

# Ministry of Forests, Lands and Natural Resource Operations

## Chapter 8 - Tenure Administration

### Policy 8.22 - Forest Practices Code Transition : Amendments to Cutting Permits, Road Permits, Timber Sale Licences, and Operational Plans

Effective Date: 01-Jun-95

Responsible Branch: [Forest Tenures Branch](#)

#### Scope

This policy is for use by a District Manager or Regional Manager in amending a cutting permit, timber sale licences that do not provide for cutting permits, road permit, or operational plan under sections 225 and 226 of the *Forest Practices Code of British Columbia Act* (the Act).

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#### Policy

##### Definitions

*Higher level plan* refers to higher level plans described in the Act

*Key standards* are identified in sections 225 (2) and (3), and sections 226 (2) and (3), of the Act and are defined in the *Cutblock and Road Review Regulation*. These standards pertain to cutblock size, green-up, community watersheds, proximity to high value fish bearing streams, and terrain hazard.

*Manager* means a District or Regional Manager, as set out in sections 225 (1) and 226 (1,5) of the Act

*Operational plans* refer to operational plans as described in the Act

*Review reports* are reports prepared in accordance with sections 225 (1) and 226 (1) of the Act

##### Amendments Related to Cutblock Size

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in sections 225 (1) and 226 (1) of the Act, are

required where the maximum cutblock size specified in the *Cutblock and Road Review Regulation* is exceeded:

1. the area under the cutblock incorporates structural characteristics of natural disturbance, such as green tree retention and irregular boundary edges
2. a different standard is specified in an objective for a higher level plan
3. harvesting is being carried out to recover timber that was damaged from fire, insect, wind, or other similar events, and wherever possible, the cutblock incorporates structural characteristics of natural disturbance
4. the silvicultural system proposed for the area:
  - (i) is other than clearcut or seed-tree, and
  - (ii) retains 40 % or more of the pre-harvest basal area
5. the harvesting activity is consistent with actions identified in a local resource use plan or district guidelines approved through a public review process
6. the amendment will have an unacceptable impact on the continuation of the licence holders' operations. One key measure of this impact will be whether the licensee has sufficient volume under other cutting authorities to provide for continuation of harvesting and milling operations.
7. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995, except for reasons outside the control of the licensee
8. a substantial amount of road development has been completed in the cutblock
9. the net cutblock area identified in the silviculture prescription is within maximum standards

### **Amendments Related to Green-up**

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in sections 225 (1) and 226 (1) of the Act, are required if the green-up height requirement for a contiguous area is not achieved as specified in the *Cutblock and Road Review Regulation*:

1. a different standard is specified in an objective for a higher level plan
2. harvesting is being carried out to recover timber that was damaged from fire, insect, wind, or other similar events, and wherever possible, the cutblock incorporates structural characteristics of natural disturbance
3. the silvicultural system proposed for the area:
  - (i) is other than clearcut or seed-tree, and
  - (ii) retains 40 % or more of the pre-harvest basal area
4. the harvesting activity is consistent with actions identified in a local resource use plan or district guidelines approved through a public review process

5. the amendment will have an unacceptable impact on the continuation of the licence holders' operations. One key measure of this impact will be whether the licensee has sufficient volume under other cutting authorities to provide for continuation of harvesting and milling operations.
6. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995, except for reasons outside the control of the licensee
7. a substantial amount of road development has been completed in the cutblock

### **Amendments Related to Designated High Value Streams**

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in sections 225 (1) and 226 (1) of the Act, are required if riparian reserve zones, adjacent to high-value fish-bearing streams designated by MELP and community watersheds, do not meet standards specified in the *Cutblock and Road Review Regulation*:

1. a different standard is specified in an objective for a higher level plan
2. harvesting is being carried out to recover timber that was damaged from fire, insect, wind, or other similar events, and wherever possible, the cutblock incorporates structural characteristics of a natural disturbance
3. the harvesting authority is consistent with actions identified in an objective for a community watershed identified through a local resource use planning process or district guidelines approved through a public review process
4. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995 except for reasons outside the control of the licensee
5. there is no other practicable option for location of roads or the new riparian reserve standard poses a greater risk to the integrity of the reserve than the approved reserve. A factor for consideration is using natural boundaries to provide windfirmness for the reserve area.

### **Amendments Related to Terrain Stability**

The Manager should consider the following factors in determining if amendments to harvesting and road construction authorities, referred to in section 225 (1) and 226 (1) of the Act, are required if the terrain standards specified in the *Cutblock and Road Review Regulation* is not achieved:

1. a different standard is specified in an objective for a higher level plan
2. the harvesting activity is consistent with actions identified in a local resource use plan or district guidelines approved through a public review process
3. the road construction or felling phase of harvesting operations on the cutblock would normally have been completed by December 15, 1995 except for reasons outside the control of the licensee

4. the Manager should consider the qualification of a person who has made a determination, assessment, or road design, or formulated an opinion when determining if amendments are required. Factors to consider include:
  - (i) the professional or technical accreditation, and
  - (ii) the years of field experience, and
  - (iii) previous experience with the licences ability to achieve proposed road design standards or introduce new harvesting practices

## **General Notice**

In determining the need for amendment, the Manager should also take into account the following factors:

- If there is a reasonable risk that the operations will result in an unacceptable impact on the resource values that the key standards were intended to protect
- The risk assessment identified in the district monitoring plan for roads and harvesting operations based on the past performance of the proponent
- Where approval of operations on the cutblock or road was made following an extensive amount of documented assessment, analysis or input from Ministry of Environment, Lands and Parks, Department of Fisheries and Oceans, and potentially affected members of the public, the operations can be considered low risk

## **Degree of Amendment Required with Regard to the Five Key Standards**

Where, in accordance with this policy, a decision has been made to require an amendment to a cutblock or road, the Manager will ensure that amendments are made only to the extent necessary to address the intent of the relevant key standards specified in the *Cutblock and Road Review Regulation*. Wherever possible, unnecessary disruption to previously approved licensee operations should be minimized.

## **Notification of Licence Holders**

The District Manager will give notice to major licence or woodlot licence holders of amendments at the earliest possible date upon receiving the licensee's report referred to in section [225 \(1\)](#). Where notice cannot be served within 60 days, the District Manager will provide licensees with an indication of the expected date that notices will be served.

Upon receipt of direction by the Regional Manager to amend operational plans related to a timber sale licence (section [226 \(5\)](#)), the District Manager will promptly notify the licence holder of the impending amendment.

## **Continuation of Operations Under Approved Cutting Authorities**

Until a Manager issues a notice requiring amendment to a cutting permit, road permit, or timber sale licence that do not provide for cutting permits, operations under those authorities can continue.

## **Documentation**

All decisions to amend or to not amend cutting permits, road permits, and timber sale licences, including information in support of such decisions, are to be clearly documented and filed on the appropriate cutting permit, road permit, or timber sale licence file including the *Cutblock and Road Review Report* form.

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## **References**

- [\*Forest Practices Code of British Columbia Act, Part 11\*](#)
- [\*Cutblock And Road Review Regulation\*](#)
- [\*Cutblock and Road Review Report\*](#)