

File: 11400-02

October 13, 2006

To: Regional Executive Directors
District Managers
Timber Sales Managers
BCTS Director

From: Doug Konkin
Deputy Minister

**Re: Guidelines for Planning and Implementing Road Permit Transition within
Timber Reallocation Areas**

Introduction

The *Forestry Revitalization Act* (Bill 28—2003) reduces harvesting rights of major licensees in TSAs and TFLs. Of the timber being reallocated from affected major licensees' operating areas (herein defined as reallocation areas) approximately half will be redistributed for the BC Timber Sales (BCTS) program, and the other half will be redistributed for new non-replaceable First Nations tenures, woodlot licences, and community forest agreements.

Timber reallocation makes the majority of roads under the exiting major licensees' Road Permits within reallocation areas surplus to the needs of those licensees. Consequently, they are requesting district managers to amend or terminate their Road Permits. Conversely, a portion of these road permit roads are needed to support the immediate and future timber harvesting operations of incoming BCTS, First Nations and small tenure holders. Additionally, some of these roads will also be needed for other industrial access, or for commercial or public access.

As the issuing authority for Road Permits, the district manager has the overall responsibility to coordinate the road administration in the reallocation areas and to ensure that it is carried out in a thorough and complete manner. The attached Guidelines provide direction to Operations Division (districts) on amending or terminating major licensees' Road Permits under timber reallocation. Although this guidance does not wholly apply to BCTS, many of the road and structure transition issues raised by the implementation of the *Forestry Revitalization Act* will be the same for BCTS. On many occasions in the Coast Forest Region, BCTS has led the transition process within reallocation areas that were designated almost exclusively for its operations. Therefore, the Guidelines make reference to



Regional Executive Directors
District Managers
Timber Sales Managers
BCTS Director

BCTS linkages and, where appropriate, suggest that BCTS and districts should liaise and be mindful of each other's needs and actions around common road and structure issues. The Guidelines do not address compensation matters.

The Guidelines are posted on the ministry's intranet website at http://gww.for.gov.bc.ca/hth/engineering/pol_pro_mld.htm. To continually improve management policies and practices, they will be amended from time to time to include the learning from the outcomes of implementing the road permit transition processes and new details that continue to emerge under the timber reallocation initiative.

Content of the Guidelines

To help districts in their administrative decision making, the Guidelines present a recommended process for districts to conduct office work and field inspections for the purpose of (1) identifying future access needs within reallocation areas, and (2) carrying out condition inspections and engineering risk assessments on roads (and associated infrastructure) particularly those that are targeted for conversion to Forest Service Roads (FSRs).

The content of the Guidelines is based in part on the pioneering work of the Coast Forest Region and Chilliwack Forest District, and BCTS Business Areas of the Strait of Georgia and Seaward-tlasta that involved engagement of exiting major licensees, BCTS offices, Operations Division (districts) and small tenure holders in road permit transition planning and implementation over the past year.

The Guidelines identify and describe four different options for districts to administer the transition of road permit roads that are surplus to the needs of affected licensees within reallocation areas. Generally the options are:

1. **Transfer of the responsibility** for a road under the exiting major licensee's Road Permit to another industrial user through a new Road Permit or Special Use Permit issued by the district manager.
2. At the discretion of the exiting major licensee, **continued road maintenance** by the licensee to meet its obligations under the Road Permit until such time as (1) an incoming new tenure holder is ready to take over the responsibility of the road under a new Road Permit, or (2) it is prepared to carry out road deactivation in accordance with the regulations.
3. **Road deactivation** by the exiting major licensee in accordance with the regulations when there is no apparent future industrial use for the road, no other party is willing or able to assume responsibility for the road after the Road Permit is terminated, and the district manager determines that the road will not be required for ongoing commercial or public access.
4. **Conversion of a road permit road to a Forest Service Road (FSR)**, after the exiting major licensee completes (at its cost) any negotiated one-time maintenance works that

Regional Executive Directors
District Managers
Timber Sales Managers
BCTS Director

may be necessary to put roads and structures into a condition acceptable to the district manager.

The Guidelines do not address the transfer of hard assets such as quarries and gravel pits, dry land sorts, log dumps, camps, waste dumps, and other ancillary assets authorized by Special Use Permit or other permits issued by the Ministry of Environment or Integrated Land Management Bureau. The benefits and liabilities associated with these permits, especially those for log dumps and camps, must be considered during the road permit transition planning and implementation process. A separate memorandum is under development that will provide guidance on the administration and treatment of such hard assets.

A separate memorandum provides detailed guidance for administrative procedures for terminating or amending Road Permits in FTA associated with Timber Reallocation.

Key principles for implementing the Guidelines

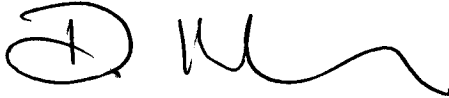
The following key principles are intended to assist the districts in their interpretation of the Guidelines and decision making:

1. Transition plans completed to date on the Coast show that BCTS will be taking about 55% of the affected licensees' road permit roads as FSRs. To try and achieve consistency with BCTS and as a result of the concerns expressed by major licensees with regards to deactivating a large number of roads, I would ask that districts strive towards a target taking of 50% of affected licensees road permit as FSRs. The ability to achieve this target will be guided by 3 below.
2. The ministry is seeking funding through Treasury Board to fund the conversion of licensee road permit roads to FSRs. In the event that the funding request from Treasury Board is unsuccessful, the ministry will take on this additional risk and will seek alternative funding sources. Funding will be secured for the appropriate districts to carry out (1) road permit transition planning and implementation (including necessary field inspections and engineering risk assessments), and (2) annual maintenance inspections and maintenance works on those road permit roads converted to FSRs that will become the responsibility of districts as a result of this policy direction.
3. The decision to take on a Road Permit road as an FSR should be guided by (1) the anticipated economic and social benefits versus the liabilities and costs to the district over the specific time period of interest, (2) the anticipated environmental risk, (3) the existence of available funds for routine maintenance inspections and road and structure maintenance during the time period that the district is responsible for the roads, and (4) roads needed in the next 20 years because there is merchantable and economically viable timber that will likely provide a harvesting opportunity including access to important recreational areas as defined in the Business Area 5 (Engineering) funding policy for "road and structure maintenance, road deactivation, and closure."
4. The districts road transition plans, which identify roads that are of interest for the ministry to retain and those that are not, should be resolved by March 31, 2007.

Regional Executive Directors
District Managers
Timber Sales Managers
BCTS Director

In consideration of the above principles, some district and timber sales managers may wish to re-visit their completed road transition plans with the affected licensees.

If you have any questions or concerns about the foregoing or the attached Guidelines, please contact Brian Chow, Chief Engineer, RTEB at (250) 387-8615 or brian.chow@gov.bc.ca, or Glenn Moore, Forest Practices Evaluation Engineer, RTEB at (250) 387-8331 or glenn.moore@gov.bc.ca.

A handwritten signature in black ink, appearing to read 'D. Konkin', with a long, wavy horizontal stroke extending to the right.

Doug Konkin
Deputy Minister

Guidelines attachment – (provided on the ministry’s intranet website)

Pc: Brian Chow, Chief Engineer, Resource Tenures & Engineering Branch
Glenn Moore, Forest Practices Evaluation Engineer, Resource Tenures & Engineering Branch