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Ministry of Forests
and Range

FIELD OPERATIONS DIVISION

MEMORANDUM

FEB 18 2010

File: 18045-02

To: Regional Executive Directors
District Managers
Branch Directors

From: Dave Peterson
Assistant Deputy Minister
Field Operations

Re: **FRPA General Bulletin (Number 21) – Managing Section 48 of the FRPA –
Natural Range Barriers**



A new *Forest and Range Practices Act* General Bulletin (Number 21), “Managing Section 48 of the FRPA - Natural Range Barriers” has just been completed. This bulletin will provide guidance for range and forest practitioners seeking solutions for mitigating the removal or the ineffectiveness of natural range barriers.

The bulletin emphasizes the importance of consultation between range and forest agreement holders to successfully implement their respective operational plans. It provides options for consideration when planning harvesting activities in areas with *Range Act* agreements and when mitigating the removal of a natural range barrier.

The bulletin will be available soon from the Provincial FRPA Implementation Team’s website at the following address:

<https://www.for.gov.bc.ca/rco/pfit/index.htm>

If you have any questions about this bulletin, please contact Brian Westgate, A/Policy Implementation Manager, Field Operations Division at (250) 387-8620, or by email at brian.westgate@gov.bc.ca.

Dave Peterson
Assistant Deputy Minister
Field Operations Division

Attachments: 1

Regional Executive Directors
District Managers
Branch Directors

pc: Les Kiss, Vice President, Forestry, Coast Forest Products Association
Archie MacDonald, General Manager, Council of Forest Industries
Bruce Fraser, Board Chair, Forest Practices Board
Jim Langridge, Director, Resource Tenures Branch, Ministry of Forests and Range (MFR)
Diane Medves, Director, Forest Practices Branch, MFR
Dave Borth, Director, Range Branch, MFR
Tracy Andrews, A/Senior Timber Tenures Forester, Resource Tenures Branch, MFR
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Provincial FRPA Implementation Team



FRPA GENERAL BULLETIN

Number 21

February 17, 2009

Managing Section 48 of the FRPA – “Natural Range Barriers”

INTRODUCTION

The purpose of this bulletin is to provide guidance regarding mitigating natural range barriers as per Section 48 of the *Forest and Range Practices Act* (FRPA). The bulletin will provide information for practitioners seeking solutions for mitigating the removal or the ineffectiveness of natural range barriers.

Effective management of natural range barriers requires that range agreements use the most suitable natural range barrier as boundaries and foresters understand the importance of these barriers to range management on Crown range. Livestock producers rely on natural range barriers and range developments to manage the distribution of livestock on Crown range as required under the FRPA. Range agreement holders understand the importance of identifying natural range barriers within or bordering their range agreements.

Natural range barriers are not defined by FRPA or its associated Regulations. However, in the Ministry of Forests and Range (MFR) “Definitions of Forestry Terms” they are defined as:

a river, rock face, dense timber or any other naturally occurring feature that stops or significantly impedes livestock movement to and from an adjacent area.

BACKGROUND

Range management professionals and range agreement holders understand natural range barriers are landscape features that provide a psychological or physical barrier to livestock, thereby controlling livestock movement. Dense stands of timber or stands with little forage beneath the canopy are natural barriers to livestock movement.

Section 48 of FRPA requires range and forest licensees to carry out measures, written in their operational plans, to mitigate the removal or the ineffectiveness of natural range barriers. Alternatively, the agreement holders may carry out mitigation measures that are authorized by the Minister. When natural range barriers might be removed or rendered ineffective, it is important that range and forest agreement holders consult to successfully implement their respective operational plans.

Traditionally, range agreement area and pasture boundaries were established along the most suitable natural range barriers available. Dense stands of timber may act as natural range barriers when rock outcrops, major water bodies, rivers and steep slopes are not available. The removal of treed natural range barriers along agreement boundaries, pasture boundaries and riparian areas has occurred at a historically high rate over the past 8-10 years. The majority of these removals are associated with accelerated forest harvesting activity related to salvaging mountain pine beetle affected pine forests.

Natural range barriers require little to no maintenance by the range agreement holder. When natural range barriers are replaced with infrastructure such as fencing, ownership of the range development may be transferred to the Crown. The range agreement holder is normally responsible for the ongoing maintenance associated with the range development (Section 40, Range Planning and Practices Regulation) therefore he/she has a vested interest in minimizing infrastructure construction. When infrastructure is necessary, in addition to the measures identified in the FSP for managing Section 48 of FRPA, the cost of fencing and cattle guards can be included in the cutting authority appraisal as described in the Interior Appraisal Manual (IAM). Please refer to Appendix 1.

Legislation associated with the removal of natural range barriers is located in Appendix 2.

DISCUSSION:

The removal or the ineffectiveness of natural range barriers often leads to livestock trespass, improper use of the range resource, and the mixing of livestock with adjacent herds. Each has an economic impact on the ranching sector from lost or injured animals, poor weight gains, resource damage and deviations from planned breeding programs. Range agreement holders are required to adjust management according to harvesting activities; often harvesting activities, road building, and logging traffic coincide with the grazing schedule. Natural range barrier mitigation might not occur the same year as the harvesting. The range agreement holder is responsible to manage their livestock according to their range use plan until and after the removed barrier is mitigated. If livestock cannot be managed in accordance with the range use plan, it is the responsibility of the range agreement holder to request an amendment. Range agreement holders are advised to discuss annual harvesting activities within their range agreement area with the appropriate *Forest Act* agreement holders.

Mitigating the removal or ineffectiveness of natural range barriers increases time spent planning and is a cost to the province, as well as timber and range licensees. This could have a substantial economic impact on the forest industry if poor planning equates to extra costs for natural range barrier mitigation, missed appraisal opportunities in the Interior or insufficient appraisal cost estimates to cover the replacement costs. Forest licensees are expected to meet their contract agreements and the requirements of FRPA.

Options that foresters might want to consider when planning harvesting activities and mitigating the removal of natural range barriers are:

- Review natural range barrier locations to identify natural range barriers in or near the operating area. Natural range barriers may be identified on the Range Use Plan/Range Stewardship Plan map or maps available from the District Range Officer/Agrologist.
- Host an information session to share annual harvesting and grazing plans among forest and range licensees who are operating in a common area. This session could be coordinated by the MFR Tenures and Range staff, or the forest and range agreement holders. Consider attending and discussing plans at local livestock association meetings. The Range Impact Assessment (Appendix 3) is a tool that can be used to document discussions. Some of the potential benefits of doing this are to find creative solutions, coordinate planning to minimize impact and gain mutual understanding.
- Confirm with the range agreement holder and District Range Officer that harvesting and road construction will or will not remove or render ineffective a natural range barrier.
- Consult with the range agreement holder and, if necessary, the District Range Officer to discuss potential impacts and solutions if a natural range barrier is removed or rendered ineffective. Potential impacts from harvesting in a range agreement area include increased cattle access to riparian areas, winter ungulate ranges, alpine habitats, parks and protected areas, recreation areas, other range agreement areas, plantations, and private land.
- Add specific detail to a FSP in consultation with the appropriate range agreement holder(s). This could include defining a natural range barrier or defining the circumstances where measures would be taken.

In some instances, it may be possible to re-align the range agreement boundary to a new boundary or natural range barrier. Should a mitigation action be necessary to address the barrier removal, consult with the range agreement holder and, if necessary, the District Range Officer and choose an appropriate mitigation strategy to address the impacts of harvesting activities on range management. Possible options to mitigate the removal of a natural range barrier are as follows:

- Make adjustments to road and/or cut block locations.
- Retain a buffer of trees wide enough to significantly impede the movement of cattle. Consult with the range agreement holder and the District Range Officer to identify the appropriate buffer width.

- Strategic falling of trees within the buffer and/or slash piling along the buffer to reduce the width of treed buffer that is required
- Discuss the potential of hiring a range rider to control livestock distribution. Considerations include, but are not limited to, rider availability, term of contract, cost, and boundary location.
- Construct range developments. In the Interior, include in the application for a cutting authority the appropriate length of fencing and number of cattle guards required to mitigate the removal of the natural range barrier [Reference: IAM Section 1.1 (definition of remedial fences and wing fences) and Section 4.3.2.6]. Also, review Appendix 1. Creative alternatives to conventional fencing may be considered with agreement between *Forest and Range Act* agreement holders and the Ministry of Forests and Range staff. The construction of these alternative projects may not necessarily be approved for inclusion in the appraisal of the cutting authority. Please check with the regional timber pricing coordinator. The construction of all range developments are subject to legislation and approval by the District Manager.

Summary

Forest and range agreement holders need to work cooperatively to minimize economic impacts to their business. Dialogue must occur at all stages from plan preparation through to barrier mitigation. The removal of natural range barriers impacts the ranching and forestry sectors. The negative impacts can be reduced through communication and adhering to FRPA requirements. Following the removal of a natural range barrier, the person carrying out the forest or range practice is responsible for mitigation actions and the range agreement holder remains responsible to adjust management until mitigation occurs.

Further Information

Additional information about FRPA and RUP/RSP/FSP content and development may be found on the Provincial FRPA Implementation Team website at:
<http://www.for.gov.bc.ca/rco/pfit/index.htm>

Contacts:

Questions about this bulletin can be referred to:

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Appendix 1: Inclusion of Range Improvement Costs in Interior Appraisals

To ensure fair and consistent inclusion of range improvement costs (cattle guards and remedial fencing) in Interior appraisals, the following guidelines have been developed. District range staff should be consulted to ensure the range improvement(s) are appropriate and required to “remedy, reduce, or manage the impact on range management of the timber harvesting activities on the cutting authority area”.

Reference: IAM Chapter 1 (definition of remedial fencing and Section 4.3.2.)

New Range Developments

Where a range development is required to mitigate the impacts to range management of **harvesting activities on the cutting authority being appraised**, a cost estimate may be included in the appraisal. The length of fencing and/or number of cattle guards required for barrier mitigation that can be included in the appraisal will be determined by the person determining the stumpage rate.

Existing Range Developments

Where existing range developments will no longer withstand cattle pressure **due to harvesting activities on the cutting authority being appraised**, the range and forest agreement holders together with the MFR staff will advise the regional revenue staff of the extent of replacement fencing that will be required. The person determining the stumpage rate will determine the costs that can be included in the appraisal.

Where an existing fence (new or old) within a block must be removed due to operational constraints, the person determining the stumpage rate will determine the fencing cost estimate that will be included in the appraisal.

In all cases, the locations of new range developments, or existing range developments that will be removed and replaced, must be identified on the appraisal map.

Appendix 2: Associated Legislation

Natural Range Barriers as per Section 48 FRPA:

A person carrying out

- (a) a forest practice, or
- (b) a range practice

that directly or indirectly removes or renders ineffective a natural range barrier must carry out measures that are

- (c) specified in an operational plan for the area, or
- (d) authorized by the minister

to mitigate the removal or the ineffectiveness of the natural range barrier.

Definitions as per Section 1 FRPA:

"forest practice" means a prescribed activity that is carried out by

- (a) the government;
- (b) a holder of an agreement under the *Forest Act*, or
- (c) a person in a prescribed category of persons

on private land, subject to a tree farm licence, a community forest agreement or a woodlot licence, or on Crown forest land;

"range practice" means

- (a) a prescribed activity that is carried out on Crown range by
 - (i) the holder of an agreement under the *Range Act*, or
 - (ii) a person in a prescribed category of persons, and
- (b) the activities related to constructing, modifying or maintaining a range development that are carried out on Crown range by a person other than the holder of an agreement under the *Range Act*; ←

Natural Range Barriers as per Section 18 Forest Planning and Practices Regulation

For the purpose of Section 48 (*natural range barriers*) of the Act, a person who prepares a forest stewardship plan must specify measures to mitigate the effect of removing or rendering ineffective natural range barriers.

Natural Range Barriers as per Section 15 of the Woodlot Licence Planning and Practices Regulation

For the purpose of Section 48 (*natural range barriers*) of the Act, a woodlot licence holder must, subject to Section 78 (1) [*minister may grant exemptions*], specify measures in the holder's woodlot licence plan to mitigate the effect of removing or rendering ineffective natural range barriers.

Section 4 of the *Ministry of Forests and Range Act*:

The purposes and functions of the ministry are, under the direction of the minister, to do the following:

- (a) encourage maximum productivity of the forest and range resources in British Columbia;
- (b) manage, protect and conserve the forest and range resources of the government, having regard to the immediate and long term economic and social benefits they may confer on British Columbia;
- (c) plan the use of the forest and range resources of the government, so that the production of timber and forage, the harvesting of timber, the grazing of livestock and the realization of fisheries, wildlife, water, outdoor recreation and other natural resource values are coordinated and integrated, in consultation and cooperation with other ministries and agencies of the government and with the private sector;
- (d) encourage a vigorous, efficient and world competitive
 - i. timber processing industry, and
 - ii. ranching sectorin British Columbia;
- (e) assert the financial interest of the government in its forest and range resources in a systematic and equitable manner.

Appendix 3: Range Impact Assessment Example

Date: _____

File No.: _____

Range Tenure Holder: _____ RAN #: _____

Range Unit: _____ Pastures: _____

Timber Licensee: _____ Contact: _____

Mapsheet: _____ CP/Blk/Opening #: _____

Block Information: _____

Type of Conflict:

- Natural Range Barrier Harvest (Season) Road Traffic Range Development
 Safety Other _____

Impact: Provide a detailed account of all the potential impacts that will be created by your integrated operations. Attach sheets if more detail or space is required (include specific location instructions and attach a map).

Mitigation: Describe in as much details required as to how both proponents will ensure that all potential impacts are dealt with to allow both operations to continue. Attach sheets if more detail or space if required.

Signed:	Signed:
Representative for:	Representative for: