



Ministry of
Forests

Marine Log Salvage Procedures & Guidelines Outside the Vancouver Log Salvage District

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Document Change Control

Version	Date	Key Change
1.0	October 21, 2021	Updated
1.1	March 14, 2022	Contact and ministry name change.

The following information is provided to individuals conducting marine log salvage operations in tidal waters outside the boundaries of an established log salvage district.

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1.0 PERMITTING

A Log Salvage Permit is not required, however, the salvor must be registered as a client with the Ministry of Forests in order to receive instruction regarding scaling and stumpage invoices. The attached application form is to be completed and submitted along with a copy of your British Columbia Driver's License or Birth Certificate to the local resource district office.

2.0 CIVIL LAW

Under civil law the log salvor is a finder of lost property and would be deemed to be the owner of such logs except as against persons who can show better title.

A salvaged log that bears a registered timber mark, registered marine log brand or ownership tag is prima facie evidence the log is the property of the holder of the certificate for the timber mark, the holder of the registered marine log brand or the person identified by the ownership tag. Where one or more logs in a bundle, boom or bag bear a registered timber mark, registered marine log brand or ownership tag; the entire parcel is deemed to be the property of the holder of the certificate for the timber mark, the holder of the registered marine log brand or the person identified by the ownership tag.

All logs, bundles and booms must remain in the same condition as when salvaged. Bundles may not be broken without prior written authorization from a forest officer.

When an identifiable log is recovered, the salvor, as a precaution and evidence of good faith should at the earliest opportunity notify the identifiable owner that they have recovered the timber, provide the location where the timber is being held and ask for instructions on the ultimate disposal. The name of the registered holder of a timber mark or log brand may be obtained from the local resource district office.

Compensation for the recovery of identifiable salvaged logs is a matter of agreement between the log salvor and the legal owner of the logs or their agent. The ministry does not arbitrate disputes regarding remuneration; this is a matter for resolution through legal processes.

In all situations you are advised that:

- The identifiable owner of salvaged timber has the right to reclaim his property on demand. Summarized from: *Criminal Code of Canada sec. 339(1)(c)*
- It is an offence to remove, alter, obliterate or deface a timber mark, marine log brand or ownership tag. Summarized from: *Criminal Code of Canada sec. 339(1)(b)*

3.0 CRIMINAL CODE of CANADA

Section 339 (1) of the *Criminal Code of Canada* in part states:

- (1) Every one is guilty of an indictable offence and is liable to imprisonment not exceeding five years who, without the consent of the owner,
 - (a) fraudulently takes, holds, keeps in his possession, conceals, receives, appropriates, purchases or sells, any lumber or lumbering equipment that is found adrift, cast ashore or lying upon or embedded in the bed or bottom, or on the bank or beach of a river, stream or lake in Canada, or in the harbours or any of the coastal waters of Canada.
 - (b) removes, alters, obliterates or defaces a mark or number on, or
 - (c) refuses to deliver up to the owner or to the person in charge thereof on behalf of the owner or to a person authorized by the owner to receive it,

Section 339 (5) of the *Criminal Code of Canada* in part states:

Where an accused or his servants or agents are in possession of lumber or lumbering equipment marked with a mark, brand, registered timber mark, name or initials of another person, the burden of proving that it came lawfully into his possession or into possession of his servants or agents is, in proceedings under subsection (1) on the accused.

Section 339 (6) defines:

“lumber” – “lumber” means timber, mast, spar, shingle bolt, sawlog or lumber of any description.

“lumbering equipment” “lumbering equipment” includes a boom chain, chain, line and shackle.

4.0 SCALING

All timber salvaged from water or foreshore must be scaled.

Coast Area policy requires that salvaged timber will be scaled by a Licensed Scaler who is authorized to scale beachcomb timber within the originating Natural Resource District.

The District Scaling Supervisor for the Resource District in which the timber was salvaged is to be contacted to make arrangements for scaling. At this time the salvor will advise the District Scaling Supervisor of the parcel location, the proposed scaler or scaling company retained and identify any anomalies pertaining to the parcel. Requests for scaling are to be received at the resource district office a minimum of **seven days** prior to the date for scaling.

In order to facilitate complete and accurate scaling the ministry may issue the salvor a unique scale site authorization and attach specific conditions.

The ministry reserves the right to inspect all parcels of salvaged timber prior to authorization of scaling.

The parcel will be delivered for scaling to the site so designated by the District Scaling Supervisor.

Parcels of timber must be clearly identified with a boom board, bearing the salvor's name and a sequential parcel number, affixed to a prominent log within the parcel. Unidentifiable logs (unmarked), identifiable logs (marked) and timber covered by an 'exemption to buck prior to scaling' must be kept separate or segregated in such a manner as to be readily apparent. The scaler will record each log under the appropriate segregation and the computed summary will clearly identify the applicable segregation.

Prior to scaling, the parcel must be stowed or contained in a manner that will ensure a complete and accurate scale of the timber is performed.

The Licensed Scaler may decline to scale any watered parcel not meeting the configuration standard stated above.

Upon receipt of the scale the natural resource district office will attempt to notify the holders of registered timber marks and or marine log brands of the presence of their logs in the scaled parcel.

5.0 TRANSPORTATION

A person must not manufacture products from, sell or transport to a place, other than the place where it is required to be sent for scaling, timber that is salvaged from water or foreshore.

Summarized from: *Forest Act sec. 94(1)*

Unscaled salvaged timber may not be transported from the district in which it was salvaged without written authorization from the District Scaling Supervisor. In addition to this, prior written approval to deliver unscaled salvaged logs recovered from outside the Vancouver Log Salvage District to a location within the District must be obtained from the Coast Area office.

Summarized from: *Log Salvage Regulation for the Vancouver Log Salvage District sec. 12(2)(d)(ii)*

All timber salvaged from water or foreshore must be transported in compliance with the Timber Marking and Transportation Regulation:

- section 2, scale site designation; and
- section 10, documentation requirements, (see following).

5.1 Scale Site Designation and Conditions of Transport

2. (1) For the purpose of Part 6 of the Act, a person must
 - (a) transport unscaled timber to a scale site designated by a forest officer, and
 - (b) if conditions are imposed on the person under subsection (2), comply with the conditions.

5.2 Documentation Requirements

10. (1) A person who transports timber in British Columbia, or causes timber to be transported in British Columbia, whether the timber was harvested at a place within or outside of British Columbia, must, at all times, have in his or her possession a written record of the timber being transported.
- (2) The written record referred to in subsection (1) must include all of the following information:
 - (a) identification, being
 - (i) for timber transported by land, the licence number or name of the truck or rail car in which the timber is being transported, or
 - (ii) for timber transported by water, a reference number corresponding to the boom, barge or vessel in which the timber is being transported;
 - (b) a description of the location of origin of the timber;
 - (c) the date on and time at which the transport of the timber begins;
 - (d) the destination of the timber;
 - (e) if the timber has not been scaled, the timber mark applied to the timber being transported;
 - (e.1) if the timber has been scaled,
 - (i) the scaled timber brand or marine log brand, or both, applied to the timber being transported, and
 - (ii) the scaler's signature and licence number or the signature of an authorized person at the scale site;
 - (f) the name and signature of the timber transport operator;
 - (g) Repealed. [B.C. Reg. 257/2007, Sch. s. 6 (a).];
 - (h) for timber transported by land, a unique serial number;
 - (i) for timber transported by water, the number or combination of numbers and letters showing on the bundle tag attached to the timber.
- (3) When timber is being transported, the following persons must ensure that the written record required by this section is accurately completed, and copies of the written record are retained and remitted as directed by the minister:
 - (a) the holder of the timber mark that is applied to the timber;
 - (a.1) the transport operator;
 - (b) the receiver of the timber or the operator of the scale site to which the timber is being transported;

- (c) the holder of the scaled timber brand and, if applicable, the marine log brand that is applied to the timber.
- (4) A person who is required by this section to carry or retain a copy of the written record must produce the record for inspection if requested to do so by a forest officer.
- (5) The minister may exempt a person from any or all of the requirements of this section.

6.0 BUCKING and TRIMMING

Unscaled salvaged timber may not be bucked or trimmed, including the removal of root wads or branches, without a written exemption.

Summarized from: *Forest Act sec. 94*

Written requests to buck unscaled salvaged timber are to be made through the district office for the area in which the timber is located. The request will specify the number of pieces under application and include a map with the area applied for highlighted. Requests may be granted and in those cases the district will provide written approval and attach conditions which will include:

- Prior to bucking, each tree and root must be uniquely numbered using waterproof paint. The painted numbers will be clear enough to be readable both at the time of scaling and/or investigation of the salvage site.
- Each root bucked log must be clearly photographed or filmed (digital format) before moving it. The photograph(s) or digital presentation must show that the entire tree, including root wad, was below the high high-tide mark, where it was bucked and the numbering on the root wad and the log. The geographical location of the tree/root will be documented on the back of the appropriate photograph.
- The location of each root bucked log must be recorded by log number on the map attached to the root buck permit.

7.0 AREAS OF OPERATION

Log salvage is not permitted where any portion of the log is above the high water mark. All timber that is rooted, anchored or attached above the high water mark is only permitted to be removed through an agreement granted under the *Forest Act*, such as a salvage Timber Sale Licence.

Logs may not be salvaged from land that is owned or leased by a person other than the Crown, or from land or water covering that land without the consent of the owner or lease holder, as the case may be.

Also, operating in the following areas is subject to approval from the applicable authorities:

- (a) River Estuaries.
- (b) Shellfish Beaches.

- (c) Ecological Reserves.
- (d) Federal and Provincial Parks.
- (e) Indian Reserves/First Nation Lands.
- (f) Foreshore Leases.
- (g) Designated Recreation Sites and Trails.

The onus is on the salvor to ensure fish habitat, as defined by the *Fisheries Act (Canada)*, is not damaged by your activities. It is recommended that the Department of Fisheries and Oceans be contacted should you be unsure of the status of an area.

The salvor is advised to contact the District Scaling Supervisor for the area of operations, prior to conducting log salvage activities, as the district may be aware of seasonal closures imposed by other agencies.

In all cases, the salvor is responsible for ensuring operations are restricted to those areas open to salvage.

7.1 Area Closures

If notified that logs have been lost in an area of coastal waters, the minister, in a notice published or broadcast, or both, in or near the area may

- (a) order that the area described in the notice be closed to log salvaging for a period not exceeding 10 days for each order, and
- (b) amend the description of the area and, subject to the 10 day maximum, extend or shorten the period of the order.

[*Forest Act sec. 126(1)*]

While an area is closed a person, other than the owner of a log or the owner's agent, must not salvage a log in the area described in the order.

[*Forest Act sec. 126(2)*]

Letters from Insurance Companies or their agents purporting to authorize persons to beachcomb for logs are of doubtful value as legal authority for the salvor to take possession of identifiable timber. One can never be sure that such logs or timber have, in fact, become the property of the Insurance Company or any other person, unless the mark holder so advises; preferably in writing.

Marine Log Salvage Closure Orders are now located at

<https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/forest-tenure-administration/marine-log-salvage>

This page is used to publish and announce log salvage closures pursuant to Part 9, Section 126 of the *Forest Act*. If notified that logs have been lost in an area of coastal waters, the person delegated to act on behalf of the minister, may order a closure. At the time a closure is ordered arrangements will be made to:

- closure orders, once made, will be transmitted to the timber owner or agent, a copy of the closure order will be sent to the Natural Resource District office where the log spill occurred and will be published at this site as soon as practicable.
- advise the Canadian Coast Guard of the closure order and potential navigational hazard the logs may present.
- encourage that the closure information be broadcast as extensively as practical.

8.0 BILLING

The person who salvages timber will be responsible for all stumpage charges in respect to the timber scaled.

9.0 OFFENCE

Failure to comply with the relevant sections of:

- Parts 5 and 6 of the *Forest Act*,
- the Scaling Regulation, and
- the Timber Marking and Transportation Regulation

constitutes an offence and is subject to penalties as provided for under legislation.

If you have any questions or require further information, please contact the local resource district office or the undersigned at (250) 739-8312.

Lisa Hartnup
Coast Scaling Specialist
Regional Operations
Coast Area