

## MINISTRY POLICY

### Scope

### Purpose

### Policy

### Definitions

### CP Issued on or after November 4, 2003

#### POLICY SUBJECT

Cutting Permit Postponement

Resource Tenures and Engineering Branch

#### APPROVED

 2008/08

This policy applies to cutting permits issued on or after November 04, 2003.

To provide guidance to the delegated decision maker when considering an application for a cutting permit postponement.

A cutting permit may be postponed in accordance with the *Forest Act* and the *Cutting Permit Postponement Regulation* provided that a rationale is provided by the applicant for the delegated decision maker to consider

“agreement” means a forest licence, timber Licence, tree farm licence, community forest agreement, community salvage licence, woodlot licence, licence to cut and timber sale licence

“agreement expiry” means the date the agreement is no longer in effect

“cutting permit expiry” means the date the cutting permit is no longer in effect

“forest management reasons” has the same meaning as described in the *Cutting Permit Postponement Regulation*

“term” means the period of time the agreement or the cutting permit is in effect

Section 58.21 of the *Forest Act* provides authority for the holder of a cutting permit (CP) to apply for postponement of CP operations for up to 2 years for a “forest management reason”. The *Cutting Permit Postponement Regulation (the regulation)* specifies the reasons and requirements that must be met for the minister or delegated authority to postpone the operation of the CP.

Note: Decision making has been delegated to the district manager, refer to the delegation matrix at

<http://gww.for.gov.bc.ca/hcp/legislation/authoritymatrix/>.

In general, CP operations may be postponed for the following reasons:

1. If the postponement will enable harvesting of other higher priority timber that is in danger due to forest health factors or,
2. The continuance or completion of timber harvesting operations under the CP is likely to result in an adverse effect on reforestation or an unacceptable fire hazard.

If a holder of a CP requests a postponement of the CP, the holder must provide a rationale to the Delegated Decision Maker to further support the request. The request and supporting rationale should specify the forest management reason(s) permitted under the regulation and the specific circumstances under which the postponement is required and the desired effective date of the commencement of the postponement. It is expected that licensees will not use this regulation to postpone CP's due to

inappropriate planning, but rather a rationale can include but is not limited to:

(a) Whether there is a risk to other stands of timber due to a forest health factor such as mountain pine beetle and how postponing the CP will allow the licensee to focus on higher priority timber included in existing cutting permits or under application held by the applicant where the timber is at risk of or being destroyed by a forest health factor or

(b) Whether continued harvesting within the cutting permit area will likely result in excessive waste due to circumstances that were unforeseen at the time of CP application and postponement of the CP will provide the holder an opportunity to increase the level of utilization thus lowering the adverse effect on reforestation and lowering the fire hazard beyond the current expiry date of the cutting permit.

Note: The applicant is required to provide a rationale on a CP by CP basis (however batching is acceptable where the issue and rationale are similar).

It is important to note the postponement preserves the remaining term of the CP at the time the postponement takes effect, however, suspends the rights under the CP during the period of postponement.

When the postponement expires or is rescinded by the holder prior the expiry of the postponement period the remaining time left on the CP is the same amount of time that was left on the CP at the time of the postponement. Consideration should be given for the removal of remaining decked or felled timber prior to the date when the postponement takes effect.

Where fixed term license holders such as a non replaceable forest licence are approaching the end of their term, CP postponements may not be an option where the adjusted cutting permit expiry date will go beyond the expiry of the license document.

The regulation requires that any postponement under section 2 (a) will not result in the deferred timber being significantly reduced in value. This test only applies to 2 (a) and currently does not apply to section 2(b).

The following business rules apply to postponement of CP operations:

- A CP under any tenure that provides for a CP is eligible for postponement if the CP was *issued* on or after November 4, 2003.
- CP postponement is initiated by an application of the CP holder. The holder can request that the postponement be effective on or after the date of application.
- The minister or delegate determines the date that the postponement comes into effect provided it is on or after the date of application and after the date harvesting activities ceased. For those CPs *issued* after November 4, 2003 and before June 1, 2007 and with less than two years remaining in the term, section 58.21(3) sets the effective date of postponement.
- Only an entire CP may be postponed – not individual *cutblocks*.
- The holder of the CP under postponement may not exercise rights under a CP that is postponed however the holder continues to be liable for obligations imposed under the *Forest Act*, *FPC*, *FRPA* and *Wildfire Act*.
- Postponements are for a maximum 2 years. If the postponement expires, the CP holder may request and receive another postponement.
- The CP holder can request that a postponement be rescinded on a date that they choose, provided it is on or after the date of their request.
- Once a postponement is rescinded, the CP holder can no longer apply for additional postponements on that CP [*Forest Act* Section 58.21(8)(c)]
- In FTA, CPs eligible for postponement will have an HI status at the CP level prior to postponement. During postponement, a new status code HP

(harvesting postponement) should be used. After postponement expires, the Harvesting Authority screen will display a warning to either request further postponement or to have the CP placed in HI status.

## **References**

Forest Act Section 58.21  
Cutting Permit Postponement Regulation