



File: 11200-11  
11250-34  
11400-34

Date: July 1, 2004

**To All Major and Woodlot Licensees:**

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

This procedure explains how road costs are to be shared between industrial users and sets District Manager direction for maximum allowable costs. This procedure is the *Forest and Range Practices Act* (FRPA) compliant version of the previous Road Maintenance Procedure. This procedure will become effective when licensee operations transition to FRPA.



This procedure is to be included in your copy of the "Kamloops Forest District Policy Book" as a process document

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

Yours truly,

Shane Berg, RPF  
District Manager

Attachment

pc: Ken Lomas, Planning Forester, Kamloops Forest District

# Kamloops Forest District

## Road Maintenance Procedures for Major Licensee's, British Columbia Timber Sales (BCTS) and Woodlot (WL) licensees

**Effective Date:** July 1, 2004

**1) Purpose:** To ensure that operations are compliant with the *Forest and Range Practices Act* and that Major licensees, BCTS 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. 22.1 of the *Forest and Range Practices Act*.

\* 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 and Range Practices Act* 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 (maintenance designation).**

A Road Use Permit will be issued to the BCTS/ WL Licensee. BCTS/ WL Licensee must enter into an agreement with the holder of the road use permit (maintenance designation).

The Major Licensee having maintenance obligations for the road segment under Road Use Permit may chose one of 2 options:

**'Option A':** Major licensee with maintenance obligations does all required road maintenance for the BCTS/ WL licensee. The major licensee is allowed to charge the BCTS/ 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 (off Highway distance) to the BCTS Timber Sale or WL cutting permit, the amount payable by the BCTS/ WL Licensee would be on a prorated basis.

**'Option B':** BCTS/ WL licensee reaches an agreement to act on behalf of the major licensee to do maintenance while hauling on the portion(s) of roads that the major licensee has maintenance obligations under a road use permit (note the RUP would still show the major

licensee as having maintenance obligations). The BCTS/ 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 BCTS/ WL Licensee entered into the agreement. The Major licensee is responsible for all (with the exception of any damage caused by the BCTS/ WL Licensee) other road maintenance during this period. The BCTS/ WL licensee will be held responsible for any damage that he/she may cause while using the road.

The major licensee may charge the BCTS/ 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 BCTS/ 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 BCTS Timber Sale or WL CP.

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

If the FSR is presently being maintained by BCTS, the Major or WL Licensee is required to enter into an Agreement with BCTS. The Major or WL Licensee's RUP must be amended to include the BCTS FSR.

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

**'Option C'**: For the period of use, the Major or WL Licensee would be designated as having maintenance obligations 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. BCTS 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. BCTS may charge the Major or WL Licensee up to a maximum of 25%\*\* of the trended appraisal allowance as per Option B.

**'Option D'**: BCTS remains the primary road user and does all required road maintenance for the Major or WL licensee. The Major or WL licensee would amend their Road Use Permit (showing BCTS as having maintenance obligations). BCTS 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 BCTS 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 BCTS licensee an agreement must be reached between parties as to whom will have maintenance obligations.

#### **General**

- \* The maintenance items arising from the inspections are the responsibility of the RUP holder (maintenance obligation). In future years the MOF may make the RUP holder responsible for the maintenance inspections.
- \*\* 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.
- BCTS licensees are made aware of the routine road maintenance appraisal allowance when preparing bids on BCTS 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.
- Any disagreements concerning the amount charged under road use agreements can be reviewed and adjudicated by the District Manager or designate.