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November 27, 2001

**To All Major and Woodlot Licensees:**

Attached is a District Manager policy for use within the Kamloops Forest District concerning road use charges.

The policy explains how road costs are to be shared between industrial users and sets maximum allowable costs. This policy goes into effect January 1, 2002.

This policy is new and is to be included in your copy of the "Kamloops Forest District Policy Book."

If you have any questions, please contact Andy Oetter at 371-6577.

Yours truly,

Tony Buckley  
District Manager

Attachment

pc: Paul Tearoe, Timber Officer, Kamloops Forest District  
Jim Massey, Field Operations Supervisor – Harvesting, Kamloops District



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Kamloops Forest District

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# **Kamloops Forest District**

## **District Manager Policy**

### **Road Maintenance Procedures for Major Licensee's, Small Business Forest Enterprise Program (SBFEP) and Woodlot (WL) licensees**

**Effective Date:** January 1, 2002

**1) Purpose:** To ensure that operations are compliant with the Forest Practices Code of British Columbia Act and that Major licensees, SBFEP and WL industrial users contribute a fair and equitable share towards the maintenance of forest access roads that are used in the Kamloops Forest District.

**2) Authority:** - Sec. 54 and 63 of the Forest Practices Code of B.C. Act.  
- Sec. 16\*, 17 and 18 of the Forest Road Regulation.

\* The Ministry of Forests will carry out legislated bridge and major culvert inspections on all Forest Service Roads.

**3) Preamble:** Road maintenance refers to works that are carried out in order to keep an existing road in a condition that meets Forest Practices Code and Workers Compensation Board requirements for industrial use. For appraisal purposes, routine road maintenance obligations are defined in section 4.6 of the Interior Appraisal Manual (I.A.M.). Road Maintenance not classified as 'routine', is covered in section 4.3.3 of the I.A.M. (Detailed Engineering Cost Estimates).

#### **4) Procedures and Requirements:**

##### **4.1) Use of roads by Timber Sale Licensees and Woodlot licensees which are maintained by Major Licensee's under Road Use Permit (primary user designation) or Road Permit, or a combination of both.**

SBFEP/ WL Licensee's must enter into a road use agreement with the holder of the road use permit and or the road permit. A Road Use Permit will be issued to the SBFEP/ WL Licensee however, no log hauling is to take place until written notification of the road use agreement has been received by the MoF.

The Major Licensee maintaining the road under Road Use Permit and or Road Permit may chose one of 2 options:

**'Option A':** Major licensee remains the primary road user and does all required road maintenance for the SBFEP/ WL licensee. The major licensee is allowed to charge the SBFEP/ WL licensee up to a maximum of 100%\*\* of the trended appraisal allowance for road maintenance for the supply block (as per appraisal manual). If the section under permit to the

major licensee is only part of the distance to the SBFEP Timber Sale or WL cutting permit, the amount payable by the SBFEP/ WL Licensee would be on a prorated basis.

**‘Option B’:** SBFEP/ WL licensee becomes a ‘short term’ primary road user while hauling on the portion(s) of roads that the major licensee has under road permit or road use permit. The SBFEP/ WL licensee carries out partial routine road maintenance for the duration of hauling on the TSL/ CP. Partial routine road maintenance is restricted to maintaining the road surface and ditches in a condition equal to or better than they were in, when the SBFEP/ WL Licensee entered into the road use agreement. The Major licensee is responsible for all (with the exception of any damage caused by the SBFEP/ WL Licensee) other road maintenance during this period. The SBFEP/ WL licensee will be held responsible for any damage that he/she may cause while using the road.

The major licensee may charge the SBFEP/ WL licensee up to a maximum of 25%\*\* of the trended appraisal allowance for the supply block (as per the appraisal manual). The 25%\*\* amount covers the cost of the major licensee’s continuing obligations during the period of SBFEP/ WL use, plus normal wear and tear on the road. As in option A, the 25%\*\* will be prorated if the Major Licensee’s road is only a portion of the access into the SBFEP Timber Sale or WL CP.

#### **4.2) Use of Forest Service Roads (FSR) by Major or WL Licensee’s which are normally maintained by SBFEP (e.g. McGillivray Lake F.S.R.).**

If the FSR is presently being maintained by SBFEP, the Major or WL Licensee is required to enter into a Road Use Agreement with SBFEP. The Major or WL Licensee’s RUP must be amended to include the SBFEP FSR.

If there are no active Road Use Permits on the Road, SBFEP can choose one of two options:

**‘Option C’:** For the period of use, the Major or WL Licensee would be designated as a ‘short term’ primary user, with authorization via an amendment to their existing Road Use Permit. During the period of use, the Major or WL Licensee agrees to carry out partial routine road maintenance. SBFEP will be responsible for all (with exception of any damage caused by the Major or WL Licensee) other road maintenance during the period of use. The Major or WL Licensee will be held responsible for any damage that he/she may cause while using the road. SBFEP may charge the Major or WL Licensee up to a maximum of 25%\*\* of the trended appraisal allowance as per Option B.

**‘Option D’:** SBFEP remains the primary road user and does all required road maintenance for the Major or WL licensee. SBFEP is allowed to charge the Major or WL licensee up to a maximum of 100%\*\* of the trended appraisal allowance for road maintenance for the supply block (as per appraisal manual). If the SBFEP designated FSR is only part of the distance to the Major or WL Licensee cutting permit, the amount payable by the Major or WL Licensee would be on a prorated basis.

If the FSR presently has been delegated through a Road Use Permit to a SBFEP licensee then the monies payable by the Major or WL Licensee for road maintenance charges will have to be divided between the Road Use Permittee and SBFEP

### **General**

- \*\* In order for this system to work, road use charges must be fair, reasonable and based on actual site conditions, Km's maintained etc., and not simply whatever 100% or 25% turns out to be. The District Manager or designate will adjudicate disagreements where a charge request of 100% or 25% appears to be significantly in excess of what is fair and reasonable.
- SBFEP licensees are made aware of the routine road maintenance appraisal allowance when preparing bids on SBFEP Timber Sales. They should expect to incur road maintenance costs themselves and or pay a fair and reasonable amount to another party who is maintaining the road.
- SBFEP timber sale packages stipulate the road maintenance options which a SBFEP licensee would have to operate under. The parties will agree on which option is best to use.
- Any disagreements concerning the amount charged under road use agreements will be reviewed and adjudicated by the District Manager or designate.
- The MoF will confirm that all road use agreement arrangements have been complied with before releasing SBFEP Timber Sale License deposits.