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Ministry of Forests
and Range

Operations Division

MEMORANDUM

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BY EMAIL

To: Regional Executive Directors
District Managers
Branch Directors
Timber Sales Managers

From: Tim Sheldan
Assistant Deputy Minister
Operations Division

Re: **RTEB Engineering Bulletin (Number 1)**
Planning Forest Road Deactivation

A new Engineering Administrative Bulletin (Number 1) *Planning Forest Road Deactivation* has just been completed. This bulletin provides broad provincial guidance to district managers and timber sales managers on important planning considerations for deactivation of forest roads.



There were two major reasons behind this bulletin: (1) the need to address concerns expressed by Range staff and tenure holders about road deactivation affecting access to the tenure and resources and (2) the need for additional planning guidance to help district managers and timber sales managers decide what roads should be deactivated under timber reallocation.

Electronic copies of the bulletin will be available from the Engineering and Real Estate Operations website at the following address:

<http://gww.for.gov.bc.ca/hth/engineering/index.htm>

If you have any questions about this bulletin, please contact Glenn Moore, Senior Structures and Roads Engineer, Resource Tenures and Engineering Branch, at (250) 387-8331, or by email at glenn.moore@gov.bc.ca.

Tim Sheldan
Assistant Deputy Minister
Operations Division

Attachment: 1

Ministry of
Forests
and Range
(MFR)



Resource
Tenures and
Engineering
Branch (RTEB)

Engineering Bulletin No. 1

Planning Forest Road Deactivation

November 2007

1.0 Rationale for Bulletin

This bulletin provides broad provincial guidance to MFR staff on important planning considerations for deactivation of forest roads. It is important that a manager's decision to deactivate a forest road is based on careful consideration of current and future access needs and other important factors described herein. By identifying potential conflicts over road access, strategies may be developed to facilitate efficient forest and range management while accommodating access requirements of resource users **where feasible**.

The information in this bulletin does not constitute legal advice and should not be interpreted as ministry policy. It is not binding on decision-makers and is intended to provide guidance only. Its implementation will often depend on the availability of MFR staff resources and funding.

2.0 Related Background Information

This bulletin is consistent with the following ministry policy and guidelines documents:

- 2.1 The BA 5 (Engineering) policy document called *Funding Policy for Road and Structure Maintenance, Road Deactivation, and Road Closure* provides direction to Operations Division (districts) for priority ranking and ministry funding of maintenance, deactivation, and closure of non-industrial use Forest Service Roads (FSRs) that are not associated with timber reallocation. It is available at http://www.for.gov.bc.ca/hth/engineering/ba_serviceplan.htm.
- 2.2 The guidelines document called *Planning and Implementing Road Permit Transition within Timber Reallocation Areas* provides direction to Operations Division (districts) on amending or terminating major licensees' Road Permits under timber reallocation. It is available at <http://gww.for.gov.bc.ca/hth/engineering/reallocation.htm>.
- 2.3 The BA 5 (Engineering) policy document called *Timber Reallocation Road Funding Policy -- Planning and Implementing Road Permit Transition within Timber Reallocation Area* provides direction to Operations Division (districts) for priority ranking and use of timber reallocation road funding. It is available at <http://gww.for.gov.bc.ca/hth/engineering/reallocation.htm>.
- 2.4 Other helpful sources of information about MFR's current road deactivation policy and applicable legislation are provided in **Appendix A**.

3.0 MFR's Mandate for Managing Motor Vehicle Access on FSRs

- 3.1 Consistent with the BA 5 (Engineering) funding policy, Operations Division (districts) is not obligated to provide or maintain motor vehicle access for non-industrial users (e.g., range tenure holders) on non-industrial General Use FSRs¹. In accordance with that funding policy, if any identified non-industrial users want supplementary access-related surface maintenance and structural maintenance on General Use FSRs, those users must enter into an FSR Maintenance Agreement (FS 1205) and pay for the incremental costs of such maintenance.
- 3.2 The need for maintaining continued access for range tenure holders to tenures and resources is often a consideration within range management areas. Currently, road access for range tenure activities is not considered industrial use, and therefore management of road access for this purpose comes under subsection 22.2 ('Non-industrial use of a road) of the *Forest and Range Practices Act*. In situations where a range tenure holder has been identified as wanting access on an existing non-industrial General Use FSR that is otherwise a leading candidate for deactivation, every effort should be made to gauge the range tenure holder's interest or capability to enter into an FSR Maintenance Agreement (FS 1205). Alternatively, the district manager may in some cases advise the range tenure holder to make an application for road use to the Integrated Land Management Bureau (ILMB).
- 3.3 Some Road Permit roads or FSRs not required for forest operations may be needed solely by other industrial users. It is not MFR's mandate to supply road access to resource users other than for forestry activities. If no current or future forestry use can be identified, and the only other potential use is for mining, the district manager may consider offering an SUP to this non-forestry industrial user to reassign the obligation to maintain and deactivate. In the case of forest road access needed by non-forestry industrial users such as an independent power producer or BC Hydro, the district manager may advise the potential user to make an application for road use to the Integrated Land Management Bureau (ILMB).
- 3.4 General Use FSRs are typically provided with the minimum level of maintenance (i.e., a wilderness road level of maintenance described in **Appendix B**) such that motor vehicle access is not guaranteed. A road maintained to this level may eventually need to be closed if it deteriorates to the point where it poses a threat to property, public health or public safety, or forest resources. This may be an important consideration when evaluating whether to deactivate an FSR, or keep an existing FSR, or convert a Road Permit road into a new FSR.

4.0 Deactivation Planning Considerations

- 4.1 An FSR or Road Permit road may be a candidate for deactivation where there is no apparent current or future industrial use planned for the road, a second party has not taken over responsibility for the road, and the road does not provide access to a community nor to "high value" Forest Recreation Sites and Trails or "important" Recreational Areas. Additionally, a road may be a candidate for road deactivation where it must be closed to protect public safety and the cost of deactivating the road is less than the cost of carrying out maintenance to a wilderness road level of maintenance over the period of expected closure. Often road

¹ Non-industrial General use FSRs are used primarily by non-industrial users and do not provide access to communities, or to "high value" Forest Recreation Sites and Trails or "important" Recreational Areas. For example, these roads may provide access, on a part time or full time basis, to private land, year-round residence(s), isolated residences or cabins, commercial operation(s), including designated or undesignated parks and recreation sites (including backcountry hunting and fishing areas) **that have not been identified** by a District Recreation Officer of the Ministry of Tourism, Sport and the Arts to be "high value" Forest Recreation Sites and Trails or "important" Recreational Areas.

deactivation is carried out on in-block roads and cutblock access roads, or on roads that provide duplicate access to areas.

- 4.2 As appropriate, and as part of access planning, consult with known key stakeholders to confirm a suitable road management strategy for an individual road or road network (e.g., continue to maintain an existing road, convert a road to an FSR, reassign the responsibility for a road to another industrial user or stakeholder, or deactivate a road).
- 4.3 Deactivation in the current legislation means “permanent deactivation.”
 - a. Expect that applied road deactivation treatments (other than a barricade installed at or near the point of commencement) will often result in the elimination of motor vehicle access at locations where, for example, unstable road fill is pulled back, stream pipe culverts and bridge and log culvert superstructures are removed, or deep cross-ditches are installed across the road running width.
 - b. However, for road sections that cross flat or gentle sloping terrain with no stream crossings, it is possible depending on site conditions that limited equipment work within the road prism or clearing width may be necessary to suitably deactivate a road. In such cases it is possible that the road running surface may still be intact, and barricading the road surface width at or close to the point of commencement may be the only obstacle to prevent access by motor vehicles. A district manager may provide an exemption for a barricade subject to meeting the requirements of the legislation and considering other local factors as applicable.
- 4.4 Consider the following factors that may be specific to the local area: current and future access needs; road and structure conditions; existence of current and future hazards that could endanger property, public health or public safety, or forest resources; on-site or downslope hazards to worker safety; costs, liabilities, and available funding sources. Give consideration to the following other factors:
 - a. For timber reallocation projects, consider the timing of operations of new non-replaceable First Nations tenures, woodlot licences, and community forest agreements.
 - b. Where appropriate, compare and evaluate the hard costs of deactivating a road today and reopening it in 5, 10 or 15 years time when needed, versus the hard costs of conserving the road and maintaining it to a **wilderness road level of maintenance** (see **Appendix B**) over the same time period, including consideration of other costs, benefits to society and other non-tangible benefits as applicable.
 - c. Consider the timing of other road deactivation projects in the watershed and equipment work timing windows (e.g., noxious weed control, fish windows).
 - d. Understand the effects of road capitalization on a decision to deactivate a road.
- 4.5 On occasion, the appropriate manager or relevant agencies may require that proposed deactivation of an individual road or road network be put through a formal public consultation process. See **Appendix A**.
- 4.6 Where possible loss of continued access is a concern for range tenure holders, the ability to preserve access for range tenures holders should include consideration of the above points. Prior to deactivation of roads in known range areas, consult with range tenure holders to determine their access requirements and listen to their concerns about potential impacts of changes in road access.

- a. Recognize that range use plans are 5 year renewable plans. If appropriate, discuss ranchers' needs for ease, speed, and type of access. For example, truck, trailer, or horse riding access for range management may be important for many reasons such as treating sick animals and dealing with predators, maintaining developments, achieving round-up and herding schedules, delivering and placing salt / mineral blocks and forage, and providing weed treatments.
 - b. Consider the timing of planned road deactivation works in relation to the season of use by cattle, and the implications of removing traditional watering sites resulting from implementing proposed road deactivation techniques.
- 4.7 The standards and expectations for deactivation of **non-status roads** funded under the Forest Investment Account are available at http://www.for.gov.bc.ca/hcp/fia/landbase/road_deactivation.htm.

Contacts

For further information regarding this bulletin please contact:

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Appendix A

Supplementary Information on Current MFR Policy and Legislation, & Suggestions for Further Reading

MFR Policy in Engineering Manual (2006)

The ministry's current policy on road deactivation is also provided in:

- Chapters 1 and 8 of the Engineering Manual available at http://www.for.gov.bc.ca/hth/engineering/documents/publications_guidebooks/manuals_standards/Engineering_Manual/EngMan2006.pdf

In accordance with section 1.4, Chapter 1 of MFR's Engineering Manual, FSRs that are surplus to the requirements of Operations Division and BCTS, as determined through some local access planning process, must be permanently closed as an FSR by the district manager through either deactivation or reassignment of the responsibility to another user or agency.

During the access planning process in accordance with section 8.1, Chapter 8 of MFR's Engineering Manual, the districts (Operations Division) and BCTS must solicit and consider input from local stakeholders (e.g., licensees, public, First Nations) before making a decision on whether to deactivate an FSR. For FSRs that are the responsibility of Operations Division, the district manager must advertise the proposed deactivation of an FSR for a minimum of 30 calendar days to notify road users about proposed significant changes to road access and to solicit input from **First Nations, stakeholders and the public** into road closure and related access issues.

Current Legislation -- Forest and Range Practices Act

Section 155 (1): The Lieutenant Governor in Council may make regulations respecting the regulation or prohibition of road construction, maintenance or deactivation, and the transfer of an obligation to maintain or deactivate a road.

Current Legislation -- Forest Planning and Practices Regulation (FPPR)

Section 79(2) of the FPPR states: A person who is authorized in respect of a road must maintain the road, including bridges, culverts, fords and other structures associated with the road, until (a) the road is deactivated, (b) the district manager notifies the person that the road should not be deactivated due to use or potential use of the road by others, (c) a road permit or special use permit for the road is issued to another person, or (d) the road is declared a forest service road under the *Forest Act*.

Section 79(3) of the FPPR states: Subject to subsection 79(4), the government must maintain a forest service road, including bridges, culverts, fords and other structures associated with the road, until the road is deactivated.

Section 79(4) of the FPPR states: The district manager may order the holder of a road use permit 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.

Sections 82, 83 and 84 of the Forest Planning and Practices Regulation (FPPR) provide for certain mandatory road deactivation activities and associated hazard warning and notification requirements. Other sections of the FPPR are also relevant: s. 37-landslides; s. 38-gully processes; s. 39-natural surface drainage patterns; s. 40-revegetation; s. 54-fan destabilization; s. 56-fish passage; s. 57-protection of fish and fish passage; and possibly other sections depending on the site specific circumstances.

Suggestions for Further Reading on Conducting an Access Planning Process

BC Ministry of Forests 1989. *Forest Planning – A Guide to Co-ordinated Access Management Planning*. In Appendix 1 of *A Review of the Coordinated Access Management Planning (CAMP) Process in British Columbia – Applications and Lessons Learned (Carmanah Research Ltd., 1995)*, Victoria, British Columbia available at: <http://www.for.gov.bc.ca/hth/engineering/reports.htm>

Appendix B

Description of “Wilderness Road Level of Maintenance”

- (1) The primary purpose of a wilderness road level of maintenance is to protect forest resources. This level of maintenance does not guarantee motor vehicle access. It typically excludes access-related surface maintenance, structural maintenance on the road to protect the structural integrity of the road prism and clearing width, and structural maintenance on bridges, major culverts and other engineered structures as needed to correct structural deficiencies, **unless such maintenance is necessary** to address an immediate threat to people, or to mitigate a High or Very High risk to forest resources, property, utilities, transportation corridors, and other social and economic values. A **wilderness road level of maintenance** must ensure that, for the road and included structures:
 - (i) the structural integrity of the road prism and clearing width are protected, **to the extent necessary to ensure there is no material adverse effect² on a forest resource**;
 - (ii) the drainage systems of the road are functional, **to the extent necessary to ensure there is no material adverse effect on a forest resource** (for example, this may include ditch and culvert cleaning, or self-maintaining water control elements such as cross-ditches, backup cross-ditches at culvert locations, and culvert removal consistent with common deactivation techniques, among other techniques);
 - (iii) the transport of sediment from the road prism and its effects on other forest resources are minimized;
 - (iv) the safe passage for fish is provided at fish stream crossings built after June 15, 1995;
 - (v) road maintenance activities in a community watershed do not cause the quality of water to fail to meet the known water quality objectives established by the Ministry of Environment.
- (2) The degree to which activities for a wilderness road level of maintenance are carried out depend on the terrain and other site factors, method of road construction, and the expected duration of inactive road use. These works may involve a wide range of **deactivation type techniques** as required, such as water management (e.g., installation of cross-ditches, waterbars, back-up of stream crossing structures), nominal repairs of road surface and structures, and road prism stabilization (e.g., full or partial pullback of road fill along selected road segments). Examples of activities for a **wilderness road** level of maintenance are provided in Table 2 of the BA 5 (Engineering) *Funding Policy for Road and Structure Maintenance, Road Deactivation, and Road Closure* available at http://www.for.gov.bc.ca/hth/engineering/ba_serviceplan.htm.
- (3) For more information about the application of a wilderness road level of maintenance for timber reallocation, refer to the ministry’s *Guidelines for Planning and Implementing Road Permit Transition within Timber Reallocation Areas* available at http://www.for.gov.bc.ca/hth/engineering/pol_pro_mld.htm.

NOTE: A road maintained to a wilderness road level of maintenance is not equivalent to a deactivated road.

² For definition of “material adverse effect” see BC Government's response to Forest Practices Board Special Investigation Report #14, *Managing Landslide Risks to Forest Practices in BC* available at http://www.for.gov.bc.ca/hth/engineering/documents/publications_guidebooks/publications_reports/Dec21-06-Memo-to-FPB-re-Rpt-14-Landslide-Risks.pdf