

FOREST ACT BULLETIN

Cutting Permit Postponements

Forest Act, Section 52.11

BULLETIN #16

DATE: May 27, 2025

Information contained in this bulletin does not constitute legal advice. Where appropriate, users within government should seek legal advice from the Ministry of Attorney General and users outside government should seek independent legal advice. All users should refer to the relevant section(s) of current legislation or other regulatory requirements referred to in this bulletin for the exact legal wording of any authorizations, requirements, restrictions, or obligations.

1 REFERENCES AND DEFINITIONS

Forest Act, Section 52.11

Cutting Permit Postponement Regulation (the "Regulation")

[Cutting Permit Manual Version 1.0, November 22, 2024](#)

[Forest Act Bulletin #15, Cutting Permit and Road Permit Administration, August 1, 2024](#)

[Delegation Matrix](#)

[Updated Procedures for Meeting Obligations When Consulting First Nations, May 7, 2010](#)

[Aboriginal Interests](#): Generally, refers to asserted or proven Aboriginal rights (including title) and treaty rights that require consultation.

2 PURPOSE

This Bulletin provides guidance to grant, extend and rescind Cutting Permit (CP) postponements. This Bulletin cancels and replaces the Ministry of Forests' (FOR) CP postponement policy, dated 2008/08.

3 BACKGROUND

CPs are the primary cutting authority for all agreements defined in Section 12 of the *Forest Act*. Exceptions include Timber Sale Licences, which are not issued CPs, and Forestry Licences to Cut (minor FLTCs) without a CP are not covered by this Bulletin.

A CP issued in accordance with the provisions described in *Forest Act*, Part 3.1, grants the holder of a CP the right to harvest all the timber in the area delineated in the Exhibit A of the CP in accordance with the CP, the agreement and the legislation for the term specified in the CP.

CPs have a maximum term of 4 years; however, in accordance with Section 52.11 of the *Forest Act*, and the Regulation, the holder of the CP can apply to the Minister¹ to postponed harvesting for a defined period (maximum 2 years). Harvest (cut and/or remove) is not permitted during the postponement period. Harvesting may resume upon expiration/rescindment of the postponement for the term of the CP that was remaining at time the postponement was approved.

4 KEY CONSIDERATIONS AND REQUIREMENTS OF CP POSTPONEMENTS

The following are key considerations and requirements of CP postponements:

- The granting of a CP postponement is at the discretion of the Minister. This decision to postpone a CP has been delegated to the District Manager in accordance with Section 1.1 of the *Forest Act*.
- A request and granting of a CP postponement can occur anytime before the expiration of the CP.
- The entire CP must be postponed; individual cut blocks within a CP are not eligible for postponements. A CP postponement applies to unharvested blocks or portions of blocks that have not been harvested.
- The holder of the CP may apply to the District Manager for a CP postponement for a maximum term of up to 2 years.
- The holder of the CP must apply to rescind or extend the CP postponement. The holder of the CP is responsible for ensuring that the CP postponement has expired or been rescinded prior to commencing harvesting. If harvesting commences under a CP postponement, which has not been rescinded or expired, the holder of the CP may be in non-compliance with the *Forest Act*.
- A CP postponement may be extended more than once when an extension request is submitted prior to the expiration of the postponement and no harvesting has occurred.
- The effective date of a CP postponement may be granted on or after the date of the application.
- During a CP postponement, the clock stops on the term of the CP. Upon expiration/rescindment of the CP postponement, the clock resumes and the term that remained on the CP at time of postponement is carried forward. For example, a CP that has 2 years, 3 months remaining on the term of the CP, prior to a 2-year postponement being granted will have 2 years, 3 months remaining on the term of the CP upon expiration of the 2-year postponement. The postponement moves the expiry date of the CP out for the length of the postponement.
- The Minister must rescind a CP postponement upon application from the holder of the CP. If a CP postponement is rescinded by request of the CP holder, and prior to the expiration date of the CP postponement, another CP postponement cannot be granted for the same CP.

¹ Legislation allows for the Minister to transfer authority in the form of delegations, designations, appointments, or deputations. The current delegation matrix can be found [here](#). Decision makers must confirm they have been delegated the authority before they approve any authorizations.

- The holder of the CP cannot exercise harvesting rights under the postponed CP once the CP is postponed. This includes removing timber that was cut prior to the postponement taking effect. Consequently, it is recommended to avoid loss of timber value that all cut or decked timber be removed from the CP area prior to approving a CP postponement.
- The holder of the CP continues to be responsible for all obligations associated with a postponed CP including free growing², fire hazard abatement, waste assessment and road maintenance. The District Manager may require obligations are addressed during the term of a postponement (or an extension of a postponement) to reduce risk of fire or ensure waste is assessed in a timely manner.
- The holder of the CP must determine if any Road Permit (RP) expiry dates or deactivation requirements will conflict with the proposed CP postponement. If so, applications to amend the applicable RP(s) should be submitted concurrent with the CP postponement application.

5 CP POSTPONEMENTS FOR REPLACEABLE and NON-REPLACEABLE AGREEMENTS

A CP postponement may be granted for a CP under a non-replaceable agreement, such as a FLTC with CPs or a Non-Replaceable Forest Licence (NRFL). However, the CP postponement term combined with the remaining term of the CP must not go beyond the term of the non-replaceable agreement. For example, if the holder of a NRFL with 3 years left in its term applied for a postponement for a CP that had 2 years remaining in its term, the maximum term permitted for a CP postponement would be 1 year.

If a replaceable licence has expired, been cancelled, surrendered or terminated all postponed (and issued) CP expire on the same date as the expiration, cancellation, surrender or termination of the licence.

6 REASONS FOR A CP POSTPONEMENT

6.1 Forest Management Reasons for a CP Postponement

Section 2 of the Regulation states the following:

For the purposes of Section 52.11 (postponement of CPs) of the Act, the Minister may postpone the operation of a CP for forest management reasons which are prescribed in the Regulation as follows:

- (a) if, in the Minister's opinion,
- (i) it is necessary or desirable for a holder of a CP to harvest other timber in priority to deferred timber because the other timber is in danger, as a result of forest health factors, of being significantly reduced in value, lost or destroyed, and
 - (ii) the postponement will not result in the deferred timber being significantly reduced in value, lost or destroyed, or

² The timeframe to achieve free growing on the CP area begins at the commencement of harvesting on the CP and is not extended by a CP postponement or postponement extensions.

- (b) if, in the Minister's opinion, the continuance or completion of timber harvesting operations under the CP is likely to result in
- (i) an adverse effect on reforestation, or
 - (ii) an unacceptable risk of a fire hazard,
- in an area of land covered by the CP.

Consequently, in accordance with the Regulation, CP postponements are available under circumstances relating to forest management. Examples of circumstances that may qualify include:

- Where timber must be harvested because it has been damaged by forest health factors (e.g. insects, disease or abiotic factors) and is now at risk of losing its value or being lost or destroyed, and the licensee needs to postpone harvesting on another CP to move resources to harvest the identified timber at risk.
- The licensee will be harvesting at-risk timber in the opinion of the Minister, as a priority over the timber in the CP requested for postponement, and
- The CP postponement will not result in the timber on the CP proposed for postponement losing its value or be damaged or destroyed.

Note: Deferral (or approval of a CP postponement) of harvesting a particular species or age class of timber (e.g. old growth timber) other than for reasons described above is not supported by the legislation.

6.2 Access Reasons for a CP Postponement

Section 3 of the Regulation prescribes reasons for a CP postponement related to access as follows:

For the purposes of Section 52.11 of the *Forest Act*, the Minister may postpone the operation of a CP if, in the Minister's opinion,

- a) It is not, or was not, practicable for the holder of the CP to access the deferred timber because of circumstances.
 - (i) beyond the control of the holder of the permit,
 - (ii) unrelated to the financial situation of the holder of the permit, and
 - (iii) unrelated to market conditions affecting revenue or costs associated with harvesting, removing, transporting, or disposing of the deferred timber, and
- b) Because of the circumstances referred to in paragraph (a), it is no longer practicable for the holder of the permit to harvest the deferred timber before the expiration date of that permit.

Consequently, in accordance with the Regulation, CP postponements are available for circumstances relating to access that would make it impracticable for the CP holder to harvest the timber on the CP during the term of the CP. Examples of circumstances beyond the control of the holder of the CP that may qualify include:

- The holder of the CP cannot access the timber in the CP area due to natural events such as wildfire, snow accumulation, avalanche, landslides, flooding, or road and bridge washouts.
- The actions of persons unrelated to the holder of the CP including in legal injunctions, blockades or protests that prevent the holder of the CP from accessing the CP area.

6.3 Financial Reasons for a CP Postponement

In accordance with Section 3 of the Regulation, the rationale for a CP postponement must be:

- a) Unrelated to the financial situation of the holder of the CP,
- b) Unrelated to market conditions affecting revenue or costs associated with harvesting, removing, transporting or disposing of the timber, and
- c) Beyond the control of the holder of the CP (such as a mill is destroyed by fire, labour dispute).

The CP postponement request must be in accordance with Section 52.11 of the *Forest Act* for circumstance(s) that are prescribed in the CP Regulation that will prevent the successful completion of obligations prior to the expiration date of the CP.

7 CP POSTPONEMENT APPLICATIONS

An application for a CP postponement should include the following:

- Information regarding the CP area under the application including the associated licence agreement number, type and term of the licence, the issue date and term of the CP, a description of the volume of timber and area (i.e. a map) that has been harvested to date and the approximate area and volume of standing timber that remains on the CP.
- Location, species and volume of any cut or decked timber that will remain on the CP area during the proposed CP postponement and an evaluation of the risks to that timber should the CP postponement be granted.
- Rationale for the CP postponement and identification of the applicable section of the Regulation.
- Requested term (up to a maximum of 2 years), and effective date of the CP postponement.
- Information regarding road deactivation obligations or road authorization expirations that may conflict with the proposed CP postponement. (If there are conflicts, an application to amend the road authorization should be submitted concurrent with the CP postponement application.)
- Information on reforestation, wildfire hazard abatement, waste assessment obligation or other information that may impact forest management on the CP area that the Minister should be aware of prior to making a CP postponement decision.

8 FIRST NATIONS CONSULTATION

The decision maker may be able to rely on consultation completed for the issuance of the agreement and/or the CP and provide notification to consulted First Nations (once the postponement is approved or rescinded).

First Nation consultation should be considered and where appropriate, accommodation provided, prior to the rescindment of a CP postponement decision if new information is available or changes in land use have occurred.

First Nations consultation may not be required for rescinding a CP postponement if impacts of the CP and CP postponement have already been addressed at earlier stages. To support transparency in the consultation process, and to keep impacted First Nations informed of activities on the land base, it is recommended that First Nations engaged in the CP issuance process be notified upon extension/rescinding of the CP postponement.

In addition to:

- The Updated Procedures for Meeting Obligations When Consulting First Nations, May 7, 2010,
- Interim approach to Implementing the requirements of Section 3 of the *Declaration on the Rights of Indigenous Peoples Act*, and
- Local reconciliation agreements and protocols.

Tenures staff should seek advice from First Nations Relations staff if unsure of the appropriate level of First Nations consultation for decisions related to a CP postponement application.

9 ROLES AND RESPONSIBILITIES

CP Holder:

- Submit CP postponement application (including for extensions) with rationale and information as described in Section 7 above.
- Submit application to amend road authorizations, if conflicts with the proposed CP postponement exist.
- Submit application to rescind the CP postponement.

MOF District Staff:

- Review CP postponement application to:
 - Ensure the rationale is consistent and permitted under the *Forest Act* and the Regulation (Section 7)
 - Identify and describe the potential conflicts with road authorizations if the CP postponement is approved,
 - Identify and describe the potential forest management or wildfire risks if the CP postponement is approved,

- Identify and describe the risk to cut/decked timber on the CP area if the postponement is approved.
- Document First Nations consultation if the District Manager considers that Aboriginal interests may be impacted.
- Recommend the effective date and term of the CP postponement (if approved).
- Update FTA and RRS, once approved/rescinded.

District Manager:

- Delegated decision maker for Section 52.11 of the *Forest Act*.
- Review the CP postponement application including:
 - CP holder rationale.
 - comments/recommendations from staff.
 - First Nations consultation and accommodation has been adequate for the decision.
- Determine:
 - Appropriate First Nations accommodation.
 - Term and effective date of CP postponement.
- Approve or do not approve the CP postponement application.
- If applicable, approve road authorization amendments submitted with the CP postponement application.
- Forward the application to staff for processing and updating of FTA and RRS (if approved) and notification to the CP holder and First Nations as appropriate.
- Rescind the postponement of the operation of the CP upon application by the CP holder.

10 SUMMARY

- Section 52.11 of the *Forest Act* and the Regulation provide for CP postponements of up to 2 years in specific situations relating to forest management and access.
- CP postponements can be extended for up to 2 years more than once.
- Once postponed, timber harvesting operations on the CP must cease. This includes removing timber cut prior to the postponement.
- Obligations associated with the CP, agreement the *Forest Act*, the *Forest and Range Practices Act*, the *Wildfire Act* and the Regulations continue during a CP postponement.
- CP postponements must be rescinded upon application by the CP holder. If a CP postponement is rescinded (by the CP holder) that CP may not be postponed again. If the CP postponement is not rescinded, it expires on the date described in the CP postponement letter.

11 ADDITIONAL INFORMATION

For further information regarding CP postponements, please refer to the CP and *Forest Act*, Bulletin #15: Cutting Permit and Road Permit Administration or contact the nearest FOR District, Area Office, or Forest Tenures Branch.