



File: 19400-04/CP-RP Issuance
Ref: 278188

March 19, 2024

VIA EMAIL

All Licensee Holders:

On April 1, 2024 (the effective date), the *Forest Act* will be amended allowing the minister to issue, issue with conditions or refuse to issue a cutting permit (CP) and road permit (RP). In addition, the *Forest and Range and Practices Act* (FRPA) will be amended to require holders of a Forest Stewardship Plan to make available for public review and comment a Forest Operation Map (FOM).

The *Forest Act* will require a CP or RP to be refused if it does not meet the FRPA requirements for a FOM. As a result, a CP or RP submitted after April 1, 2024, cannot be issued until the FOM has been made available for public review and comment for 30 days. All CPs and RPs submitted prior to April 1, 2024, may be issued without meeting the FOM requirements. The attached guidance outlines the procedure licensees and staff must follow to ensure compliance with legislation. Additional information and guidance will be made available on the [Forest Tenure Branch website](#).

If you have any questions or concerns, please do not hesitate to contact Kevin Kilpatrick, Senior Timber Tenures Forester, Forest Tenures Branch at Kevin.Kilpatrick@gov.bc.ca or (778) 974-2477.

Yours truly,

A handwritten signature in black ink that reads "P. Russell". The signature is fluid and cursive, with the first letter "P" being significantly larger than the rest of the letters.

Patrick Russell
Acting Director
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Attachment(s): Interim Guidance for Cutting Permit and Road Permit Application Refusal under the Forest Operation Map

All Licensee Holders

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Interim Guidance: Cutting Permit and Road Permit Application Refusal under the Forest Operations Map

Effective Term: April 1, 2024 – Expiry May 15th, 2024

The information contained within this interim guidance is provided for Forest Act agreement holders, intended recipients and district managers. While every effort has been made to ensure accuracy, the guide is only intended to provide an overview of the administrative requirements pertaining to applications for a cutting permit and road permit. It should not be interpreted as legal advice, and it should not be used in place of the Forest and Range Practices Act (Act), the Forest Act, their associated regulations or in place of advice of your solicitor.

Legislative Reference:

Forest Act, Part 3.1 and 8.0

Forest and Range Practices Act, Section 15.1

Cutting Permit and Road Permit Application Refusal under the Forest Operations Map

On April 1, 2024, Forest Operations Map (FOM) requirements come into effect under Division 3.1 of the *Forest and Range Practices Act* (FRPA). These provisions will require Forest Stewardship Plan (FSP) holders to complete all FOM requirements as prescribed in the FRPA, Section 15.1 and Forest Planning and Practices Regulation (FPPR), Part 3.1 before applying for a cutting permit (CP) and a road permit (RP) to harvest Crown timber or to construct a road.

The FOM is required to be made publicly available for a 30-day review and comment period. It is the responsibility of the FSP holder to provide and assist the public with an opportunity and ability to reasonably review the FOM at the FSP holder's office or a location available to the public. Parts 3.1 and 8.0 of the *Forest Act* will require the minister (or delegate) to refuse to issue a CP or RP if FOM requirements have not been met. Together, these changes mean that a CP/RP application made on or after April 1, 2024, must be refused until the FSP holder can demonstrate that the FOM 30-day review and comment period has been completed and all other FOM associated requirements have been met. The FOM must clearly identify the approximate location, size, and shape of the cutblock and roads applied for under the CP/RP. Pre-compliance with regulation provisions is not permitted, meaning FOMs published prior to April 1st, cannot be accepted and the FOM must be published on or after April 1st, 2024. Therefore, once FOM requirements take effect on April 1, 2024, an FSP holder cannot be issued a CP/RP until FOM requirement, including the 30 day public review and comment period have been met.

If the FSP holder is using the FOM platform, the FOM will be finalized and available for district manager review after the 30-day review and commenting period. If the FSP holder is not using the government's FOM platform, the FSP holder will be required to demonstrate with each CP or RP application, the area described in the CP or RP has met the FOM requirements as prescribed in FRPA and FPPR. The district manager may request that the FSP holder submit the final FOM map and all comments received, along with a summary of the FOM holder's changes that were implemented based on the comments.

Cutting Permit/Road Permit Application Content

In accordance with Part 3.1 and 8.0 of the *Forest Act*, the minister may specify the form and manner of CP/RP applications. As of April 1, 2024, a complete CP/RP application requires the following:

- Electronic Submission System (ESF) submission into Status and Clearance Services Component (SNCS);
- E-Commerce Appraisal Application System (ECAS) submission with corresponding map that identifies reserved timber;
- First Nations information sharing summary;
- Completed FOM package (map, report, newspaper notice); and
- CP/RP application form¹.

For CPs and RPs that have not met the FOM requirements, an “informal” CP/RP application, may be submitted to the district in the month of April, to initiate the review process of that CP/RP, including First Nations consultation. If the FSP holder submits a CP/RP application form (final step of the application process) without the CP/RP delineated on a FOM that has been made available for a 30-day public review period, the district manager must reject the application as part of the mandatory refusal conditions under the *Forest Act*, Section 52.05 (c).

CP/RP Application Prior to April 1st, 2024 (Transitional Provisions, *Forest Act*, Part 2)

Forest Act, Part 3.1 and Part 8.0 provides the minister the authority to issue a CP/RP with or without conditions or not issue the CP/RP. There is no requirement for the FSP holder to have a FOM or authority to apply the considerations of *Forest Act*, Section 52.03 and the discretionary provisions of *Forest Act*, Section 52.08 for CP and RP applications received prior to April 1, 2024, as described in the Transitional Provisions of *Forest Act*, Part 2.

CP/RP Applications exempt from FOM Requirements (FRPA, section 15.1(4)(a) and 15.3)

FRPA, section 15.1(4)(a) provides the minister the authority to exempt the requirement for a FOM for incidental harvest, commonly associated with silviculture activities, wildlife habitat restoration, salvage, or for the purposes of falling trees adjacent to a cut block approved under a CP for health and safety reasons. FRPA, section 15.3 also provides the minister the authority to exempt the requirements for a FOM to address an emergency or catastrophic event. Finally, the minister may permit a shorten commenting period of a FOM under prescribed circumstances.

¹ The district manager may request supporting and applicable information specific to the district’s forest resources, cultural heritage resources, or public and health and safety considerations from the CP/RP applicant.



Forest Operation Map Transition

CP/RP applications submitted before April 1, 2024	<i>Forest Act</i> , Transitional Provisions apply to CP/RP issuance when a complete application is submitted.
	CP/RP applications do not need to meet FOM requirements when a complete application package is submitted.
All CP/RP applications submitted after April 1, 2024, and <u>have not met</u> the 30-day advertisement requirement for a FOM	CP/RP discretion applies to the issuance of CP/RP.
	Components of a new CP/RP application can be submitted, but no new CP/RP application can be finalized without meeting the FOM requirements.
All CP/RP applications submitted after April 1, 2024, and <u>have met</u> the 30-day advertisement requirement for a FOM	New CP/RP applications must include all required application content and must meet FOM requirements
	CP/RP discretion applies to the issuance of CP/RP.
CP/RP application submitted for an emergency or catastrophic event	FOM requirement may be exempt