



BCTS

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Advisory Bulletin No. 07/17/08 – Waste Assessments by TSL holders

PURPOSE

The purpose of this bulletin is to provide updated guidance relating to responsibilities for conducting waste assessments.

BACKGROUND

During the 90-day forestry regulatory review, undertaken by the Ministry of Forests and Range commencing in March, 2008, licence holders and forest sector associations were invited to suggest changes to legislation, regulation, policy or processes. The purpose of that regulatory review was to streamline red tape and cut processing time, while adhering to a number of principles, including maintaining high environmental standards, and honouring B.C.'s commitments under the softwood lumber agreement.

During that regulatory review, an issue was raised regarding the length of time taken for returning TSL security deposits. The solution proposed was to expand the features of BC Timber Sales' waste assessment pilot project, and make those features applicable to all TSLs.

RESPONSIBILITIES

For all timber sale licences (TSLs) advertised on or after September 1, 2008, the holder of that licence will be obligated under the licence to conduct waste assessments on the licence area in accordance with the *Provincial Logging Residue and Waste Measurement Procedures Manual*, as amended or replaced from time to time.

The holder will also be responsible for submitting the waste survey findings into the Ministry of Forests and Range' Waste System.

If the licensee fails to conduct the waste assessment, the TSM or District Manager may assess. The costs for remedying the failure to conduct the waste assessment can be recovered by accessing the TSL security deposit, as provided in the licence, or by way of the *Advertising, Deposits, Disposition and Extension Regulation*.

The TSM will remain responsible for conducting waste assessments on those TSLs advertised before September 1, 2008.

RESPONSIBILITIES - OTHER LICENCES

Road Permit

- Waste assessment on all Road Permits issued in connection with TSLs advertised on or after September 1, 2008, will be the responsibility of the Road Permit holder.
- TSMs will continue to conduct the waste assessments on Road Permits issued in connection with TSLs advertised before September 1, 2008.

Forestry Licence to Cut

- Waste assessments on all section 47.6 (3) FLTC's (both existing and new) will be the responsibility of the TSM.
- Waste assessments on all section 24.8 and 24.9 FLTC's with 20,000 m³ or less and without CP's will be the responsibility of the FLTC holder. The waste assessment provisions in the FLTC specify that the licensee will conduct waste assessments, "unless relieved from doing so by the TSM".

Section 21 TSL Cutting Permit

- Waste assessments on all new CP's issued under section 21 TSLs will be the responsibility of the TSM. The waste assessment provisions reside in the TSL document rather than the CP, and the TSL specifies that the TSM will conduct the assessment.

Section 13 (1.1) NRFL Cutting Permit

- Waste assessment on all new CP's issued under section 13(1.1) NRFLs will be the responsibility of the NRFL holder.

Where BCTS staff is responsible for conducting waste assessments, the survey results will be reported to Field Services (District Manager). Field Services will apply stumpage rates to the reported volumes and invoice (bill) Licensees for billable waste. Field Services will also administer requests for variance from the Waste Assessment policy.

DISPUTE RESOLUTION

Where BCTS staff is responsible for conducting waste assessments, the TSM may notify the TSL holder of the waste survey results. If the holder disputes the results, the holder may submit written notice to the TSM specifying grounds of dispute within 30 days. Any disputes in respect of the survey procedures, check surveys or waste billing should be directed to the District Manager.

To accommodate communications, the TSM may notify the District Manager of the licensee's intentions, and may offer evidence, such as the Site Plan, to the District Manager for consideration.

FUTURE CHANGES

BCTS anticipates that waste benchmarks will be replaced by Coarse Woody Debris (CWD) targets having default limits similar to the current waste benchmark levels. Further details on those CWD target limits will be published in an amendment to the Waste Manual. According to the Waste Manual, **waste benchmarks are in effect until September 30, 2009.**

CONTACTS

Further details and direction regarding this matter are available from John Stephen – Tenures Forester, BC Timber Sales Headquarters @ 250-387-8637 or John.Stephen@gov.bc.ca