris, such as stumps and non-merchantable logs on the road prism and/or ripping up the road surface. The first 100m refers to any location where the road being deactivated connects to an active road. As an example, when a loop road is being deactivated, both the first 100m and last 100m would need to be deactivated.

Note: The proponent completing the road deactivation on a road should make sure that the full extent of the road that is being classed as having “enhanced road deactivation” meets the definition of being deactivated.

**Limit Access:** indicate to potential road users that access is limited. This can be done through signage, gates, building a seasonal road, using heavy machinery to block the road, deactivating the road, pulling a bridge, and putting logs or debris on the road.

The intent is to reduce the amount of traffic using this road outside of regular industrial traffic. The methods required will depend on the amount of traffic that is expected.

**Old Road:** For the purposes of peaceful enjoyment roads that are overgrown by vegetation to a state where they are no longer accessible by most motorized vehicles and are at least **5 years** old in ICH, CWH BEC zones or **10 years** old in SBS, MH, ESSF, BWBS, and SWB BEC zones. Old roads can be considered to have been deactivated for the purposes of peaceful enjoyment (enhanced deactivation).

**Primary Forest Activity (FPPR)** means one or more of the following:

- (a) timber harvesting;
- (b) silviculture treatments;
  - (b.1) wildlife habitat enhancement;
- (c) road construction, maintenance and deactivation;

**Regeneration Date (FPPR):** means the end of the period, following the commencement date, by which a stand being established on the net area to be reforested must conform to stocking standards set in respect of regeneration;

## Road Rehabilitation:

In the Forest Planning and Practices Act, rehabilitation of a road is a silvicultural issue that is typically done in accordance with a silviculture prescription or logging plan, and is normally carried out concurrently with (or following) deactivation, to restore the affected area to a productive site for growing crop trees.

Rehabilitation definition from the FPPR:

(6)An agreement holder who rehabilitates an area under subsection (4) or (5) must

- (a) remove or redistribute woody materials that are exposed on the surface of the area and are concentrating subsurface moisture, to the extent necessary to limit the concentration of subsurface moisture on the area,
- (b) de-compact compacted soils, and
- (c) return displaced surface soils, retrievable side-cast and berm materials.

**Season** : A period of time which is three consecutive months long.

**Significantly Increase Traffic:** Situations that would significantly increase traffic to an area would include:

- Building a road to a site of interest, such as a previously inaccessible lake
- Building a permanent or semi-permanent logging/resource camp
- Building a road that increases connectivity across the road network (creates loop road)

This does not include the short-term increase of traffic that would be included in logging operations related to a cutting permit or similar logging tenure.

**Winter Road:** Winter road is a single lane seasonal winter road including turnouts, with a flat road profile that is built with a combination of snow, ice, and dirt, on a surface that may or may not have been stumped. These roads are not easily accessible by any motorized vehicles in snow-free conditions. Winter roads are not considered as existing roads for the purposes of peaceful enjoyment.

## Peaceful Enjoyment Road Disturbance

### Description:

Peaceful Enjoyment reflects the likelihood of encountering other individuals while out on the land. Peaceful enjoyment is negatively correlated with road density, linear features, and other human disturbances. As such, peaceful enjoyment is highest in areas where access is challenging and may be limited to boat or air travel. An assessment of Peaceful Enjoyment in other parts of the province was designed to assess the ability for indigenous peoples to meaningfully practice their rights, which is integral for the maintenance of the health and well-being of the region's Indigenous peoples and their way of life. **This assessment was not conducted in collaboration with First Nations in Skeena region, but rather serves as a first attempt at broadly capturing overall impact to the land.** This work is heavily

reliant on the work of the Regional Strategic Environmental Assessment (RSEA), the CISF out of the Northeast Region. The term 'peaceful enjoyment' comes from RSEA.

**The Peaceful Enjoyment assessment is based on an updated Recreation Opportunity Spectrum (ROS) protocol.** The outputs of the Peaceful Enjoyment Disturbance (PED) assessment provide an overarching consideration of current condition of the land base and a lens through which authorization and consultation staff should view their evaluation of all CE values in this checklist. Management of values will be more precautionary where other CE values are at higher risk or hazard.

#### Rationale for Management Considerations

In the Skeena region, the road infrastructure built to access timber continue to have the biggest impact on peaceful enjoyment. Whereas the harvesting of timber is a relatively short-term activity on any one area on the landscape, the roads associated with this activity often continue to be accessible by motorized vehicles for a long period of time.

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## Process for Implementing Peaceful Enjoyment Disturbance Management Considerations:

### Step 1: Determine Category of Peaceful Enjoyment Disturbance Proposed Activity is In

Access the Skeena Region Cumulative Effects Explorer site to determine what category (or categories) of peaceful enjoyment is identified for the area with the proposed activities is occurring in.

- I. Query the Peaceful Enjoyment Disturbance data by your area of interest:
  - a. Use geospatial dataset which can be downloaded by contacting Maciej Jamrozik: Maciej.Jamrozik@gov.bc.ca.
- II. Complete Checklist of Cumulative Assessment in Skeena Region (Appendix 1) and append status report from Skeena Region Cumulative Effects Explorer site.

### Step 2: Determine Appropriate Management Considerations for Peaceful Enjoyment Disturbance

- a) If the application is reliant on the construction of roads, trails, fence lines, or other linear corridors, use the peaceful enjoyment disturbance **decision** support key (Appendix 2) to determine the recommended measures that should be incorporated into the application for the project.
- b) Append the rationale to the Checklist of Cumulative Assessment in Skeena Region (Appendix 1) and submit as part of the permit application.

### Timing of Rehabilitation Activities

Within semi-primitive polygons, rehabilitation may be delayed due to maintaining access for silviculture monitoring and treatments to meet free to grow obligations.

Within polygons with higher road densities, access will likely not be as significantly impacted due to roads being removed from the landscape through deactivation or rehabilitation. Therefore, following the establishment of stable growing stock (post planting checks) roads could be deactivated/rehabilitated and replanted. Access to the area for further silviculture surveys should not be a factor influencing the maintenance of roads. Helicopter flights, or increasingly, drones could be used to facilitate the confirmation of free to grow status and termination of silviculture obligations for licensees' forestry permits.

### Considerations for deactivation/rehabilitation of roads:

The limiting of access through deactivation and rehabilitation of roads will need to consider the ability of the public and indigenous people to access well established recreation, cultural sites, and resource gathering sites.

Gates have often been used to control public access, while still providing access to resource development. However, they are often compromised as locks can be cut, new locks put on and they are also often left open. The Forest Practices Board states gates are, "...inefficient at best and are often ineffective" (2015). For this reason, the installation of new gates to limit access is only recommended for very specific purposes where they can be regularly monitored and there is no easy way to go around the gate.

## References

Auditor Generals Report on Roads 2020

Forest Practices Board (2005) Access Management in British Columbia Issues and Opportunities (Report No. 23).

Forest Practices Board (2015). Access Management and Resource Roads: 2015 Update (Report No. 49).

Forest Road Engineering Guidebook 2002

ABC FP and Engineers Guidelines for Professional Service 2012

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# Appendix 1: Checklist for Peaceful Enjoyment Disturbance Cumulative Effects Assessment in Skeena Region:

To Be submitted as part of permit application.

## APPLICATION SUMMARY

**Date Assessment Completed:** *(Date)*

**Act:** *(Act that decision is being made under)*

**Application Type:** *(describe application type)*

**Tenure Number:** *(enter tenure or permit numbers)*

**Applicant:** *(Name of company or applicant)*

**Permit Number(s) & Description:**

### Cutting Permits

CP#	Block#	Block Gross Area	Block Net Area	Road Length (km)	Existing Road or New Construction	PE Class of watershed unit	Length of Road Rehabilitated (km)	Length of Road with Advanced Deactivation (km)
<b>Total Area</b>								
<b>Total Existing Road Length</b>								
<b>Total New Construction Road Length</b>								

### Road Permits:

Road Permit#	Road Section#	Road Length (km)	Existing Road or New Construction
<b>Total Existing Road Length</b>			

<b>Total New Construction Road Length</b>	
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**Proposed mitigation activities:**

- A) Located Within the same watershed unit:**
- B) Located in other watershed units:**
- C) Timing of mitigation activities (when will mitigation activities be carried out):**

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# Appendix 2: Decision Key for Roaded and Other Linear Developments



## Appendix 3: Framework for Prioritizing Road Deactivations

***The prioritization of which roads are to be deactivated for the purpose of reducing the peaceful enjoyment disturbance should consider the following hierarchy of priorities:***

- 1) Roads that impact other values identified in the Cumulative Effects Framework or by First Nations (e.g. Grizzly Bear, Fish and Fish Habitat, Wetlands).
- 2) Roads impacting values with Higher Level Plan Order objectives or other legal higher-level objectives.
- 3) Roads in or near other wildlife designations.
- 4) Roads with a high risk of sediment input into waterways, particularly upstream of known fish habitat or human consumption intakes.
- 5) Loop roads
- 6) Roads proximal to Fresh Water Atlas polygons that have lower disturbance from a peaceful enjoyment disturbance analysis
- 7) Unused roads in areas where the first pass of logging is complete.
- 8) Roads that are part of a licensee's seasonal deactivation plan

***Road deactivation planning should avoid roads that:***

- 1) Are known traditional use areas (harvest areas for local FN)
- 2) Are roads that access recreational sites.
- 3) Are roads that provide emergency access to remote communities (in case of wildfire remote communities may depend on backroad exits)
- 4) Are main haul roads that are used for fire response access.
- 5) Areas where it is known silviculture activities still have planting obligations that need to occur.
- 6) Roads that are known to be used for other industrial or commercial use on the land base (e.g. range, mining).
- 7) Roads that have known proposed or active cutting permits.