

## 1.2 Types of Roads & Applicable Permits or Authorizations

Several categories of resource roads can be built or established under the *Forest Act* or the *Forest and Range Practices Act*. Note that non-status roads (roads without tenure from the ministry or other agencies) are not within the jurisdiction or responsibility of the Ministry of Forests, Lands and Natural Resource Operations except where the ministry is required to take action as an agent of the province. In these cases, limit activities on non-status roads to minimizing any site-specific risks (to users or the environment) that come to the attention of the TSM/District Manager. Restoring access is not an acceptable objective of any such work.

### 1.2.1 Forest Service Roads

A Forest Service Road (FSR) is one that is defined under the *Forest Act* (Sec. 1). TSMs/District Managers administer FSRs, and ensure that maintenance is carried out on them until the roads are either transferred to another jurisdiction or deactivated and discontinued and closed.

Table 1-2 Responsibility matrix for administering FSRs

<b>Task</b>	<b>Timber Sales Manager</b>	<b>District Manager</b>
Establishment of FSR	Yes	Yes
Declaration of FSR	Yes	Yes
Maintenance of FSR	Yes	Yes
Consent to connect to FSR	Yes	Yes
Issuing of Road Use Permit	No	Yes
Issuing of Works Permit	No	Yes
Entering into FSR Maintenance Agreement	No	Yes
Discontinuation and closure	No	Yes
Transfer of FSR	No	Yes

When a licensee no longer needs a road permit road, and the TSM/District Manager confirms that there are no other industrial users to issue a road permit and decides that the road should not be deactivated, the TSM/District Manager **must**:

- cancel the Road Permit; and
- declare the road to be an FSR.

The purpose of this “declaration” is to ensure that the road will be properly inspected and maintained until such time that a new industrial user is issued a Road Use Permit. Prior to declaration, inspect the road or road section that will become the FSR to:

- determine the present condition of the road and any structures;
- identify potential risks; and
- obtain the necessary data for the appropriate bridge register and road management system.

**Note:** The declaration process applies only to converting road permit roads. Once the above steps have been taken, complete the Declaration of Forest Service Road (FS 302) form and attach an electronic version of the map/plan.

Signing the electronic form finalizes the decision to declare the road as an FSR, and the local office can proceed with any operational activities as though the road was an FSR, even if the new map notations have not yet been completed.

## Administration of Existing FSRs

The District Manager or the Timber Sales Manager is responsible for the maintenance of existing FSRs, except where an industrial user has been delegated responsibility for maintenance under a Road Use Permit. Unless the two managers have agreed otherwise for individual roads or BCTS no longer needs the road for future harvesting, BC Timber Sales (BCTS) **must** be responsible for ensuring that maintenance is carried out on those FSRs that:

- BCTS [or its predecessor, the Small Business Forest Enterprise Program (SBFEP)] has constructed or established since the inception of the program; or
- BCTS has not constructed or established, but will be using exclusively for industrial purposes;

and, for any FSRs that do not meet these criteria, Timber Operations and Pricing Division is responsible for ensuring that maintenance is carried out.

Negotiate the administrative responsibilities at the local level between the District Manager and TSM on an annual basis in situations where:

- multiple industrial users (both major and timber sale licensees) are operating on an FSR;
- the primary user designated to carry out the road maintenance (under Road Use Permit) changes;
- the industrial use is seasonal in nature and it is not obvious who should be designated responsible for the ongoing FSR maintenance; or
- the road use includes a mix of commercial operators, rural residents, and recreational access.

Consider the following when negotiating the administrative responsibility for FSRs:

- whether the road in question provides access to communities (in this case, the long-term responsibility would be that of Timber Operations and Pricing Division);
- the future use of the area by BCTS or others;
- the current level and type of industrial use (including other non-forest related industrial users); and
- whether the access is currently required to reach residences, cabins, commercial operations, parks or recreation sites (in this case, the long-term responsibility would be that of Timber Operations and Pricing Division).

Once the TSM has determined that BCTS will no longer need an FSR for future harvesting, report this to the District Manager, for determining whether:

- the road should be deactivated by BCTS; or
- the responsibility for its administration should be shifted to Timber Operations and Pricing Division.

Also, small-scale salvage operations are not considered to be representative of operations that alone would generate future maintenance responsibilities for BCTS. These salvage operations are not tied to one program, but “piggy-back” on any regular harvesting operations.

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## **Issuing Road Use Permits**

All industrial users on an FSR are required to obtain a Road Use Permit (FS 102)(DOC), unless an exemption is granted in accordance with section 22.1 (4) of *FRPA*. Road Use Permits, including those Road Use Permits required by BCTS licensees, are issued by the District Manager. Ensure that the proposed use will not adversely affect other authorized users of the road, and that the permit:

- limits the and sizes of vehicles, when necessary;
- controls seasonal use;
- provides indemnification to the Crown for the permittee’s actions;
- provides deposits for works near utilities such as private railway crossings, or in other situations to indemnify the Crown against any damages or losses the Crown might suffer; and
- identifies maintenance responsibility for the road use or road section.

Designate only one Road Use Permit holder to be responsible for carrying out all maintenance operations on a road or road section. However, other Road Use Permit holders are expected to contribute a reasonable amount to the expense of maintaining the road [Forest Planning and Practices Regulation (Sec. 79)].

Track the issuance and administration of Road Use Permits in a ledger (such as FRMA) and record:

- the identity of the RUP holders;
- the identity of the maintainer;
- the termination of any RUPs and/or the conclusion of any maintenance responsibilities.

Ensure that the process for shared maintenance of an FSR described in the Shared Use Road Maintenance Policy (PDF) is applied where the process in place on a given road is not suitable for one or more of the parties expected to share the maintenance costs.

In addition, any disputes between road users for maintenance can be resolved by a third party or through a more formal process, such as the Commercial Arbitration Act. The District Manager is not responsible for resolving disputes, but may provide that service in any case if all parties agree.

Road maintenance includes any activity such as routine maintenance, road upgrading, or repair or replacement of structures that is carried out until the FSR is deactivated. Refer to Chapter 6 of this manual for details of road and structure inspection and maintenance.

## **Issuing Works Permits**

Any non-transportation-related works (facilities) constructed within an FSR right-of-way **must** be authorized by a Works Permit (NRS 103)(DOC). Examples include water, gas, hydro, or telephone line works. The Works Permit does not authorize road works or the harvesting of timber, nor does it convey tenure to any part of the right-of-way other than to permit the facilities to remain in place.

## **Entering into FSR Maintenance Agreements**

For situations where the wilderness level of maintenance is not sufficient for a commercial or public user, that user may elect to undertake some or all of the surface maintenance of the FSR as authorized by the Forest Service Road Maintenance Agreement (FS 1205). The agreement authorizes the end user to carry out incremental maintenance on FSRs at no cost to the ministry. The works envisioned under this agreement are routine in nature. FSR Maintenance Agreements are issued by District Managers, including any proposed non-industrial maintenance proposed for FSRs that are administered by BCTS.

## **Discontinuing and closing FSRs**

FSRs that are determined to be surplus to the requirements of the ministry, according to current budgetary requirements and as determined through some local access planning process carried out by the District Manager, **must** be discontinued and closed as an FSR by the District Manager following deactivation or preceding transfer by the District Manager (delegated to Director of Forest Tenures) to another user or agency, in keeping with the Forest Act [Sec. 121 (9)] and as delegated from the minister.

To declare an FSR discontinued and closed once it has been deactivated, or once it has been determined that another tenure will be established over the road, the District Manager **must** complete and sign an FSR Discontinue and Close Form (FS 301)(PDF), and attach the Exhibit A. Forward a copy of the completed FSR Discontinue and Close Form (FS 301) with attachments to the FLNR Forest Land Acquisitions Group, Forest Tenures Branch in Victoria to ensure FSR project history remains current.

In accordance with the Forest Act [Sec. 121 (9)], notification of FSR discontinuance and closures **must** occur and shall be at the discretion of the District Manager (as delegated from the minister), depending upon scale and location of the FSR as per the 2012 FLNR policy called Discontinue and Close Forest Service Roads Notification (PDF). In accordance with that policy, the methods and dates of notification must be recorded on the FSR Discontinue and Close Form (FS 301)(PDF).

Notification should be done a minimum of three (3) months prior to the FSR closure unless ecological, environmental or public safety circumstances dictate otherwise.

Once the District Manager signs the FSR Discontinue and Close Form (FS 301), proceed with any administrative activities, such as transfer to the BC Ministry of Transportation and Infrastructure (BCMoT) or to a tenure holder, as though the road is not an FSR any longer, even if new map notations have not yet been completed.

### **Transferring FSRs to BCMoT**

For those instances where BCMoT wishes to take over administrative responsibility of an FSR as per the *Forest Act* [Sec. 121 (9)(c)], the next step, after reaching agreement in principle with the local BCMoT manager, is to involve the FLNR Forest Land Acquisitions Group, Forest Tenures Branch in Victoria to arrange for the delegated authority of each ministry to execute the assignment. Prior to the final execution of the assignment, the District Manager **must** declare the FSR discontinued and closed by completing and signing an FSR Discontinue and Close Form (FS 301)(PDF).

### **Transferring public highways to FLNR**

For those instances where FLNR wishes to take over administrative responsibility of a public highway there are currently two methods available, after reaching agreement in principle with the local BCMoT manager **and** the District Manager:

- **Method 1** – transfer the public road as per the *Land Act* [Sec. 106] in consultation with Forest Land Acquisitions Group, Forest Tenures Branch.
- **Method 2** – obtain the survey of the public road, or survey the public road, and contact FLNR Forest Land Acquisitions Group, Forest Tenures Branch in Victoria to submit the necessary land transfer in the provincial Land Title System. Authority has been delegated to the respective directors at FLNR Forest Tenures Branch and BCMoT Properties and Land Management Branch. This may involve the payment of property transfer taxes.

District staff would then proceed with the FSR establishment process.

## 1.2.2 Road Permit Roads

Road permit roads are roads built, used, and maintained by timber licensees under a BCTS Road Permit (FS 582)(DOC) or a Major Licensee Road Permit (FS 582)(DOC). Both of these permits are issued to a harvesting license holder [see *Forest Act* (Sec. 115 and Sec. 121)]. Such roads usually connect cutblocks and tie harvesting areas to FSRs, public highways or log dumps, but may also include on-block roads that are built before a Cutting Permit is issued. Other industrial users are expected to contribute a reasonable amount to the expense of maintaining the road [*Forest and Range Practices Act* [Sec. 22.3 (1) and (2)]].

Optionally, grant an exemption for the use of the road in accordance with the Act (Forest Planning and Practices Regulation section 79.1).

A road is defined in the Forest Planning and Practices Regulation (Sec.1) as including landings. Therefore, in addition to the usual temporary landings authorized for harvesting the right-of-way timber, it is acceptable for a road permit to also authorize the upland portion of log dumps, helicopter drop sites, and helicopter service landings. However, when including such dumps, drop sites, and service landings in a Road Permit, ensure that the permittee provides, for each one:

- its location and size;
- how long it will be needed for use; and
- a reclamation prescription for the site.

## BCTS Road Permits

Within the BCTS Road Permit (FS 582)(DOC), the Schedule R provides for both:

- roads constructed, maintained, and deactivated by the Timber Sale Licence holder; and
- roads constructed and maintained by the Timber Sale Licence holder, but not deactivated by the holder.

Construction and maintenance specifications are included in Schedule R and form contractual requirements. Construction specifications are either:

- General Construction Specifications – form fields on the schedule are filled in for such details as design vehicle load, road width, and road alignment; or
- Detailed Construction Specifications – road design drawings, such as plan profiles, are included as part of the package.

Maintenance specifications are divided into two sets of requirements:

- those concerning the maintenance of roads during operations – this maintenance is intended to protect the road from damage (such as from erosion and from debris at culvert inlets); and
- those concerning works and repairs once operations are complete – these works are intended to put the roads in shape when the Timber Sale Licence expires.

### 1.2.3 Cutting Permit Roads

A cutting permit road is one authorized by a Cutting Permit (or by a license that does not have Cutting Permits). Such permits are only used on roads that are wholly contained within a cutblock. The one exception to this requirement is for roads constructed under a Woodlot Licence: all roads in that case can be authorized by a Cutting Permit, including those outside a specific cutblock. Other industrial users are expected to contribute a reasonable amount to the expense of maintaining the road [*Forest and Range Practices Act, Sec. 22.3 (1) and (2)*].

### 1.2.4 Special Use Permit Roads

Under the Provincial Forest Use Regulation, a [Special Use Permit \(FS 998A\)\(PDF\)](#) is issued by a District Manager for the construction and maintenance of a road for non-forest use, including construction and maintenance of bridges and other drainage structures for non-forest use. Currently, these roads are normally restricted to mining operations outside a claim area, but other resource uses can be contemplated where another agency is not in a position to issue tenure over the road.