

File: 11250-16/ROADDEACT
11400-25/RP Transfer and Deactivation
Reference: 274014

July 28, 2023

VIA EMAIL

To: District Managers
All Ministry of Forests Staff Responsible for Road Permit Issuance
and Administration

From: Doug Kelly, Director, Forest Tenures Branch

Re: Road Permit Transfers

The attached Bulletin #14 provides best practices on the administration and evaluation of road permit transfers and any associated road deactivations. The following information and recommendations are provided to support processing of applications for road permit transfers.

For further support on implementation and other operational issues on tenure transfers not addressed in this bulletin or for additional assistance on road permits, please refer to the following: [Cutting Permit and Forest Road Administration Manual](#) and [Timber Tenure Transfers and Dispositions](#) or contact the [Forest Tenures Branch](#).

For support on operational issues associated with road use permits, please refer to the [Engineering Manual](#) or contact the [Engineering Branch](#).



Doug Kelly
Director
Forest Tenures Branch

Attachment(s): Bulletin #14 – Road Permit and Road Permit Segment Transfers

pc: Ivan Eggers, Manager, Business Applications for Forests, Forest Tenures Branch
Peter Wyatt, Director, Engineering Branch

FOREST ACT BULLETIN

Transfer of Road Permits or Road Segments and Associated Requests for Deactivation

BULLETIN #14

DATE: July 28, 2023

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

Forest Act, Section 54, 76, and Part 8

Forest and Range Practices Act (FRPA), Part 3

Forest Planning and Practices Regulation (FPPR), Part 5

[Cutting Permit and Forest Road Administration Manual](#)

DEFINITIONS:

Road permit means a road permit granted under Section 115 of the *Forest Act*.

Eligible forest tenure agreement means a forest licence, timber sale licence, timber licence, area-based licence, Christmas tree permit or forestry licence to cut under Section 115 of the *Forest Act*.

2. Purpose:

This bulletin provides information and guidance to district staff and road permit holders on the requirements for the transfer of road permits or road permit segments and associated requests of completed deactivation obligations.

3. Background:

In accordance with Section 115 of the *Forest Act*, a road permit may only be issued or transferred to a person who has the right to harvest Crown timber under an eligible forest tenure agreement.

In developing a decision package on a forest tenure transfer in accordance with Section 54 of the *Forest Act*, a forest tenure holder may request transfers of a road permit or road segments under a permit. Alternatively, it may become a condition of the transfer that the deactivation obligation remains with the existing forest tenure holder.

To close or transfer a road permit, the road permit holder must do one of the following:

- Transfer the road permit or segments under the permit to a recipient who holds an eligible forest tenure agreement;
- Deactivate the road in accordance with FPPR, Section 82 (1);
- Obtain an exemption from deactivation by the Minister¹ in accordance with FPPR, Section 82 (3); or
- Unless the district manager has confirmed in writing that the road permit or road segment shall not be deactivated under Section 79 (2) of the FPPR.

3.1 Notification and Planning:

Road permit holders are encouraged to notify the district manager and other stakeholders prior to commencement of deactivation or transfer of road permits. Notification will ensure deactivation plans and schedules do not impede other stakeholders from addressing their operational requirements and obligations. In some situations, other forest tenure agreement holders may wish to assume the road permit to fulfill their legal obligations related to reforestation, free growing, fire hazard abatement, and deactivation. In addition, the district manager may provide an exemption from the obligation to deactivate under Section 23.3 of FRPA for a road permit or road segment.

3.2 Road Permit Transfers

The following considerations apply:

- If the holder of a road permit has not performed an obligation or has failed to comply with an obligation under FRPA or the *Forest Act*, the permit can be suspended under Section 76 of the *Forest Act*. A suspended road permit cannot be transferred.
- Determining the value of a road is strictly a business-to-business arrangement between the existing road permit holder and the potential new permit holder. Ministry staff should not provide advice to either party on the value of roads, bridges, or other related assets.
- While a road permit holder may remove bridges from a road at their discretion, they are required to maintain the entire forest resource road to a wilderness road under Section 81 of FPPR at a minimum.
- Once a road permit is transferred, the assets, liabilities and obligations belong to the new road permit holder. The holder of a road permit must also be the holder of an eligible forest tenure agreement as required by Section 115 (1) of the *Forest Act*. However, environmental damages under a road permit may be the responsibility of a previous road permit holder under Section 54.6 of the *Forest Act* for any outstanding liabilities.

3.4 Road Permit Maintenance

Road permit holders must maintain the road, including bridges, culverts, fords and other structures associated with the road, pursuant to and in accordance with the [FPPR, Part 5 – Roads](#) and specifically in accordance with [FPPR, Section 79 \(2\)](#). These provisions require the permit holder to maintain the road until:

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 road is deactivated;
- The district manager gives notice that the road should not be deactivated due to use or potential use of the road by others;
- A road permit or special use permit for the road is issued/transferred to another person; or
- The road is declared a Forest Service road under the *Forest Act, Section 120.1*.

3.5 Road Permit Administration

An application for relief of the specified obligations under a road permit through retirement or reassignment to another permit holder is submitted through the [Natural Resource Online Services \(NROS\)](#). Further guidance is provided under the user guide: [Road Permit Amendment Application Submissions](#).

If the road permit submission includes a declaration subject to the requirements of [FRPA, Section 107](#), the permit holder is deemed to have fulfilled the specified obligations on the date on which the declaration was submitted, subject to the requirements and limitations set out in that provision.

3.6 Road Permit Deactivation Considerations

The district manager may consider the following information:

- Location, slope stability and terrain classification;
- Number of years since logging and deactivation works have taken place to aid in determining road prism stability;
- Future activities and obligations planned for the area including reforestation, site rehabilitation, fire hazard abatement, fibre utilization and recreation;
- Access to existing or new infrastructure, i.e., recreation sites, log dumps, sort yards;
- Access to *Land Act* and mineral tenures, special use permits, or treaty lands;
- Potential down slope impacts; and,
- Other factors, based on local conditions.

Where the road permit amendment application was not prepared and submitted by a Qualified Professional, it is recommended the district manager undertake a higher level of field review including on the ground assessments to ensure conditions under FPPR, Section 82 have been met.

When a road permit holder has made a FRPA, Section 107 declaration, the district manager has 15 months (FPPR, Section 97) to issue an order notifying the holder the obligations have not been met [FRPA, Section 107(4)]. The road permit holder is deemed to have met obligations at submission unless an order is issued, subject to the Section 107 of FPPR.

Priority should be given to those submissions where Section 107 declarations have been made as maintenance obligations of those roads are no longer required once the submission is given.

For additional assistance on road permits, please refer to the following: [Cutting Permit and Forest Road Administration Manual](#). For support on road use permits please refer to the [Engineering Manual](#) or you can contact the [Engineering Branch](#).