



FOREST ACT BULLETIN

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Guidelines for Issuing Tenures in Parks

INTRODUCTION

As a result of successful fire control and ageing forests, provincial parks and protected areas are experiencing mountain pine beetle infestations and increasing fuel hazards. The 2003 Firestorm Provincial Review (Filmon Commission) specifically recommended that fuel reduction activities be conducted in parks and protected areas (PPAs). Accordingly, government has directed that fuel reduction and forest health projects in parks and protected areas will be undertaken by BC Parks in cooperation with the Ministry of Forests (MOF).

To facilitate vegetative management in parks, the BC Parks Tree Removal policy was prepared. It can be referenced on-line at: <http://wlapwww.gov.bc.ca/bcparks/conserves/consprog.htm> under Vegetation Management. Priority projects are associated with:

Human Health and Safety – protection of park facilities and adjacent communities from wildfire may require the reduction of fuel accumulations and establishment of fuel breaks;

Ecological Restoration – grasslands, fire maintained ecosystems and other wildlife habitats may require removal of forest in-growth and the reintroduction of fire; and

Forest Health Management – minimizing impacts on adjacent working forests from forest disturbances such as insect infestations may require forest health treatments.

The implementation of tree removals in PPAs requires no fundamental change in the working relationship between BC Parks and MOF. The revenue derived from sale of park trees will be utilized to offset treatment costs and associated site restoration activities as per Treasury Board approval. Where excess revenue is generated, it will be utilized to fund projects, which would otherwise not be economically feasible.

PURPOSE

The purpose of this document is to provide provincial guidance to BC Parks and MOF staff for issuing tenures for PPA tree removal projects and disposition of Crown timber removed from PPAs.

AUTHORITY

Once BC Parks has decided that Crown timber is to be cut within a park or protected area, disposition must be done so in accordance with the *Forest Act*, as per Section 15 of the *Park Act*.

Disposal of timber

15 All timber cut on or removed from any park or recreation area must be disposed of in accordance with the Forest Act.

While the disposition of Crown timber is a decision of the district manager (DM) or regional manager (RM) it is expected that the decision to remove and dispose of trees from a park or protected area will be made cooperatively between BC Parks and the MOF. BC Parks may ask to select the contractor and then request the DM or RM, at their discretion, to issue them tenure, in some cases as a direct award. Depending on which tenure option is chosen, BC Parks will issue a Park Use Permit or Resource Use Permit (as per Section 9 of the *Park Act*) either prior to the tenure award or after tenure award, whichever is applicable to the tenure to be utilized. **No tenures or cutting authority will be in the name of BC Parks.**

TENURE OPTIONS

Options for the type of forest tenure depend on the nature of the stand treatment and the disposal of the timber.

A) TIMBER CUT AND RETAINED WITHIN PROVINCIAL PARKS

If trees are harvested, but not disposed of outside the park (i.e. used on-site to construct buildings, bridge components, firewood) there is no need to issue any type of forest tenure as the authority is covered under the *Park Act* and authorized by BC Parks staff through contract, park use permit, etc.

If the logs are moved from one protected area to another, BC Parks must request a timber mark exemption from MOF in accordance with Section 84(5) of the *Forest Act*.

B) TIMBER CUT WITHIN THE PARK AND DISPOSED OF OUTSIDE PROVINCIAL PARKS (MOF REGION/DISTRICT)

1. *An Occupant Licence to Cut (Section 47.5) could be issued directly* to a Park Use Permit (PUP) holder. BC Parks has the ability under their legislation to give the authority to occupy to the PUP holder. BC Parks would need to be very clear in their Park or Resource Use Permit that the right to occupy has been granted to the permit holder and MOF would issue the holder an Occupant Licence to Cut.

2. The timber may be **disposed of directly** as a Forestry Licence to Cut (FLTC) under any of the provisions of Section 47.6 of the *Forest Act*. These have volume limits and may have other restrictions expressed in the various subsections. For example, a maximum legislated volume of 2000 m³ where in the opinion of the DM the timber is in danger, as a result of an insect infestation, fire, disease or windthrow, of being significantly reduced in value, lost or destroyed.
3. The timber could be **awarded competitively** or **direct award** through a FLTC, pursuant to Section 47.6(2.1) of the *Forest Act*. The intention of using this provision is for decked timber to be sold, and has no volume limits. The language used in the legislation states the FLTC is for the removal of Crown timber, not cutting and removing timber. Therefore, it would be up to BC Parks to issue a PUP to a contractor who would cut and deck the timber in an appropriate manner so that it could be disposed of using this tool.

In situations where BC Parks wishes to fell timber adjacent to a FLTC, for use inside of the park, a separate PUP (aka different from the PUP for the FLTC) should be issued for the area. This area should be clearly marked on the ground for inspection by either BC Parks staff or MOF staff for contractor compliance.

4. The timber may be disposed of directly as a FLTC to First Nations, pursuant to Section 47.3 of the *Forest Act* through an interim measures agreement.

C) PARK TREE REMOVALS CONDUCTED BY BCTS

Where timber is to be removed from PPAs, it may be prepared for sale and sold by BC Timber Sales (BCTS) through either a Timber Sales Licence (TSL) or FLTC.

This option does not exist until such time a separate Memorandum of Understanding is developed between BC Parks and BCTS addressing in part funding and revenue concerns.

ROAD CONSTRUCTION WITHIN PARKS

Road construction within a park should be done under a PUP issued by BC Parks or Special Use Permit (SUP) issued by Lands. If wood is to be moved from parks, any cutting authority mentioned above may be used over the area. A road permit issued by the MOF and corresponding cutting authority should not be issued as obligations under the Road Permit transfer to MOF via a FSR upon application of the tenure holder.

SCALE SITE AUTHORIZATION/SCALING

Any person disposing of timber outside of provincial parks must obtain a scale site authorization from a DM or RM under Section 95(2) of the *Forest Act*.

Under each tenure option, wood will be scaled as per the *Forest Act*.

APPRAISAL

Appraisals for the determination of stumpage will be done as per the *Forest Act* and the pertinent Interior or Coastal Appraisal Manual.

STUMPAGE CREDIT TO PARKS/TIMBER MARKS

In all cases, a unique timber mark will be required to identify all wood coming out of a park. BC Parks are able to monitor the value of the wood sold through the online harvest billing system (<http://www4.for.gov.bc.ca/hbs/home.jsp>). For this year, the money will be deposited directly into CRF, however, a holding account has been set up with MOF where an equivalent amount (based on estimation) will be deposited from Treasury Board for BC Parks to expend on treatment projects (up to fiscal year end). For next year, a WLAP holding account will be established and the same process will apply or stumpage may be deposited directly into the holding account.

There are restrictions on what BC Parks expend upon – expenses must be directed to the park from which the revenue was derived to offset costs of the treatment program and associated site restoration following tree removals. Beyond that, any revenue remaining will be spent on funding treatment programs, which do not have or only have very minimal merchantable timber and would not be economically feasible without funding.

GENERAL TENURE PROCEDURES

MOF Region/District and Parks

The optional choices fall into two categories:

- Those which are tendered through a competitive process (competitive); and
- Those which are direct awarded (non-competitive).

The general procedures below make distinction between the two processes after Step 5 below.

1. BC Parks identifies the treatment requirement, treatment area and treatment objectives.

2. BC Parks discuss tenure options with Region or District MOF Field Services Staff and/or BCTS staff (as per MOU with BCTS if one exists).
 - a) **Competitive**
 - (B-3) - Section 47.6(2.1)
 - b) **Non-Competitive**
 - (B-1) - Section 47.5
 - (B-2) - Section 47.6
 - (B-4) - Section 47.3
3. BC Parks prepares treatment plan, has area laid out, and surveyed to MOF standards.
4. MOF and BC Parks staff agree on who will carry out the on-site inspection.
5. Parks provides a letter of application and appraisal package for tenure and provides a map for use as an Exhibit A. The area and corresponding boundary should be the actual cutting area for pricing/appraisal purposes.
6. a) **Competitive:** BC Parks provides draft special clauses for licence. BC Parks provides clauses to be used in the development of the “particulars” for licence tendering.

 b) **Non-Competitive:** BC Parks provide draft special clauses for licence and makes suggestion of contractor licence to be direct awarded to. (MOF statutory decision-maker.)
7. a) **Competitive:** MOF review and submit appraisal to Region, assign timber mark and prepare Exhibit A. MOF prepares and advertises tender package.

 b) **Non-Competitive:** MOF review and submit appraisal to regions, assign timber mark and prepare Exhibit A.
8. a) **Competitive:** BC Parks prepares PUP for successful bidder.

 b) **Non-Competitive:** BC Parks issues a PUP to the holder of the tenure.
9. a) **Competitive:** DM awards licence and provides timber mark to successful bidder. BC Parks issues PUP to successful bidder.

 b) **Non-Competitive:** MOF prepares and direct awards the tenure documents, with timber mark, to a contractor as determined by the MOF DM.

- 10 BC Parks keeps MOF informed of cutting progress for scaling purposes.
- 11 BC Parks and MOF staff agree on how to share compliance and enforcement administration of the tenures issued.
- 12 The contractor scales the timber.
- 13 The contractor pays stumpage based on the scale.

NOTE:

1. More detailed procedures will be developed by district MOF staff and BC Parks.

Contacts:

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