

Okanagan Shuswap Forest District

District Manager Guidance for Road Use Permit Holders

Aug 14, 2015

The District Manager of Okanagan Shuswap Forest District has determined that it is timely to clarify the roles, obligations and expectations of Road Use Permit (RUP) holders including the designated maintainer. Relatively recent findings of the Forest Practices Board in their special investigations and reports relating to roads have indicated problems with roads: [April 2011 - Road and Bridge Maintenance Obligations](#); [March 2014, Bridge Planning, Design and Construction](#); and [February 2013 - Road and Bridge Practices 2001 to 2005](#). The purpose of this document is to ensure that all industrial operators on FSR's are operating in a consistent fashion and have clear understanding of their obligations and the District's expectations.

Professional Reliance

Legislation that applies to bridge and road practices is not limited to forest legislation (*Forest Act*, *Forest and Range Practices Act* and their Regulations), but includes conformance to other legislation as well. The *Forest and Range Practices Act (FRPA)* includes an underlying expectation of appropriate application of professional reliance. Two key acts related to resource roads and bridges are the *Foresters Act* and *The Engineers and Geoscientists Act*. These professional practice acts basically require that appropriate regulated forest professionals and/or engineers and geoscientists practice forestry, engineering and geoscience, respectively, are engaged where required. There is an expectation that permit holders will conduct their activities consistent with all applicable legislation including engagement of appropriate professionals. To this end, it is expected that all RUP holders and their employees, agents and contractors will conduct their activities consistent with professional practice guidelines from the Associations of BC Forest Professionals and Association of Professional Engineers and Geoscientists of BC including:

- [Guidelines for Professional Services in the Forest Sector — Crossings](#)
- [Guidelines for Professional Services in the Forest Sector –Forest Roads](#)

Road Use Permit's for Timber Harvesting and Industrial Use

- i. Per the [Forest Act \(FA\) 115](#), a person who has the right to harvest timber under a specified forest tenure, may apply to the DM for a RUP to use a forest service road. Subject to the conditions of the *Act*, the DM must grant the applicant a RUP.
- ii. Per the [FA 117](#) a person who wishes to use a forest service road for an industrial purpose (that is not forest harvest related), may apply to the DM for a road use permit and subject to conditions the DM may grant a RUP.
- iii. The [FRPA 22.1 and 22.2](#) specify conditions in which the DM may exempt an industrial user from the requirement of a RUP.
- iv. The [Forest Practice and Planning Regulation \(FPPR\) 79\(4\)](#) provides for the DM to order the holder of a RUP that authorizes the use of a forest service road to assume all or part of the

responsibility to maintain the road, including bridges, culverts, fords and other structures associated with the road. (i.e. the designated maintainer). There will only be one designated maintainer for a given FSR.

- v. RUP holders are informed within their RUP who the DM has designated responsibility for maintenance. Subject to [FRPA 22.1\(7\)](#), RUP holders must give at least 5 days' notice to the designated maintainer of the date on which they will begin to use the road.
- vi. Per limitations specified in [FRPA 22.3](#), the designated maintainer may by written notice to a person who has caused damage to the FSR, require payment as contribution towards maintaining, modifying and repairing damage caused by the person's use and the person is liable for the payment specified.
- vii. It is expected that RUP holders will restrict their loads to the Gross Vehicle Weights (GVWs) and dimension limits stated in Road Use Permits or as posted. RUP holders should be aware of the limitations associated with GVW load limits and that they are intended for log haul vehicle configurations and do not apply to equipment loads. It is suggested that RUP holders review and be familiar with: [Engineering Bulletin #1 - Clarification of GVW as Applicable to Bridge Load Rating](#). The RUP holder must consult with the ministry prior to transporting any loads which may exceed or potentially exceed safe load limits or dimensions.

District Manager Expectations of RUP Holders

- i. RUP holders are responsible for communicating requirements of the RUP with their employees, agents and contractors.
- ii. RUP holders are responsible for compliance of their employees, agents and contractors with the requirements of their RUP.
- iii. Industrial operators are expected to self-monitor and avoid damage to the FSR such as during spring freshet or wet weather. A person must not use a FSR, or operate, or cause to be operated, a motor vehicle, or other equipment on an FSR, in a manner that damages the FSR [\[Forest Service Road Use Regulations \(FSRUR\) 10\(1\)\]](#). The DM can order the user causing damage to pay for remediating the damages [\[FSRUR 10\(2\)\]](#).
- iv. Where industrial users observe significant structural or potential environmental safety problems with bridges, major culverts, fish stream culverts or other road structures, they should be notifying the designated maintainer.
- v. During periods when multiple industrial users are operating, RUP holders are encouraged to establish and participate in a local road user group to co-ordinate hauling activities, discuss shared costs and maintenance standards, and ensure a safe transport route for all users.
- vi. It is the DM's expectation that a fair Shared Road Maintenance Agreement is negotiated between the designated maintainer and other industrial parties for periods of road use.
- vii. All road users, when using mobile radios for communicating location and position must use the posted channels and protocols. Resource Road (RR) channels shall only be used, with exception of emergency situations, for the purposes of communicating location and position. RR channels shall not be used for business or other communication.

District Manager's Expectations of the Designated Maintainer

- i. The designated maintainer must maintain the FSR to one of two levels:
 1. **Industrial Use** – Subject to [FRPA 22, a](#) and [FPPR 79 \(6\) to \(9\)](#) the designated maintainer of the FSR must ensure that the structural integrity of the road prism and clearing width are protected; the drainage systems of the road are functional; and the road can be used safely by industrial users.
 2. **Wilderness Level Maintenance** - During periods of no industrial activity, subject to [FRPA 22](#) and [FPPR 81](#), the designated maintainer must ensure the structural integrity of the road prism and clearing width are protected and that the drainage systems of the road are functional **only** to the extent necessary to ensure there is no material adverse effect on a forest resource.
- ii. It is expected that the designated maintainer will maintain the FSR and associated structures to provide for safe industrial use and protection of the environment.
- iii. Designated maintainer's are expected to conduct regular road inspections and rectify any deficiencies discovered during those inspections.
- iv. Safety issues for industrial users and negative impacts on forest values are to be addressed immediately.
- v. Repairs will be completed in a timely manner to maintain the structural integrity of the road prism, including the sub-grade and structures, and to protect the environment.
- vi. Forest License holders are expected to conduct road management and maintenance consistent with Interior Appraisal Manual section 4.4. [Interior Appraisal Manual - Timber Pricing Branch Manuals - Ministry of Forests, Lands and Natural Resource Operations - Province of B.C.](#)
- vii. The DM may close an FSR if continued use may cause significant damage to the road, cause significant sediment delivery, or endanger property, public health or public safety [[FRPA 22.2\(2\)\(c\)](#)].
- viii. Ensure all maintenance and repairs are carried out in a timely fashion regardless of who is responsible for damage.
- ix. Report to the DM any significant structural, user safety, or environmental safety concerns on FSRs or FSR structures.

DM Expectations for Designated Maintainer for FSR Structures

The designated maintainer is responsible for maintenance of FSR structures including: bridges, major culverts, retaining walls, fords, and other engineered structures.

- i. The designate maintainer shall complete and document on at least an annual basis, or more frequent as may be warranted, during industrial operations, or prior to commencement of industrial activity, condition inspections on FSR bridges.
- ii. Where significant structural, potential safety issues are observed, the designated maintainer shall take appropriate and timely action to address safety of users.
- iii. The ministry co-ordinates routine condition inspections on all FSR bridges and major structures. Inspections carried out are provided through the district manager to designated maintainers for

FSRs. These inspection results include load ratings assigned to each structure. Designated maintainers should not be solely relying on inspections results from the ministry but are expected to conduct their own inspections as well.

- iv. Repair defects or deficiencies that have been identified through inspections, in a timely fashion. [\[FPPR 75\]](#)
- v. All repairs and the materials used to complete the repairs must conform to ministry standards and specifications which can be found through the ministry [Bridges and Major Culverts webpage](#).
- vi. Provide the DM notice at least 30 days in advance of any bridge, major culvert, fish stream culvert installation or works of a structural nature [\[FPPR 79\(7\)\]](#). This notice requirement applies to structural repairs on Forest Service road bridges. Upon receiving notice the DM will issue a [FS 1229 \(District Manager Requirements – Building of any Forest Service Road Bridges, Major Culverts, or installation of Fish Stream Culverts by a Road Use Permit Holder\)](#) which will specify the design and construction standards to which the designated maintainer will be held. [\[FPPR 79\(8\)\]](#) It is recommended to bring forward any proposals for bridges, major culverts, fish stream culverts or works of a structural nature as soon as possible such that the designated maintainer has adequate time to incorporate DM requirements.
- vii. Notify the district manager once bridge repairs and maintenance are completed. This information is used to update the Corporate Bridge Registry which is used to administer and monitor FSR Bridge and major culvert infrastructure. Pictures of the completed works are expected to be included with submitted documentations. As-built record drawings and documentation must be provided for new bridges, major culverts, and fish stream culverts [\[FPPR 79\(8\)\]](#).

Relief of Obligations from a Road Use Permit

When a RUP holder wishes to be relieved from further obligations of a Road Use Permit, they must apply in writing to the DM. The DM will need to be satisfied that obligations of the RUP holder have been met.

The attached form may be completed and submitted to the DM - "Request to District Manager for Relief from Road Use Permit".



Robert Warner
A/District Manager
Okanagan Shuswap Forest District



Request to District Manager for Relief from Road Use Permit

**Ministry of Forests,
Lands and Natural
Resource
Operations**

Dated for reference **(Date with 4 digit year)**:

Submitted to: District Manager, Okanagan Shuswap Forest District

PERMITTEE'S LEGAL NAME
ADDRESS LINE 1
ADDRESS LINE 2, BRITISH COLUMBIA
ADDRESS LINE 3
Phone: # Fax: #
(The "Permittee")

Road Use Permit #: _____

We have concluded industrial activities on the following FSR(s) and no longer require use of the FSR(s) and are seeking to be relieved of further obligations under the Road Use Permit:

| FSR Name/Project Number | FSR Branch No. | Sections Used | | We were required by the District Manager to maintain the FSR section (Yes/No) |
|-------------------------|----------------|---------------|----|---|
| | | km to | km | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

We have met our obligations of the Road Use Permit and there are no outstanding obligations.

| | | |
|---------------------|---------------------------|--|
| Signature | | |
| Name (please print) | Date Signed YYYY MM DD | |