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BY EMAIL

To: Regional Executive Directors
District Managers

From: Tim Sheldan
Deputy Minister

**Re: Authorizations Available for Projects Funded by the Forest Enhancement
Society of BC**

In February 2016, the BC government announced the formation of a new organization called the Forest Enhancement Society of BC (FESBC). At the time of its formation, the BC government provided an initial contribution of \$85 million to the society. Since that time, an additional \$150 million has been provided. The purposes of the FESBC are:

- To advance environmental and resource stewardship of BC's forests by:
 - preventing and mitigating the impact of wildfires;
 - improving damaged or low value forests;
 - improving habitat for wildlife;
 - supporting the use of fibre from damaged and low value forests; and
 - treating forests to improve the management of greenhouse gases.
- To advocate for the environmental and resource stewardship of BC's forests.

Approach to Authorizations:

To maximize the ability to use FESBC funding effectively, policy work is underway to enhance the ability to authorize and deliver FESBC funded projects. This updated policy regime is planned to be in place in 2018.

In the interim, FESBC funded projects must be authorized in accordance with current legislation, regulations and policy. The information below summarizes the authorizations available at this time. For more detail, refer to Attachment 1.

Surveying:

The Land Use Policy – Permission, allows FESBC funded proponents to enter Crown land to conduct surveys. No authorization is needed. For details, see the Land Use Policy – Permission at: <http://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/permissions.pdf>

Carbon Sequestration and Silviculture Works:

Carbon sequestration projects in timber supply areas (TSAs) may be authorized under the Provincial Forest Use Regulation, Section 9 through a special use permit (SUP). The activities may include planting and fertilization and must occur on provincial forest land. If timber is required to be a cut to allow for the silviculture works, a separate authorization is required (see below).

Incremental silviculture treatments on area-based forest tenures (tree farm licences, community forest agreements, First Nations woodland licences and woodlot licences) can occur (no separate authorization needed) if conducted by or on behalf of the licence holder. Temporary use/occupation is permitted for these purposes through the licensee's tenure agreement.

Cutting of Incidental Trees to Complete Silviculture Projects:

The *Forest and Range Practices Act* (FRPA), Section 52(1)(b) allows the minister (delegated to the district manager) to authorize the cutting, damage or destroying of incidental Crown timber in TSAs for the purpose of conducting silviculture, stand tending, forest health, or to abate a fire hazard related to wildfires, as per Attachment 2. A Section 52(1)(b) authorization does not allow for the removal, processing or sale of the cut trees.

For conditions and considerations regarding a Section 52(1)(b) authorization, refer to FRPA, Section 52.1 and the information in Attachment 2.

Harvesting:

Harvesting for most FESBC funded projects will be through the issuance of a forestry licence to cut (FLTC) issued under the authority of the Licence to Cut Regulation (LTCR). Opportunities to issue FLTCs in conjunction with FESBC funded projects are limited due to the requirements specified in the *Forest Act*, *Forest and Range Practices Act*, and associated regulations. As mentioned previously, policy work is underway to improve the ability to authorize and manage obligations associated with FESBC funded projects.

In the interim, tenures issued to facilitate FESBC supported projects should be limited to FLTCs issued under LTCR, Section 1 – protecting a community from wildfire (must be designated as a major tenure); and Section 2 – small scale salvage (maximum 5,000 m³). Refer to Attachment 1 for details.

For harvest authorizations that are not consistent with the information provided above, please contact Kevin Kilpatrick in Forest Tenures Branch to determine potential alternate authorizations.

The district manager may issue a road permit or road use permit in accordance with Section 115 of the *Forest Act* to a holder of a tenure including an FLTC for the purposes of accessing an area to harvest.

Regional Executive Directors
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Removal of Decked Timber:

Crown timber that has been decked in a TSA via a *Forest Act*, Section 51(1)(b), authorization may be sold by the minister or delegate through an FLTC issued under the *Forest Act*, Section 47.6(2) (b.2). For details on decked sales refer to:
<https://www.for.gov.bc.ca/hth/timber-tenures/decked-timber.htm>

Further guidance on the use and application of a FLTC can be found in the Licence to Cut Administration Manual: <https://www.for.gov.bc.ca/hth/timber-tenures/agreements/licence-to-cut.htm>.

If you have any questions or concerns, please contact Kevin Kilpatrick, Senior Tenures Forester, Forest Tenures Branch at (250) 387-8644, or kevin.kilpatrick@gov.bc.ca.



T.R. (Tim) Sheldan
Deputy Minister

Attachments (2):

1. Authorizations for Harvesting and Silviculture Activities on Crown Land
2. *Forest and Range Practices Act*, Sections 52 and 52.1 – Policy

ATTACHMENT 1

Authorizations for Harvesting and Silviculture Activities on Crown Land (Does not include BCTS or replaceable forest licence cutting permits.)

Legislation/Policy Reference	Harvest Volume Limit (m ³)	Eligible Project Objectives	Comments
<ul style="list-style-type: none"> • Land Use Policy - Permissions 	Surveys and assessment	<ul style="list-style-type: none"> • Surveys, timber cruising, layout, engineering, waste and wildlife tree assessments, etc. 	<ul style="list-style-type: none"> • No separate authorization or consent required for most provincial forest lands. See Land Use Permissions Policy for exempted areas.
<ul style="list-style-type: none"> • Provincial Forest Use Regulation, Section Special Use Permit (SUP) 	No harvest	<ul style="list-style-type: none"> • Carbon sequestration (should be stated as a requirement) 	<ul style="list-style-type: none"> • Authority for non- tenure holders to occupy Crown land to conduct silviculture and fertilization projects for carbon sequestration.
<ul style="list-style-type: none"> • FRPA, Section 52 Authorization • FRPA, Section 52 and 52.1 Policy 	No limit; to cut and deck only (of incidental timber)	<ul style="list-style-type: none"> • Wildfire risk reduction • Stand rehabilitation • Carbon sequestration • Wildlife habitat rehabilitation 	<ul style="list-style-type: none"> • Used to remove incidental timber to carry out silviculture, stand tending, forest health, fire hazard abatement or another purpose such as habitat rehabilitation. • Separate authority to use/occupy land required. • Authority for wildfire risk can be acquired under the <i>Wildfire Act</i>. • Crown retains rights to the timber. • Decked timber can be auctioned or government must complete fire hazard abatement.
<ul style="list-style-type: none"> • FLTC • <i>Forest Act</i>, Section 47.6(2)(b.2) 	Decked timber	<ul style="list-style-type: none"> • Removal of decked material from Crown land 	<ul style="list-style-type: none"> • Competitive award.
<ul style="list-style-type: none"> • FLTC • Licence-to-cut (LTC) Regulation, Section 1 	None	<ul style="list-style-type: none"> • Protection of community from wildfire 	<ul style="list-style-type: none"> • Generally competitive award. • Should be designated as a major FLTC.
<ul style="list-style-type: none"> • FLTC, LTC Regulation, Section 2(3) 	Maximum 2,000	<ul style="list-style-type: none"> • Habitat rehabilitation • Carbon sequestration • Stand rehabilitation 	<ul style="list-style-type: none"> • Direct award. • Timber must be dead or in danger of being reduced in value due to insect, fire, disease or wind throw for salvage related work. • Historically used for small-scale salvage.
<ul style="list-style-type: none"> • FLTC, LTC Regulation, Section 2(4) 	Maximum 5,000	<ul style="list-style-type: none"> • Habitat rehabilitation • Carbon sequestration • Stand rehabilitation 	<ul style="list-style-type: none"> • Competitive award. • Timber must be dead or in danger of being reduced in value due to insect, fire, disease or wind throw. • Historically used for intermediate salvage.

Note: Refer to the latest Delegation Matrix for the *Forest Act* to determine the appropriate decision maker.

ATTACHMENT 2

FOREST and RANGE PRACTICES ACT

Section 52-52.1

POLICY

This policy applies to proposed treatments funded by Forest Enhancement Society of BC, Forests for Tomorrow, Forest Carbon Initiative, Strategic Wildfire Prevention Initiative or Habitat Conservation Trust Fund.

The *Forest and Range Practices Act*, Section 52 authorization may be given to a person authorized by the minister¹ to cut, damage or destroy incidental Crown timber on Crown land for the purposes of carrying out silviculture, stand tending, forest health, abating a fire hazard related to wildfires or another purpose such as habitat rehabilitation as described under Section 52(1)(b).

The Section 52 authorization (see attached) may be issued to a person authorized by the minister to cut, damage or destroy Crown timber (without removal) who is authorized in accordance with *Forest Act*, *Forest and Range Practices Act*, and the *Wildfire Act*, to conduct a forest practice such as silviculture, research work, fuel management, or habitat restoration in a defined area. (Note: if the wood is decked, the government may auction any decked wood and will otherwise be responsible to address fire hazard abatement associated with the wood).

The district manager must be satisfied the issuance of this authorization will not affect or conflict with objectives defined under the applicable Land Use Orders, Government Action Regulation Orders, Strategic Resource Management Plans, Old Growth Management Areas, designated areas, such as parks, conservancies and wildlife corridors.

A district manager must be satisfied that the authorization does not affect or conflict with the above objectives before issuing a FRPA, Section 52 authorization (see attached template letter). The authorization should describe the area, and any conditions that apply to the area under the FRPA, Section 52 authorization.

ROLES and RESPONSIBILITIES

The Applicant

The request to cut, damage or destroy Crown timber on an area identified for treatment must be submitted to the district manager for review as described in Section 52.1. The district manager may require the applicant to provide the following information:

- Authority held by applicant to occupy Crown land;
- Rationale for the request;
- Description of the area (map) to be treated.
- Identification of areas that will not be altered, i.e. riparian reserve zones, designated wildlife tree patches (retention areas), habitat areas, etc.;

¹ Person authorized by the minister: is a person(s) who holds an agreement, permit or tenure as authorized under the *Forest Act*, *Wildfire Act* or Provincial Forest Use Regulation or is a representative of the government.

- The proposed treatment(s) to be conducted on the area;
- The estimated volume of timber to be cut, damaged or destroyed; and
- Must be consistent with conditions identified in the *Wildfire Act*, *Forest and Range Practices Act* and the *Forest Act*.

Decision Maker

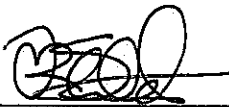
The application(s) may be referred to other areas of government for review, First Nations for consultation or to other stakeholders holding tenure or interests in the subject area for comment.

Upon completion of the referrals and review of the application, in accordance with this policy, the district manager should be satisfied that the applicant has the authority to occupy Crown land and the cutting of Crown timber under a FRPA, Section 52 authorization in the proposed area will not pose a material adverse impact or affect other resource values such as:

- advanced regeneration;
- ability to conduct silviculture activities;
- wildlife movement;
- streamflow;
- fire hazard;
- access; and
- other values.

The district manager’s authorization may include conditions, but are not restricted to the following:

- Applicant has authority to occupy Crown land;
- Security deposit;
- All access and water courses must be free of introduced debris;
- Restrict the trees that must be removed (only dead or damaged trees that pose a safety or fire hazard);
- Describe areas of no cutting if not properly identified in the application;
- Define if the timber is to be decked, left on site or destroyed; and
- Requirement for waste assessment (if applicable) and/or soil disturbance assessment.



SIGNATURE
T.R. (Tim) Sheldan
Deputy Minister

17-08-28

DATE



RE: FOREST RANGE AND PRACTICES ACT, SECTION 52-52.1

Applicant Name:

In accordance with Section 52 of the *Forest and Range Practices Act*, and the Section 52-52.1 Policy dated DATE, I authorize the above party(s) [to cut, or to cut and deck] (select one) incidental Crown timber during the TERM (define the period this authorization is in effect) for the purpose of the Forest Enhancement Society of BC Project #. This authorization does not allow the holder the opportunity to remove the timber for processing.

This authorization is [to cut or cut and deck] (select one) dead, unhealthy or damaged Crown trees that are considered a hazard for the work within the area described in the attached treatment plan (*or prescription*).

(optional) Additional conditions include:

This consent does not allow for the cutting of trees within the following areas:

Riparian reserve zones, wildlife tree patches, wildlife tree retention areas, old growth management areas, visual retention areas, visual retention trees, or parks or other protected area, etc. (*Additional conditions may be added as appropriate*)

All activities conducted under this consent must be in accordance with all applicable legislation, including the *Workers Compensation Act*, *Forest Act*, *Forest and Range Practices Act*, and the *Wildfire Act*.

(Name) District Manager
(Name) Natural Resource District

DATE

