

FOREST TENURES BRANCH

Cutting Permit and Road Tenure Administration Manual

Version 5.0 – August 2018



**BRITISH
COLUMBIA**

**Ministry of Forests, Lands and Natural Resource Operations
and Rural Development**

Disclaimer

This document contains material to assist with the administration of cutting permits and road tenures associated with *agreements* entered into under the *Forest Act*. This document contains both a summary of the legal requirements and advice/suggestions from the non-legal realm. The latter are not legal requirements that you must follow, nor are they government policy.

Warranty

While every effort has been made to ensure the accuracy of the information herein, no warranties of any kind are made as to the precision or longevity of the contents. Readers are advised to refer to the wording of the legislation and regulations themselves and obtain legal advice from their own sources.

This information is provided as a public service by the Ministry of Forests and Range. This document and all the information it contains are provided "as is" without warranty of any kind, whether express or implied. All implied warranties, including, without limitation, implied warranties of merchantability, fitness for a purpose, and non-infringement, are hereby expressly disclaimed.

Limitation of Liabilities

Under no circumstances will the Government of British Columbia be liable to any person or business entity for any direct, indirect, special, incidental, consequential, or other damages based on any use of this information or any other document or material to which this document is linked, including, without limitation, any lost profits, business interruption, or loss of programs or information, even if the Government of British Columbia has been specifically advised of the possibility of such damages.

Copyright © 2007-2018, Province of British Columbia

The following policy governs the use of this document and all supporting print, audio and visual files.

All rights reserved

This material is owned by the Government of British Columbia and protected by copyright law. It may not be reproduced or redistributed without the prior written permission of the Province of British Columbia.

For requests relating to the reproduction of provincial legislation, permission is subject to the conditions outlined at www.gov.bc.ca/com/copy/guide.htm.

Permission

To request permission to reproduce all or part of the material in this document, please complete the Copyright Permission Request form at www.gov.bc.ca/com/copy/req/.

Copyright Questions or Concerns?

For more information, please contact the Intellectual Property Program by:
e-mail: ipp@mail.qp.gov.bc.ca; or fax: (250) 356-0846.

Table of Contents

Table of Contents	iii
Abbreviations, Acronyms and Initialisms	ix
Terms Used in This Manual	x
Other Forestry Terms	xii
About This Manual	xiii
Purpose	xiii
Organization and Format	xiii
Updates and Feedback	xiv
Part 1 Introduction	1
1.1 Cutting Authorities	1
1.1.1 Types of Cutting Authorities.....	1
1.1.2 The Role of the Cutting Permit	Error! Bookmark not defined.
1.2 Road Authorizations	Error! Bookmark not defined.
1.2.1 Types of Road.....	55
Forest Service Road (FSR).....	55
Tenured or “Status” Road.....	55
Non-status Road	55
Private Road.....	55
1.2.2 Types of Road Authorizations.....	Error! Bookmark not defined.
1.2.3	
Road Use Permit (RUP).....	Error! Bookmark not defined.
Road Permit (RP).....	Error! Bookmark not defined.
Special Use Permit.....	Error! Bookmark not defined.
Cutting Permit.....	57
Timber Sale Licence or Forestry Licence to Cut.....	57
Master Licence to Cut	57
1.2.4 A common feature: ongoing maintenance obligations.....	Error! Bookmark not defined.
1.2.5 Permits and the <i>Agreement</i>	Error! Bookmark not defined.
1.2.6 Cutting Authorities, Roads and the <i>Forest and Range Practices Act</i>	2
Forest Stewardship Plan Content	3
Site Plans	Error! Bookmark not defined.
Woodlot Licence Plan Content.....	3
Transition from FPC to FRPA.....	4
1.3 Associated Business Processes	5
1.3.1 Overview	5
1.3.2 Revenue Activities	5

	Timber Cruise.....	6
	Appraisal.....	7
	Scaling.....	7
	Stumpage Billings.....	7
	Waste Assessments.....	7
1.3.3	Timber Marking.....	8
1.3.4	Cut Control.....	8
1.3.5	Compliance and Enforcement	9
1.4	Associated Electronic Systems	10
1.4.1	General Corporate Systems and Applications.....	10
1.4.2	Activity-Specific Applications	11
1.4.3	Spatial Data Repositories	12
	BC Geographic Warehouse	12
	Integrated Land and Resource Registry	12
Part 2	Cutting Permit Administration.....	15
2.1	Cutting Authority Description Conventions	16
2.1.1	Cutting Authority	Error! Bookmark not defined.
2.1.2	Cutting Authority Area.....	Error! Bookmark not defined.
2.1.3	Cutblock.....	Error! Bookmark not defined.
2.2	Key Principles for Cutting Permits	17
2.2.1	FTA Codes and Definitions.....	19
2.3	Overview of CP Issuance Process	21
2.4	CP Application	23
2.4.1	Prerequisites	23
2.4.2	Content of the Application:.....	24
2.4.3	Form of Application	24
2.4.4	Spatial Data Integrity	25
2.4.5	Cutblocks in the CP Application.....	25
2.4.6	Application Overlapping an Existing Cutting Authority	25
2.4.7	Two or More Applications for the Same Timber	25
2.5	Exhibit A Map Process	26
2.5.1	Cutblock Mapping Conventions	26
2.5.2	Exhibit A Map Boundary	27
2.5.3	Exhibit A Mapping Standards	28
2.5.4	Checking Status and Adjudicating Clearance	28
2.5.5	Verification with Forest Stewardship Plan	29
2.6	Eligibility and Due Diligence.....	31
2.6.1	FRPA Requirements.....	31
2.6.2	Aboriginal Interests	32
2.6.3	AAC and other Agreement Provisions	34
2.6.4	Refusal or Delay	34

2.7	Document Preparation	35
2.7.1	Main Body of CP Document	36
2.7.2	Schedule A.....	37
2.7.3	New or Revised Schedule A Clauses	38
2.7.4	Schedule B– Reserved Timber	38
2.7.5	Schedule C - Cut Control Specifications	39
2.7.6	Exhibit A map.....	40
2.8	Cutting Permit Issuance.....	40
2.8.1	Cover Letter	40
2.8.2	Original and Copy	41
2.9	Administering Active CPs	41
2.9.1	General CP Activities	41
2.9.2	Amendments.....	42
2.9.3	Extensions	42
	Extensions for CPs in Effect on before November 4, 2003.....	43
	Extensions for CPs Issued On Or After November 4, 2003.....	43
	Reducing or Waiving the Extension Fee	43
2.9.4	CP Postponement.....	44
2.9.5	Ending the Cutting Permit.....	47
	Cutblock(s) Harvested before CP Expiry	47
	Surrender	47
	Suspension and Cancellation.....	48
2.10	Managing Special Circumstances.....	49
2.10.1	Forest Health Treatments	49
2.10.2	Blanket Salvage Cutting Permits	49
2.10.3	Changes Affecting Stumpage Rates.....	50
2.10.4	CPs under an Agreement that is Subdivided, Consolidated or Transferred.....	50
2.10.5	Reallocation of CPs (Surrender & Re-Issue).....	Error! Bookmark not defined.
2.10.6	Incidental Cutting Outside Cutblock.....	51
2.10.7	Transporting Timber after a CP Expires	51
2.10.8	Section 18 Transfers.....	52
2.10.9	Billing Waste Assessments after CP Expires	52
2.10.10	Wildlife Tree Retention Areas and other FRPA Reserves.....	52
2.10.11	Authorizing Landings Outside of Cutblocks.....	53
2.10.12	Danger Trees etc. Outside Boundaries	53
2.10.13	MSMA Treated Trees	53
Part 3	Road Tenure Administration	55
3.1	Key Principles for Road Authorizations.....	55
3.2	Road Description Conventions	Error! Bookmark not defined.
3.2.1	FTA Codes and Terms	Error! Bookmark not defined.
3.2.2	Road Timber Marks	62

3.2.3	Describing a Logical Road.....	63
	RP Sections and Segments	64
	Road Sections	65
	Road Segments.....	65
	FSR Branches and Segments.....	66
	Road Tenure Numbering.....	68
3.2.4	Permit Area, Clearing Area and Clearing Width	68
3.3	Overview of Road Tenure Issuance Process	71
3.4	Road Tenure Application	72
3.5	Exhibit A Map Process	73
3.6	Stumpage Rate Generation.....	76
3.7	Eligibility and Due Diligence.....	76
3.7.1	FRPA and Roads.....	Error! Bookmark not defined.
3.7.2	Aboriginal Interests	Error! Bookmark not defined.
3.8	Document Preparation	77
3.8.1	Document Template.....	77
3.8.2	Road Naming	77
3.8.3	Timber Marks	77
3.9	Road Tenure Issuance.....	78
3.9.1	Cover Letter	78
3.9.2	Original and Copies	78
3.10	Administering Active Road Tenures.....	78
3.10.1	General Activities	78
3.10.2	Amendments.....	79
3.10.3	Ending the Road Tenure.....	79
	Suspension and Cancellation.....	80
	Declaration of Fulfilled Road Deactivation Obligations	80
3.11	Managing Special Circumstances.....	81
3.11.1	Converting RP Roads to an FSR.....	81
3.11.2	Transferring an FSR to Another Agency	81
3.11.3	Consent to Connect to an FSR.....	82
3.11.4	Road Tenures Affected by Timber Reallocation.....	82
3.11.5	Roads and an Agreement that is Subdivided, Consolidated or Transferred	83
3.11.6	Re-Assigning Road Obligations Between Agreement Holders	84
3.11.7	On-Block Roads Extending Beyond Cutblock Boundary.....	84
3.11.8	Options for Salvage Along Roads.....	85
3.11.9	Discontinue and Close an FSR.....	86
3.11.10	Short Access Roads to On-block Roads	86
3.11.11	Multiple Submissions May Be Required for SUP	87
3.11.12	Bankruptcy of Road Permit Holder	87
Part 4	References	89

4.1	Ministry Policies.....	89
4.1.1	Policy 13.6 – Waste Assessments.....	89
4.1.2	Policy 15.1 – Aboriginal Rights and Title Policy & Guidelines.....	89
4.1.3	Cutting Permit Postponement Policy	89
4.1.4	Policy 26 – Cutting Permit Extension and Surrender	89
4.1.5	MSMA Policy.....	89
4.2	Directives.....	91
4.2.1	Delegation of Decision Making	91
4.2.2	Electronic Submissions.....	91
4.2.3	CP Amendments and CP Issue Dates.....	94
4.2.4	Blanket Salvage Cutting Permits	95
4.2.5	Forest Service Road Administration	98
4.3	Guides and Bulletins	103
4.3.1	Provincial Guidebook for Resource Clerks.....	103
4.3.2	ESF Submission Guide.....	103
4.3.3	Aboriginal Interests	103
4.3.4	Subdivision, Consolidation and Transfers	103
4.3.5	Wildlife Tree Retention Areas	103
4.3.6	Harvesting Dead & Dying Trees along RPs	104
4.4	Forms, Templates and Clauses.....	105
4.4.1	Forms.....	105
4.4.2	Templates	105
4.4.3	Permit Clauses.....	105
4.5	Background: Information Requirements for Mapping, Cutblocks & Roads.....	106
4.5.1	Mapping Requirements and Standards	106
4.5.2	Cutblock Information	107
4.5.3	Road Administration.....	107

List of Figures

Figure 1-1 Forestry business processes and CP/RP administration	5
Figure 1-2 Revenue Processes	6
Figure 2-1 Overview of Processes for Issuing a CP	21
Figure 2-2 Main Process Map for CP Review and Issuance	22
Figure 2-3 Process Map for Exhibit A Processing	30
Figure 2-4 Process Map for CP Postponement	46
Figure 3-1 Example Road with Sections and Segments	64
Figure 3-2 Road Sections	65
Figure 3-3 Road Segments	66
Figure 3-4 Example FSR Branch & Segments.....	67
Figure 3-5 Processes for Issuing a Road Tenure	71
Figure 3-6 Example Exhibit A for a Road Permit.....	75
Figure 3-7 CP Road Outside Cutblock.....	85
Figure 3-8 - Illustration of SUP example	87
Figure 4-1 Core Forest Information Cycle	106

List of Tables

Table 1-1 Types of Cutting Authorities.....	1
Table 1-2 Types of Road Tenures	Error! Bookmark not defined.
Table 1-3 Forms of Agreements and Permits.....	Error! Bookmark not defined.
Table 1-4 General systems.....	10
Table 1-5 Business Applications	11
Table 2-1 CP Clauses	36
Table 3-1 FTA Road Codes & Terms	Error! Bookmark not defined.
Table 3-2 Road Tenure Numbers.....	68

Abbreviations, Acronyms and Initialisms

AAC	Allowable Annual Cut
AGFSP	Administrative Guide to Forest Stewardship Plans
BCTS	BC Timber Sales
CAA	Cutting Authority Area
CFA	Community Forest Agreement
CP	Cutting Permit
FA	<i>Forest Act</i>
FL	Forest Licence
FDU	Forest Development Unit
FLTC	Forestry Licence to Cut
FNWL	First Nations Woodland Licence
FPC	<i>Forest Practices Code of British Columbia Act</i>
FPPR	Forest Planning and Practices Regulation
FRP	Fibre Recovery Permit
FRPA	Forest and Range Practices Act
FSP	Forest Stewardship Plan
FSR	Forest Service Road
Ministry	Ministry of Forests, Lands and Natural Resource Operations
NRFL	Non-Replaceable Forest Licence
OLTC	Occupant Licence to Cut
RP	Road Permit
RUP	Road Use Permit
SNRFL	Salvage Non-Replaceable Forest Licence
SUP	Special Use Permit
TL	Timber Licence
TFL	Tree Farm Licence
TSA	Timber Supply Area
TSL	Timber Sale Licence
WL	Woodlot Licence
WLP	Woodlot Licence Plan
WLPPR	Woodlot Planning and Practices Regulation
WTRA	wildlife Tree Retention Area
WTP	Wildlife Tree Patch

Glossary of Terms Used in This Manual

“Aboriginal interests” refers to existing or potentially existing aboriginal interest(s) or proven aboriginal right, including aboriginal title or treaty right(s).

“Agreement” means an *agreement* entered into under [Part 3 of the Forest Act](#) granting rights to harvest Crown timber. Unless the context implies a broader interpretation, *agreement* in this manual refers to the forms of *agreement* that may provide for CPs: i.e. forest licence, timber licence, tree farm licence, community forest agreement, First Nations Woodland Licence, community salvage licence, woodlot licence, master licence to cut, forestry licence to cut.

“Approve” where a statutory decision maker accepts a licensee’s document. An example is a Forest Stewardship Plan (FSP). Legislation requires the licensee to prepare an FSP and obtain approval but after approval the licensee retains responsibility for the plan. Compare with the term “issue”.

“Clearance” is the adjudication report which outlines whether pre-existing rights (determined through a *status*) conflict with a proposed granting of rights to an applicant. Asserted rights of First Nations are outside of the *Status/Clearance* process.

“Conflict” is an existing or prior right or interest on land which has to be mitigated to provide for the issuance of a tenure or establishment of interest or use of land. Mitigation could require the exclusion of the interest; referral for comments or consultation; on site protection of the interest through contractual obligations; removal of the interest by quit claim or by another action such as purchase of the rights to the interest or by statutory powers such as expropriation.

“Cutblock” generally means an area of Crown or private land in which timber is to be harvested or has been harvested other than a road right of way. Issuing a *cutting authority* does not require cutblocks to be identified in any way, as long as it is possible to clearly map/describe the *cutting authority area*. Despite the absence of any direct specifications within the issuance process, there are indirect restrictions due to requirements within the following business areas that can affect how cutblocks can be named and tracked. The parameters are usually related to size, distribution and timing (i.e. planned or actual):

- Revenue (cruise, appraisal, waste survey)
- Compliance and Enforcement (ERA + CIMS)
- Provincial cadastral requirements
- Silviculture obligations and performance measures

“Cutting Authority” means

- a Cutting Permit,
- an Road Permit, or

- an *agreement*, such as a Timber Sale Licence, that grants the authority to harvest Crown timber, but does not provide for a cutting permit i.e. a Cutting Permit is not required prior to harvesting timber.

“Cutting Authority Area” in this manual refers to the area identified in the Exhibit A map attached to a cutting authority within which timber is authorized for harvesting subject to the agreement, forestry legislation and the conditions in the *cutting authority*. Refer to section 2.5.2 (Exhibit A Map Boundary) for guidance on what should and should not be shown on the Exhibit A map.

“Cutting Permit” is the authority issued by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to allow the holder of an agreement, to exercise their timber harvesting rights.

“Forest and Range Practices Act” means that Act and the regulations and standards made under that Act.

“Forestry Legislation” includes, but is not restricted to:

- (a) the Forest Act;
- (b) the Forest Practices Code of British Columbia Act;
- (c) the Forest and Range Practices Act;
- (d) the Wildfire Act R.S.B.C.2004 c.31;

and the regulations under those Acts as amended from time to time.

“Issue” is a process whereby the statutory decision maker grants a right to an applicant under an authority of the *Forest Act* or an *agreement*. For example, a CP or RP is *issued* if the licensee satisfies the application requirements. The application is checked to see if it fulfills the statutory requirements, but it is not *approved*. Compare with the term *“approve”*.

“Non-status road” is a road on Crown land that does not have a designation (e.g. it is not a Forest Service Road) and has no active tenure or authority issued over it.

“On block road” is a road authorized by a Cutting Permit, Road Permit, or Timber Sale Licence that is wholly contained within a single cutting authority and does not provide access from one cutblock to another.

“Prescribed”, as in the “prescribed manner” is a reference to provisions in a regulation associated with an Act.

“Status” is an identification of documented pre-existing granted rights in a subject area of interest. (Any conflicts found are adjudicated in a *Clearance*). Asserted rights of First Nation are outside of the Status/*Clearance* process.

“Take or Pay” refers to the policy of billing waste for timber that was authorized for harvest but was left on site. The policy is established by the Waste Assessment Policy 13.6

“Tenure” generally refers to an agreement, licence or permit that grants the holder with rights that could include occupation, timber harvesting or road construction.

“Timber mark” is a unique identifier that must be assigned to any timber harvested from Crown land, or private land that is being transported on public roads.

“Timber merchantability” means timber that meets or exceeds the merchantable specifications in the “Provincial Logging Residue and Waste Measurement Procedures Manual”. Timber that is grade Y to Z, (Coast) dry Grade 4, Grade 6, Z (Interior) is not merchantable.

“Road Tenure” generally refers to a Road Permit, Road Use Permit or Special Use Permit (for roads). It does not include a Forest Service Road, which is type of road.

Other Forestry Terms

Each of the Forestry Legislation acts and their regulations has definitions, for example:

Section 1 [definitions](#) in *Forest Act*

Section 1 [definitions](#) in the *Forest and Range Practices Act*

Definitions can also be found at the beginning of some Sections or Parts of the Acts and Regulations.

Another source of terms and acronyms can be found in the [glossary of common forestry terms](#).

About This Manual

Purpose

This manual provides guidance on the administration of cutting permits and road tenures. Within the context of current legislation and formal policy, the manual establishes business processes, rules and guidance for the application, issuance, maintenance and termination of these authorizations, with the goal of administrative consistency throughout the province.

While the focus of this manual is cutting permits and road tenures, other forms of tenure that are also a *cutting authority* such as competitive timber sale licences, free use permits, licences to cut and Crown agent authorization (Section 52 of the Forest Act) are addressed in a limited capacity.

The manual targets Ministry staff responsible for the application, issuance and ongoing administration of cutting permits and road tenures. Ministry Resource Clerks can find additional guidance and resources within the Provincial Guidebook for Resource Clerks. See [Guidebook for Resource Clerks](#).

The manual is also a general reference for other provincial agencies, licensees and the general public.

Organization and Format

This manual is presented in four parts:

- 1. Introduction**
- 2. Cutting Permit Administration**
- 3. Road Tenure Administration**
- 4. References**


The detailed Table of Contents can be used as an index to find topics of interest.

The manual is designed to be used on-line and printed either double-sided or single-sided (the reason for page numbers on both sides of the footer).

References are cited throughout, with [blue hyperlinks](#) to websites where available. If you are viewing the Word file, you may need to hold Ctrl while clicking to activate the hyperlink. Key reference documents that are not readily available on the Web are contained in the References section (Part 4).

Italics indicate a term that is defined in this manual's Glossary or to indicate legislation.

Bold text indicates emphasis.

Tip: When viewing the manual in PDF format, click on the Bookmarks icon  to display a list of hyperlinked section headings.

Updates and Feedback

This manual will be updated as needed to reflect policy changes, new legislation and user demand for additional content. The latest version will always be available from [Forest Tenures Branch](#) website.

Questions, suggestions for new content, or corrections should be directed to:

The generic Forest Tenures Branch email address @ [FTB inbox](#).

Part 1 Introduction

This section provides background information on the broad business context in which cutting permits and road tenures are *issued*. It describes the role of cutting permits and road tenures, references key legislation and provides information on associated business activities. Next, it locates permits within broader Ministry business processes and provides an overview of related computer systems.

1.1 Cutting Authorities

A “*cutting authority*” allows the holder of an *agreement*, that is not in itself a cutting authority, to exercise rights to Crown timber by authorizing the holder to cut and/or remove Crown timber from a specific area.

Cutting authorities typically authorize the following:

- **Occupation and use of Crown land.** Authorization to occupy Crown Land is necessary before timber harvesting can take place. Most agreements authorize occupation, but if not, authority to occupy Crown Land must be included in the cutting authority.
- **Cut and Remove Crown Timber.** Normally, a *cutting authority* allows cutting and removal of Crown timber. Exceptions include a person only being authorized to cut and deck timber that will be subsequently sold by the Ministry to a different person. The person who buys the decked timber will be given a “*cutting authority*” which allows removal but no additional cutting.
- **Cut and Remove Private Timber.** Some agreements e.g. TFLs and WLs can have private lands associated with them. In accordance with the *agreement*, the private timber on those lands can only be harvested under a CP even though stumpage is not paid on that timber.

Agreement in this manual primarily refers to those agreements in Part 3 of the *Forest Act* that provide for cutting permits: i.e. forest licence, timber licence, tree farm licence, community forest agreement, First Nations woodland licence, community salvage licence, woodlot licence, master licence to cut, forestry licence to cut.

1.1.1 Types of Cutting Authorities

Some *agreements* include the *cutting authority* while others require the agreement holder to apply for a *cutting authority* under the *agreement* to exercise their harvesting rights. Table 1-1 lists the various types. This manual focuses on cutting authorities granted through cutting permits (CP) or road permits (RPs).

Table 1-1 Types of Cutting Authorities

Forest Act Agreement	Type of Cutting Authority
----------------------	---------------------------

Forest Act Agreement	Type of Cutting Authority
Forest Licence (FL) Woodlot Licence (WL) Timber Licence (TL) Tree Farm Licence (TFL) First Nations Woodland Licence (FNWL) Community Salvage Licence (CSL) Community Forest Agreement (CFA) Master Licence to Cut* (MLTC)	CP issued under the agreement
Timber Sale Licence (TSL)	Provisions within the TSL
Forestry Licence to Cut (FLTC)	Provisions within the FLTC or a CP issued under an FLTC that provides for CPs
Occupant Licence to Cut (OLTC)	Provisions within the OLTC
Fibre Supply Licence to Cut (FSLTC)	Fibre Recovery Permit
Christmas Tree Permit (CTP)	Provisions within the CTP
Free Use Permits (FUP)	Provisions within the FUP
Road Permit (RP)	Provisions within the RP (if clearing required)
Timber Sale Licence that provides for cutting permits. (AAC-bearing TSLs exist from pre-Nov 2003, but new ones cannot be issued.)	CP issued under the TSL
Pulpwood Agreement (Pulpwood Agreements exist but no new PAs can be entered into.)	FLTC issued under the PA (or CP issued under an FLTC issued under the PA)

*CPs for MLTC issued by Oil and Gas Commission

Other Harvest Authorities	Form of Cutting Authority
Authorized Employees and Agents of Government (Section 52 of the <i>Forest Act</i>)	Letter or other written authorization. (Although sec 52 deems the authorization to be an <i>agreement</i> and possibly an FLTC for certain purposes of FRPA, it is <u>not</u> a FLTC under the <i>Forest Act</i> .)

1.1.2 Cutting Authorities, Roads and the *Forest and Range Practices Act*

Section 3 of the *Forest and Range Practices Act* (FRPA) prohibits timber harvesting and road construction on all agreements except Woodlot Licences, unless the proposed *cutblocks* and roads are contained within a Forest Development Unit (FDU) in an *approved* Forest Stewardship Plan (FSP). Section 4 of FRPA allows some exemptions to this requirement. It should be noted that these exemptions are for the FSP requirement only and do not affect any *Forest Act* authorization requirements for roads and cutting authorities.

Section 12 of FRPA requires an approved Woodlot Licence Plan (WLP), rather than an FSP, to be in place prior to any harvesting or road building. WLPs do not require forest

development units. Section 12 of FRPA also includes an exemption for WLP coverage in certain circumstances.

Section 22, 22.1 and 22.2 of FRPA address road use and construction including:

- Forestry roads must be used, constructed, maintained and deactivated in accordance with FRPA and any FSP or WLP.
- Industrial use of forestry roads must be authorized.
- Non-industrial use of forestry roads is permitted (subject to certain circumstances).

Site Plans

Section 10 of FRPA requires the holder of an FSP to prepare a site plan for any proposed cutblock or road before the start of timber harvesting. The site plan must identify the approximate locations of cutblocks and roads, be consistent with legislation and identify how the FSP's results or strategies apply to the site. The existence or content of a site plan is not a consideration during the issuance of a cutting permit or road tenure. A site plan is not required for holders of woodlot licence plans.

Forest Stewardship Plan Content

An FSP prepared by the holder of an *agreement* under the *Forest Act* includes mapped FDUs where harvesting and road-building may occur. Once the FSP is *approved*, the holder may commence developing the forest development unit, consistent with FRPA and the respective *agreement*. The FSP links government objectives to practices on the ground through *approved* results and strategies.

An FSP must:

- include a map showing boundaries of all FDUs at a scale and in a form acceptable to the minister
- specify intended results or strategies that meet the definition in the regulation and are consistent with government objectives
- be consistent with timber harvesting rights
- be signed by the person required to prepare the plan
- identify stocking standards
- contain measures for invasive plants and natural range barriers.

For additional information refer to the [Administrative Guide to Forest Stewardship Plans](#).

Woodlot Licence Plan Content

A Woodlot Licence Plan (WLP) must:

- include a map:
 - using a scale and format satisfactory to the minister

- providing prescribed information about forest resources; and
- showing the boundaries of the area for which the WLP specifies intended results or strategies
- except in prescribed circumstances, specify intended results or strategies; and
- meet other prescribed requirements.

WLPs are exempt from certain objectives set by government and, although they do require some results or strategies, they rely heavily on practices (or requirements) that are stated in the Woodlot Licence Planning and Practices Regulation (WLPPR).

A WLP must be signed by the person required to prepare the plan or authorized to sign on behalf of the licence holder.

Transition from FPC to FRPA

[Part 11 of FRPA](#) has provisions governing the transition from the *Forest Practices Code of British Columbia Act* (FPC) to FRPA. The legislation must be considered carefully because the provisions vary somewhat depending on the form of tenure and other factors.

As of January 1, 2007, except for woodlot licences, there must be an approved FSP in place for *agreement* holders to obtain new cutting permits and road permits and for timber sales licences to begin harvesting.

As of January 1, 2008, woodlot licence holders need an *approved* woodlot licence plan under FRPA to obtain new cutting permits and road permits. (Unless, as per section 199 of FRPA, a forest development plan approved under the Code has not yet expired.) Division 5 of Part 11 of FRPA has transitional provisions to allow cutting permits and road permits to be obtained under a previously *approved* forest development plan if that plan remains in effect.

The FPC will continue to apply to all areas harvested under a cutting permit *issued* under a valid Forest Development Plan (FDP). Corresponding site plans, silviculture prescriptions and road layout and design plans will continue under the FPC until all obligations have been met or relieved by government (e.g., free-growing stands). *Agreement*-holders may choose to roll these into their FSP under the FRPA.

Sections 1.1.5 – 1.1.7 of the “[Administrative Guide to Forest Stewardship Plans](#)” contain additional guidance on transitional provisions.

[FRPA General Bulletins #7 and #13](#) provide transition advice for licensees making cutting permit and road permit applications.

It should be noted that the FRPA provisions described above are directed at the practice of road construction, and related timber harvesting, not at the application or issuance of road tenures, which are authorized under the Forest Act. Ministry staff should **not** use the road tenure issuance process to ensure that proposed road construction is consistent with the FRPA requirements. It is up to the road tenure holder to ensure FRPA requirements

are met before, during and after construction or harvesting begins. Any non-compliance with FRPA requirements should be enforced under FRPA by C&E staff.

Reserves created under FRPA, either by order or by an operational plan, are still practices that are managed separate from CP/RT administration. See section 2.10.10 (Wildlife Tree Retention Areas and other FRPA Reserves) of this manual for more information about how these reserves are tracked and observed.

1.2 Associated Business Processes

1.2.1 Overview

Figure 1-1 illustrates how CP/RP administration links to other business processes.

Figure 1-1 Forestry business processes and CP/RP administration

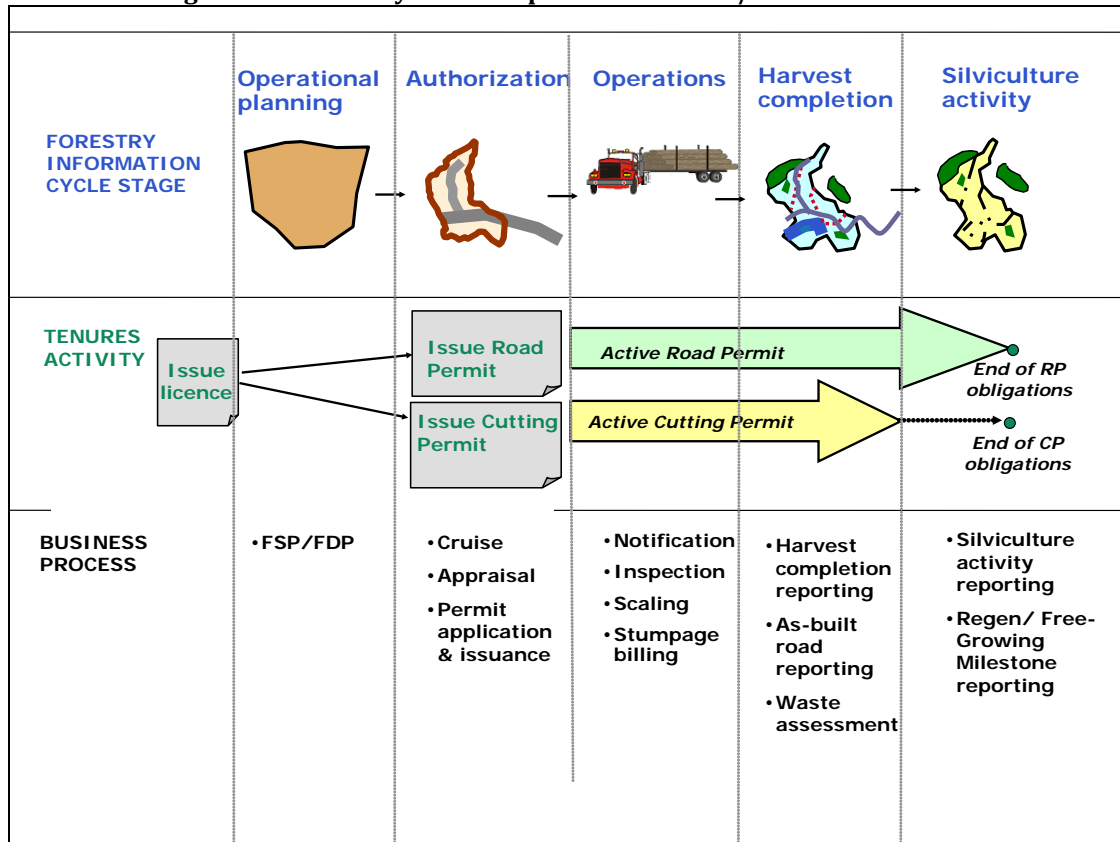
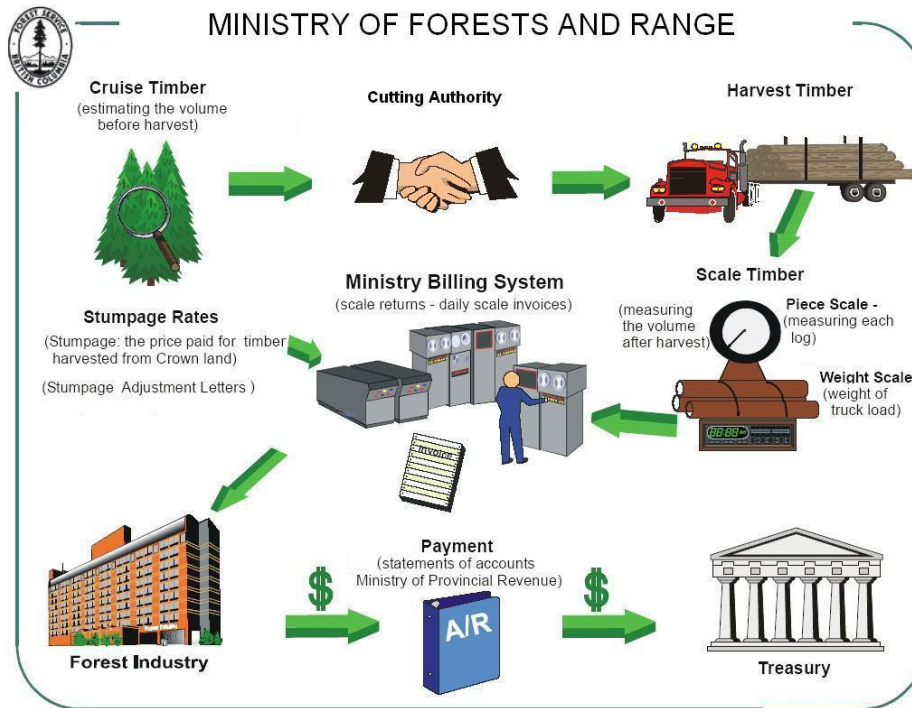


Table 1-5 outlines the computer applications for each of the above business activities.

1.2.2 Revenue Activities

The Revenue activities shown in Figure 1-2 (cruise, appraisal, scaling, waste, and billing) are interrelated to permits and their administration.

Figure 1-2 Revenue Processes



Timber Cruise

Timber Cruising is the measurement of timber attributes on samples of proposed cutting permit areas, or other areas, using methodology that is statistically sound. When compiled, timber cruise information provides a reliable estimate of timber volume, species composition, quality and other data. It also provides key information to determine stumpage rates. If a CP is *scale-based*, the stumpage rates are applied to timber that is either piece scaled or weigh scaled. If a CP is *cruise-based*, the timber cruise is also used to determine stumpage billings (stumpage rate is multiplied by the portion of CP area logged times volume per hectare from the cruise).

The Cruising Policy and [Cruising Manual](#), establishes the cruising standards that must be met. These include specifications for the statistical design of the cruise, the accuracy of field measurements and standard compilation procedures. Note that the Cruising Manual sets different cruising requirements for CPs that will be cruise-based versus scale-based.

The [Cruise Compilation Manual](#) outlines Ministry's policy for compiling cruise data and provides a set of instructions for system designers and programmers who are building or maintaining a Ministry-standard cruise compilation program. Any agency compiling cruise data for a licensee must adhere to these guidelines if the compilation is being submitted to the Ministry for a timber appraisal to set a stumpage rate.

Appraisal

The [appraisal manuals](#) contain the Minister's policies and procedures for determining stumpage rates for Crown timber. There are different manuals for the Coast and the Interior.

Both Coast and Interior use a Market Pricing System (MPS). The central concept of the MPS is that auctions of a percentage of standing timber in defined areas establish the market value of the timber and those market values are then used to determine the stumpage price for the timber harvested under *agreements*. Timber Pricing Branch has several [publications](#) describing the Coast and Interior systems.

Scaling

Scaling is the measurement of timber to determine its volume and grade (quality). Scale data is reported by species and grade, and volumes are expressed in cubic metres (m³).

The legal and administrative framework and requirements for scaling in British Columbia is set by Part 6 of the *Forest Act* and the *Scaling Regulation*. It is applicable to all timber cut from both public and private land within provincial jurisdiction. This legislation does not apply to timber cut on lands that are under federal jurisdiction including timber cut on Indian or military reserves administered under Federal Acts.

The [Scaling Manual](#), and Scaling Policies (Policy Manual, Chapter 13) define how scaling will be practiced and administered.

Stumpage Billings

Under Part 7 of the *Forest Act*, the holder of an *agreement* that harvests Crown timber is required to pay stumpage in accordance with that Part and the *agreement*. Consequently, all Crown timber harvested under a cutting permit or road permit is subject to payment of stumpage. The [Harvest Billing System](#) (HBS) is a corporate data base that records and prepares stumpage billing and related fees with respect to Crown timber harvested under an *agreement*.

Waste Assessments

Once harvesting has begun under a cutting authority all merchantable Crown timber must be paid for as either stumpage or waste. The [Waste Assessment Policy](#), chapter 1, states that waste is Merchantable Crown timber, whether standing or felled, that is not reserved from cutting and remains on site upon the completion of primary logging of each cutblock or at the expiry of the *agreement* or CP. Ministry will issue monetary billings for waste and will also charge the volume of waste to the *agreement's* cut control as if it had been cut and removed.

The Provincial [Logging Residue and Waste Procedures Manual](#) establishes the administration and field procedures that are used for determining the amount and billing of waste.

1.2.3 Timber Marking

A timber mark is a unique identifier assigned to timber that is harvested from Crown land or private land associated with an *agreement*. Any timber that is being transported on public highways must have a timber mark, including timber originating from private land not associated with an *agreement*.

Timber marks are governed by Part 5 of the *Forest Act* and the *Timber Marking and Transportation Regulation*.

A timber mark identifies:

- the authority under which the timber was harvested
- whether the timber came from Crown or Private Land
- exportability of the timber
- the general location from which the timber is removed (to the level of the cutting authority area or private land parcel)
- the holder of the timber mark
- the associated stumpage rate if it is Crown timber
- the tenure to which scaled timber volumes will be associated for stumpage billing, cut control and waste assessment billing.

The first three characters (or 4 for woodlot licences or timber licences) of the timber mark designate the tenure. A TFL's designate is the TFL number followed by a slash. A forest licence designate is a 3-digit alpha numeric code without a slash. A woodlot licence or timber licence designate is a 4-letter code. The last 2-3 characters reference the CP number. The letters "O" and "I" are no longer used to avoid confusion between letters and numbers.

Each cutting permit will normally have one timber mark assigned to it. However, TFLs or WLs may have more than one timber mark assigned to a cutting permit to address timber coming from private land portions of the agreement, as well as Timber Licence portions of the agreement for TFLs.

Road permits that authorize timber harvesting will have one or more timber marks assigned to it i.e. each segment of road that crosses Crown land will be associated with a different timber mark.

1.2.4 Cut Control

The volume of timber harvested under an *agreement* is tracked to ensure that the holder of the *agreement* has not exceeded the harvest rights granted under the *agreement*. The administrative process of tracking volumes harvested and reconciling it with the *agreement's* harvesting rights is referred to as "cut control".

The administration of cut control is regulated by Part 4 - Division 3.1 of the *Forest Act* and the *Cut Control Regulation*. This legislation defines what contributes to the "volume of

timber harvested”, which is the volume that counts towards cut control of an *agreement*. The primary sources of volume charged to cut control are:

- the volume of merchantable timber cut under the *agreement* and under road permits associated with the *agreement*;
- the volume of merchantable timber estimated to be wasted or damaged under the *agreement* and under road permits associated with the *agreement*.

The legislation also provides the authority for an agreement to contain a different definition of “volume of timber harvested”.

Timber merchantability specifications in the residue and waste manual are used to establish how residue and waste is measured while species and grades of the volumes are identified in regulation and charged to cut control when removed from the site or in waste assessments if left on the site i.e. these volumes will be counted as “volume of timber harvested” for cut control purposes.

Agreements issued or replaced after November 3, 2003 refer to the applicable appraisal manual for the grades that are charged to cut control so CPs *issued* under these *agreements* do not contain any cut control provisions.

Agreements issued or replaced before November 4, 2003 did not expressly state what was charged to cut control. Most of these older *agreements* have been or will soon be replaced. Species and grades previously charged to cut control will continue to be applied.

1.2.5 Compliance and Enforcement

Under FRPA, the purpose of the CP/RP has changed. FRPA gives the permit holder greater flexibility to manage as long as they remain in compliance with their FSP. The permit no longer contains specific harvesting methods or practices for enforcing forest practices. . While the licence holder must abide by FRPA within that *cutting authority area*, the permit does not describe the forest practices (in the form of FSP results and strategies/FRPA defaults).

This change in the role of the CP has also changed Compliance and Enforcement related to forest practices i.e. forest practices will be assessed based on FRPA and the licence holder’s FSP rather than forest practices information in the CP.

The CP and RP still play a role in enforcement, however. For example, timber harvesting or road construction outside the authority area would be unauthorized harvest.

Under FRPA, revenue regimes are enforced through statute rather than through the permit. Actual harvest and road building must accurately reflect the appraisal submission or be subject to re-appraisal if changes are more than “changed circumstances” as defined by the appraisal manual. Post-harvest, Compliance and Enforcement compares the roads

and harvested areas to the appraisal data to ensure the data was complete and accurate in accordance with section 105.1 & 105.2 of the *Forest Act*.

1.3 Electronic Systems

Corporate system applications are integral to the issuance and administration of CPs and RPs. They link various functions within the Ministry such as Compliance and Enforcement, scaling, revenue and tenure administration. General corporate systems are described below in Table 1-4. Activity-specific applications are described in Table 1-5. Ministry staff can access a list of up-to-date links to applications through this link [Applications Index](#).

1.3.1 General Corporate Systems and Applications

Table 1-2 General systems

System	Details
Electronic Submission Framework (ESF) ESF Guides:	ESF provides a single “framework” for licensees to submit data to the Ministry electronically in a predefined format. Initially, tenure data is being submitted to FTA and silviculture data to RESULTS. (FTA and RESULTS described in Table 1-5) Maps which normally accompany submissions are also submitted in electronic format so they can be stored in FTA and the spatial data is captured in the BC geographic warehouse. Licensees can submit applications for CPs, road permits or amendments to permits through ESF. The link to the ESF Guides offers the following PDF documents: <ul style="list-style-type: none"> • Industry ESF Submission Guide • Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework
Client Management System (CLIENT) (Ministry only)	CLIENT is the system used by Ministry to manage the names, addresses, and business relationships of corporate clients and individuals who do business with the Ministry.
Jasper Corporate Reporting System (CRS)	The CRS is a Ministry web-based corporate reporting tool. It is available to Ministry staff and licensees for information reporting and operational support. Licensees can view and produce a variety of reports on certain information contained in Ministry databases.
MapView	MapView provides view access over the web to the information in the BC Geographic Warehouse and provides querying and report generating tools.

1.3.2 Activity-Specific Applications

A brief summary of each application is outlined in Table 1-5 for each of the forestry business activities shown in Figure 1-1.

Table 1-3 Business Applications

Activity	System & Link	Details
Forest Stewardship Planning	FSP Tracking System	FSP Tracking System is a electronic repository of spatially enabled Forest Stewardship Plans. Forest Licensees, BC Timber Sales and Ministry users are able to electronically manage FSP submissions, determinations and retrieve of plans post approval.
Cruise/ Appraisal	E-Commerce Appraisal Application System (ECAS)	ECAS is an electronic commerce application for transmitting appraisal data between forest licensees and the Ministry.
Tenure and Permit application and admin	Forest Tenure Administration (FTA)	FTA is a web-based application that supports tenure administration and tenure registry business requirements of the Ministry. FTA contains the core components of forest, range, recreation and road tenures and other non-tenure file-type administration. Refer to the FTA – ESF Overview training module for additional information. The module consists of a PowerPoint file and a PDF file named FTA_ESF-Overview-PG-v3.0 BC Timber Sales (BCTS) planning components are not part of FTA functionality; instead they have implemented their own Integrated Forest Management System (IFMS). However, BCTS requires a linkage to FTA for forest file ID, client and timber mark issuance. Licensees and BCTS make tenure submissions to FTA only through ESF (See ESF in Table 1-4)
	Tenure Mapping Service (TMS)	TMS validates and displays a graphical map of electronic submissions destined for the Forest Tenure Application (FTA) via the ESF (see Table 1-4). Once the submission is ready, the user uploads the file for processing through FTA.
Road Tracking	Forest Roads Management Application (FRMA)	FRMA spatially displays roads and allows users to add, update and query attribute information on roads thereby facilitating the management of forest roads by Field Services Staff.
Notification & Inspection	Compliance Information Management System (CIMS)	CIMS is used by Compliance and Enforcement staff to track inspections and related actions.
Scaling	Mark Site Designation (MSD)	MSD allows industry to see which scale sites a timber mark can be scaled at, and conversely, shows which timber marks can be scaled at a particular site.
Timber Harvest and Stumpage Billing	Harvest Billing System (HBS)	HBS is a web-based application that collects daily scale data from the scale site. Process samples, invoice piece scale and weight returns are recorded. Audit, reconciliation and a variety of reporting capabilities are available for use by the Ministry, industry and public. It can also report on appraisal data and do cut/cruise comparisons.

Activity	System & Link	Details
Silviculture Obligation Reporting	Reporting Silviculture Updates and Land status Tracking System (RESULTS)	RESULTS tracks silviculture information by tracking silviculture activities and obligation compliance as required by forest legislation. Silviculture data submitted under ESF is linked to spatial information to ensure consistency in the geographic information. Information is instantly accessible at all times to both Ministry and forest industry staff either on-line or through various reports. All data (including Spatial data) is replicated to the BCGeographic Warehouse and can be viewed in RESULTS using MapView.
Waste assessment	Waste System	The Waste System is a web-based system which allows clients to submit waste assessment plans and data. Waste information can also be submitted by licensees through ESF. Ministry district staff can approve or reject the submitted Annual Plans, Reporting Units and Blocks on-line. Once linked to the Harvest Billing System, waste invoices are automated.
Silviculture	Seed Planning and Registry System (SPAR)	SPAR provides clients with on-line access to a provincial registry of forest tree seed and a comprehensive seedling ordering system for meeting annual reforestation needs.
Silviculture Activity Reporting	RESULTS	See above under “Harvest completion reporting”.
Milestone reporting	RESULTS	See above under “Harvest completion reporting”.

1.3.3 Spatial Data Repositories

Ministry corporate databases are shared and maintained by other agencies within government. District input of CP and RP information is an essential part of the upkeep of the following provincial government databases:

BC Geographic Warehouse

The [BC Geographic Warehouse](#) (BCGW) is the corporate repository for land, resource and geographic data that supports a variety of business requirements for the natural resource sector, other government agencies, industry and the public.

Integrated Land and Resource Registry

The [Integrated Land and Resource Registry](#) (ILRR) provides a single source of information on 262 different legal interests on Crown land (tenures, regulated uses, land and resource use restrictions, and reservations) that are visually represented on a map and available to the public using a web browser. The ILRR also contains information on Crown land

parcels, private land parcels (where available), administrative boundaries (e.g. forest districts, electoral boundaries), and base map information (topography, grids, etc.).

Part 2 Cutting Permit Administration

2.1 Cutting Permit Fundamentals

2.1.1 The Role of the Cutting Permit

A cutting permit (CP) is the *cutting authority* that authorizes harvesting on a specific area, in accordance with rights and obligations under *agreements* that do not include a cutting authority. For example, a Forest Licence provides the non-exclusive right to an Allowable Annual Cut (AAC) of timber within a Timber Supply Area (TSA), but authority to harvest a specific area of the TSA is granted through the issuance of a CP. In another example, a TFL grants the “exclusive” right to Crown timber over the agreement area; however, the TFL holder must obtain a CP prior to harvesting an area of the TFL.

A cutting permit is not a tool for planning or enforcement of forest stewardship. The *Forest and Range Practices Act* (FRPA) establishes that one plan, the Forest Stewardship Plan (FSP), addresses forest stewardship planning and that CPs no longer play a direct role in the planning and enforcement of forest practices.

The purposes of the CP are to:

- Define the *cutting authority area* (through an Exhibit A map).
- Specify areas reserved from cutting, if applicable.
- Set a term for the harvest authority i.e. a beginning or issue date and an ending or expiry date.
- Identify a unique *timber mark*.
- Specify whether stumpage and cut control will be based on cruised or scaled volume and whether waste is included.
- Authorize the construction and maintenance of “*on-block*” roads, and the industrial use of these roads.
- Specify other clauses specific to the CP such as identifying situations where multiple timber marks may apply.
- Include cut control provisions if deemed necessary because of provisions in older *agreements*.

The CP review and issuance process includes a due diligence check to ensure the CP area is not encumbered and is available for harvest. This check will also ensure that First Nation interests, with respect to the area to be harvested, have been appropriately addressed.

2.1.2 Key Principles of Cutting Permit Administration

There are several principles that will ensure cutting permit administration is done correctly and consistently across the province:

1. If an agreement requires obtaining a CP prior to harvest, staff must not authorize any harvesting of Crown timber outside of a cutting permit unless there is legal authority to do so.
2. The Exhibit A map of a CP must clearly describe the *cutting authority area* and must facilitate the boundary to be readily established on the ground.
3. The *cutting authority area* in the Exhibit A map must include all areas of merchantable timber that can be harvested according to appraisal data and maps. For guidance on what can be shown on the Exhibit A map, including non-merchantable timber, refer to sections 2.5.2 (Exhibit A Map Boundary) and 2.7.4 (Schedule B– Reserved Timber).
4. Any conflicts with other tenures must be resolved before a CP is issued.
5. Each CP must have a unique timber mark. The exceptions are a CP within a Woodlot Licence, which may have CPs with more than one mark to address private land associated with the licence or TFLs which may have CPs with marks to address private land associated with the TFL and/or Timber Licence areas associated with the licence.
6. The CP issue date is the date that the CP is signed by the District Manager.
7. The term of the CP should be what the applicant requested, up to the maximum of 4 years, but subject to the term of the agreement e.g. if 3 years remain on the term of the agreement, the maximum term of a CP would be 3 years.
8. In addition to the separate FTA and ECAS review processes, district staff must review the CP application to ensure that the applicant is eligible, and that other interests or conflicts have been addressed. (see 2.6 Eligibility and Due Diligence)
9. Clauses in the CP or its schedules must not restate any provision that is already required by the *agreement* or legislation.

2.1.3 Cutting Permit Q and As

Q. Does the DM approve CPs?

A. No. CPs are *issued*, not *approved*. Compare the two definitions in the Glossary at the front of this manual.

Q. Can a CP be issued with conditions?

A. No. A CP must not be *issued* subject to conditions. For example, it would not be appropriate to include a clause in the CP a requirement that a field assessment must be done before harvesting can commence. As soon as the CP is *issued*, the permit holder immediately has the harvesting rights described in the CP. (See section 2.8)

Q. Is it acceptable to put requirements in the cover letter and does this make them an integral part of the permit?

A. No. Conditions or requirements must not be put in a CP cover letter, even if they are conditions or requirements that appear in the licence or legislation. The cover letter should **not** state that it “is an integral part of the cutting permit and should be attached thereto”. (See section 2.8)

Q. Does an FSP amendment/exemption result in a CP amendment/exemption?

A. No. Only a CP amendment can change a *cutting authority area*. Operational plan amendments or exemptions under the FPC or FRPA do not alter or exempt *Forest Act cutting authority* requirements. (See section 2.9.2)

Q. Who keeps the original CP?

A. Since the permit is *issued* to the licensee, it is their permit. They get the original and the Ministry keeps a copy. (See section 2.8)

Q. Should the adjudication report be attached to the Exhibit A?

A. No. Adjudication reports are for internal use. Staff should use the information to determine whether the CP should proceed or have restrictions. The adjudication report has no contractual role and should not be part of the CP. Section 2.5 has more discussion on this topic under the heading “Checking Status and Adjudicating Clearance”.

Q. Do roads that join between cutblocks have to be under an RP?

No. This was a requirement under FPC but now, under FRPA, it is up to the *agreement* holder to decide how to tenure an on-block road. For example, the agreement holder should consider that when a CP expires, only the maintenance obligations continue – the holder’s right to use the road for hauling expire with the CP (but they can still use the road for silviculture obligations etc.) If this does not fit with their operational requirements, they may wish to put the road under an RP.

Q. Should the CP be used to monitor consistency with the FSP?

A. No. The CP issuance process should ensure there is an approved FSP (or FDP) that covers the area of application; however, it should **not** include checking to ensure that the proposed harvesting is consistent with measures in the FSP. Forest practices related to the FSP e.g. if the CP would impact natural range barriers will be enforced under FRPA. It is not appropriate to reject or restrict CPs on the basis of FSP content. (See section 2.6)

2.1.1 FTA Codes and Definitions

Refer to the *Provincial Guidebook for Resource Clerks* and the *ESF Submission Guide* (see links in section 4.3 of this manual) for additional details about FTA codes and the associated definitions that describe the status of agreements, cutting permits and cutblocks.

Normal File Status Sequence

PE → PP → PI → HI → LC → HC

Status	Description
PE – Pending Electronic	Application has been submitted electronically through ESF
PP – Proposed	Licence information is being used by appraisal staff and cruise has begun.
PI – Pending Issuance	ESF submission has been made by agreement holder. or Legal document has been prepared for signature.
HI - Issued	CP document has been signed and issued to agreement holder. Permit/mark information is now linked to FLNR’s scaling and billing systems because of status HI.
LC – Logging Complete	Status assigned to each cutblock as normal or primary harvesting is complete and logs are either removed or decked.
HC - Closed	The FTA file status needs to be manually changed to "closed" after expiry of the cutting authority. This will be noted in scaling and billing systems. Rate notices will no longer be sent out. Although rights expire, any outstanding obligations continue per section 79 of the <i>Forest Act</i> .

2.2 Overview of CP Issuance Process

The following sections describe the CP issuance process.

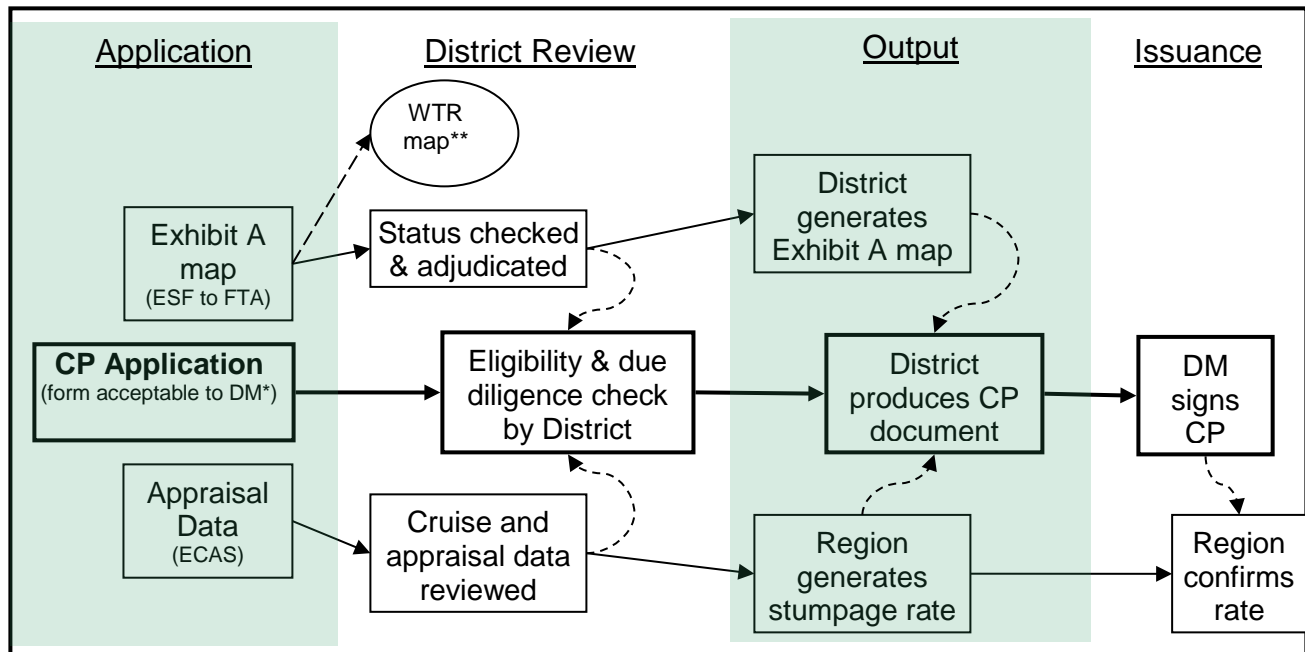
- Section 2.4 CP Application
- Section 2.5 Exhibit A Map Process

- Section 2.6 Eligibility and Due Diligence Check
- Section 2.7 Document Preparation
- Section 2.8 CP Issuance

The rules and guidance are applicable provincially, recognizing that there may be procedural variations between districts or where pilot regulations apply.

Figure 2-1 below provides an overview of the processes. Figure 2-2, on the next page, is a more detailed process map. Procedures may vary to suit district-specific circumstances.

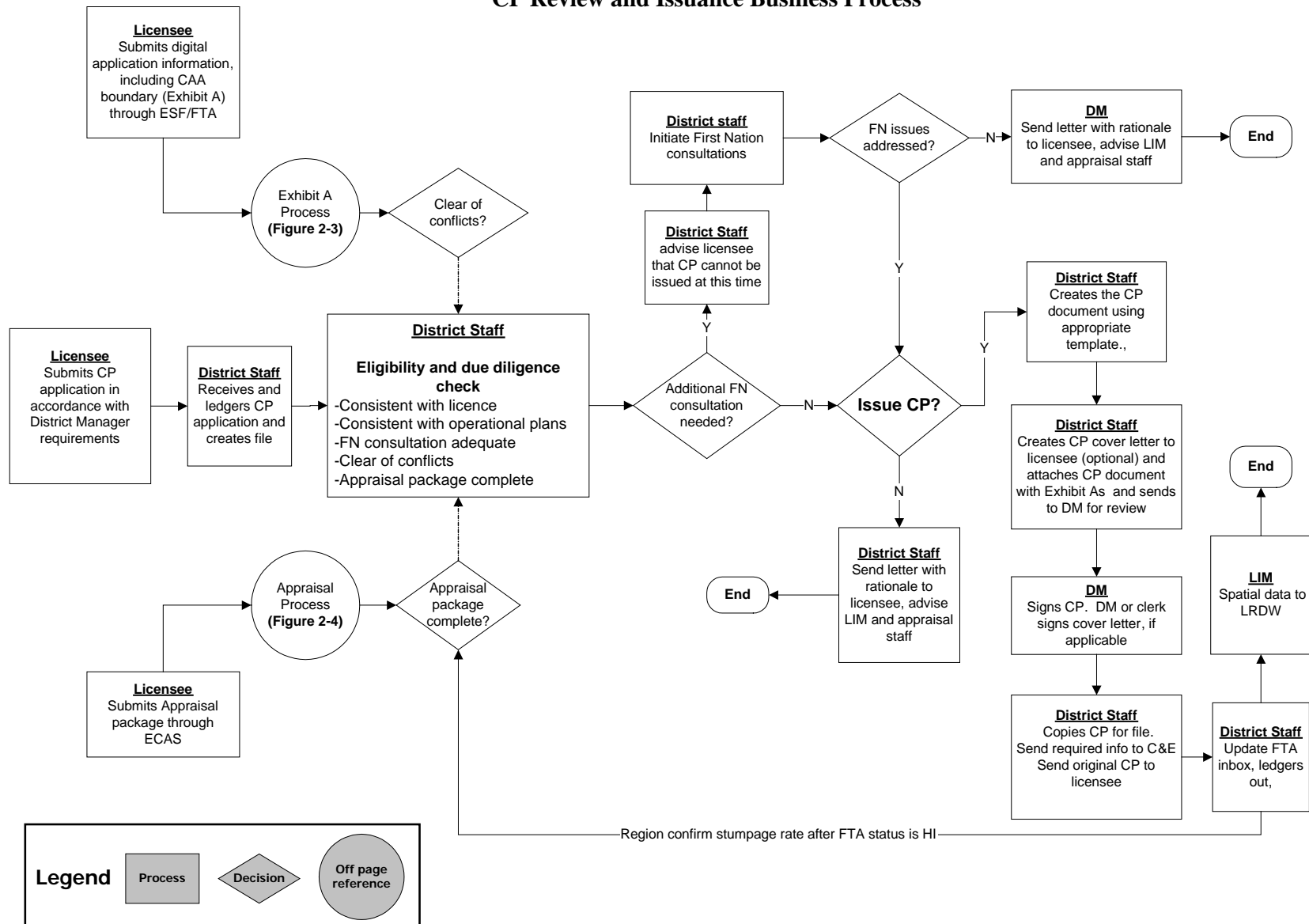
Figure 2-1 Overview of Processes for Issuing a CP



*DM can specify the form of application. The ESF & ECAS submissions can be deemed the application.

**If WTR areas are submitted with the CP application, the info will not be included on the Exhibit A map. WTR areas must still be tracked by the agreement holder and reported annually through RESULTS.

Figure 2-2
CP Review and Issuance Business Process



2.3 CP Application

The *agreement* provides the holder with the right to apply for CPs subject to provisions specified in the *agreement*. These provisions may vary depending on the form of *agreement*, the date of issuance, and any *agreement*-specific requirements. The application and administration of CPs is driven by the *Forest Act* and the *agreement*. They are not directly regulated by FRPA although some FRPA requirements must be met. The following guidelines are typical of most *agreements* and consistent with current legislation.

2.3.1 Prerequisites

Before the holder of an *agreement* applies for a CP, the area proposed for harvest must be:

- located within a forest development unit of an *approved* forest stewardship plan, or
- within an *approved* woodlot licence plan (woodlot licences only), , or
- exempted under *FRPA* from the requirement for a forest stewardship plan or woodlot licence plan.

See section 1.3.3 for information about the transition from FPC to FRPA.

Depending on the requirements of the applicable Appraisal Manual¹, most licensees are required to do the following in conjunction with a CP application:

- submit a cruise plan to ensure that the cruise is done in an unbiased manner.
- Carry out a cruise in accordance with the current Provincial Cruising Manual. See [Cruise Manuals](#).
- compile the cruise data in accordance with the current Cruise Compilation Manual.
- submit appraisal data in accordance with the applicable (Coast or Interior) [Appraisal Manuals](#).

The following activities, although not required by the *agreement*, may reduce delays in CP issuance:

- Share relevant operational information with First Nations sufficiently prior to the CP application to facilitate consultation and appropriate accommodation. Refer to discussion of First Nation information sharing post FSP approval in section 2.6.2 Aboriginal Interests.

¹e.g. not required for woodlot licences and community forest agreements

- Provide the district manager with a summary of First Nation information sharing related to the proposed CP.
- Include the ECAS id # with the CP application. This helps link the CP application with the appraisal data. Also include the ESF id #, which helps link the spatial data to the particular CP application.
- Request a desired CP number, if needed to support a logical numbering system.

2.3.2 Content of the CP Application:

A CP application must include:

- A map of one or more proposed *cutblocks* submitted through ESF into FTA.
- Appraisal data, submitted through ECAS and other data and maps required by the Cruise Manual and Appraisal Manual (unless the CP is for a licence with tabular stumpage rates e.g. WLs and CFAs).

Note that certain *agreements* also require CP applications to include "a description acceptable to the district manager of any timber that is reserved from cutting". Guidance on the need to describe reserved timber in the CP document is contained in section 2.5.2 under "Exhibit A Map Boundary" and section 2.7.4 under "Schedule B - Reserved Timber."

The applicant may request a term with the expectation that it will be used in the CP if it is consistent with the *agreement* and legislative restrictions (i.e. 4 year maximum and within the *agreement's* term).

Currently, it is optional to include mapping of proposed Wildlife Tree Retention Areas (WTRA's) at the same time as the CP application but outside the ESF submission. Submitted WTRA's will not be included on the Exhibit A map of the *cutting authority area*. [FRPA General Bulletin](#) Number 8 provides interim guidance on wildlife tree retention.

2.3.3 Form of CP Application

The form of a CP application, including the map scale and the description of reserved timber must be acceptable to the district manager. For example the district manager may specify that the application must be in writing (preferably by e-mail) and contain reference numbers for the associated ESF and ECAS submissions plus a description of any reserved timber.

The district manager may also require other information if it directly pertains to the issuance of the CP. Material from operational plans should not be requested. When additional information is requested, the district should identify a method of submitting the material electronically. Staff should ensure that *agreement* holders understand the DM's requirements for CP applications.

The Exhibit A map must be submitted electronically according to the standards established in the Ministry's [Electronic Submission Framework](#) (ESF).

The authoritative source for electronic map submissions is the Forest Industry Guide to the Preparation and Submission of Forest Tenure and Permit Documents via the Electronic Submission Framework, see [Forest Tenures Business and Policy Documentation](#). See [ECAS submission specifications](#) for electronic submission of appraisal data.

2.3.4 Spatial Data Integrity

As of early 2007, FTA has a relaxed edit spatial requirements if the cutting area is less than one hectare. Note that this system feature should not be interpreted as policy. The recommended practice is to collect and enter spatial data before harvesting for every cutting area regardless of the size. If a district does not enter spatial data into FTA, they are still accountable for the harvest area and will need to track the harvesting information some other way.

2.3.5 Cutblocks in the CP Application

A CP is made up of one or more *cutblocks*. (See definition of *cutblock* in the Glossary and *Cutblock* naming conventions in next section). *Cutblocks* included in a single CP application must be fully within the area authorized under the *agreement* and constitute a logical unit. Where *agreements* have a requirement for "proximate" *cutblocks*, the district manager can establish an interpretation of "proximate", consistent with the applicable Appraisal Manual.

2.3.6 CP Application Overlapping an Existing Cutting Authority

Generally, a CP cannot be issued for timber that is already under another *cutting authority*. However, if rights are not impacted or are compatible, it is possible for a cutting permit's *cutting authority area* to overlap a previously issued *cutting authority*. One such scenario would be a small-scale salvaging (SSS) operation having rights to remove dead trees in an area and then a major *agreement* holder being issued a CP or FLTC for all timber in an area that overlaps part of the not-yet-expired SSS CP. Other scenarios could include a Road Permit and a CP that are not mutually exclusive.

2.3.7 Two or More Applications for the Same Timber

Unless it is otherwise encumbered, timber on an area of Crown land, that timber is available until a *cutting authority* or agreement that provides exclusive rights is *issued* for

that area.. Established operating areas or *approved* plans do not provide rights to apply for timber or exclude others from applying.

If more than one application (or timber sale licence proposal) is submitted for the same timber, the **applications should be processed based on a first-come, first-served policy** using the date and time that a complete application/proposal is submitted. See section 2.4.1-2.4.3 for what constitutes a complete application.

If during processing, an application/proposal is deemed ineligible (see section 2.6), the application/proposal must be rejected and the next complete application/proposal should be processed.

In the case of an amendment to an application/proposal, the date that the complete amendment request was submitted will become the date used for determining first-come, first-served, unless the amendment was due to forest management reasons that in the district manager's opinion was not reasonably foreseeable.

Applications/proposals that were submitted later should not be rejected until a *cutting authority* for the timber is actually *issued* to someone else. This allows for a CP to be issued to the next earliest application/proposal should the earliest application/proposal not proceed

Note that an ESF submission into FTA will show that a CP or TSL is at the planning stage. If there has been a previous ESF submission for the same area, a conflict will be indicated. However, that automated conflict flag is not the determining factor for which application/proposal is first in line. All aspects of the application must be complete to determine who is first and the application must be fully eligible to remain first in line.

The district manager and timber sales manager may need to review and refine this first-come, first-served policy to reflect local policies and procedures.

2.4 Exhibit A Map Process

The Exhibit A map for the CP outlines the *cutting authority area* and is generated by district staff based on the licensee's ESF submission for the CP application.

The steps involved in checking the *agreement* holder's ESF submission, for conflicts and producing the Exhibit A map for the document will vary by district. A generic business process is mapped at the end of this section in Figure 2-3.

2.4.1 Cutblock Mapping Conventions

The *cutting authority area* can consist of one or more *cutblocks*, with each *cutblock* comprising a single or multi-part polygon. The spatial and naming rules for *cutblocks* are described in the guideline for integrating spatial mapping standards across Ministry business areas (See Section 4.5.1).

2.4.2 Exhibit A Map Boundary

The Exhibit A map typically defines the boundary of the *cutting authority area* with a bold black line.

Cutblocks with “tails” as a substitute for permitted road access should be avoided. If access to an adjacent cutblock is required, a road permit should be obtained.

The *cutting authority area* in the Exhibit A map must include all areas of merchantable timber that can be harvested according to appraisal data and maps. There may be scenarios where the Exhibit A map describes more area than the appraisal map(s). For example, additional area of non-merchantable timber may be required for access. Another example is the Exhibit A map including a landing area that is outside a helicopter-logged cutblock.

To prevent redundant and potentially inconsistent requirements, the Exhibit A map should not identify reserves that are required and enforceable under FRPA such as Wildlife Tree Retention Areas, which if they are internal, contiguous, or external are immaterial to the business of granting a *cutting authority*.

The Exhibit A map may indicate areas that are excluded from harvesting if they are under a different cutting authority or otherwise encumbered, restricted or unavailable e.g. area-based agreement, private land, Part 13, statutory right of way etc.

Where some type of partial retention is being proposed, those trees that are being left should be identified as reserved trees in Schedule B and possibly shown on the Exhibit A map consistent with partial retention information in the appraisal data and maps. (See section 2.7.4 Schedule B– Reserved Timber).

Unless timber harvesting is prevented by clauses in the CP, all timber within the Exhibit A's *cutting authority area* will be available for cutting and removal by the CP holder. Exhibit A maps for blanket CPs will typically indicate a general *cutting authority area* within which harvesting will be restricted to certain timber profiles by clauses in the CP (e.g. blowdown, special forest products, etc.). The Exhibit 'A' for One CP for woodlots could be the entire area under the WLP, including both Schedule A and B of the woodlot, or just Schedule B, as applicable. However, for ease of administration it is recommended that a separate CP for Crown land and a separate CP for Private Land be created. The Exhibit 'A' for One CP for community forest agreements would normally be the entire area under the FSP.

A CP's *cutting authority area* cannot overlap another *cutting authority area* unless the rights authorized under the CP are different from the rights under the other cutting authority. For example, a CP could be issued for a cutblock with a provision excluding previously decked timber and then the decked timber, which would be sold under a forestry licence to cut.

2.4.3 Exhibit A Mapping Standards

Standards for preparation of Exhibit A maps are outlined in *Exhibit A Mapping and Clearance Processing Manual for Tenure Administration*, which is available here...

Another document describing mapping standards and requirements is the [Mapping Requirements Guide](#). This guide provides information on various mapping standards including field data standards (See Section 4.5.1).

2.4.4 Checking Status and Adjudicating Clearance

Prior to issuing a CP, the Ministry needs to ensure that the proposed area is Crown Land (or private land within a TFL or WL) and that there are no pre-existing rights that conflict with the proposed CP. The Exhibit A process identifies conflicts (*status*) and adjudicates them (*clearance*).

Adjudication reports provide information to the Ministry about the *status* of the *cutting authority area*. The report has valuable information for the decision whether to *issue* the CP and whether any restrictions might be appropriate. However, the adjudication report has no contractual role and must not be included in the CP. If there is information in the adjudication report that constrains the licensee's prospective harvest operations, the district manager may have to refuse the CP. Once an application is received, Ministry must not unilaterally adjust the *cutting authority area* boundary making it inconsistent with the CP application. It is up to the *agreement* holder to decide if a revised application is warranted given the legal and business factors that they must consider.

The adjudication report may identify existing rights that need to be protected, but once protected would be compatible with the proposed CP. In such cases an additional provision can be added to Schedule A of the CP document such as the Other Occupiers of Land clause (Refer to section 2.7.2). If a customized clause appears warranted, see the discussion on New or Revised Schedule A Clauses in section 2.7.3.

In other cases the adjudication report or other information sources may identify a need for referral letters and follow-up to determine the exact nature of the pre-existing rights and how to resolve the potential conflict (i.e. *issue* the CP with or without a protective clause or refuse the CP.)

Status outside the Exhibit A Map

Typically, Geomatics staff will check the status 20 metres beyond the Exhibit A map boundary. This provides a buffer for minor mapping inaccuracies. It can also be useful if the CP Schedule A will include a clause that allows the permit holder to go a certain distance outside the boundary for special circumstances such as falling dangerous trees. If such a clause is going to specify a distance that exceeds the normal status buffer, Geomatics staff need to be informed so they can increase the buffer accordingly.

Proposed Wildlife Tree Reserve Areas (WTRA's) in the Adjudication Report

Agreement holders have the option of submitting planned contiguous and external WTRA's areas to the district, outside of the ESF submission. Doing so allows the district to determine whether a legal right or title (e.g. private land) already encumbers the WTRA's ("statusing") and to flag this to the agreement holder. In addition, though not a legal encumbrance at the CP application stage, these planned external and contiguous WTRA's will be flagged as a potential conflict during any subsequent tenure statusing that overlaps them. This optional submission of WTRA's information does not affect clearance of the associated CP. Read more about WTRA's and other reserves in section 2.10.10 of Managing Special Circumstances.

2.4.5 Verification with Forest Stewardship Plan

The [FSP Tracking System](#), (FSPTS) is a web-based application that facilitates the submission, receipt, review, approval, retrieval and tracking of forest stewardship plans and amendments. The spatial data for forest development units (FDU) on approved FSPs can be viewed during the *status* checking step of CP applications.

CP applications can be compared with loaded FSPs by using the View FDU feature of the FSP Tracking System or by using [MapView](#).

In MapView:



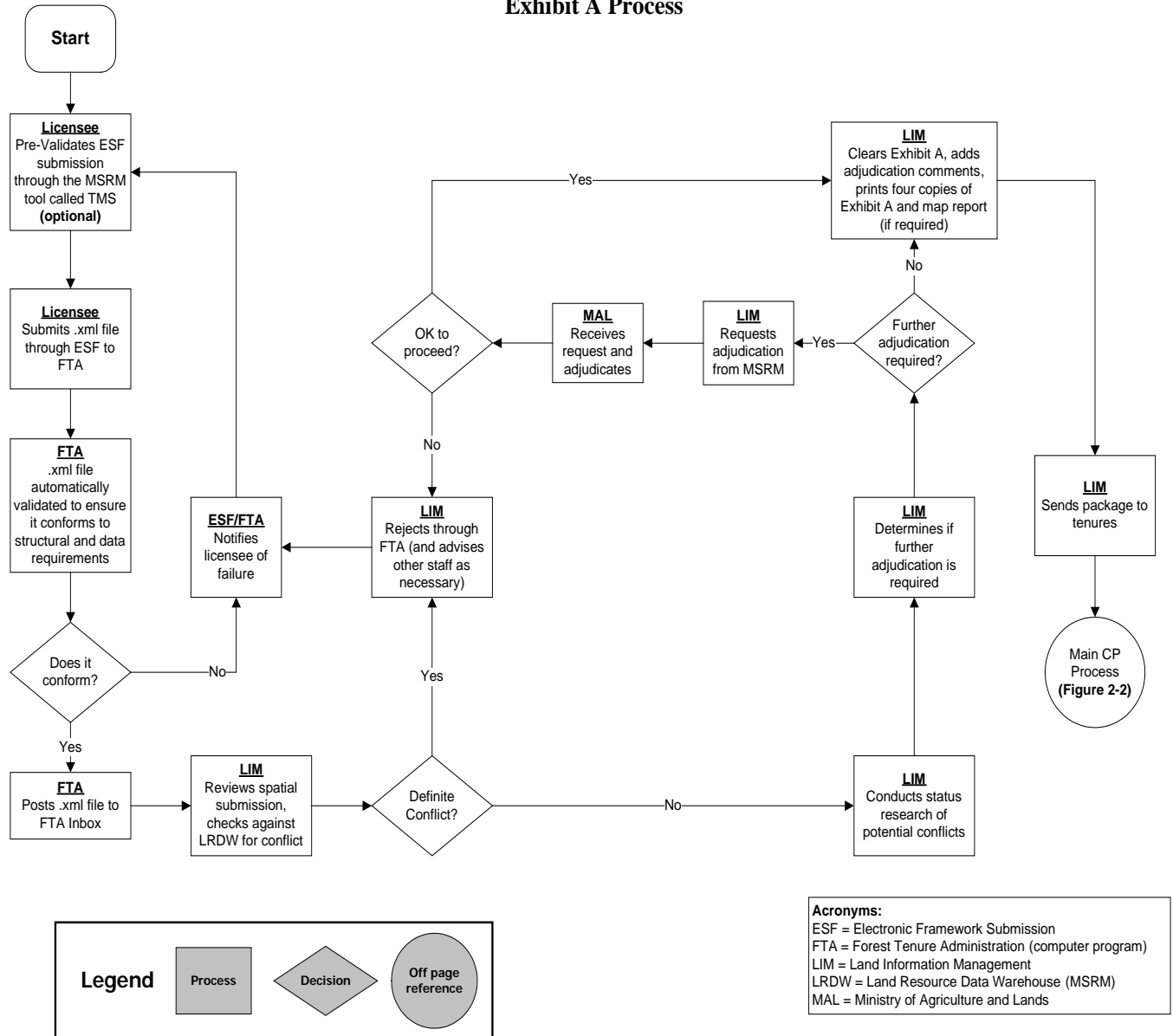
- Zoom in to the general area of interest at a scale closer than 1:100,000.
- Click **Layers** on the blue menu bar and then on the Map Layers list that appears to the right. Ensure the following are checked:
 - Forest Development Units (in the Planning folder)
 - Pending Harvest Authority (in the folder Forest Tenure, subfolder Harvest Authority).
- Click the Refresh Map button or the toolbar icon .
- Click on **Legend** on the blue menu bar to see the colour and pattern of FDUs and applications (Pending Harvest Authority).
- If the CP application of interest has been submitted to the district inbox, it should be displayed by the Pending Harvest Authority layer.
- Click on the **Identify visible** icon  in the toolbar to activate that tool. Then place the cursor on a CP application cutblock on the map and left click. Information for the CP application and any FDU(s) will be displayed on the right, under the heading **Identify Results**.

Figure 2-3 Process Map for Exhibit A Processing
Exhibit A Process



2.5 Eligibility and Due Diligence

A CP application must be reviewed by district staff to ensure that the applicant is eligible for the CP and that any other interests on the proposed area have been adequately addressed. In particular, district staff should verify that:

- the application is consistent with *agreement* provisions including the licence area and any specified types of timber or terrain,
- the proposed *cutting authority area* in the application is consistent with *agreement* provisions requiring CP applications to be located within a forest development unit of an *approved* forest stewardship plan, or in the case of woodlot licence holders within an *approved* woodlot licence plan, or exempted under *FRPA* from the requirement for a forest stewardship plan or woodlot licence plan,
- the minister has not ordered under Part 13 (Designated Areas) of the *Forest Act* that CPs will not be issued in the area under application,
- the district manager has not determined under section 81 (Eligibility) of the *Forest Act* to refuse to issue the CP,
- the minister has not determined under section 81.1 of the *Forest Act* that issuance of the CP would compromise government objectives specified by regulation.
- the CP application map(s) submitted by the *agreement* holder through ESF is acceptable,
- the appraisal information submitted through ECAS is acceptable.
- there are no unresolved conflicts with pre-existing rights from the Exhibit A process or associated referrals, and
- *Aboriginal interests* in the proposed *cutting authority area* have been addressed and, where appropriate, *aboriginal interests* have been accommodated.

2.5.1 FRPA Requirements

Section 3 of *FRPA* prohibits the holder of certain *agreements* from harvesting timber unless the holder has first prepared and obtained approval of an FSP that includes a forest development unit that entirely contains the area on which the timber is to be harvested. (Section 4 of *FRPA* provides a limited number of exemptions to the FSP prerequisite.)

Section 10 of *FRPA* requires the holder of an FSP to prepare a site plan for any cutblock before the start of timber harvesting.

Section 12 of FRPA prohibits the holder of a woodlot licence from harvesting timber unless the holder has first prepared and obtained the approval of a WLP that includes the proposed harvest area.

There is a requirement specified in *agreements* that *cutting authority areas* must be located within an FDU of an approved FSP.

It is up to the holder of the CP to ensure FRPA requirements are met before harvesting begins.

The CP issuance process should not be used to ensure that proposed harvesting is consistent with the FSP's results, strategies and stocking standards or other FRPA requirements (e.g. whether the CP would impact on natural range barriers). It is the responsibility of C&E staff to ensure that FRPA requirements are met.

Reserves are also administered separate from the CP issuance process. See section 2.10.10 (Wildlife Tree Retention Areas and other FRPA Reserves) for more information on how these reserves are tracked and observed.

2.5.2 Aboriginal Interests

Government has an obligation to ensure that First Nations have been adequately consulted regarding proposed forest and range decisions and, where appropriate, accommodated for impacts on *aboriginal interests* by forest and range activities including the issuance of a CP or RP. Note that although the Ministry's consultation obligations are the same for both CPs and RPs, the legal framework for RP issuance is somewhat different. Refer to section 3.7.2 of this manual for more information and advice regarding *aboriginal interests* and RP applications.

The Ministry "Aboriginal Rights and Title Policy" and associated Consultation Guidelines provide Ministry staff with guidance when making statutory decisions that may affect *aboriginal interests*. The policy and guidelines can be viewed at the following website: www.for.gov.bc.ca/haa/policies_reports.htm

Also applicable to the issuance of CPs and RPs are *FRPA Administration Bulletin Number 1*, and the *Administrative Guide to Forest Stewardship Plans* (AGFSP).

Policy and guidance documents should be considered when making a decision on the adequacy of First Nations consultation prior to making a decision regarding issuance of timber harvesting or road authorizations. Refer to the current policy and guidance documents to learn more about:

- the need for a preliminary assessment of the aboriginal interests that may exist within the area in question and the potential impact the decision may have on those interests in order to determine the appropriate depth of consultation. (Refer to 4.2.1 in the AGFSP Volume I and the most recent guidance to Ministry staff from First Nations Relations Branch)

- why consultation with First Nations regarding their *aboriginal interests* must be considered by any decision-maker prior to making statutory decisions on behalf of the Crown (see FRPA Bulletin Number 1 and the Aboriginal Rights and Title Policy)
- what must be considered prior to a decision and the potential forms of accommodation (policies and the AGFSP)
- the consultation process for the development and review of FSPs (section 4.2.2 of AGFSP Volume I), and
- advice on communications with First Nations in the post-FSP approval phase (section 1.4.2 of AGFSP Volume II).

The AGFSP acknowledges that there are few detailed operational information requirements in an FSP and that situations will likely arise where a First Nation seeks further relevant site-specific information. In reviewing an FSP, a statutory decision-maker may accept the adequacy of consultation with respect to the FSP while recognizing that further consultation and information sharing may be required later, such as where a First Nation requests relevant operational information at the CP stage that was not available at the FSP stage. Furthermore, the decision-maker may become aware of *aboriginal interests* that may be impacted only after seeing more detailed information.

There could be delays and uncertainty in the CP/RP issuance process if operational details are not made available until submission of the CP/RP application. Ministry staff cannot insist on early information sharing but it is in the *agreement* holder's best interest that enough operational details are available to the First Nation sufficiently prior to the CP/RP application to facilitate consultation and appropriate accommodation.

The Ministry's policy and guidelines recommend consulting with First Nations early in the process, prior to making forestry decisions. However, even if early consultation occurs, the statutory decision-maker still has an obligation to ensure that, at the time of CP/RP issuance, the consultation process has been adequate and *aboriginal interests* have been addressed and, where appropriate, accommodated.

The following are some examples where the decision maker could determine that more consultation is required prior to issuance of a CP or RP:

- 1) when a review of a preliminary assessment suggests that there are aboriginal interests that will be impacted by the proposed operations,
- 2) when detailed information regarding *aboriginal interests* affected by the proposed plan has been made available by the First Nation to the *agreement* holder or the Ministry and that information has not been adequately addressed in the plan,
- 3) when the First Nation requests operational information that was not available at the time the FSP was *approved*,
- 4) when the *agreement* holder has indicated a commitment for further information sharing processes with First Nations,

- 5) when there has been a commitment by government to a consultation process at this stage of development (e.g. a consultation protocol, or interim measures agreement),
- 6) when accommodation options to address known or newly identified aboriginal interests do not appear to have been discussed with the First Nation or adequately considered in the mind of the decision-maker at the time of the CP or RP review, and
- 7) any other situation that, in the opinion of the decision-maker, warrants additional First Nation consultation activities.

Avoiding an unjustifiable infringement of an *aboriginal interest* is a paramount consideration prior to issuing a CP. Current government policy and case law should be considered. If the decision maker is considering refusing to issue a CP or RP application and that appears to be inconsistent with clauses in the *agreement*, the district manager should obtain advice from the First Nations Liaison/Stewardship person in the district, the Regional Aboriginal Affairs Manager, or First Nations Relations Branch who will liaise with the Ministry of Justice as necessary.

2.5.3 AAC and other Agreement Provisions

Agreements sometimes have unique provisions that can affect the eligibility of the CP application. For example, a CP application must be consistent with the provisions in the applicant's *agreement* including any area restrictions and specified timber types.

An *agreement's* allowable annual cut (AAC) would not normally be a factor to consider in the evaluation of a CP application. However, AAC may be an important factor if the *agreement* is non-replaceable and nearing the end of its term. In such a situation, the total volume of timber harvested to date under the *agreement* needs to be compared to the *agreement's* maximum harvestable volume (the AAC multiplied by the number of years in the *agreement's* term). In this case, a CP application may warrant rejection if it has excessive volume that could not be harvested within the *agreement's* maximum harvestable volume. However, caution should be exercised when determining what is excessive since the applicant may be factoring in inaccurate cut to cruise ratios or other factors. It is the responsibility of the applicant to ensure that maximum harvest levels for the licence are not exceeded including factoring in waste assessments into the volume of timber harvested.

2.5.4 Refusal or Delay

The *Forest Act* and *agreements* have provisions regarding how a district manager can refuse or delay a CP application. The *agreement* requires the district manager to notify the *agreement* holder if the district manager:

- determines that a CP may not be *issued* because the requirements of the *agreement* have not been met,
- requires additional time to carry out consultations, or
- refuses to *issue* a CP due to irresolvable conflicts with other rights or interests.

If refusal or delay is being considered, then reference should be made to the specific provisions in the applicable *agreement*. Also refer to the discussion above on avoiding an unjustifiable infringement under the heading *Aboriginal Interests*.

Agreements may also contain a provision that the district manager will notify the *agreement* holder within 45 days if the CP application will be refused or delayed. If the 45 days is exceeded without notification, the district manager can still refuse the application or continue with the delay. The clause does not mean that in the absence of prior notification the CP is deemed to be *issued* after 45 days. However, the Ministry has effectively promised to provide notification and should honour that promise.

There are *Forest Act* provisions for refusal of a CP in section 81 and the *Performance Based Harvest Regulation* (PBHR). In order to refuse to issue, or to attach special conditions to, the cutting permit, the following must have occurred:

1. The agreement holder failed to provide the required Security or Deposit [FA s.81(1)(b)(ii)],**or**
2. The agreement holder failed to perform an obligation under the agreement...in respect of an area of land specified in a CP, RP, or RUP associated with the agreement [FA s. 81(1)(b)(iii)] **or**
3. The agreement holder failed to comply with a requirement under the FA, FRPA, the Code or the *Wildfire Act* in respect of an area of land specified in a CP, RP, or RUP associated with the agreement (FA s. 81(1)(b)(iv)).

If an operational plan for an area was approved and the district manager later determines, on the basis of information that was not known to the person who granted the approval, that the plan will continue or result in a potential unjustifiable infringement of an aboriginal right or title in respect of the area, section 77.1 of FRPA allows the district manager to vary or suspend a CP to the extent the district manager considers necessary.

2.6 Document Preparation

Generic permit templates are maintained on FTB's public web page and internal SharePoint site. The internal SharePoint site contains background information and staff guidance, and it is updated more frequently than the public web page so Ministry staff must always use the internal SharePoint site to ensure they are accessing the latest version of the generic permit documents.

Public access: [Generic Permit Templates](#)

Internal access: [FTB SharePoint site](#)

The applicable version of the CP template will depend on the type of *agreement* and the date of the *agreement's* issuance or replacement. As of September 2007, FL, NRFL, TFL and WL each have two CP templates an "A" version and a "B" version as described below. The other forms of *agreement* that provide for CPs have a single template each.

- Cutting Permit "A" for *agreements* entered into or replaced after November 3, 2003 (i.e. for *agreements* with clauses that were consistent with the 2003 policy changes and *Forest Act* amendments such as the elimination of utilization requirements.)
- Cutting Permit "B" for *agreements* entered into or replaced before November 4, 2003 (i.e. for *agreements* with clauses that pre-dated the 2003 policy and *Forest Act* amendments.)

The components of the CP document listed here are discussed in detail in the following sections:

- **Main body** (standard clauses)
- **Schedule A** (additional clauses that are specific to the CP)
- **Schedule B** (timber that is reserved from cutting)
- **Schedule C** (used in the past for cut control specifications, but are now included in the main body of the *agreement*)
- **Exhibit A** (map describing the *cutting authority area*)

2.6.1 Main Body

Note: CPs are part of the agreements they are issued under and must be consistent with that agreement and the *Forest Act*. The main body of the CP templates have been reviewed by legal counsel and have been consulted on with Industry. To avoid risk to Government, and the agreement holder, **do not modify any wording in the main body of a CP**. Contact Area Tenures or FTB if you feel that there is a specific operational requirement that is not being met by wording in the current templates.

The main body of a CP document template consists of a group of clauses specifically designed for the *agreement*. These clauses are described briefly in the following table:

Table 2-1 CP Clauses

Clause group	Description	Guidance
--------------	-------------	----------

Clause group	Description	Guidance
Permit Area and Term	Provides <i>cutting authority</i> to the area described in the Exhibit A map (discussed separately later in this section). Sets the beginning date (issue date) and ending date of the CP. Sets conditions and limits for any extension.	The beginning date is the date the permit is issued (i.e. the date the CP is signed by the Ministry) The term should be what the licensee applied for, provided it is consistent with the <i>agreement</i> and legislative restrictions (i.e. 4 year maximum and within the <i>agreement's</i> term).
Other Conditions and Requirements	Provides a link to additional clauses inserted in Schedule A.	Discussed separately in this section under the heading Schedule A.
Timber Mark	Identifies the timber mark to be applied to timber removed from the permit area and requires marking in the <i>prescribed</i> manner. Some permits may require timber mark identification signs on the cutting authority area.	Each CP must have one timber mark. An exception is where a CP within a TFL covers Crown land and timber licence and/or private land associated with the TF, or a WL covers both private and Crown land. In these situations, the permit will have additional timber marks assigned to the permit area within the applicable timber licence/private land (TFLs) or private land (WLs) portion of the CP. Timber marks for the Crown land portions of CPs normally consist of a unique designate identifying the <i>agreement</i> plus 3 characters for the CP number (4 characters for WLs). See section 1.4.3).
Scale or Cruise-Based Stumpage	Separate clauses apply depending on whether the CP will have stumpage billed according to scale or cruise data.	
Roads	Authorizes construction or modification of roads within the CP's <i>cutblocks</i> .	
Timber Harvest and Waste Assessment	Reserves timber from harvesting if it is identified in Schedule B (discussed separately later in this section).	
Miscellaneous	Links the Schedules and Exhibit A to the CP and the CP to the <i>agreement</i> . Requires notification when primary logging is complete and again when timber removal is complete.	

2.6.2 Schedule A

The Schedule A consists of other conditions and requirements that have been deemed necessary for a specific CP. However, optional clauses should only be added to a CP when warranted.

Approved optional clauses and notes about their use are listed in the “Optional Clauses Manual” available on the internal [FTB SharePoint site](#)

under Generic Licence Documents. This is the most up to date source of approved optional clauses.

2.6.3 New or Revised Schedule A Clauses

Note: As with the main body of the CP, the Schedule A clauses form part of a legal document and it is imperative that their contents be consistent with legislation and the agreement. To avoid causing risk to government, and agreement holders, **do not create new CP clauses or modify existing clauses.**

If there is an operational requirement that cannot be met with any of the current clauses, contact Area tenures staff who will work with FTB, and legal counsel where required, to adapt or develop an appropriate optional clause.

Before requesting a new or revised clause, consider the following:

- The clause must be consistent with the agreement and legislation.
- The purpose of the clause must be consistent with the role of the CP (i.e. related to cutting authorization not the regulation of forest practices).
- The clause must be essential to meet operational circumstances or government objectives that are unique or specific to a regional goal, site-specific requirement or a client group.
- The person issuing the permit must have the authority to impose the clause.
- Enforcement authority must exist and compliance should be measurable.
- The clause must be consistent with the principles of administrative law (fair, reasonable, due process).
- The clause must not restate a requirement or obligation already specified in the *agreement*, the FSP or legislation.

2.6.4 Schedule B- Reserved Timber

Schedule B describes timber that is reserved from cutting under the CP.

Before the *Forest and Range Practices Act*, Schedule B was mainly used to identify trees reserved for forest practice reasons such as wildlife tree patches. With implementation of FRPA and associated regulations, the CP has much less of a forest practices role. Consequently, CPs issued on areas covered under FSP or WLP should not contain any

Schedule B clauses for forest practices that can be enforced under FRPA. In many CPs, there will be no need for a Schedule B.

Only the following circumstances warrant Schedule B clauses:

- wildlife tree patches for a CP issued under an FDP (See below for guidance from FRPA General Bulletin 8)
- partial cutting retention
- timber that the licence does not provide rights to, for example live/undamaged timber in a salvage situation or an area of young timber in a Timber Licence CP
- timber to be removed under a different tenure (e.g. previously decked timber or a First Nation free use permit)
- MSMA treated trees reserved from removal
- seed trees, deciduous or other timber reserved for reasons other than those found in the FSP and under FRPA (e.g. riparian and proposed WTRAs).

Normally, timber reserved or partial cutting under Schedule B will be identified as reserved in the appraisal data and maps. To prevent confusion with waste assessments, the Schedule B clause wording should be consistent with the appraisal information. In some cases, it may be appropriate for the Schedule B clause to cross-reference the reserved timber in the appraisal information if it can be done in a way that is clear and definitive. Care must be taken to avoid referring to the FSP/FRPA reserved timber that may be described in the appraisal information.

Sample clauses for Schedule B are listed in the Optional Clauses Manual on the [FTB SharePoint site](#).

[FRPA General Bulletin](#) Number 8 provides interim guidance on wildlife tree areas and wildlife tree retention:

- There is no need to identify internal, contiguous, or external wildlife tree retention areas or wildlife tree areas (WTRA) in the Exhibit A map.
- For CPs *issued* on areas covered under FDPs, there should be a clause in the Schedule B of the CP document, describing as reserved timber, the WTRAs mapped in the appraisal submission.

For CPs *issued* on areas covered under FSPs or WLPs, there is no need for Schedule B to reference proposed WTRAs.

2.6.5 Schedule C - Cut Control Specifications

The administration of cut control is regulated by legislation for all *agreements issued* after November 3, 2003. Consequently, unless the agreement has been exempted from the

definition of “Volume of timber harvested” in section 75.1(1) of the Forest Act, the CP should not require a Schedule C.

The CP document templates for pre-November 4, 2003 *agreements*, available on the [FTB SharePoint site](#), provide options that put cut control specifications in a Schedule C and/or include customized wording in the CP document. Obtain advice from regional tenures staff to determine if this is warranted for a particular pre-November 4, 2003 *agreement*.

2.6.6 Exhibit A map

The Exhibit A map describes the external limit of harvesting i.e. the *cutting authority area*. It must not indicate any operational planning restrictions or appraisal data. It is strictly a method of describing the area authorized for harvest.

2.7 Cutting Permit Issuance

The Exhibit A, appraisal and due diligence processes will indicate that the CP is either ready for issuance or that rejection is warranted.

No rationale is needed to justify issuing a CP. A written rationale to the applicant is warranted if the CP application is refused by the district manager or authorized forest officer. A rationale is not necessary for an FTA or ECAS automated rejection due to incomplete or erroneous submissions.

The CP is *issued* when the district manager or authorized forest officer signs the permit. Before signing, he or she should be satisfied with the due diligence and eligibility checks that have been done.

CP issuance must not be subject to conditions of any kind e.g. a clause in Schedule A or in the cover letter requiring a field assessment before harvest can commence. As soon as the CP is *issued*, the permit holder immediately has the authorization to harvest the timber described in the CP.

Section 14(e) of the *Forest Act*, states that forest licences must provide for CPs to be **issued by the district manager or a forest officer authorized by the district manager**. Note that authorizing a forest officer is not a delegation of authority. The district manager retains authority to *issue* CPs.

2.7.1 Cover Letter

Cover letters are optional. When used, they should serve only to direct the CP to a specific person in a company or to give a direction or exemption that the permit or legislation allows, for example an exemption related to timber marking or scaling. As mentioned above, **the cover letter must not be used to add new conditions to a CP or to emphasize requirements that are already stated in the permit, agreement or in legislation.**

The cover letter is not part of the document and must not state that it “is an integral part of the cutting permit and should be attached thereto” or something similar.

If the cover letter provides no direction or exemption, it doesn’t need to be signed by a decision maker.

2.7.2 Original and Copy

Since the permit is *issued* to the holder of the *agreement*, there is only one original, which is given to the agreement holder. A copy of the CP is filed at the district office.

Ancillary users of the CP can usually access the information they need electronically.

2.8 Administering Active CPs

This section describes the following activities related to CP administration:

- General CP Activities
- CP Amendments
- CP Extensions
- CP Postponements
- Ending a CP.

2.8.1 General CP Activities

Once a CP is active, administrative activities are managed as follows:

- Notification of commencement is a requirement enforced by section 85 of FRPA’s *Forest Planning and Practices Regulation* and Section 74 of the *WLPPR*
- Although the CP identifies the timber mark, the requirement for marking and scaling are enforced under the *Forest Act*.
- Waste assessments are regulated by the waste manual which is referenced by the *agreement*.
- Inspections are conducted by C&E and mostly driven by risks to revenue or forest practices.
- Billings are fully in the Revenue business area. Scale based CP’s have invoices generated based on scaling records whereas holders of cruise-based CPs are required to submit monthly reports on the area harvested and that information combined with the cruise data determines the volume to be billed.

See section 1.3 for more information on these activities.

2.8.2 CP Amendments

All changes to the *cutting authority area* require an amendment to the CP. The agreement holder must apply for the amendment and the application must meet the same requirements as a new application. Only the District Manager signs CP amendments; they are not countersigned by the applicant.

In accordance with the guidance in the October 24, 2002 CP Amendment directive in section 4.2.3, existing CPs, whether harvest has begun or not, should only be amended to reflect minor changes which are beyond the permittee's control and are required for forest management reasons e.g. fringe blowdown, minor additions, deletions.

The size and nature of the change may require a reappraisal on the remaining timber or it could invoke a retroactive rate change if the Appraisal Manual's Changed Circumstances provision applies.

CP amendments can be in a letter format and should contain a statement such as:

This amendment forms an integral part of cutting permit and should be attached to it.

Note that FRPA provisions allowing changes without re-submission (section 30 of *Forest Planning and Practices Regulation* of FRPA and section 21 of the WLPPR) only affects operational plan amendments, **not** CP amendments. The CP cannot be indirectly amended by an operational plan or exemption nor by any other approvals. Despite any operational plan changes, the *cutting authority area* and the permit clauses remain in force unless they are amended by the district manager.

Note that in some cases, a CP amendment can be made without an FTA or ECAS submission. If a licensee wishes to relocate an internal WTP, which is not shown on the Exhibit A map, and there are no appraisal issues, the licensee may request the amendment simply by submitting to the decision maker a map showing the new location. The Decision maker can approve it with a suitable letter. An amendment such as this may be necessary to protect the licensee from potential unauthorized harvest of the 'old' WTP and waste assessment charges on the 'new' WTP.

2.8.3 CP Extensions

A CP may be extended upon application if it is still in effect on the date of application and if the original term plus extensions does not exceed 4 years. An exception to this may apply to CPs that were in effect on before November 4, 2003. (Postponement may be more appropriate for some circumstances. Refer to 2.9.4 CP Postponement)

To extend a CP, the holder of the permit may need to pay to the government an extension fee as described below.

Extensions for CPs in Effect before November 4, 2003.

Section 58.2 of the *Forest Act* and the Cutting Permit Extension and Surrender Policy (see references in section 4.1.4 of this manual) specifies transition provisions for CPs that were in effect when the *take or pay* rules and the 4 year maximum term for CPs came into force. First, the terms of all CPs were capped so that they would expire on March 31, 2007, instead of any later date specified in the CP. Then, holders of CPs were given a limited time to apply for surrender of CPs to avoid new *take or pay* rules. Holders of CPs that were in effect before November 4, 2003 but with expiry dates before March 31, 2007 were allowed to apply for an extension to March 31, 2007. The *Forest Act* and policy allows applications for further extensions beyond March 31, 2007, in increments of two years at a time. The minister has delegated this authority to district managers (see delegation memo in section 4.1.4 of this manual). The Cutting Permit Extension and Surrender Policy states that upon application, CPs will be extended unless the District or Timber Sales Manager determines that such an extension could compromise the achievement of the forest management objectives for the management unit.”

Extensions under these transition provisions are not subject to extension fees. The extension fees requirement in section 58.1 of the *Forest Act* only applies to CPs issued on or after November 4, 2003. These transition provisions do not apply to CPs *issued* under a licence to cut.

Extensions for CPs Issued After November 3, 2003

Section 58.1 of the *Forest Act* enables CP holders to apply for an extension of one year or less, provided:

- the *agreement* does not prohibit extension,
- the CP’s initial term plus previous and current extensions will not exceed 4 years,
- the CP is still active, and rights are not under suspension, and
- an extension fee is paid in accordance with Section 18 of the *Advertising, Deposits, Disposition and Extension Regulation* (unless the fee is waived).

The district manager has discretion to reject the extension application if, in his or her opinion, the extension would prevent the fulfillment of an obligation under the FRPA or the FPC.

Reducing or Waiving the Extension Fee

Section 18 of the *Advertising, Deposits, Disposition and Extension Regulation* reduces the extension fee by up to 90% based on the amount harvested prior to the extension application.

Section 58.1 (6) of the *Forest Act* allows the minister or regional executive director (see May 10, 2005, memo in section 4.1.4 of this manual) to waive the fee for a CP extension at the request of the holder provided that the reasons for an extension are 1)

circumstances beyond the holder's control, and 2) unrelated to the holder's financial situation.

The following list outlines some of the circumstances the minister or regional executive director may wish to consider in making this decision:

- The permittee's opportunity to harvest was limited by factors beyond their control such as weather conditions, fire or other catastrophic event, unforeseen consultation requirements, or blockades.
- Harvest operations were limited by agreements with others that were in effect at the time of CP issuance, but could not have reasonably been foreseen impacting the operation of the CP.
- The permittee did (or did not) take advantage of opportunities to harvest when conditions were suitable.
- The actions of other operators in the surrounding area impacted the CP holder's ability to harvest.
- The permittee's operations shifted to address forest health, salvage or other situations that reflected proper forest management and where time was of the essence.
- The CP transferred as a result of timber reallocation (Forestry Revitalization Act) which impacted the ability to operate.

Poor market conditions should not be a consideration in waiving extension fees.

2.8.4 CP Postponement

Section 58.21 of the *Forest Act* allows the holder of a CP, issued on or after November 4, 2003, to apply for postponement of CP operations for up to 2 years in accordance with the *Cutting Permit Postponement Regulation*. The following is a summary of these provisions. Refer to Forest Act Section 58.21, the *Cutting Permit Postponement Regulation* and policy described below for specific eligibility requirements, guidance and policy direction.

The regulation specifies the circumstances under which a CP can be postponed:

- to enable harvesting of other timber that is in danger due to forest health factors provided that postponement will not harm the value of the deferred timber.
- continued harvesting would result in an adverse effect on reforestation or an unacceptable fire hazard, or
- access to the timber isn't available due to circumstances beyond the holder's control and unrelated to the holder's financial position or market conditions.

The effective date for a postponement is determined by the minister and can be on or after the date of the date of postponement application. Additional provisions apply to the effective date of postponement to CPs issued on or after November 4, 2003 and before June 1, 2007—see section 58.21(3).

The August 2008 [Cutting Permit Postponement Policy](#) states that:

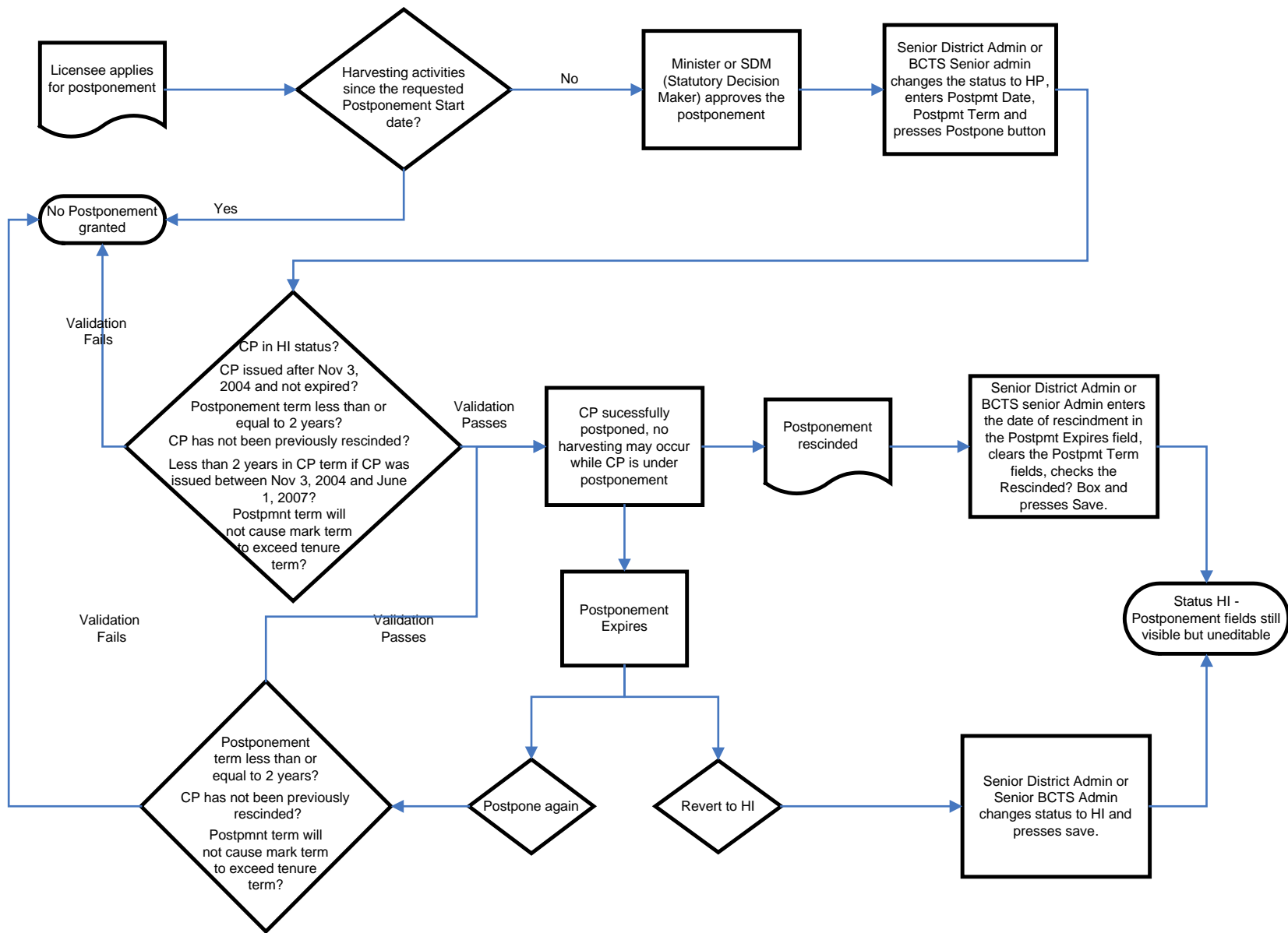
A cutting permit may be postponed in accordance with the Forest Act and the Cutting Permit Postponement Regulation provided that a rationale is provided.

Postponement of a CP essentially shifts the active period of the CP forward for the postponed timeframe but it prohibits the exercise of any CP rights during the period of postponement. Since removing timber from the permit area is authorized under the CP, the CP holder is not authorized to haul any timber from the cutting authority area that was cut before the postponement. A CP postponement does not affect rights or authorities that are granted under an agreement or the Act. In addition, the CP holder is able to, and must, carry out any obligations imposed by the forestry legislation regarding the CP while it is postponed.

A postponement ends after the postponement period expires, or the holder of the CP may apply to have the postponement rescinded at any time. When a CP postponement ends all rights under the CP return to the holder. If the postponement is rescinded, no additional postponement periods are allowed. If the postponement expires because the end of the postponement period was reached, further postponements are possible. The effective date of rescindment can be the date of the rescindment application or the date requested in the application.

Figure 2-4 on the following page illustrates the business process for CP postponement with integrated FTA instructions.

Figure 2-4 Process Map for CP Postponement



2.8.5 Ending a CP

Cutblock(s) Harvested before CP Expiry

After the holder of the CP gives commencement notification, which is a FRPA obligation, there is no further requirement to report *cutblock* activity until primary logging is complete on a *cutblock*. The exception is another commencement notification may be required if restarting after 3 months of inactivity.

If a CP is completely logged earlier than the CP expiry date, there is no need for early surrender or any kind of closure/deletion or amendment of the CP expiry date.

Note that for timber to be transported and for stumpage rates to be applied, an active CP and active timber mark is needed. Waste assessment obligations and billings for waste are not affected by the expiry of the CP/timber mark.

At the end of the term specified in the CP, the permittee's rights expire regardless of whether timber has been completely harvested. The permittee's obligations, however, continue until fulfilled as per section 79 of the *Forest Act*.

Key Points Regarding CP Expiry:

- The Ministry is not required to provide advance notice of CP expiry and "Closure" or "deletion" letters could be detrimental if they mislead the permit holder regarding the status of rights and obligations.
- In FTA, the status code for an expired CP needs to be manually changed to HC (closed). Prior to HC, the licensee should have changed the status of all cutblocks in the CP to LC (Logging Complete) or S (Silviculture) by updating the RESULTS information. The absence of an automatic code change upon expiry is due to FTA user preference. To maintain FTA data integrity, districts should have an internal process for updating the status of expired CPs.
- Inspections can continue after CP expiry because obligations continue. (See section 79 of the *Forest Act*.)
- Waste assessments and billings can be done after CP expiry. There is no need to extend the CP term to facilitate monetary billings.
- If there has been no harvesting on the CP, current waste assessment procedures allow the CP to lapse without a waste bill (see Waste Manual).

Surrender

The *Forest Act* does not specify any provisions for CP surrender. However, CP surrender can occur if it is not inconsistent with other provisions of the *Forest Act*.

The Cutting Permit Extension and Surrender Policy (see link to Policy 8.26 in section 4.1.4 of this manual) states that a cutting permit may be surrendered, however, all cutblocks in

the cutting permit will be subject to the *take or pay* rules as described in the [Provincial Logging Residue and Waste Measurement Procedures Manual](#) and the volume will be charged to cut control.

A permittee may want to surrender a CP so they can get a new CP at a lower stumpage rate. This may be allowed if no harvesting has taken place on any cutblock within the CP. Waste Assessment Policy dictates that there will be no billing where there has been no harvesting. If there has been harvesting, then it cannot be surrendered without subsequent billing of the remaining standing timber as waste (take or pay). The District Manager does not have the authority to waive waste billing.

Note that for the purposes of *take or pay*, when determining if there has been timber harvesting, the waste manual excludes felling and removal of timber from roads (both in-block roads and any roads within the cutblock that are under road permit).

In the past, there have been specific exemptions from *take or pay* to support transition to new policies e.g. interior log grade changes.

Sometimes licensees make agreements between themselves to ‘trade’ a CP, whereby the CP holder, Licensee A, agrees to allow another licensee, Licensee B, to acquire the rights under Licensee B’s license. The process for this requires Licensee A to notify the district manager of their wish to surrender their unharvested CP and that Licensee B will apply for the exact same area under their own (Licensee B) CP application. The district should wait until the new application from Licensee B is received before cancelling Licensee A’s CP. The district must verify that the new application is identical to the existing CP, and that the appraisal information is also identical (Licensee B has probably acquired all this information from Licensee A). When this is confirmed, the district can proceed to cancel the existing CP and issue the new CP. The two actions should be done somewhat simultaneously so that the area is continuously under an issued CP or application, so that it would not be subject to another licensee’s application, or if the CP was cancelled and Licensee B didn’t follow through with a new application, the Crown would be at a loss for the projected revenue. The Crown has no interest in the business end of the transaction between the two licensees.

Suspension and Cancellation

A CP cannot be suspended/cancelled other than through the *Forest Act’s* suspension and cancellation provisions (see *Forest Act* section 76-77. Under section 79 of the *Forest Act*, the holder of a cancelled CP is still responsible for the obligations under the agreement.

2.9 Managing Special Circumstances

The criteria listed in section 2.6 **Eligibility and Due Diligence** are some of the factors that will determine if a CP must be issued to the applicant under the terms of the licence. In addition to that list, Ministry tenures staff are typically faced with a web of other factors, policies and legislation that may or may not directly affect the CP issuance process. Unpaid accounts, FRPA requirements, forest management concerns, wildfire risks, public information, First Nation relations and road safety are examples of considerations that might not result in a formal rejection but could still warrant investigation and professional discussion with colleagues, stakeholders and/or industry staff. Some of these are discussed in this section about Special Circumstances. Other topics have been deemed to be outside the scope of this manual.

If you have a special circumstance that has not been addressed or a neglected topic that you feel should be included in this manual, refer to Updates and Feedback on page xiv.

2.9.1 Forest Health Treatments

[FRPA General Bulletin](#) Number 11 describes four main sections of the *Forest and Range Practices Act* that facilitate treatments for bark beetle management. Two of these sections could impact cutting authorities:

- **FRPA section 26** enables the minister to require a land owner or the holder of an operational plan to submit a proposal if pests are causing damage to the forest. In approving the proposal or making an order under section 26, the minister can provide an exemption to provisions under FRPA or an *agreement* under the *Forest Act*. *Cutting authority* requirements specified in the *agreement* could be affected by such an exemption but the basic need for a *cutting authority* remains.
- **FRPA section 27** allows an Order in Council to designate an area as a **forest health emergency management area**. Within the designated area, the minister may order the holder of an *agreement* or a timber sales manager to carry out measures to limit the spread of forest health factors. A person under such an order is exempted from any provision under FRPA or under an *agreement* if the provision would prevent the person from carrying out of the order. *Cutting authority* requirements specified in the *agreement* could be affected by such an exemption but the basic need for a *cutting authority* remains.

2.9.2 Blanket Salvage CPs

For many years blanket CPs have been an efficient and effective way to facilitate harvest of minor, scattered volumes of salvage timber such as of blow-down or special forest

products in old *cutblocks*. A single timber mark and simple Exhibit A that covered the salvage area were key features of these permits.

Blanket CPs saw greater use during the beginning of the bark beetle epidemic where they were used for removing pockets of green infested timber. The term “blanket salvage CP” and “Bark Beetle Salvage CP” became interchangeable. Appraisal methods and special cruising methodology, which includes exemptions, were developed for blanket salvage permits and are updated from time to time.

Currently, the following directive and guidelines address the use of blanket CPs:

- A July 3, 2014 memo from the Deputy Minister re: Blanket Salvage Cutting Permits. (see copy in section 4.2.4 in this manual)
- For the north and south areas the Interior Appraisal Manual has specific requirements for Blanket Salvage Permit amendments.

2.9.3 Changes Affecting Stumpage Rates

Changing site plans after CP is issued

FRPA allows an *agreement* holder to amend a site plan without seeking authorization. If an *agreement* holder amends the plan and causes some additional timber to be reserved, it will not change the *cutting authority area* nor require a CP amendment. The agreement holder will pay for the additional timber that has been reserved as part of the volume of a cruise based CP or as standing waste if the CP is scale based.

Exemptions from Take or Pay

In the past, there have been specific exemptions from *take or pay* to support transition to new policies e.g. interior log grade changes. Each circumstance requires executive direction. Refer to regional tenures staff for copies of relevant memos and any regional procedures.

2.9.4 CPs under an Agreement that is Subdivided, Consolidated or Transferred

Subdivision and Consolidation

Subdivision or consolidation of FLs or TFLs or consolidation of WLs may require associating existing *issued* CPs to a different *agreement*. For example, a person holding an *agreement* that is being subdivided under the *Forest Act* may propose that certain existing CPs be associated with the newly created *agreement*. Conversely, if two or more *agreements* held by an individual holder are being consolidated, all existing CPs need to be associated with the consolidated *agreement*.

Refer to *Agreement Subdivision and Consolidation Guidelines, May 1, 2008* for advice and business rules for CPs affected by subdivision (section 7.1.3 of the Guidelines) or consolidation (section 7.2.3 of the Guidelines).

Transfers

If an agreement is being transferred, a Notice of Intended Disposition must list all tenures involved. If the Minister or Director FTB issues a Notice to Proceed, and if the parties proceed with the transfer, the parties must submit a Notification of Completion of Transfer. Upon receipt of the Notification of Completion, Area staff will be responsible for completing the various licence administration requirements including the updating of the files and systems. It should be noted that a transfer from a corporation to an affiliated corporation is exempt from the statutory transfer requirements.

Note that it is not a legal requirement to amend the licence or CPs to reflect a completed disposition. The Notification of Completion of Transfer must be placed on appropriate files and the licence may be updated at the earliest convenience e.g. replacement; subdivision; consolidation etc.

Refer to *Transfer of an Agreement Under Division 2 of the Forest Act – Procedures, October 4, 2004*.

2.9.5 Incidental Cutting Outside Cutblock

Harvesting without a *cutting authority* is considered unauthorized harvest and subject to compliance and enforcement actions. The dangerous trees optional clause expands the *cutting authority area* beyond the marked cutting boundary. However, there is no legal provision to authorize incidental harvest of timber for other purposes such as beetle sanitation, salvage, etc.

2.9.6 Transporting Timber after a CP Expires

A timber mark is only in effect during the term of the associated permit. Consequently, if a CP has expired, there is no authority to harvest timber and no authority to apply the permit's timber mark, and it is a contravention to transport timber without a valid timber mark. There is no legal "grace" period following CP expiration to allow timber transport without an active timber mark. A new CP or a new tenure e.g. Forestry Licence to Cut, *issued* under normal rules, would be needed to transport the timber. However, timber can be scaled if the CP and timber mark have expired.

2.9.7 Section 18 Transfers

Section 18 of the *Forest Act* allows the holders of forest licences, if approved by the minister, to temporarily harvest part or all of their AAC from a different TSA. Refer to Area tenures staff for any local procedures.

2.9.8 Billing for Waste Assessments after CP Expires

The continuing liability provisions in section 79 of the *Forest Act*, allows waste assessments and billings to occur after a CP expires. Currently the business systems require a waste assessment date no later than the CP's expiry date so, without changing the actual assessment date, the system may need to have a pre-expiry date entered to enable volume and billing to be recorded against the CP.

2.9.9 Wildlife Tree Retention Areas and other FRPA Reserves

The following is a summary of how Wildlife Tree Retention Areas (WTRAs) are administered. See [FRPA General Bulletins # 15 Managing and Tracking Wildlife Tree Retention Areas](#) for more information.

Tracking of WTRAs is required by Section 86(3) of FRPA's FPPR. *Agreement* holders and BCTS must submit an annual report of WTRA areas to the district manager before June 1 of each year. The annual WTRA area report must include WTRAs in any areas where timber harvesting was completed during the previous reporting period (12 months) and gives the location and approximate size of the associated WTRAs. *Agreement* holders and BCTS must track this information through their own systems prior to the yearly submission.

The WTRA information is submitted to RESULTS and stored spatially in the BC Geographic Warehouse (BCGW). During a CP application, WTRA areas within the BCGW will show up in the adjudication report as a "conflict". **However, this is not a tenure-rights conflict that would cause the CP to be held up or rejected.** The "conflict" status is intended to simply flag a WTRA – CP overlap. The flag ensures Ministry staff are aware of any WTRA conflicts identified in the adjudication report and should trigger a professional conversation with the CP applicant regarding the conflict. The CP applicant must then decide whether they wish to proceed with the application, with consideration to their legal and professional obligations.

Regardless of any advice from Ministry, the *agreement* holder remains fully responsible for avoiding or resolving WTRA conflicts.

The advice above is relevant to conflicts with any FRPA reserve including ungulate winter ranges, wildlife habitat areas, old growth management areas, resource features, wildlife habitat features. Not all of these will show up as a conflict in the adjudication report. Regardless, it is still the CP applicant's responsibility to avoid or resolve these areas.

Ministry staff only have a non-obligatory advisory role when they become aware of potential conflicts.

2.9.10 Authorizing Landings Outside of Cutblocks

Heli-logging or other circumstances may require the use of a landing site located away from the cutblock where the trees are being harvested. Operators require authority to use such sites. The recommended approach is for the CP application to include the landing site as one of the cutblocks within the CP that is being harvested. Under the CP, the holder has both occupation rights and harvesting rights. If no harvesting is needed at the landing site, the appraisal information will show 0 m³ of timber for that cutblock.

It is also possible to call the landing a form of “log dump” under the Provincial Forest Use Regulation and issue a special use permit but special use permits are normally intended for longer-term use and may involve additional deposits and rent to be paid.

2.9.11 Danger Trees etc. Outside Boundaries

There are several optional clauses for Schedule A (See section 2.7.2) which can be used to authorize cutting of trees outside the Exhibit A boundary. The clauses either allow the removal of a safety hazard or removal of newly discovered damaged trees. The clauses specify a maximum distance beyond the cutblock boundary.

Note that typical status checks will provide clearance information for an area 20 metres beyond the cutting authority boundary. If the CP will authorize cutting further than 20 metres, status clearance should be sought for at least that distance. Also, if the cutblock is adjacent to encumbered land (area-based tenures, CP areas, private land, Indian Reserve, park, etc.), the clause will need to be modified to prohibit cutting on the encumbered land.

The Schedule A clauses cannot authorize harvesting within FRPA reserves. Practice requirements are separate from permit requirements. For example, there is no flexibility for danger trees to be taken from reported Wildlife Tree Retention Areas (WTRAs). Although many wildlife trees could be considered dangerous trees, they cannot be cut unless a forest stewardship plan has approved results and strategies that specifically enable cutting of danger trees in WTRAs.

2.9.12 MSMA Treated Trees

The arsenical pesticide Glowon® or Monosodium Methane arsenate (MSMA) was used for bark beetle management from the mid-1980s to 2004 in various locations in the Interior of the province. The product's registration expired in 2005, and it is no longer used in British Columbia.

Ministry's [MSMA Policy webpage](#) contains risk analysis, policy guidance for staff, and information such as a brochure and a database of treated sites for agreement holders and the public. Under the policy, any MSMA-treated trees that are encountered should be identified and marked but not harvested. CP applications may include identification of MSMA trees that may be reserved from removal. MSMA trees may need to be cut for safety or access reasons but the felled trees should remain on site, marked appropriately.

Part 3 Road Tenure Administration

3.1 Road Authorizations

Construction, use and maintenance of roads on Crown Land must be authorized. Also, any timber transported on Crown Land to a public road must be on tenured forest roads. If transportation of timber must cross private land a separate agreement must be negotiated with the land owner. This is the responsibility of the licensee.

3.1.1 Types of Forest Roads

There are four main types of forest roads:

Forest Service Road (FSR)

An FSR is a road that has been built by government, or by another party, and has been designated as an FSR under the *Forest Act*. FSR designation allows the road to be administered by the Ministry and requires the Ministry to ensure that the road is maintained. FSR designation also allows the Ministry to *issue* road use permits to industrial users of all or part of the forest service road. Permission must be granted to connect to an FSR. Refer to the following discussion on RUPs and to section 4.2.5 for a July 29, 2005 memo on “New Administrative Responsibilities for Forest Service Roads”.

Tenured or “Status” Road

Tenured or “status” roads are roads on Crown land that are under a form of government authorization. Depending on the authorization, tenured roads may have one, or more than one, industrial user. See Section 1.2.2 for the full list of authorization types.

Non-status Road

Non-status roads are existing roads on Crown land that are currently not covered by any form of government authorization. The origin of non-status roads can be very wide including abandoned roads that were formally FSRs or under RPs.

Private Road

Private roads are roads built on private (fee simple) land. These roads can be associated with an agreement e.g. on private land portions of Tree Farm Licences or Woodlot Licences but they are often not associated with any form of agreement. The holder of an agreement must obtain permission from the land owner to construct, use or maintain a road on private land.

3.1.2 Types of Road Authorizations

There are six types of road authorizations:

Road Use Permit (RUP)

Industrial use of an FSR must be authorised under an RUP. Typically, an RUP authorizes use of one or more segments¹ of FSR. Section 79 of the *Forest and Range Practices Act's* Forest Planning and Practices Regulation allows the district manager to order the holder of an RUP to assume surface maintenance obligations for the segments covered by the RUP. The regulation also defines what the maintenance obligations entail. Subsequent users of the same road segments are not to be designated as having surface maintenance responsibilities; however, they are responsible to pay a reasonable cost to the user having the surface maintenance obligations.

Road Permit (RP)

A road permit can authorize the construction of a new road and use and maintenance of that road. It can also authorize industrial use and maintenance of all or a portion of an existing road, including a non-status road, but excluding an FSR. An RP can contain a *cutting authority* for timber within the road right of way if cutting timber is required to build or maintain the road. A road permit authorizing construction of a road can only be applied for after FRPA planning requirements have been met. An RP is considered a stand-alone *agreement* under the *Forest Act*. However, to apply for an RP the applicant must hold an *agreement* listed in section 115 of the *Forest Act*.

The road permit has provisions that:

- Define the legal area of interest (the permit area as described on the Exhibit A map).
- Define the rights granted (including the harvest of timber within the road permit area).
- Set the term (beginning date and criteria for termination).
- Establish that rights are non-exclusive, (other than the harvest of timber within the road permit area).
- Link any timber harvesting under the permit with the cut control and waste assessment provisions that apply to the associated *agreement*.
- Identify the timber mark(s) for any timber harvested from the Road Permit area.

¹ Segments are a portion of an FSR see 3.2.3.

An RP provides ongoing, non-exclusive authority for industrial use. The public and other industrial users can use a road that is under a RP. However, other industrial users are required by legislation to give the RP holder notice of use and to pay the RP holder a reasonable cost for maintenance (Section 22.3 of FRPA).

Special Use Permit

Special use permits (**SUPs**) authorize the construction, maintenance and use of roads by the holder of a claim, lease, permit or other authorization granted or *issued* under the *Land Act*, the *Coal Act*, the *Mineral Tenure Act*, the *Mines Act* or the *Mining Right of Way Act*.

SUPs can also authorize a forestry-related use or occupation of Crown Land such as pits and quarries for forestry-related roads, logging camps, and dryland sorts. **SUPs are not an appropriate means of authorizing road construction related to timber harvesting under agreements.**

An SUP **cannot** authorize the cutting and removal of timber. An occupant licence to cut is required if timber harvesting is necessary to construct an SUP road.

Cutting Permit

A cutting permit can authorize the construction, maintenance and use of a road that is within a cutblock (“on-block road”). The cutting permit also provides the authority to harvest timber as part of road construction. On-block roads can also be authorized by a road permit—the choice of which authorization to use is up to the tenure holder.

Cutting permits can also authorize roads that connect cut blocks.

Timber Sale Licence or Forestry Licence to Cut

Both of these agreements authorize construction of roads, including the harvest of timber where necessary, and the use and maintenance of roads.

Master Licence to Cut

A Master Licence to Cut issued for oil and gas exploration and development can include the authorization to construct, use and maintain a road including the harvest of timber where necessary.

Table 1-1 Types of Road Tenures

Road Authorization	Available to	Rights and Obligations
Road Use Permit	Holder of an <i>agreement</i> using the road for timber harvesting or silviculture. Other persons using the road for an industrial purpose.	RUP may include use and surface maintenance obligations on one or more segments of an FSR only. Does not allow road construction or timber harvesting.
Road Permit	Holder of an <i>agreement</i> using the road for timber harvesting or silviculture.	Allows construction of a road on Crown land, including timber harvesting where required, and use and maintenance of the road. Provides for use of rock, sand and gravel adjacent to the road for use in road construction. Requires maintenance until deactivation.
Special Use Permit	Non-forestry industrial user	Allows construction, use and maintenance of a road. Does not allow timber harvesting.
Cutting Permit	Holder of a cutting permit issued under an <i>agreement</i>	Allows construction of a road on Crown land including timber harvesting where required and use and maintenance of the road. Provides for use of rock, sand and gravel adjacent to the road for use in road construction. Requires maintenance until deactivation.
Timber sale licence or forestry licence to cut	BC Timber Sales clients	Allows construction of a road including timber harvesting where required and use and maintenance of the road. Provides for use of rock, sand and gravel adjacent to the road for use in road construction. Requires maintenance until deactivation.
Master Licence to Cut	Oil and Gas clients	Allows construction of a road, including timber harvesting where required, and use and maintenance of the road. Provides for use of rock, sand and gravel adjacent to the road for use in road construction. Requires maintenance until deactivation.

Table 1-2 CPs, RPs and Agreements

Agreement	Provides for Cutting Permit	Eligible for Road Permit
Forest Licence	Yes	Yes
Woodlot Licence	Yes	Yes
Timber Licence	Yes	Yes
Tree Farm Licence	Yes	Yes
First Nations Woodland Licence	Yes	Yes
Community Salvage Licence	Yes	Yes
Community Forest Agreement	Yes	Yes
Master Licence to Cut	Yes	No
Timber Sale Licence	No	Yes
Forestry Licence to Cut	May provide for CPs	Yes
Occupant Licence to Cut	No	No
Fibre Supply Licence to Cut	No (Fibre Recovery Permit)	No
Christmas Tree Permit	No	Yes
Free Use Permits	No	No
Pre-Nov 2003 TSL (Replaceable TSLs have been converted. Non-replaceable AAC-bearing TSLs exist, but new ones cannot be <i>issued</i> .)	Only if AAC is specified.	Yes
Pulpwood Agreement (Pulpwood Agreements are no longer listed in the <i>Forest Act's</i> forms of <i>agreement</i> and can no longer be <i>issued</i> . However, some PAs still exist.)	No (Forestry LicenceToCut provides the cutting authority)	No (PA holder may amend existing RP's but are only eligible for a new RP after obtaining an FLTC)
Road Permit	No	--

Other Harvest Authorities	Provides for Cutting Permit	Eligible for Road Permit
Authorized Agent of Government (Section 52 of the <i>Forest Act</i> allows employees and agents to receive cutting or use and occupation authority. This is not a "form of <i>agreement</i> ".)	No	No

3.1.3 Ongoing maintenance obligations

A common feature of authorised roads is the ongoing obligation for road maintenance. Section 79 of the Forest Planning and Practices Regulation (FPPR) and Section 68 of the

Woodlot Licence Planning and Practices Regulation of FRPA requires maintenance of roads and associated structures until:

- the road is deactivated,
- the district manager gives notice that the road should not be deactivated due to use or potential use of the road by others,
- an RP or SUP for the road is *issued* to another person, or
- the road is declared a forest service road under the *Forest Act*.

RPs and RUPs do not have an expiry date – primarily because the road usage rights are intertwined with the ongoing maintenance obligations.

When a road under a road authorization is not being used by industrial users, section 81 of the FPPR allows the holder of the authorization to default to a lesser level of maintenance (wilderness roads).

3.2 Road Tenure Fundamentals

3.2.1 Key Principles for Road Tenures

Several principles that pertain to road authorizations are worth emphasizing. Ministry Staff and licence holders should adhere to these principles unless certain there is legal authority and policy flexibility to vary from them.

1. Obtain the Appropriate Authorization

There should be no road construction, or associated timber harvesting, industrial road use or maintenance without the appropriate authorization for the circumstance. (Read more in section 1.2)

2. Define the Area

The RP, RUP or SUP must clearly describe the permit area. (Read more in sections 3.2 and 3.5)

3. Manage Conflicts

The permit area must be clear of non-compatible conflicts. All interests identified during the status and referral process must be resolved prior to permit issuance. (Read more in section 3.5)

4. Overlapping Authorizations A road that is under an RP cannot also be under another RP, a CP, TSL or SUP. An FSR can have multiple RUPs, but only one RUP

can be assigned maintenance obligations for any particular segment of road.
(Read more in section 1.2)

5. Timber Mark(s) needed for Timber Harvested

Roads built under a cutting authority (CP, TSL, RP and FLTC) always have a timber mark for any timber harvested from the road's clearing area. (See section 3.2.2)

6. Do Not Restate the Law

The road tenure should not restate any provision that is already required in legislation.

7. Use SUPs Properly

A special use permit should not be utilized to authorize industrial road construction and maintenance by *agreement* holders.

3.2.2 Road Tenure Q & As

Q. Does a plan amendment/exemption result in an RP amendment/exemption?

A. No. Only a permit amendment can change the permit area. FRPA plan amendments and exemptions do not alter or exempt Forest Act authorities.

Q. Are multiple Points of Commencement(poc) acceptable for Road Amendments?

A. No. There should only be one PoC. An amendment to a road section must describe the original, unchanged PoC and a new Point of Termination (PoT). The exception is where the amendment is to change the PoC). Do not start a new section with a new PoC starting from the old PoT. To amend a road (make it longer or shorter) the permittee must re-submit the entire road section with the new segment added or a segment removed.

Q. Is it okay to add "helpful" identifiers to amendments??

No. Road section identifiers should use what the permittee provides without "helpful" additions. Adding amendment numbers or segment numbers to an existing road section identifier will make it a new road section in the system. e.g. If a segment is added to an existing "4200" road section and is called 4200-001, it becomes a new road section, not part of the original 4200 road.

Q. Is it acceptable to apply for just the "new" portion of non-status road??

A. No. If an *agreement* holder wants to use an existing non-status road and then add on to it, they must tenure the whole road section.

Q. Can there be gaps in road authorizations?

No. The entire road network

from where trucks leave the harvesting authority to where they meet a public road or log dump must be under some form of authorization without any gaps.

i.e.

the *agreement* holder's RP, another person's RP, a CP, RUP or exemption from having a permit as *approved* by the DM.

Q. Can you put an RP over an FSR to authorize upgrades or repair of the FSR?

A. No. RPs should not be issued over FSRs Repairs and upgrades of FSRs are authorized through a Works Permit issued to the RUP holder.

Q. Can Road Permits cross tenure boundaries??

Yes. Previously, RPs had to end at tenure boundaries such as TFL boundaries. However, road permits can now cross tenure boundaries, provided timber from each segment is marked to the appropriate underlying tenure. The authority to occupy the land and build or use a road is authorized under the RP and section ID. The authority to remove the wood and scale it must be linked to the underlying tenure through a timber mark. If the underlying tenure holder doesn't want the timber, (may affect cut control position or other reasons), the timber must be marked to the RP holder's timber mark.

Q. Do on-block roads have to be under RP if accessing more than one CP?

No. Under FRPA, it is up to the *agreement* holder to decide how to tenure an on-block road. The holder will need to consider that when a CP expires, only the maintenance obligations continue – the holder's right to use the road for hauling expires with the CP.

3.2.3 Road Timber Marks

The role of timber marks is described in section 1.4.3.

Each segment of an RP that authorizes harvesting must have a timber mark(s) associated at the segment level. An RP timber mark may be one of two types:

- a road timber mark, which is a separate timber mark for timber harvested from a road constructed under a road permit, but instead of the timber mark being associated with the RP, it is associated with the overarching tenure or
- a timber mark generated manually using FTA. Note: This method is only used in special circumstances where the conventional marking method cannot be used.

RP timber marks are not applied to the road segments where the district manager does not have the right to authorize the harvesting of timber. For example: private land, park land, etc.

Overarching Tenures:

The following tenures are known as “overarching tenures” and therefore have Road Timber Marks automatically established in FTA.

A01 – Forest Licence

A02 – Tree Farm Licence

A03 – TSL Major with AAC

A04 – Woodlot Licence

A06 – Timber Licence

A18 – Forestry Licence to Cut with Cutting Permits

A41 – Forest Licence, Sec. 47.3 *Forest Act*

A44 – Woodlot Licence, Sec. 47.3 *Forest Act*

Note: A01 – Forest Licence is a volume-based tenure. The other tenures are area based.

Note that RUPs and SUPs cannot authorize timber harvesting and, therefore, do not have timber marks.

3.3 Road Attributes

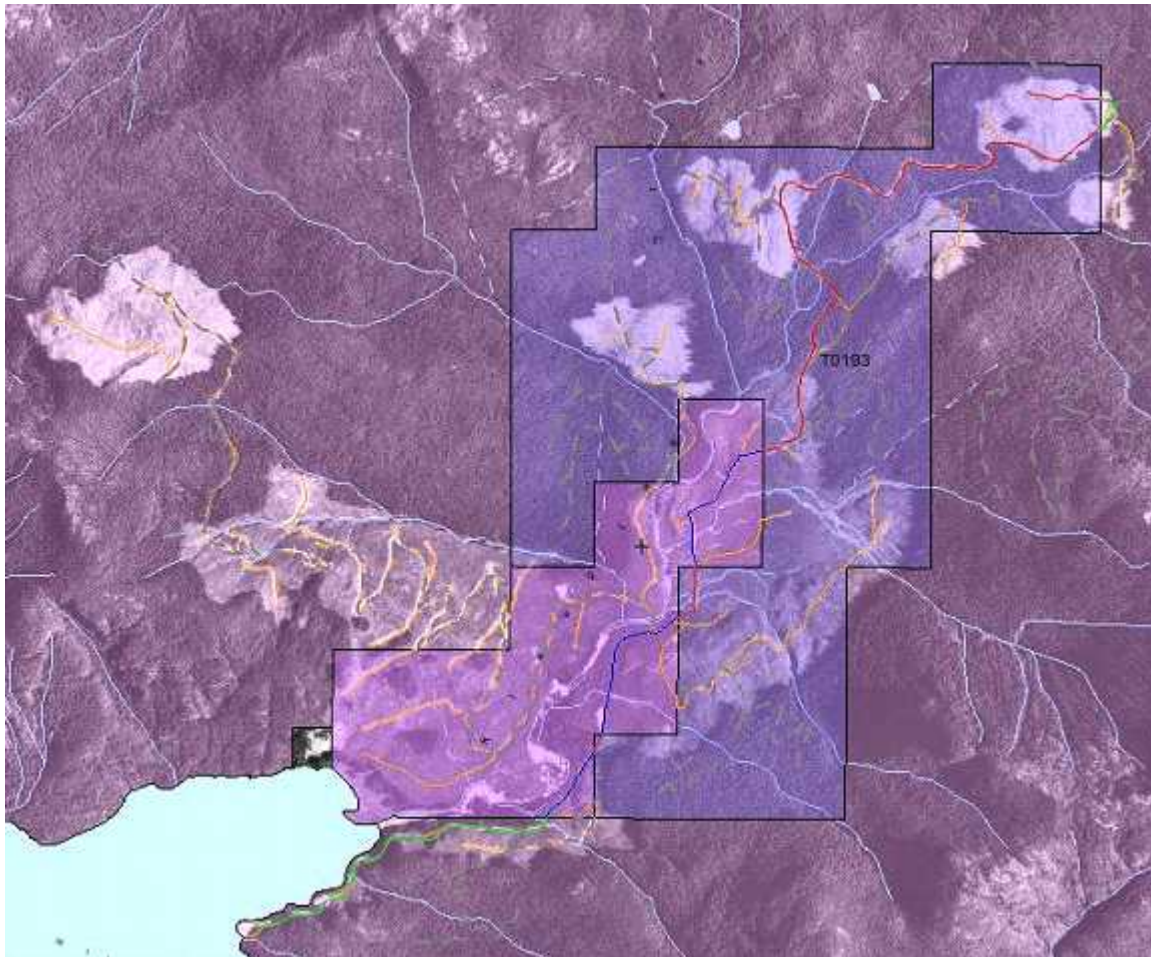
3.3.1 Describing a Logical Road

A road tenure should include the full, logical, geographic based road network unless part of the road is FSR (explained below) or under another *agreement* holder’s road tenure.

Figure 3-1 below is an example of how a road can cross multiple timber harvesting *agreements* and/or management units. It can also cross private land (with authorization from the landowner). The road tenure and accompanying Exhibit A map would describe which segments are tenured by the RP (i.e. not private land) and which timber mark is to be used for each segment of Crown land.

Sections, segments and branches are discussed in more detail after Figure 3-1.

Figure 3-1 Example Road with Sections and Segments



R12345 Andy's Road

One road section - length = 60 km (Orange roads could be other sections of R12345)
Colour represents segments: **Green** = 35/0R1 = TFL Road Timber Mark
Blue = Private land (No mark) **Red** = EY60R1 = TL Road Timber Mark

RP Sections and Segments

In FTA, a road permit is identified with the following:

- Road Permit Tenure Number, automatically generated by FTA
- Section ID – a 30 alphanumeric identifier entered via the ESF submission. Can only be modified by using the Re-label function. Districts and *agreement* holder's work together to establish these prior to ESF submission.
- Section Name – Entered via the ESF submission but may be modified in FTA.

- Segments – portions of a road section described as a distance from a section’s PoC.
No spatial data.

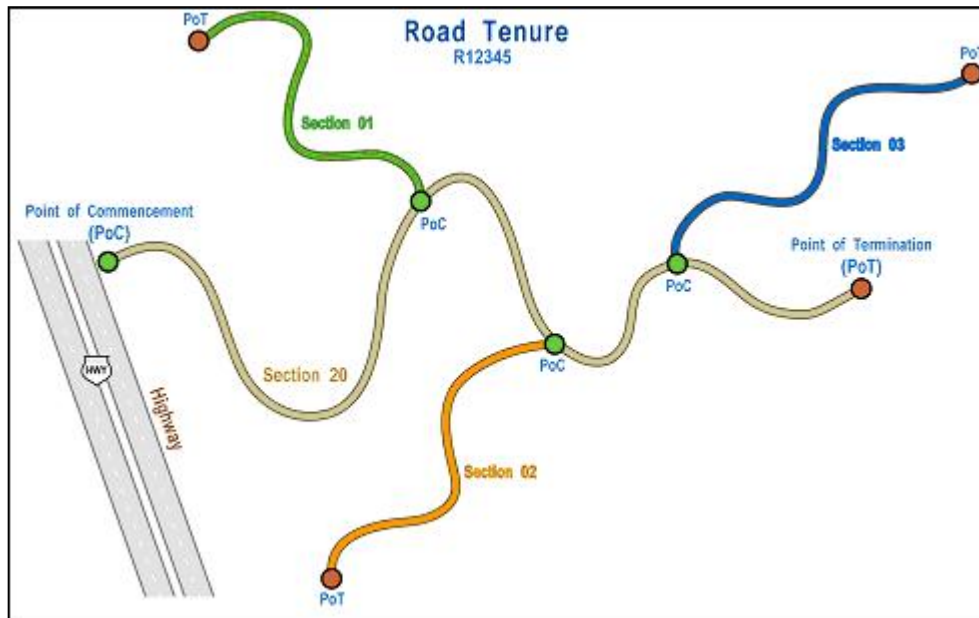
Road Sections

A road network that contains several roads (over Crown land) would be identified by **sections**. Each road would have a unique road tenure section identifier. A road tenure section describes continuous line geometry from a junction with a public road or other Road Tenure to its end.

Each road section has a single Point of Commencement (PoC) and Point of Termination (PoT). The distance between the PoC and PoT does not break for administrative or ownership boundaries. PoC or PoT can be changed by a road tenure amendment.

Figure 3-2 below shows the various road tenure sections which make up Road Permit R12345.

Figure 3-2 Road Sections



Road Segments

A road **segment** is the smallest business element of a road. A segment is used to describe a “tenure event” along a road section that identifies the portions of the road that must be tenured in FTA and those that portions that are not. Each road tenure section is made up of at least one road segment.

At a business level, road segments are used as partitions for attribution only. Segments are not stored spatially.

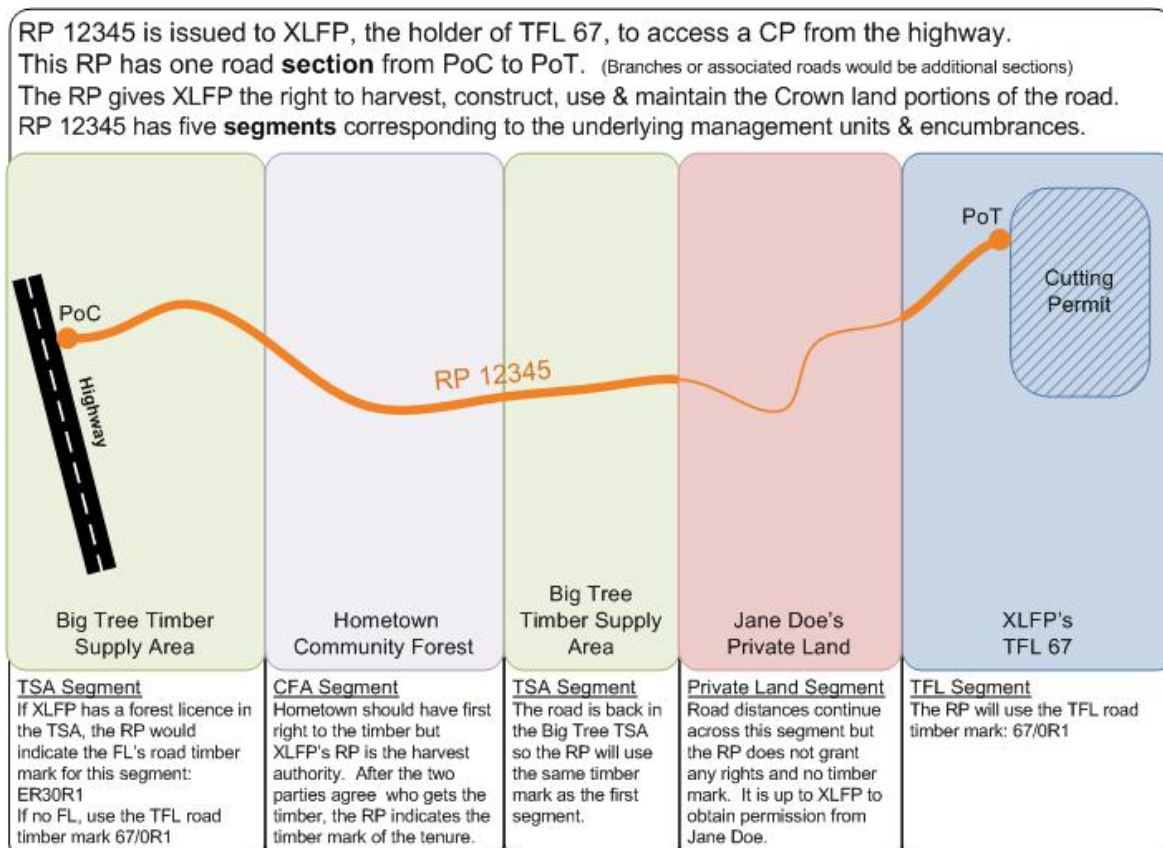
Segments are system generated, created through an overlay process that compares the road tenure application to underlying encumbrances on the land base. Encumbrances include other tenures and private land. The result of the overlay creates ‘tenure’ and ‘non-tenure’ segments for attribution based on the various encumbrances the road tenure application crosses.

Each segment of an RP (on Crown land) must have the appropriate timber mark assigned to it. This ensures timber is associated with the correct land base.

Segments must be contiguous but cannot overlap. Segments are described as distances from the section’s PoC.

Figure 3-3 below illustrates the road segments which make up a single section of an RP. The Exhibit A for the authorization to build this road would only authorize the segments on the Crown land. If the transportation of timber must cross private land, it must be done in agreement with the land owner, which remains the responsibility of the *agreement* holder. Segments on private land are not tenured.

Figure 3-3 Road Segments



FSR Branches and Segments

The term “**branch**” is used instead of “**section**” when discussing Forest Service Roads.

In FTA, a Forest Service Road has the following:

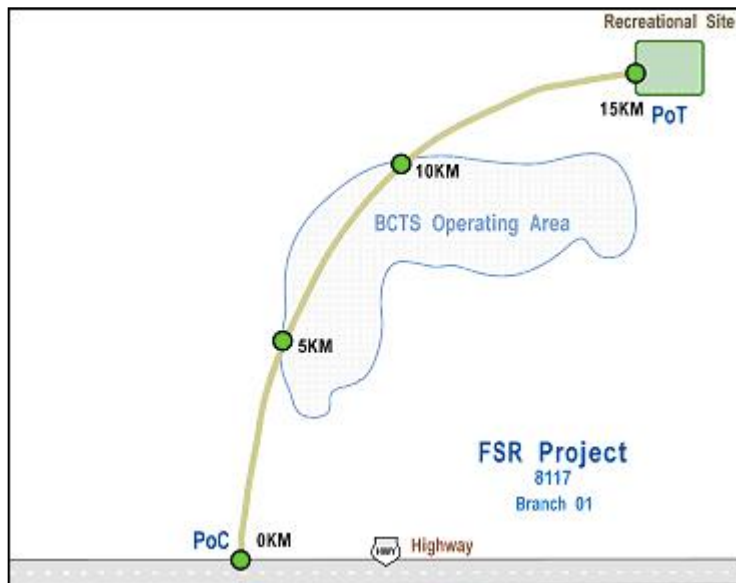
- FSR Number, manually entered in FTA (before ESF submission) using the Project Number obtained from FTB.
- Branch ID, a 2 or 3 numeric entry entered via the ESF submission and can only be modified via the Re-label function.
- Project Name – This is entered via the first ESF Submission and is “locked”. It cannot be modified via a subsequent submission or via FTA.
- Branch Name – This is entered via the ESF Submission but may be modified in FTA.

Note: The Exhibit A for a branch will be labelled with all of the above elements (Project number + Branch ID + Project Name + Branch Name). .

Figure 3-4 shows an example with the three segments which make up Branch 01 of Road Tenure 8117 which is a Forest Service Road. This Forest Service Road has evolved over time and the image depicts the current responsibility. For example, the road may have been built years ago by BCTS to access a cutblock. After this, the Ministry extended the road to access a Recreation Site.

An FSR does not provide authority to harvest; therefore, RUPs issued over road segments will not have timber marks. Segments of an FSR branch are used to identify responsibility for surface maintenance obligations.

Figure 3-4 Example FSR Branch & Segments



Road Tenure Numbering

Table 3-3 Road Tenure Numbers

Road Tenure Type	Road Tenure Number Format	Road Tenure Number Generation
Road Permit (B01)	R + 5 digits	Automatically generated from FTA either online for BCTS or from ESF for Industry and BCTS.
Forest Service Road (B40)	Numeric	Obtained from the Engineering Branch (EB), Property Services Division.
Special Use Permit (S01-Forest or S02-Non Forest)	S + 5 digits	Automatically generated from FTA via ESF.

RUPs are not yet tracked in FTA. Future code is B41.

3.3.2 Permit Area, Clearing Area and Clearing Width

In a road permit, the **permit area** is described in the Exhibit A. A memo dated July 29, 2005 (see Section 4.2.5 in this manual) directs that the width for *status* and *clearance* purposes should be 75 metres for both RPs and roads designated as FSRs. The Exhibit A defines the actual width of the Permit Area, typically as a 75-metre-wide right of way. This strip of land centred on the mapped line is the area within which the permit holder has a non-exclusive right to construct, use and maintain a road. Any associated landings, gravel/sand pits, rock quarries and waste areas must also be located within the permit area.

The **clearing area** is the area that is cleared of trees to allow construction, maintenance and other road-related functions. The clearing area does not have to be centred on the mapped line on the Exhibit A but it must be located fully within the permit area. The RP document defines **clearing area** as “that area of Crown land bounded by the outer limits of the clearing width as described in legislation and regulations, over the length of road shown on” the Exhibit A map(s).

FRPA requires a person who constructs or maintains a road to “*ensure clearing widths are at least the minimum width necessary to accommodate the road having regard to*” safety, drainage, terrain and operational requirements (see specific wording of FPPR section 78 and WLPPR section 67). The combination of the road permit and section 78 or 67 means that the RP holder is authorized to harvest trees within the permit area but only the minimum trees necessary to build the road and keep it safe.

So, despite a 75-metre-wide permit area on an RP’s Exhibit A, harvesting should only be carried out within the clearing area, which is constrained by the FRRP’s definition of

clearing width.¹ . A CP or other *cutting authority* can overlap part or all of an RP’s Permit Area without necessarily impacting the rights of the RP holder.

3.3.3 FTA Codes and Terms

The following descriptions utilize some of the FTA codes and terms. “The [FTA Training Participant Guide](#) - FTA Roads Module, spring 2007” provides a more thorough explanation of the use of FTA for tracking roads.

Table 3-4 FTA Road Codes & Terms

Terms & Codes:	Notes:
Road Codes	
B40	Forest Service Road
B01	Road Permit
S01	Special Use Permit – Forestry
S02	Special Use Permit –Non-Forestry
B41	Road Use Permit. Not currently tracked in FTA. ²
Road Tenure Status	
PA	Pending Application. The road has been added manually in FTA but is awaiting ESF submission.
PE	Pending Electronic. The ESF submission is successful.
PI	Pending Issuance. The application has been cleared.
HI	<i>Issued</i> . The application has been <i>issued</i> .
Road Section/ Branch Statuses	
PE	Pending Electronic. If the road tenure has not yet been <i>issued</i> , the section/branch status is Pending Electronic.
Actions	
Retire	Retiring a section/branch of a Road Tenure. This is the act of moving road section(s)/branch(es) from active tenure to history. Retired map features will not show as conflicts against future applications. This sets a retirement date for spatial road sections. Note that the retirement of a section/branch may also be accomplished via an ESF Submission.

² Tracking RUPs is a planned enhancement to FTA. Currently these are tracked in the Forest Roads Management Application (FRMA)

Terms & Codes:	Notes:
Re-assign	Re-assign a section/branch from one Road Tenure to another. This is the act of moving an entire Road Tenure and its affiliated section(s)/branch(es) to another client or moving individual section(s)/branch(es) from one tenure to another. You must have the "Feature Admin Role" to access this function.
Delete	Deleting a section/branch from a Road Tenure. This action removes section(s)/branch(es) from the system entirely, including the data from the BC Geographic Warehouse (BCGW). If a road is deactivated, the tenure must be retired. The delete function should only be used to remove data entered in error.
Re-label	Re-labelling a section/branch of a Road Tenure. This is the act of changing the section/branch legal ID (i.e. business key identifier) for a road. You must have the "Feature Admin Role" to access this function.
Additional Terms	
Exhibit A	The map attached to the document (e.g. tenure, permit, etc.) that describes the area of interest and is used to locate the area of interest on the ground. The Exhibit A becomes part of the legal document.
Overarching Tenures	The following tenures are known as "overarching tenures" and therefore have "Road Timber Marks" (see 3.2.2) automatically established in FTA. A01 – Forest Licence A02 – Tree Farm Licence A03 – TSL Major with AAC A04 – Woodlot Licence A06 – Timber Licence A18 – Forestry Licence to Cut with Cutting Permits A28 – Community Forest Agreement A29 – First Nations Woodland Licence A41 – Forest Licence, Sec. 47.3 <i>Forest Act</i> A44 – Woodlot Licence, Sec. 47.3 <i>Forest Act</i> P01 – Pulpwood Agreement Note: A01 – Forest Licence is a volume-based tenure. All other tenures are area based.
Road Timber Mark	The timber mark automatically created in FTA for each Overarching Tenure.
Section/Branch	A road network that contains several roads (over Crown Land) is identified by sections or branches. Road Permits use the term "section". Forest Service Roads use the term "branch".
Section/Branch ID	Legal ID for the Section or Branch.
Segment	The smallest business element of a road. Each section/branch is made up of at least one segment.
Timber Mark	The timber mark manually created in FTA via the FTA100-Tenure page. You must have the "Feature Admin Role" to access this function.
Traverse Table	Table which lists all map coordinates submitted via ESF.

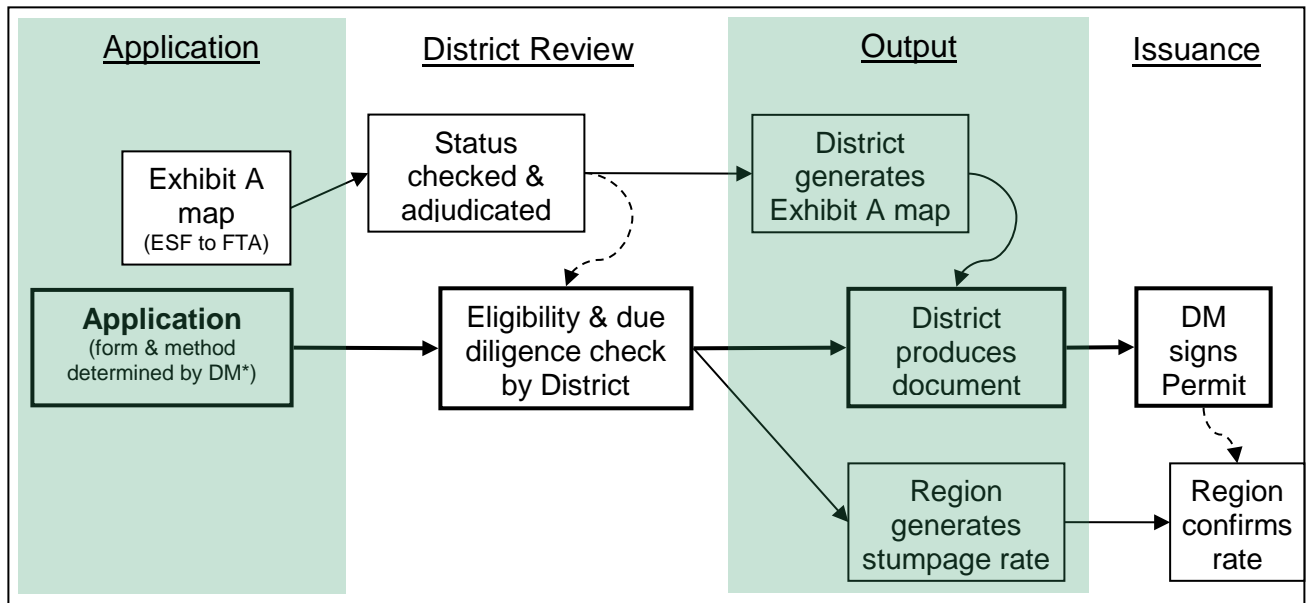
3.4 Overview of Road Tenure Issuance Process

Most of this section describes the processes required to *issue* an RP. RUPs will have a similar application and due diligence and issuance steps but Exhibit A process and stumpage generation are not applicable. Roads authorized by a CP are addressed in the CP issuance process. (Refer to section 1.2 for discussion on the differences between RPs, RUPs and roads built under a CP.)

The rules and guidance in this section are applicable to all forest districts, recognizing that there may be procedural variations between districts. Figure 3-5 provides an overview of the processes.

Note that an amendment application involves the same processes except that the nature of the amendment will dictate the actual tasks that need to be completed in each process. Section 3.10.2 has further guidance on amendments.

Figure 3-5 Processes for Issuing a Road Tenure



*At a minimum, the ESF submission can be deemed the application.

The processes outlined above are discussed in the following sections.

- Section 3.4 Road Tenure Application
- Section 3.5 Exhibit A Map Process
- Section 3.6 Stumpage Rate Generation
- Section 3.7 Eligibility and Due Diligence
- Section 3.8 Document Preparation
- Section 3.9 Road Tenure Issuance

3.5 Road Tenure Application

Application and content requirements for RPs and RUPs is under Section 115 of the *Forest Act*. The district manager can set procedural requirements for the application. See RP and [RUP application form](#).

Applying for an RP should be done electronically through ESF. The document “[Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework](#)” provides the forest industry, BC Timber Sales (BCTS) staff and consultants with a view of road tenuring for the purpose of applying for road tenure through the Electronic Submission Framework (ESF). The road tenure conventions described have been defined by the Ministry and accurately reflect the current business processes used by Ministry to manage forest road tenure in British Columbia. This document supersedes all references to road tenures in the “Forest Industry Guide to the Submission of Forest Tenure and Permit Documents via the Electronic Submission Framework (ESF)” version June 17, 2005 or earlier.

Other Preparations

The following preparations, although not required by the *Forest Act*, can reduce delays in obtaining an RP to construct a new road:

- Share relevant operational information with First Nations sufficiently prior to the RP application to facilitate consultation and appropriate accommodation. (Refer to discussion of First Nation information sharing post FSP approval in sections 3.7.2 and 2.6.2 Aboriginal Interests).
- Provide the district manager with a summary of First Nation information sharing related to the proposed RP.

3.5.1 Aboriginal Interests

Other than the following RP-specific advice regarding avoiding unjustifiable infringement, **the information and advice in section 2.6.2 is fully applicable to the issuance of RPs.**

Avoiding an unjustifiable infringement of an *aboriginal interest* is a paramount consideration prior to issuing an RP. Current government policy and case law should be considered when making this determination. If a proposed determination to refuse an RP application appears to be inconsistent with provisions in the legislation, the district manager should obtain advice. The normal process for obtaining advice regarding First Nations consultation matters is to first work with the First Nations Liaison/Stewardship person in the district then the Regional Aboriginal Affairs manager and the Aboriginal Affairs Branch who will liaise with the Ministry of the Attorney General as necessary.

At this time, the provisions in Section 115 of the *Forest Act* do not provide the decision-maker with an alternative to not issue an RP due to *aboriginal interests*. There is also no provision within the current *agreement* documents that would support the withholding of an RP approval due to *aboriginal interests*. Involvement of Aboriginal Affairs staff and the Ministry of Attorney General will be critical wherever there is a need to avoid an unjustifiable infringement.

As discussed in section 2.6.2, there are provisions in current *agreements* that enable the decision-maker to not issue a CP due to outstanding issues regarding *aboriginal interests*. In situations where an RP application is associated with a CP that will not be issued due to outstanding issues regarding *aboriginal interests*, it is recommended that Ministry staff conduct further discussions with the agreement holder regarding options and intent for the RP application.

If an operational plan for an area was approved and the district manager later determines, on the basis of information that was not known to the person who granted the approval, the plan will continue or result in a potential unjustifiable infringement of an aboriginal right or title in respect of the area, section 77.1 of FRPA allows the district manager to vary or suspend a road permit to the extent the district manager considers necessary.

3.6 Exhibit A Map Process

Prior to issuing a road tenure, the Ministry needs to ensure that the area is Crown Land (or private land within a TFL or WL) and that there are no conflicting pre-existing rights. The Exhibit A process is where any conflicts are identified (*status*) and adjudicated (*clearance*).

The RP Exhibit A process is similar to the CP Exhibit A process which is described and process mapped in section 2.5.

A memo dated July 29, 2005 (see Section 4.2.5 in this manual) directs that the width for status and clearance purposes should be 75 metres centred on the centreline for both RPs and roads designated as FSRs.

RUPs use either a map or written description in a Schedule to identify applicable road sections.

Adjudication reports provide information to the Ministry about the *status* of the road clearing area for an RP. The report has valuable information for the decision whether to *issue* the RP and whether any restrictions might be appropriate. However, the adjudication report has no contractual role and should not be attached to the RP document.

If there is information in the adjudication report that conflicts with the permittee's prospective operations the district manager may refuse the RP. The Ministry should not adjust the road location because that would make the resulting RP inconsistent with the RP application. It is up to the applicant to decide if a revised application is warranted given the legal and business factors that they must consider.

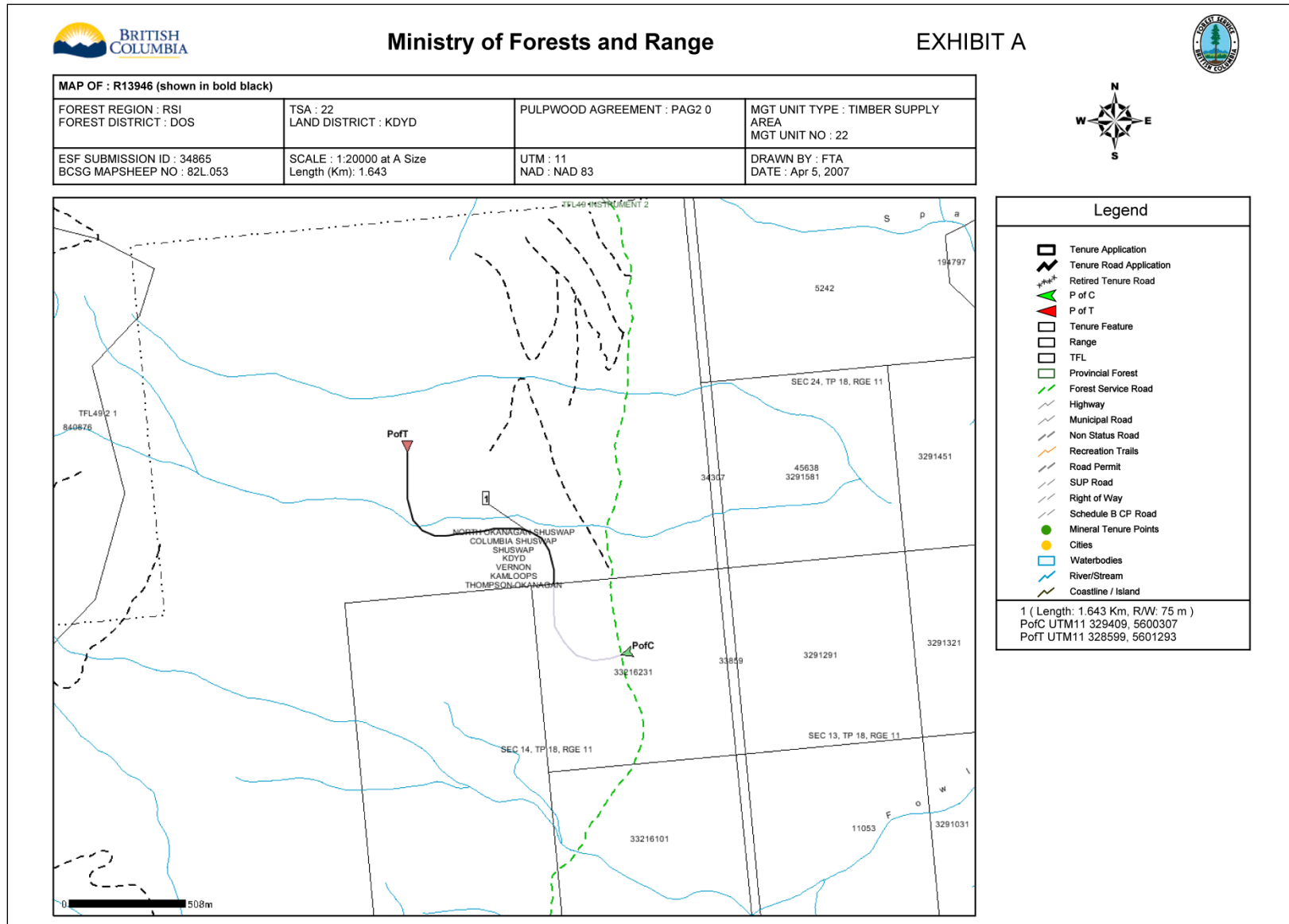
In some cases, the adjudication report will identify other rights that need to be protected but once protected would be compatible with the application. An additional clause can be added to the RP document. If a customized clause appears warranted, see the discussion on New or Revised Additional Clauses in section 2.5.

The adjudication report or other information sources may identify a potential for conflict with other users of the land. Referral letters and follow-up may be needed to determine the exact nature of the users' rights and how to resolve the potential conflict (i.e. *issue* the RP with or without a protective clause or refuse the RP.)

The Exhibit A includes the following information:

- The tenured segments are identified in bold black.
- The Point of Commencement and Point of Termination for each road is marked and labelled with the UTM Coordinates.
- Clear labels are marked on the map. Large administrative boundaries will be labelled in the header of the map.
- Road sections which are **retired** will be displayed with "XXXX" over top.
- A **Traverse Table** may also be generated as a report in FTA. This lists all map coordinates submitted via ESF. This will assist you in locating a tenure on the ground. Note that all coordinates are rounded to the nearest meter.

Figure 3-6 Example Exhibit A for a Road Permit



3.7 Stumpage Rate Generation

The stumpage rate for timber from any RP associated with an *agreement* is based on the previous year's weighted average stumpage rate for sawlogs in all of the active scale-based CPs *issued* under that *agreement*. For *agreement* holders that do not have a previous year's average stumpage rate to draw from, the permit's stumpage rate will be based on a district-wide average rate. The most recent applicable Appraisal Manual should be consulted to confirm the current stumpage rate generation process.

3.8 Eligibility and Due Diligence

An application for an RP or RUP must be reviewed by district staff to ensure that the applicant is eligible and that any other interests on the proposed area have been adequately addressed. In particular, district staff should verify that:

- if the person is applying under Section 115 of the *Forest Act* for an RUP to use an FSR,
 - the person has the right to harvest timber under an *agreement* specified in Section 115 (1),
 - the district manager is satisfied that use of the road by that person will not adversely affect authorized users of the road or compromise an FSP or FDP.
- if the applicant is applying under Section 115 of the *Forest Act* for an RP to construct a new road or use and maintain an existing road other than an FSR,
 - the person has the right to harvest timber under an *agreement* specified in Section 115 (1),
 - the district manager is satisfied the location of a proposed road is identified in a *prescribed* manner,
 - there is no other active RP over an existing road,
 - the use and maintenance of an existing road will not compromise an FSP or FDP,
 - the district manager has not determined under section 81 of the *Forest Act* and the *Performance Based Harvesting Regulation* to refuse to issue the RP,
 - the minister has not determined under section 81.1 of the *Forest Act* that issuance of the RP would compromise government objectives specified by regulation.
 - the minister has not ordered under Part 13 (Designated Areas) of the *Forest Act* that permits will not be issued in a designated area covering the proposed road.
 - there are no unresolved conflicts with pre-existing rights from the Exhibit A process or associated referrals, and

- any First Nation issues regarding consultation and *aboriginal interests* in the area have been addressed and, where appropriate, *aboriginal interests* have been accommodated. (See additional discussion below, under the heading **Aboriginal Interests**.)

The criteria above can determine whether a road tenure must be issued to the applicant under the terms of the legislation. However, Ministry tenures staff actually need to consider a web of applicable policy and legislation as part of their due diligence. Unpaid account, revenue risks, forest management concerns, wildfire risks, public information, First Nation relations and road safety are examples of considerations that might not result in a formal rejection but could still warrant investigation and discussion with colleagues, stakeholders and/or industry professionals. Those matters are mostly outside the scope of this manual; however, some guidance is provided below as well as in section 2.10 Managing Special Circumstances.

3.9 Document Preparation

3.9.1 Document Template

Generic road tenure templates are available from the Ministry's [Forms Index Website](#):

FS 582ML	Road Permit – Major Licensee
FS 582bcts	Road Permit – BC Timber Sales
FS 581	Road Permit Application
FS 109	Road Use Permit Application

Staff should refer to the website to ensure they are using updated templates.

3.9.2 Road Naming

The *agreement* holder's **road section identifier** should not be changed in government systems. See the discussion on naming conventions in section 3.2.

3.9.3 Timber Marks

One RP can have multiple marks if the permit clearly identifies which mark applies to each section of road. (See the timber mark overview in section 1.3.6 and the discussion and examples in section 3.2)

3.10 Road Tenure Issuance

The RP/RUP is *issued* when the district manager signs the permit. Before signing, the district manager should be satisfied that:

- The application is consistent with the applicant's rights and obligations,
- There are no unresolved conflicts with other interests granted over the area,
- First Nations interests on the area have been adequately addressed
- The application meets the standards necessary to produce an Exhibit A map.

3.10.1 Cover Letter

Cover letters are optional. When used, a cover letter serves only to direct a permit to a specific person in a company. A cover letter is not an appropriate place to add conditions or to emphasize clauses that are in the permit or in legislation.

3.10.2 Original and Copies

Since the permit is *issued* to the holder of the associated *agreement*, there only needs to be one original CP, which is given to the *agreement* holder. Ministry records only need to be copies. RPs and RUPs are typically filed only at the district office.

3.11 Administering Active Road Tenures

3.11.1 General Activities

Once an RP is active, most administrative activities are managed by other business areas:

- Notification of commencement is a requirement of FRPA. (Section 85 of the *Forest Planning and Practices Regulation*).
- Although the RP identifies the timber mark, the requirement for marking and scaling are under the *Forest Act*.
- Waste assessments are regulated by the waste manual which is referenced by the *agreement*.
- Inspections are mostly driven by risks to revenue or forest practices.

3.11.2 Amendments

Any and all changes to the permit area require an amendment to the RP. The amendment can only be made if it meets the same requirements of a new application.

An amendment to a road section must be described in terms of the original, unchanged PoC and a new PoT. The amendment must not be submitted as a section with a new PoC starting from the old PoT. Also, the original road section identifier must be used for the amended road. Do not add amendment or segment numbers to the identifier or it will become a new road in the system.

Note that FRPA provisions allowing changes without re-submission of the FSP (section 30 of the Forest Planning and Practices Regulation (FPPR) of FRPA) or the WLP (section 21 of the Woodlot Licence Planning and Practices Regulation (WLPPR) of FRPA) only affects operational plan amendments, not RP amendments. The RP cannot be indirectly amended by an operational plan or exemption or by any other approvals. Despite any operational plan changes, the permit area and the permit clauses remain in force unless they are specifically amended by the district manager.

3.11.3 Ending the Road Tenure

The road tenure in an RP, FSR, or SUP does not have a term with an expiry date. Maintenance obligations for a road section continue until the following conditions of section 79(2) of FRPA FPPR or section 68(1) of FRPA WLPPR are met. (See discussion below on Declaration of Fulfilled Road Deactivation).

- the road is deactivated,
- the district manager gives notice that the road should not be deactivated due to use or potential use of the road by others,
- an RP or SUP for the road is *issued* to another person, or
- the road is declared a forest service road under the *Forest Act*.

When a road under a road tenure is not being used by industrial users, section 81 of the FPPR and section 70 of the WLPPR allows the holder of the road tenure to default to a lesser level of maintenance (wilderness roads).

A July 29, 2005 memo on “New Administrative Responsibilities for Forest Service Roads (FSRs)” (see Section 4.2.5) provides guidance about deactivation and transfers of RP roads versus declaration of FSRs. The requirement for deactivation can be waived under certain circumstances but this results in the road becoming a non-status road, which is contrary to Ministry policy. It is preferable to Ministry transfer the responsibility to another party or take on a clear Ministry administrative role through declaring the road as an FSR.

If the Statutory Decision Maker (e.g. District Manager) decides a road tenure will not be deactivated by the permit holder, that manager must relieve the permittee in writing of

the requirement to deactivate. The manager must then declare the road to be a Forest Service Road or pass the obligation to another user through a new Road Permit or Special Use Permit.

Once the permit holder has been relieved of obligations then the road section(s) may be retired via ESF.

FTA allows district staff to transfer, **retire**, **re-label** or **delete** road sections:

- **Re-assign** – this is not a re-assign under the *Forest Act* (see 3.11.5 in this manual), but rather a re-assignment, whereby the road is re-assigned from its current road permit to another road permit (see 3.11.6 in this manual). The road section will show the new road permit number and the assignee will hold the maintenance obligations.
- **Retire Roads** – this function is used to retire entire section(s) of a road directly in FTA or via an ESF submission. Retirement is used to relieve the permit holder of obligations under a Road Permit. Deactivation is one of the reasons this might occur. Retirement does not remove the road section(s) from the Road Permit in FTA. Retirement sets a “retirement date” on the spatial information in BCGW and, thus, the retired section(s) no longer show up as active section(s) on the permit. The spatial information is kept for historical reasons. Once the Exhibit A is regenerated, the retired section(s) will display with “XXXX” over top.
- **Re-label** – this function is used when there is no change to the spatial information but the road label (i.e. business key) must be changed. The re-label function allows this to be accomplished without the need for a new ESF Submission.
- **Delete** – this function is only used if there is an error in the data entered into FTA.

Suspension and Cancellation

- A RP or RUP cannot be suspended/cancelled other than through the *Forest Act’s* suspension and cancellation provisions (see *Forest Act* section 76-77. Under section 79 of the *Forest Act*, the holder of a cancelled road permit is still responsible for the obligations under the agreement.

Declaration of Fulfilled Road Deactivation Obligations

The holder of an *agreement* with obligations to maintain a road until deactivation or other FRPA - FPPR section 79 conditions are met, may submit a declaration under section 107 of FRPA that the required obligations have been fulfilled. Unless the district manager makes an order under section 107(4) of FRPA and within the 15 months prescribed by section 97 of FPPR, the holder of the agreement is deemed to have fulfilled the obligations on the date of the declaration, assuming section 107(6)(b) (misrepresentation) does not apply.

Section 193 of FRPA establishes that for road operations (construction, maintenance or deactivation) that began under the FPC, the *agreement* holder must comply with the

requirements of the FPC and its regulations that pertain to the holder for the road. Those requirements continue until the FRPA - FPPR section 79 conditions are met. Once those conditions are met, the *agreement* holder may submit a declaration under section 107 of FRPA with the same provisions applying as for road operations that began under FRPA.

If the holder of an *agreement* deactivates a road with the intention of ending the maintenance requirements of FRRP s. 79(2) but does not submit a FRPA s. 107 declaration, the holder could be at risk of being found in contravention of maintenance requirements since it would be a matter of interpretation whether deactivation had been satisfactorily carried out.

3.12 Managing Special Circumstances

The criteria listed in section 3.7 **Eligibility and Due Diligence** are the factors that determine if a road tenure must be issued to the applicant under provisions of the legislation. In addition to that list, Ministry tenures staff are typically faced with a web of other factors, policies and legislation that may or may not directly affect the issuance process. Unpaid accounts, revenue risks, FRPA requirements, forest management concerns, wildfire risks, public information, First Nation relations and road safety are examples of considerations that might not result in a formal rejection but could still warrant investigation and professional discussion with colleagues, stakeholders and/or industry staff. Some of these are discussed in this section about Special Circumstances. Other topics have been deemed to be outside the scope of this manual.

If you have a special circumstance that has not been addressed or a neglected topic that you feel should be included in this manual, refer to **Updates and Feedback** on page xvi.

3.12.1 Converting RP Roads to an FSR

Section 4.2.5 of this manual contains a July 29, 2005 memo on “New Administrative Responsibilities for Forest Service Roads (FSRs)” and includes direction on converting RPs to FSRs when industrial use has concluded.

Additional information on the declaration of an FSR is in the [Ministry Engineering Manual 2013, Chapter 1: Road Administration](#) (See the topic titled “Declaring FSRs”).

3.12.2 Transferring an FSR to Another Agency

In some cases, the FSR may be transferred to another agency or user. The Statutory Decision Maker must:

- discontinue and close the FSR using the FSR Discontinue and Close Form; and,
- *issue* a new tenure; or,

- ensure that another agency assumes responsibility for continuing use of the road.

For additional information refer to the July 29 2005 memo “New Administrative Responsibilities for Forest Service Roads (FSRs)” in Section 4.2.5 of this manual.

Transferring an FSR to Ministry of Transportation and Infrastructure

There are some cases in which an FSR may be transferred to the MoTI. The Ministry Statutory Decision Maker and MoTI Statutory Decision Maker must reach an agreement in principle. Next, the Statutory Decision Maker (Ministry) must complete the [Transfer of Forest Service Road to MoTI Form](#) and attach an electronic map/plan.

A copy of the Transfer of Forest Service Road to MoTI Form is forwarded to Forest Land Acquisitions who will notify the MoTI Properties and Land Management Branch. The Executive Director, Properties and Land Management Branch (MoTI) must accept the transfer. A copy of the signed form is then sent by Forest Land Acquisitions to the originating Ministry office and local MoTI office.

3.12.3 Consent to Connect to an FSR

Section 23 of FRPA requires a person to obtain consent before connecting a road to a forest service road. However, consent is only required when private land operations need to connect to a FSR. Crown land scenarios are covered off by the RP document.

FS1209 on the intranet [Forms Index](#) is a form letter for providing consent and specifying requirements.

3.12.4 Road Tenures Affected by Timber Reallocation

As a result of Timber Reallocation under the Forestry Revitalization Plan, there may be negotiated changes in operating areas and standing timber inventory between *agreements* and possibly between an *agreement* holder and BC Timber Sales. Implementation of these changes may involve changes in road obligations between *agreement* holders or from an *agreement* holder to an FSR managed by BC Timber Sales.

The following guidance documents are available at [Engineering Permit documents](#)

- “Guidelines for Planning and Implementing Road Permit Transition within Timber Reallocation Areas”, March 26, 2007
- “Administrative Procedure for Terminating or Amending Road Permits in FTA under Timber Reallocation”, October 13, 2006

3.12.5 Roads and an Agreement that is Subdivided, Consolidated or Transferred

Subdivision and Consolidation

Since an RP is a stand-alone *agreement* issued to access timber rights held under an associated agreement, the RP must be amended if the associated *agreement* identified under Part 1.00 of the RP changes.

Subdivision or consolidation of FLs or TFLs, or consolidation of WL's, may result in a need to associate existing RPs to a different *agreement*. A person holding an *agreement* that is being subdivided under the *Forest Act* may propose that certain existing RPs be associated with the newly created *agreement*. Conversely, if two or more *agreements* held by one person (company) are being consolidated, all existing RPs need to be associated with the consolidated *agreement*. The following process should be followed to make the administrative changes:

- 1) In conjunction with the subdivision/consolidation process, the holder of the *agreement(s)* should identify in writing which RPs are proposed for changing their association from the source *agreement* to the target *agreement*.
- 2) After the subdivision or consolidation has been completed, for each RP, the Ministry (district) should amend the appropriate provisions of Part 1.00 of the RP documents (*agreement* number), change the file (harvest tenure) association in FTA, and notify the *agreement* holder of the changes.

Refer to [Agreement Subdivision and Consolidation Guidelines, May 1, 2008](#)

Re-assign

RPs cannot be re-assigned or otherwise disposed of unless it is in conjunction with the disposition of the RP's associated agreement [section 54.4(1c)].

If an agreement is being re-assigned, a Notice of Intended Disposition must list all tenures involved, including any associated RPs. If the Minister or Director FTB issues a Notice to Proceed and if the parties proceed with the transfer, the parties must submit a Notification of Completion. Upon receipt of the Notification of Completion of Transfer, regional staff will be responsible for completing the various licence administration requirements including the updating of the files and systems.

Note that it is not a legal requirement to amend the licence to reflect a completed disposition. The Notification of Completion of Re-assignment must be placed on appropriate files and the licence may be updated at the earliest convenience (replacement; subdivision; consolidation etc.).

Refer to the [Tenure Transfers section](#) on the Forest Tenures Branch website

3.12.6 Re-Assigning Road Obligations Between Agreement Holders

Although the RP tenure cannot be re-assigning, the road obligations can be re-assigned when a new RP is *issued* over the same road.

Section 79 of the FPPR or section 68 of the WLPPR will end the RP holder's obligations if an RP or SUP for the road is *issued* to another person. (See section 3.10.3 Ending the Road Tenure). The recommended process:

- 1) The person wanting to take over a road section(s) will apply for an RP and provide the district manager with a letter explaining that they will assume the road maintenance obligations and provide written consent from the original RP holder.
- 2) The DM can *issue* the new RP and at the same time send the original RP holder a letter relieving the holder (per FRPA sec 79) of the requirement to deactivate the road section(s).
- 3) Once the original RP holder has been relieved of obligations then the applicable road section(s) can be retired via ESF (see definition of "retire roads" in section 3.10.3).

In FTA, there is a 'button' to 'transfer' a section of road from one permit to another. Despite the button's name, what happens is that the section(s) being given up by the original RP holder are 'amended' out of the originating permit, and 'amended' into the new permit. This function can be used if there is an existing RP to receive the amended section or possibly, after a new RP file has been created in FTA. If the 'transfer button' is used, the original holder of the road section(s) does not need to do an ESF submission to 'retire' the road section(s).

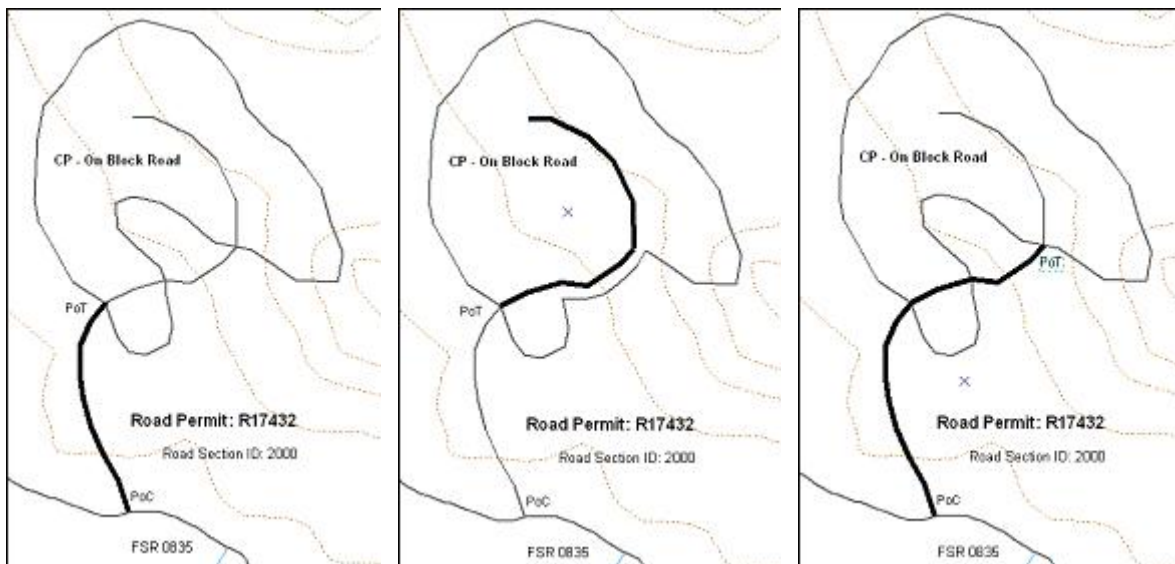
3.12.7 On-Block Roads Extending Beyond Cutblock Boundary

This discussion addresses the situation where an on-block road needs to go outside the *cutting authority*. An example is a switchback looping outside the *cutting authority area*. Another example is a road that passes through different portions of an irregular shaped *cutblock* as in Figure 3-7. A properly designed *cutting authority* and road tenure would have prevented this situation. However, if unforeseen circumstances prevented the planned on-block road location, the issue would have to be resolved with an application to amend either the road permit or the cutting permit.

In the example shown in the left map of Figure 3-7, the CP holder could apply for a CP amendment to ensure the road is wholly contained within the *cutting authority area* (the middle map). Alternatively, the RP holder could apply for an RP amendment to ensure the entire road section is tenured under the road permit up to the point where the road enters the last *cutblock* for the final time (the map on the right). Theoretically, the short segment of road between the two *cutblock* lobes in the left map could be tenured under the road permit but that would result in an isolated segment of road permit after the CP expires. When the CP expires, rights to use the road within the CP expire as well, (other than use required for maintenance obligations). The recommended approach is to have

roads that pass through multiple *cutblocks* (or portions of *cutblocks*) be tenured under a continuous road permit section from the start of the road to the last *cutblock* entry point.

Figure 3-7 CP Road Outside Cutblock



INCORRECT: Portion of an “on-block” road is outside the *cutting authority* and is therefore untenured

CORRECT: *Cutblock* amended to include road

CORRECT: Road permit amended to the last *cutblock* entry point

Refer to the “[Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework \(ESF\)](#)” for additional information regarding on-block roads extending beyond cutblock boundaries.

3.12.8 Options for Salvage Along Roads

[General Bulletins](#) Number 19 *Options for Harvesting Dead and Dying Trees along Road Permit Roads* describes options for salvaging

Trees that are outside the clearing width and do not currently pose a hazard to industrial road users cannot be felled and removed under an RP. If the tree is a *bona fide* hazard, and within the Road Permit Area, the tree can be felled as part of the holder’s maintenance obligations (FPPR 78).

3.12.9 Discontinue and Close an FSR

Local planning processes may determine that an FSR is no longer required. FSRs that are surplus to the requirement of the Ministry must be permanently closed as an FSR by the Statutory Decision Maker (e.g. District Manager). This may be done because:

- the FSR is deactivated (as defined in legislation); or,
- transferred to another user or agency.

This “discontinue and close” process removes the responsibility for the operation of the road from Ministry. Once the FSR is deactivated or transferred to another user/agency, the **FSR Discontinue and Close Form** must be completed and signed by the local office Statutory Decision Maker. A map/plan must be attached to the form. Another tenure should not be established over the road until this form is signed. A copy of the FSR Discontinue and Close Form must be forwarded to Forest Land Acquisitions.

Once the form is signed, the Statutory Decision Maker can assume the decision to discontinue and close the road as an FSR has been made and can advertise the closure. The local office can proceed with any operational activities as though the road was no longer an FSR even if the advertising and new map notations have not yet been completed. See the [FSR Discontinue and Close Form FS301](#).

3.12.10 Short Access Roads to On-block Roads

Ministry staff and holders of *agreements* may be faced with a short road that commences from a mainline RP or FSR and provide access to a nearby on-block road in a CP *cutblock*. The access road is considered fully on-block if it connects where the block boundary is contiguous with the RP or FSR. However, the access road needs a road tenure if it has to cross a space that is outside the clearing area of the RP or FSR and outside the CP's *cutting authority area*.

Unfortunately, there is no minimum length for a road tenure. Use of an existing road can be exempted from the requirement for a road tenure under Section 22.1(4) of FRPA but road construction requires a road authorization e.g. an RP or a CP.

The *agreement* holder can easily avoid the need for very short RPs (or RP sections) by making sure that the CP application has a *cutting authority area* that touches the RP/FSR where the access road is needed.

Dealing with existing, unauthorized access roads is more complex. If the road was built and used without being in a road tenure (RP or CP), the operator is in non-compliance and C&E actions may be warranted. The following are options to rectify the absence of road tenure:

- Put the access road under an RP by amending an adjacent RP or obtaining a new RP.
- Put the access road under the CP by amending the CP *cutting authority area*.

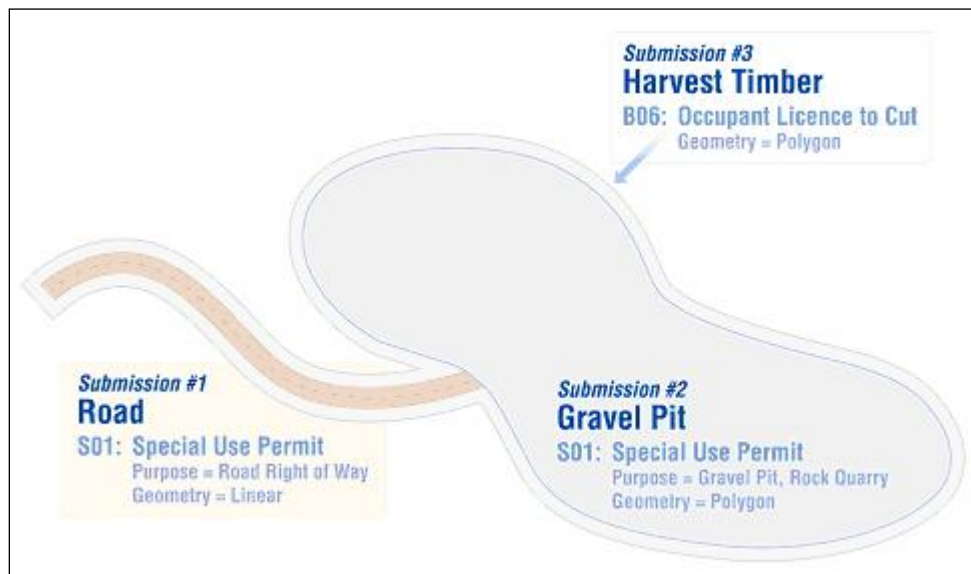
- Accept the road as a non-status road and, if further use is planned, seek an exemption under Section 22.1(4) of FRPA.

3.12.11 Multiple Submissions May Be Required for SUP

There are situations that require multiple submissions to gain the necessary authority. For example, if a road leads into a gravel pit, the following submissions would be required, (at the same time or sequentially):

- **Submission #1:** SUP for Road, Right of Way
- **Submission #2:** SUP for Gravel Pit, Rock Quarry
- **Submission #3:** Occupant Licence to Cut for the clearing and removal of timber from the road and the gravel pit.

Figure 3-8 - Illustration of SUP example



3.12.12 Bankruptcy of Road Permit Holder

If a road permittee should go bankrupt, it is important to keep track of outstanding road obligations. This may be accomplished by leaving the road tenure as is in FTA. The CLIENT system may show the status of the company as “suspended” or “in receivership” but the record of obligations will live on in FTA despite the clients ‘status’.

Part 4 References

4.1 Ministry Policies

See web page with [list of all on-line policies](#)

4.1.1 Policy 13.6 – Waste Assessments

See [Policy and Administration Chapter 1](#)

4.1.2 Policy 15.1 – Aboriginal Rights and Title Policy & Guidelines

Ministry of Forests and Range [Aboriginal Rights and Title Policy and Consultation Guidelines](#)

Related policies reports on the [Aboriginal Affairs Branch website](#).

Also refer to guidelines in this CP/RT Administration Manual under 4.3.3 – Aboriginal Interests

4.1.3 Cutting Permit Postponement Policy

The [Cutting Permit Postponement Policy](#), approved August 2008

If it is not listed separately on that page, check the [Ministry Policy Manual](#)

4.1.4 Policy 26 – Cutting Permit Extension and Surrender

Refer to [Policy 26](#)

4.1.5 MSMA Policy

Ministry's [MSMA Policy webpage](#) has guidance and information such as a brochure and a database of tree locations.

4.2 Directives

4.2.1 Delegation of Decision Making

See the [delegation authority matrix](#)

(internal Ministry site)

4.2.2 Electronic Submissions

The *Electronic Transaction Act* provides the legal recognition that makes electronic submission possible. The requirement for *agreement* holders to submit applications electronically is not legislated or contractual but a matter of policy for the Ministry. *Agreement* holders are expected to participate in electronic submission because of the eventual reduced transaction costs.

The following 2-page March 21, 2005 letter from the Deputy Minister notifies forest licensees of the June 1, 2005 implementation of electronic data transfer for permit applications:

March 21, 2005

To: Forest Licensees

In the fall of 2004, the ministry communicated its intention, effective April 1st, 2005, to move to the exclusive use of electronic data transfer for cutting permits applications and amendments, road permit applications and amendments, and "as built" roads and silviculture reports. The ministry conducted a readiness assessment and has come to the following conclusions:

- The ministry computer systems are in place and operational. Electronic data is being accepted on a daily basis from a number of clients.
- There are ministry data issues that will cause some amendment submissions to be rejected. Work to correct this issue will be completed by April 1.
- Additional documentation and help packages are required for our clients.
- Some districts are still refining their business process and need additional time to prepare themselves to accept and process electronic submissions in order to better assist our clients in the transition.
- Some smaller licensees are still looking for additional guidance and assistance in testing their submission process.



For these reasons, we have decided to postpone the effective date from April 1 to June 1, 2005.

The ministry will be holding internal regional workshops to ensure that there is consistency in the procedure and process for electronic submissions.

Districts will also be establishing joint Electronic Submission Framework (ESF) working groups with industry to ensure that all parties are aware of the procedures and that they have contact information to assist with any issues arising from the transition.

These two initiatives will take place in the period leading up to the end of May.

Licensees with a small number of applications may find it more cost effective to use a service provider to prepare and submit electronic applications on their behalf. To assist in this, the ministry has compiled a list of service providers with proven capability. This list is available at: <http://www.for.gov.bc.ca/his/esd/serviceproviders.htm>.

Page 1 of 2

Ministry of
Forests

Deputy Minister

Location:
3rd Floor, 1520 Blanshard St.
Victoria, British Columbia

Mailing Address:
PO Box 9525 Stn Prov Govt
Victoria, BC V8W 9C3

Forest Licensees

In the meantime, the system is in place and operational for those licensees that are currently submitting electronically.

I am recommending that you begin to move towards electronic submissions well before the June 1st deadline so that you can become familiar with the software packages and procedures required for an error-free submission. This will minimize the risk of delays in processing your submissions after June 1, 2005.

Finally, ESF projects have been extended as an eligible activity under the Forest Investment Account (FIA) Land-Base Investment and Small Tenures Programs until June 1, 2005. For "as built" roads, the completion deadline of December 31, 2005 remains unchanged.

If you need more information about the ESF initiative, please visit the ministry's website: <http://www.for.gov.bc.ca/his/esf>. In the near future, district contacts will be posted on this website so that you may call for further information.

Yours truly




Doug Konkin
Deputy Minister

Pc: Council of Forest Industries
Coast Forest Products Association
Interior Lumber Manufacturers Association
Federation of BC Woodlot Association
BC Community Forest Association

4.2.3 CP Amendments and CP Issue Dates

On the following page is a 1-page October 24, 2002 memo regarding Cutting Permit Amendments and Cutting Permit Effective Dates (“Effective date” in this memo refers to the issue date of the CP.)

 BRITISH COLUMBIA	Ministry of Forests	Revenue Branch and Resource Tenures and Engineering Branch
--	--------------------------------	---

19500-02

October 24, 2002

To: Regional Managers

Cutting Permit Amendments

The purpose of this memo is to provide direction related to amendments to and effective dates for cutting permits.

Existing cutting permits, whether the harvest has begun or not, are only amended to reflect minor changes that occur which are beyond the licensee’s control and are required for forest management reasons (i.e., fringe blowdown, minor additions, deletions). Amendments are not to be used to make large changes and, in particular, add or delete cutblocks. We are aware of instances where such amendments have been made and those amendments appear to be designed solely to reduce stumpage rates, to the disadvantage of other licensees.


Turning now to the effective dates of cutting permits, the effective date is the date the permit is signed by the ministry. We have noted instances where the effective date has been backdated, apparently to gain a stumpage rate advantage.

For future reference, the Resource Tenures and Engineering Branch web site has under development a section on cutting permit administration (<http://www.for.gov.bc.ca/rte/timten/subject.htm>) that will provide long term guidance in this area.

Please instruct your staff accordingly.

<i>Original Signed by</i>	<i>Original Signed by</i>
Bill Howard Director Revenue Branch	Jim Langridge Director Resource Tenures and Engineering Branch

pc: Doug Konkin, Assistant Deputy Minister, Field Services and Timber Sales Program
Bruce McRae, Assistant Deputy Minister, Tenure and Revenue



4.2.4 Blanket Salvage Cutting Permits

On the following pages:

- A 2-page July 3, 2014 memo from Deputy Minister applying to all blanket salvage cutting permits (BSCP),



Ministry of Forests, Lands
and Natural Resource
Operations

Deputy Minister's Office

MEMORANDUM

File: 280-20
Ref: 207020

BY EMAIL

To: Interior Regional Executive Directors
Interior District Managers

From: Tim Sheldan
Deputy Minister

Re: Blanket Salvage Cutting Permits

As of July 3, 2014, all designations under the Emergency Bark Beetle Management Regulation have been rescinded. The purpose of this memo is to provide direction on the appropriate use of blanket salvage permits going forward now that the emergency of the mountain pine beetle epidemic has passed. This memo replaces all previous direction given for blanket salvage permits.

A blanket salvage permit is a cutting permit issued to major licensees who have an existing tenure. Cut blocks that meet the criteria specified below may be amended into the cutting permit if approved by the district manager prior to commencement of harvesting.

This tenure tool can be effective in reacting quickly in order to salvage smaller dispersed patches of dead or damaged timber¹. Caution must be exercised to ensure that inappropriate application of this tool is avoided. The overarching intent of this provision is to facilitate the recovery of otherwise unrecoverable losses to both available timber supply and Crown revenue from dead or damaged timber. At the same time the tool will minimize the amount of undamaged timber that is necessary to harvest in order to salvage the timber. Appropriate use of this tool is critical to protect the mid-term timber supply.

Blanket Salvage Permits will only be used in the following circumstances:

- Sanitation harvesting for the management of insect infestations in a manner that is consistent with the districts' forest health strategy, or
- Harvesting dead or damaged timber that is a high priority for the district and must be addressed quickly and cannot wait for the planning of a larger cutting permit development in the area, or

¹ Refer to section 6.4(3) of the Interior Appraisal Manual for the definition of damaged timber.

Interior Executive Directors

- Harvesting dead or damaged timber where the district is satisfied that the timber is isolated such that it cannot be logically added to an approved or potentially planned harvest opportunity.

Cut blocks that are amended into existing or future blanket salvage permits must meet the following criteria:

1. No more than 5000 cubic metres may be harvested under an individual opening. An opening must not exceed 15 hectares, excluding the volume harvested from any road clearing that is necessary to facilitate the removal of the dead or damaged timber.
2. In instances of harvesting for the purposes of insect sanitation, supporting documentation detailing the results of probe surveys must be submitted with the amendment prior to harvest.
3. The district manager is satisfied that the amount of undamaged timber that needs to be harvested will be minimised.
4. Calculation of the stumpage rates for these cutting permits is as prescribed in the *Interior Appraisal Manual*.

The district manager must ensure that these permits do not overlap other existing cutting authorities, and that a plan is in place to ensure the correct marking of timber and to verify that only approved cut blocks are harvested.

Each district may have its own more specific requirements as long as they are consistent with this direction. It is my expectation that Regional Executive Directors maintain a reasonable level of consistency between districts and across regions. Operational results will be reviewed going forward and will inform decisions as to any further changes that may be required.






Tim Sheldon
Deputy Minister

pc: Archie Macdonald, Council of Forest Industries
Jim Hackett, Interior Lumber Manufacturers Association
Chris Armanini, Tolko Industries Ltd.
Tom Jensen, Assistant Deputy Minister, Timber Operations, Pricing and First Nations Division
Dave Peterson, Assistant Deputy Minister, Tenures, Competitiveness and Innovation Division
Rick Manwaring, Assistant Deputy Minister, Regional Operations Division – South Area
Kevin Kriese, Assistant Deputy Minister, Regional Operations Division - North Area
Susanna Laaksonen - Craig, Executive Director, Timber Operations, Pricing and First Nations Division
Murray Stech, Director, Timber Pricing Branch
Keith Tudor, A/Director, Timber Pricing Branch
Grant Loeb, Manager, Timber Pricing Branch
Lorne Bedford, A/Director, Resource Stewardship Division

4.2.5 Forest Service Road Administration

On the next pages are a July 29, 2005, 3-page memo and 2 page attachment from Deputy Minister on “New Administrative Responsibilities for Forest Service Roads (FSRs)”

 BRITISH COLUMBIA	Ministry of Forests and Range and Ministry Responsible for Housing	Deputy Minister's Office	MEMORANDUM
File: 11250-00			
JUL 29 2005			
To: All Regional Executive Directors All District Managers All Timber Sales Managers			
From: Doug Konkin Deputy Minister Ministry of Forests and Range and Ministry Responsible for Housing			
Re: New Administrative Responsibilities for Forest Service Roads (FSRs)			
<p>This memo serves to detail the streamlining of some administrative functions at the local level related to FSRs, including specific details on the use of the new forms as attached. It also provides policy direction related to the declaration of FSRs (converting road permit roads to FSRs when industrial use has concluded on those permit roads).</p>			
<p><u>Delegation of Minister's authority:</u></p>			
<p>The delegation of the minister's authority to carry out the following administrative function for Forest Service roads has been extended to both district managers and timber sales managers:</p>			
<ul style="list-style-type: none">• declaration of FSRs (conversion from road permit to FSR).			
<p>The following functions are to be carried out by the district manager only:</p>			
<ul style="list-style-type: none">• transfer FSRs to Ministry of Transportation (currently for one-off situations with the concurrence of the MOT district manager) or other agencies/users, and• discontinue and close FSRs when the FSR is deactivated or as part of a transfer process.			
<p>When a timber sales manager determines that there will be no future need for BCTS operations on a BCTS administered FSR, the timber sales manager will advise the district manager that BCTS intends to deactivate the road unless the district manager advises otherwise. If the decision by the district manager is for BCTS to proceed with deactivation of the FSR, the district manager must sign the Discontinue and Close form (FS 301) once BCTS has completed the deactivation work. If the decision by the district manager is to transfer the</p>			



All Regional Executive Directors

road to another agency or user, the district manager must sign the FS 301 and prepare the transfer or new permit documents.

New Shana forms have been developed to simplify and speed up the processes (see attached summaries) so that local decisions can be easily implemented. These forms can be obtained from the MOFR forms index.

District managers should advise their LIM staff by copy of this memo of the new delegated authorities and that both FSRs and road permits will, from this date forward, be cleared to a width of 75m and so noted on the Exhibit A, to ease transition between the two tenure types.

Declaration of FSRs versus transfer or deactivation of road permit roads:

District managers or timber sales managers, as applicable, must ensure that the licensee deactivates a road permit road when they no longer need a road, and

- there is no apparent future industrial use for the road;
- no other party is able or willing to assume responsibility for the road after the road permit is cancelled; and
- the district manager determines that the road will not be required for ongoing public access.

District managers should cancel a major licensee's road permit at the request of the permittee only where it is evident that the permittee will no longer need the road to harvest timber under their harvesting agreements.

We will no longer consider cancelling road permits for non-deactivated roads without either transferring the responsibility to another party or taking on a clear MOFR administrative role through declaring the road as an FSR. It is not acceptable to create non-status roads through our actions.

Ongoing use of a road:

When:

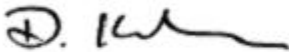
- a major licensee requests the district manager to consider waiving the requirement to deactivate a road permit, or
- when a timber sales manager advises the district manager that BCTS wishes to deactivate an FSR, and
- there are no industrial users that will continue to use the road,

the district manager must review each request to identify whether or not, in the opinion of the district manager, the road would be needed for commercial or public access after the industrial use of a road has ended. Where such access may be required, the district manager should only relieve the licensee or BCTS of their obligation to deactivate the road after consultation with the Regional Executive Director. Such consultation should include the type and extent of future use, the likelihood of future industrial use on the road, and the approximate magnitude of cost to continue to maintain the road.

All Regional Executive Directors

Where it is decided by the district manager or timber sales manager, as applicable, that a road permit road will not be deactivated by the permittee, that manager must relieve the licensee in writing of the requirement to deactivate. The manager must then declare the road to be a Forest Service road or the district manager, for road permits held by major licensees, can immediately pass the obligation to another user through a new road permit or a special use permit. A decision to create an FSR includes taking on the responsibility for maintenance with its corresponding risks and budget implications. However, note that the maintenance standard will normally be a wilderness road standard for these roads since there would be no industrial users on the road at that time.

If you have any questions or concerns about the foregoing, please contact Ron Davis, Chief Engineer, RTEB, at (250) 387-8624 or Ron.Davis@gems2.gov.bc.ca.



Doug Konkin
Deputy Minister

pc: Grant Parnell, Director, Operations
BC Timber Sales

FSR ADMINISTRATION PROCESSES

DECLARATION

When an MOFR manager agrees with a licensee that it no longer needs a road permit road, but decides that the road should not be deactivated, the manager must:

- cancel the road permit, and
- declare the road to be a Forest Service road (FSR).

The purpose of this practice is to ensure that the road will be properly inspected and maintained until such time that a new industrial user is issued a road use permit. The appropriate engineering staff must inspect the road or road section that will become an FSR to:

- determine the present condition of the road and any structures,
- identify potential risks, and
- obtain the necessary data for the bridge register and the road management system.

Note that the declaration process only applies to converting road permit roads. Complete the Declaration form

<http://www.for.gov.bc.ca/isb/forms/lib/stubs/fs302info.htm>

with an attached electronic version of the map/plan once the above actions have concluded.

The local MOFR manager can assume that once he/she signs the electronic form, the decision to declare the road as an FSR has been made, and the local office can proceed with any operational activities as though the road was an FSR, even if the new map notations have not yet been completed.

DISCONTINUE AND CLOSE

FSRs that are surplus to the requirements of operations and BCTS, as determined through some local access planning process, must be permanently closed as an FSR by the district manager through either deactivation or transfer to another user or agency. The permanent closure is accomplished through a discontinue and close process as per the *Forest Act* to remove the responsibility for the operation of the road from the ministry. The timing of this process is such that an FSR must be deactivated before the form is signed, or that the form is signed before another tenure is established over the road. The local office must complete the FSR Discontinue and Close form

<http://www.for.gov.bc.ca/isb/forms/lib/stubs/fs301info.htm>

with an attached electronic version of the map/plan. A copy will be automatically forwarded to Real Estate Operations in Victoria, who will carry out the required advertising of the closure on behalf of the local office, and send a copy of the advertising notice to the originating office.

The district manager can assume that once he/she signs the electronic form, the decision to discontinue and close the road as an FSR has been made, and the local office can proceed with any operational activities as though the road was no longer an FSR, even if the advertising and new map notations have not yet been completed.

TRANSFER FSR TO MOT

For those one-off instances where the Ministry of Transportation (MOT) wishes to take over administrative responsibility of an FSR, the next step after reaching agreement in principle with the local MOT manager would be for the district manager to complete the Transfer of Forest Service Road to MOT form

<http://www.for.gov.bc.ca/isb/forms/lib/stubs/fs300info.htm>

with an attached electronic version of the map/plan. A copy will be automatically forwarded to Real Estate Operations in Victoria, who will ensure that MOT Properties Branch receives the information and initiates their internal processes. Once the Executive Director, Properties Branch, MOT, accepts the transfer, a copy of the signed form will be sent by Real Estate Operations to the originating MOFR office and the local MOT office.

Note: this procedure is not to be construed as part of any provincial transformation process where MOT may assume ownership of FSRs based on pre-determined criteria.

TRANSFER FSR TO OTHER AGENCY/USER

Where an FSR is to be transferred to another agency (other than MOT) or user, the district manager will discontinue and close the FSR (using FS 301), and then issue a new tenure to the user, or ensure that another agency assumes responsibility for continuing use of the road, as applicable.

4.3 Guides and Bulletins

4.3.1 Provincial Guidebook for Resource Clerks

This link is intended for Ministry staff only:

[Guidebook for Resource Clerks](#)

4.3.2 ESF Submission Guide

The Forest Tenures [Business and Policy Documentation link](#) provides access to the following PDF documents:

- Industry ESF Submission Guide
- Industry & BCTS Guide to the Submission of Road Tenure via the Electronic Submission Framework

4.3.3 Aboriginal Interests

The following documents provide Ministry staff with guidance when making statutory decisions that may affect *aboriginal interests* (asserted aboriginal rights and title):

- [Aboriginal Rights and Title Policy](#)
- [FRPA Administration Bulletins Number 1](#)
- [Administrative Guide to Forest Stewardship Plans](#) (AGFSP)
- Other advice to Ministry staff distributed by Aboriginal Affairs Branch from time to time.

4.3.4 Subdivision, Consolidation and Transfers

- [Agreement Subdivision and Consolidation Guidelines, May 1, 2008](#)
- [Transfer of an Agreement under Section 12 of the Forest Act – Procedures, August 2013](#)

4.3.5 Wildlife Tree Retention Areas

Go to [FRPA Implementation Bulletins](#) , under the heading **General**, download the bulletin: *FRPA General Bulletin # 8 - Wildlife Tree Retention (WTR): Interim Guidance for District and License staff*

Under the heading **General**, download the bulletin: *FRPA General Bulletin #15 - Managing and Tracking Wildlife Tree Retention Areas under FRPA*, dated April 2, 2008

4.3.6 Harvesting Dead & Dying Trees along RPs

Go to [FRPA Implementation Bulletins](#) under the heading **General**, download the bulletin: *FRPA General Bulletin #19 - Options for Harvesting Dead and Dying Trees along Road Permit Roads*.

4.4 Forms, Templates and Clauses

4.4.1 Forms

Forms can be accessed from the following links:

- A complete list of all [Ministry forms](#) for government staff:
- [Index of forms](#) for use by industry, Ministry contractors and the public:

4.4.2 Templates

Generic permit templates are kept on the Ministry's [Generic Licence Review Website](#).

Staff should use the website for each document to ensure they are using updated templates and the correct version for the *agreement* involved.

Sample letters and guidance on how to use them are available to Ministry staff from the Provincial Guidebook for Resource Clerks.

[Guidebook for Resource Clerks](#)

4.4.3 Permit Clauses

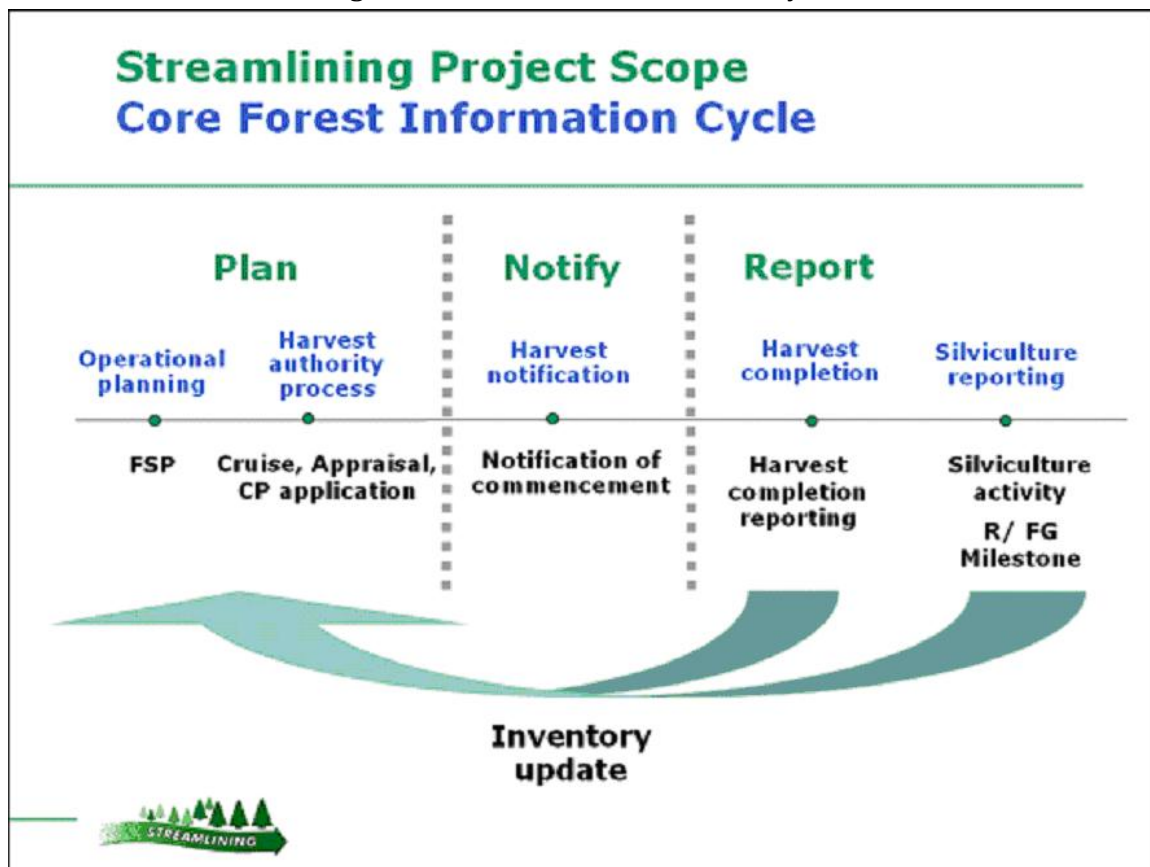
Clauses and notes about appropriate use are listed in the "Optional Clauses Manual" folder available on FTB's Generic Timber Tenure Documents internal [FTB SharePoint site](#): The SharePoint site should be checked frequently as the Timber Clauses Manual is the most up to date source of accepted clauses.

Please refer to section 2.6.2. of this CPRT manual for guidance about the use of optional clauses in the CP and its Schedules. Section 2.7.3 describes the process for revising clauses or creating new clauses.

4.5 Background: Information Requirements for Mapping, Cutblocks & Roads

The Ministry, in collaboration with the Ministry of Sustainable Resource Management (now the Ministry of Agriculture and Lands) and the forest industry, undertook a project to [streamline the Core Forest Information Cycle](#) including information requirements, business processes, and information management tools. Reports for most components were completed in 2005.

Figure 4-1 Core Forest Information Cycle



The reports that are directly relevant to CP and RP administration are listed in the following subsections:

4.5.1 Mapping Requirements and Standards

["A Guide to Integrated Mapping Requirements and Standards"](#) Final Version August 2005

This document consolidates the mapping requirements and standards for the forest information cycle, including guidance on field data collection (.i.e. tolerance in field traverse data).

4.5.2 Cutblock Information

“[Cutblock Integration Team Final Report](#)” August 2005

4.5.3 Road Administration

The Streamlining Project developed a new, provincially-consistent business process for RPs. “[Road Administration Team Final Report](#)” August 2005.

Systems changes have now been made and this manual reflects the resulting new process.

4.6 Document Change Control

The table below documents the changes have been made to this document over time.

Manual Version	Date of Issue	Brief Description of Change
1.0	March 22, 2006	Original document prepared in consultation with a CP team and a road team concurrent with work on the Ministry's Streamlining Project.
1.1	August 4, 2006	Detailed listing of changes in versions 1.1 through 2.1 can be found in the corresponding Document Change Control section of each version.
1.2	Sep. 7, 2006	
2.0	Oct 2, 2007	
2.1	Mar 14, 2008	
3.0	Mar 1, 2010	<p>General edits have been made throughout the manual to improve terminology and clarity. Heading numbering was revised for greater consistency between CP and Road parts. The following are the topics with significant revisions:</p> <p>1.1.1 Types of Cutting Authority - new summary table</p> <p>1.2.3 new paragraph about wilderness road maintenance level</p> <p>1.4.3 Timber Marking – revised</p> <p>2.1 CP Rule 3 – improved rule about what can be on Exhibit A</p> <p>2.2 Cutting Authority Description Conventions – new, corresponding to Roads Conventions</p> <p>2.2.4 FTA Codes and Definitions – new</p>

Manual Version	Date of Issue	Brief Description of Change
		<p>2.4 CP Application – new paragraph on other preparations</p> <p>2.4.2 Content of CP Application – new paragraph on term</p> <p>2.5.2 Exhibit A Map Boundary – revised to match new Rule 3</p> <p>2.5.4 Checking Status – new paragraph describing the practice of staking 20 m outside boundary</p> <p>2.5.5 Verification with FSP – updated description of FSP tracking</p> <p>2.7.1 FRPA – revised wording and added FRPA reserves</p> <p>2.7.2 Aboriginal Interests – updated to include preliminary assessments</p> <p>2.7.3 AAC and other Agreement Provisions – new section</p> <p>2.8.2 Schedule A – Link to separate clause document</p> <p>2.8.4 Schedule B – revised to clarify when to use. link to clause doc</p> <p>2.9 Permit Issuance – Clarified no rationale needed for issuance</p> <p>2.9.1 Cover letter – revised to recognize appropriate use</p> <p>2.10.2 Amendments – Added advice re-signing amendment</p> <p>2.10.3 CP Extension – revised to clarify timing of application</p> <p>2.10.4 Postponement – Revised for 2008 change in legislation and link to the August 2008 policy.</p> <p>2.10.5 Ending the permit – minor revisions</p> <p>2.11 Managing Special Circumstances – new intro describing the web of factors to consider outside the CP issuance business</p> <p>2.11.5 Subdiv, Consol, Transfer – Revised per Subdiv. & Consol Guidelines and added link to Transfer Procedures.</p> <p>2.11.11 Wildlife Tree Retention and Other Reserves – revised and expanded to address other FRPA reserves</p> <p>2.11.13 Danger Trees Outside Boundaries – new section</p> <p>2.11.14 MSMA Treated Trees – new section linking to MSMA policy</p> <p>3.2.3 Describing a Road – new figure for road segments</p> <p>3.7.1 FRPA Rules – revised wording and added FRPA reserves</p> <p>3.7.2 Aboriginal Interests – linked to 2.7.2 and updated</p> <p>3.10.3 Ending the Road Tenure – clarity about declarations. New paragraph about wilderness road maintenance level</p> <p>3.11 Managing Special Circumstances – new intro describing the web of factors to consider outside the road tenure issuance business</p> <p>3.11.4 Consent to Connect to FSR – new section</p> <p>3.11.6 Roads and Subdiv, Consol, Transfer – Revised per Subdiv. & Consol Guidelines and added link to Transfer Procedures</p> <p>3.11.10 Options for Salvage along Roads – new section linking to General Bulletin 19</p>

Manual Version	Date of Issue	Brief Description of Change
		Part 4 – added and updated policies, directives, guides, bulletins and forms. Retained links to 2005 Streamlining Initiative but removed process map.
4.0	August 2015	<p>General edits have been made throughout the manual to improve terminology and clarity. The following are the topics with significant revisions:</p> <p>1.5.3 Spatial Data Repositories – updated to show replacement of Land and Resource Data Warehouse by BC Geographic Warehouse.</p> <p>2.5.2 Exhibit A Map Boundary – updated for One CP’s for woodlots and community forest agreements.</p> <p>2.10.5 Ending the Permit – clarification that the surrender of a CP does not have to be by mutual consent. Section on surrender of CP’s to get lower stumpage rate moved here from 2.11.4.</p> <p>2.11.2 Bark Beetle Management Powers - this section was removed as there are no longer Emergency Bark Beetle Management Areas as of July 3, 2014.</p> <p>2.11.3 “Blanket” Cutting Permits – renamed Blanket Salvage Cutting Permits and updated as per July 3, 2014 memo from the Deputy Minister on Blanket Salvage Cutting Permits.</p> <p>2.11.4 Changes Affecting Stumpage Rates - Changing site plans after CP is issued – updated to add unless the appraisal is also amended the agreement holder will have to pay for additional timber that has been reserved.</p> <p>Directive 4.2.4 Bark Beetle Salvage Permits – to be renamed Blanket Salvage Cutting Permits. Current memos to be removed and replaced with the July 3, 2014 memo from the Deputy Minister on Blanket Salvage Cutting Permits</p>
5.0	August 2018	General edits have been made throughout the manual to improve terminology and clarity.

End of Cutting Permit and Road Tenure Administration Manual