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Note: This publication will be revised and updated from time to time; be sure you are using the most current version. In the case of a discrepancy between information provided in this publication and relevant legislation, the legislation prevails.
Range Management and the Forest and Range Practices Act
Introduction — How to use this booklet

Range Management and the Forest and Range Practices Act (FRPA) is meant to help range agreement holders gain a general understanding of how the legislation affects them and what is required of them. It is also meant for Forest Service staff who approve and who monitor plans and practices to see that they comply with requirements.

The booklet will be of interest to other government ministries as well as the general public.

It is the agreement holders’ responsibility to be aware of the legislation and requirements that apply to their agreement. While this booklet does offer an explanation of some of the requirements of the code, much of the legislation is straightforward and is not covered in this booklet.

This booklet is meant to increase awareness of what information all parties should be familiar with. Some of that information must be purchased; other information is available free of charge. This booklet lists where to obtain those publications (see Part 5).

The first two parts give an overview of the FRPA and its relationship to range. Part 3 Plans — Operations and Practices looks at practical issues, and is best used side-by-side with the acts, regulations and guidebooks that apply to range management. Part 4 includes non-compliance, and Part 5 is a resource guide.

The Appendix lists the sections of legislation that apply to range use. Be aware that legislation also includes amendments; the most up-to-date versions should be used.

Do not hesitate to contact the forest district office with questions or concerns about any aspect of FRPA. Telephone numbers and addresses are included in Part 5 — Where to turn.

Part 1 — British Columbia’s Forest and Range Practices Act
What is it?

FRPA is a package of legislation, regulations, chief forester standards and best management practices that will greatly improve forest and range management and practices in British Columbia.
Transition

Range use plans prepared under the *Forest Practices Code of British Columbia Act* will stay in effect until December 31, 2005. Agreement holders have until this date to prepare a new plan under FRPA.

Agreement holders also have the option of replacing their current FPC range use plan with a FRPA plan at any time during the transition period.

By the start of the 2006 grazing season, agreement holders must have new plans meeting FRPA standards before turnout.

What FRPA means for range use

FRPA affects range management in British Columbia as it:

- requires approved plans before livestock graze on Crown range
- puts the force of law behind protecting certain values
- improves the government's powers of enforcement.
- introduces the concept of due diligence on the agreement holder

Under FRPA, range activity in British Columbia falls under *statutory* obligations.

Outcomes and obligations are outlined in legislation, and are spelled out in a range use plan or range stewardship plan. *Range Act* agreement holders need to be aware of these obligations.

As before, a range user must still apply for a *Range Act* agreement, which gives the right to graze or cut hay under the *Range Act*. They must also prepare and submit range use or stewardship plans for approval under FRPA. Plans are specific to agreement areas, and cover use of Crown range for livestock grazing or hay cutting.

Grazing or hay cutting may not legally begin until a user holds both an agreement and an approved plan.

Guiding principles of range use in British Columbia

Range practices will:

- conserve soil resources by protecting soil properties, minimising erosion and compaction, and minimising undesirable soil disturbance
- promote or maintain healthy plant communities and maintain or enhance forage quality and quantity for livestock and wildlife
- maintain or improve water resources and riparian values
- conserve fish, fish habitat and aquatic ecosystems
- promote healthy, viable, productive and diverse wildlife populations and their associated habitats
- conserve biodiversity.
Part 2 — Legislation and a framework

Legislation most pertinent to Crown range

*Forest and Range Practices Act*
  *Range Planning and Practices Regulation*
  *Government Actions Regulation*
  *Security Regulation*
  *Administrative Remedies Regulation*
  *Invasive Plants Regulation*

*Range Act*
  *Range Regulation*

*Livestock Act*
*Trespass Act*
*Weed Control Act*

In addition to legislation, chief forester standards and best management practices provide guidance on how Crown range is to be used.

**Legislation and range use**

**Acts:** The *Range Act* and the *Forest and Range Practices Act* are the main acts that apply to range use. Long-time ranchers will be most familiar with the *Range Act*; it gives the right to use the Crown range in question. The *Forest and Range Practices Act* guides the way grazing and other practices are carried out, telling how and when Crown range may be used. Both acts require certain actions and obligations of range agreement holders and the Ministry of Forests.
The *Forest and Range Practices Act*:

- requires operational planning — including who must prepare these plans and when, and what information the plans must contain
- covers forest and range practices for forest and range agreements
- outlines the procedures and administrative systems needed

The *Range Act* covers what is required to obtain an agreement for grazing or hay cutting on Crown range. These agreements are of three basic types:

- *licences* for grazing or hay cutting are awarded after opportunities are advertised and responses assessed, have 10-year terms, are replaceable and require a range use plan or range stewardship plan
- *permits* for grazing or hay cutting are for a maximum term of five years and require a range use plan
- *temporary grazing permits* and *temporary hay cutting permits* apply only for the year in which they are issued, are not advertised and take advantage of a short-term surplus of forage such as that from an exceptionally good growing year or an authorized non-use. A range use plan is required.

*Regulations* cover the fundamental practices that must be applied across the province. As with the acts, the regulations have the strength of law.

The regulations establish the specific plan contents and regulate what activities can take place or must be avoided.

There are several regulations under the act. While the Range Planning and Practices Regulation will be used most often, range agreement holders should be aware of the Government Actions Regulation, the Security Regulation and the Administrative Remedies Regulation.

The *Range Act* includes the Range Regulation, which specifies advertising and application criteria for permits and licences, private land agreements, fees, and transfers.

The framework includes best management practices that are on-the-ground support for the regulations. They cover a wide variety of topics, ranging from broad planning concepts and requirements to detailed “how-to” instructions.
How FRPA works to improve forest and range management and practices

As well as specifying certain practices on Crown forest and range, FRPA is a framework that ensures that strategic goals and objectives set by government are put into action on the ground by forest industry and ranchers. Range plans will reflect and support a province-wide network of goals and objectives that encourage productive range and forest use while protecting certain resources.

By requiring that operational plans are consistent with the objectives set out in such higher-level plans or objectives set by government, the FRPA allows those objectives to be implemented “on the ground.”

**Operational plans:** These cover general to site-specific activities in forests and on rangeland, and are required of agreement holders. The four operational plans are range use plans (RUPs), range stewardship plans (RSPs), forest stewardship plans (FSPs) and woodlot licence plans (WLPs).

The minister may require that plans be advertised and available for public review and comments. No activity may begin unless and until the minister approves the required plans. Major amendments to a plan must be approved as well.

**Practices:** Practices are the activities carried out on Crown range.

**FRPA: Linking plans and practices**
Part 3 — Plans, operations and practices

This section covers many general requirements, but also gives expanded information about some sections of the various acts and regulations that apply to range management.

It is NOT a complete listing of all obligations under FRPA.

The name of the legislation and the number of the applicable sections are marked in the margins beside the information.

Range use plans and range stewardship plans

Minister’s responsibilities

The minister will specify objectives set by government and expected results for the area under the plan.

The minister will identify any areas of special concern and will where necessary provide plant community descriptions, range readiness criteria and stubble heights.

The minister must approve all range plans before grazing or hay cutting begins, even if a rancher already holds a valid licence or permit.

The minister will specify the term of the plan at the time of approval. It cannot exceed 5 years. The minister may extend a plan for an additional period not exceeding 5 years.

The minister must approve a range plan if it is consistent with the agreement under the Range Act that pertains to the plan and conforms to the act, regulations and standards.

The minister may refer a plan to an advisory committee for its recommendations.

The minister must publish a record of enforcement activities and must keep and make available to the public a performance record for holders of agreements under the Range Act and the Forest Act.
Agreement holder’s responsibilities

A range use plan or range stewardship plan is required before livestock grazing or hay cutting may occur on Crown range.

An agreement holder may qualify for a stewardship plan that differs in content from a range use plan if they have demonstrated competency in management of Crown range (including performance record and the condition of Crown range).

The range use plan must:
- include a map that has the location of Range Act agreement boundaries, range developments, pastures and where applicable, areas of hay cutting
- include a grazing schedule that includes, for each pasture to be used, the livestock class, number and period of use
- include actions to be carried out in the area under the plan to deal with issues identified by the minister
- include measures to prevent the introduction and spread of invasive plants species
- conform to any prescribed requirements
- be consistent with objectives set by government
- for hay cutting include average stubble heights and timing
- include the signature of the person required to prepare the plan or authorized to sign for a corporation.

The range stewardship plan must:
- include a map that has the Range Act agreement boundaries, developments
- specify actions to be carried out in the area under the plan to deal with issues identified by the minister
- include measures to prevent the introduction and spread of invasive plants species
- specify intended results, strategies or actions to achieve prescribed requirement
- be consistent with objectives set by government
- include the signature of the person required to prepare the plan or authorized to sign for a company.

The holder of a range stewardship plan must include plan content requirements and must ensure that strategies and actions specified in the plan continue and be sufficient to achieve intended results.
Plan amendments

A range use plan must be amended if it is not achieving intended results or if new information relevant to the plan area comes into effect.

Major changes may need to be submitted for public review.

Where a new range development is proposed that is likely to materially affect others, the plan must be amended, and the Minister may require review and comment.

Public review and comment

The minister may give notice requiring a plan proponent to advertise a plan and make it available for review and comment.

Where review and comment is required, the public has 30 days to respond.

Range Developments

Construction or removal of a range development requires the written authorisation of the minister.

Existing developments must be maintained.

The minister may ask for a performance bond or some other security before a range agreement holder builds a development on rangeland. That security will be returned once the conditions are met. This is meant to protect other values and to ensure that the task is performed to a prescribed standard.

If a proposed range development might affect others in a material way the minister may require the proponent to publish a notice.
Limiting the spread of invasive plant species

Invasive plants are listed under the authority of the chief forester. Activities should not encourage the establishment or spread of invasive plants.

Range plans must specify measures to prevent the introduction and spread of invasive plants relative to range practices.

Soil exposed during construction of a range development must be revegetated with suitable plant species.

Range management and wildlife

The agreement holder must ensure that range practices conform with any general wildlife measures established for the area under the plan.

Range practices, including grazing, must not damage wildlife habitat features. Wildlife habitat features are defined in the Government Actions Regulation and may include fisheries sensitive features, significant mineral licks, eagle, osprey or great blue heron nests and any localized feature designated by the Minister of Water, Land and Air Protection.

The agreement holder must ensure that range practices conform to ungulate winter range objectives and wildlife habitat area objectives for the area under the plan.

Range management and protection of water values

The agreement holder must ensure that range practices do not cause materials harmful to human health to be deposited, or transported, to that is diverted for human consumption by a licences waterworks.

If livestock contaminate the water supply in a designated watershed, they must be removed from that watershed. They can return only if the problem is remedied.

Dead stock belonging to an agreement holder must be removed from within 100 m of stream in a community watershed.
Range management and protection of fish and fish habitat

Range planning and practices regulation section 32

Range practices must be conducted so as not to harm fish, impede their passage, destroy, damage or harmfully alter fish habitat, or deposit or transport harmful materials.

Range management in riparian areas and upland areas

Range planning and practices regulation sections 30 and 31

Range practices, including grazing, must not adversely affect the function of riparian areas.

Range management and resource features

Government actions regulation sections 3 and 38

The Minister may by order identify any resource features requiring protection. Resource features are defined in regulation and may include range developments, permanent sample plots, cultural heritage resources, recreation sites or trails.

Range planning and practices regulation section 38

Range practices, including grazing, must not damage resource features.

Identifying livestock

FRPA section 45(2) and range planning and practices regulation section 42

The requirement that livestock be branded is a carry-over from the Range Act. Branding is required for identifying livestock ownership.

In some cases the minister may also require ear tags on livestock. In these cases the minister will provide the tags.

Other rights and responsibilities

FRPA section 46

A person must not carry out a practice or activity that damages the environment.

FRPA section 48

Anyone who removes a natural range barrier may be required to replace it.

RPPR section 44

A range agreement holder must insure that livestock do not cause significant interference with the establishment of a free growing stand.

FRPA section 101

Due diligence, mistake of fact and officially induced error are defences to a prosecution under FRPA.
Part 4 — If you don't comply
Enforcement, fines, penalties, and appeals

Many agreement holders are nervous about liability and penalties under the FRPA. Good planning and good communication with district managers will dramatically reduce problems.

FRPA maintains the enforcement powers of the government to deal with trespass livestock, inadequate range practices and unauthorized range developments. The Ministry’s options include but are not restricted to:

- **FRPA Section 87**: Fines.
- **FRPA Section 71**: The minister, after giving an opportunity to be heard to a person who is alleged to have contravened a provision of the act, may determine whether the person has contravened the act, and may levy an administrative penalty.
- **FRPA Section 68**: Forfeitures/seizures of livestock, hay, etc.
- **FRPA Section 77**: Remediation orders.
- **FRPA Section 77**: Intervention orders.
- **FRPA Section 92**: Restitution.
- **FRPA Section 94**: Continuing offences.

Range agreement holders found to be in offence must act quickly. Every day they do not act may be considered to be a new offence. This is called a continuing offence.

If you disagree

**FRPA Section 80**: If a range agreement holder does not agree with a determination of an offence made by a government official, an independent administrative review may be requested. The range agreement holder must do this within three weeks, and specific steps must be followed.

**FRPA Section 82**: If the range agreement holder is not satisfied with the results of the administrative review, an appeal may be made to the Forest Appeals Commission. The range agreement holder cannot go directly to the commission; an administrative review is required first. The range agreement holder must appeal within three weeks of the review decision, or the commission need not hear the appeal.

The final resort is an appeal to the courts through judicial review.
Audits, investigations and public complaints

The Forest Practices Board is an independent watchdog body that carries out independent audits and special investigations to determine:

- Whether plans and activities are carried out as required by FRPA
- Whether the government is enforcing the act appropriately.

**FRPA Section 81**

The Forest Practices Board may, with the consent of the person subject to the determination, require a review of a determination.

**FRPA Section 123**

As well, the independent Forest Practices Board investigates complaints from the public (third-parties) about how FRPA is being upheld. However, the Forest Practices Board does not have to investigate every third-party complaint. It can dismiss complaints that it deems trivial, frivolous, or vexatious, or if the investigation would not benefit the complainant.

**FRPA Section 83**

The Forest Practices Board may appeal to the Forest Appeals Commission under certain circumstance.

**FRPA Act Section 122**

The Board may conduct audits and special investigations.
## Part 5 — Where to turn

### Resources

#### COAST FOREST REGION

2100 Labieux Road  
Nanaimo BC V9T 6E9  
Tel: (250) 751-7001  Fax: (250) 751-7190

<table>
<thead>
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<tr>
<td><strong>Campbell River</strong></td>
<td><strong>Chilliwack</strong></td>
</tr>
<tr>
<td>370 South Dogwood Street</td>
<td>4630 Airport Rd</td>
</tr>
<tr>
<td>Campbell River BC V9W 6Y7</td>
<td>Chilliwack BC V2P 1A5</td>
</tr>
<tr>
<td>Tel: (250) 286-9300</td>
<td>Tel: (250) 702-5700</td>
</tr>
<tr>
<td>Fax: (250) 286-9490</td>
<td>Fax: (250) 702-5711</td>
</tr>
<tr>
<td><strong>South Island</strong></td>
<td><strong>North Island - Central Coast</strong></td>
</tr>
<tr>
<td>4885 Cherry Creek Rd</td>
<td>Box 7000</td>
</tr>
<tr>
<td>Port Alberni, BC V9Y 8E9</td>
<td>Port McNeill BC V0N 2R0</td>
</tr>
<tr>
<td>Tel: (250) 731-3000</td>
<td>Tel: (250) 956-5000</td>
</tr>
<tr>
<td>Fax: (250) 731-3010</td>
<td>Fax: (250) 956-5005</td>
</tr>
<tr>
<td><strong>North Island-Central Coast (FO)</strong></td>
<td><strong>Squamish</strong></td>
</tr>
<tr>
<td>PO Box 1000 Bella Coola</td>
<td>Suite 101 42000 Loggers Lane</td>
</tr>
<tr>
<td>Hagensborg BC V0T 1H0</td>
<td>Squamish, BC V0N 3G0</td>
</tr>
<tr>
<td>Tel: (250) 982-2000</td>
<td>Tel: (604) 898-2100</td>
</tr>
<tr>
<td>Fax: (250) 982-2090</td>
<td>Fax: (604) 898-2191</td>
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#### NORTHERN INTERIOR FOREST REGION

1011 4th Avenue  
Prince George, BC V2L 3H9  
Tel: (250) 565-6100 Fax: (250) 565-6671

<table>
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<tbody>
<tr>
<td><strong>Fort Nelson</strong></td>
<td><strong>Fort St. James</strong></td>
</tr>
<tr>
<td>RR 1 Mile 301 Alaska Highway</td>
<td>P.O. Box 100 Stonesbay Road</td>
</tr>
<tr>
<td>Fort Nelson, BC V0C 1R0</td>
<td>Fort St. James BC V0J 1P0</td>
</tr>
<tr>
<td>Tel: (250) 774-5511</td>
<td>Tel: (250) 996-5200</td>
</tr>
<tr>
<td>Fax: (250) 774-3704</td>
<td>Fax: (250) 996-5290</td>
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<tr>
<td><strong>Mackenzie</strong></td>
<td><strong>Nadina</strong></td>
</tr>
<tr>
<td>Bag 5000 1 Cicada Road</td>
<td>Box 3500 185 Yellowhead Highway</td>
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<tr>
<td>Mackenzie BC V0J 2C0</td>
<td>Burns Lake BC V0J 1E0</td>
</tr>
<tr>
<td>Tel: (250) 997-2200</td>
<td>Tel: (250) 692-2200</td>
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<tr>
<td>Fax: (250) 997-2236</td>
<td>Fax: (250) 692-7461</td>
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<tr>
<td><strong>Peace</strong></td>
<td><strong>Prince George</strong></td>
</tr>
<tr>
<td>9000 17th Street</td>
<td>2000 South Ospika Blvd.</td>
</tr>
<tr>
<td>Dawson Creek BC V1G 4A4</td>
<td>Prince George BC V2N 4W5</td>
</tr>
<tr>
<td>Tel: (250) 784-1200</td>
<td>Tel: (250) 614-7400</td>
</tr>
<tr>
<td>Fax: (250) 784-0143</td>
<td>Fax: (250) 6147435</td>
</tr>
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Skeena Stikine
3Bag 6000 3333 Tatlow Rd
Smithers BC V0J 2N0
Tel: (250) 847-6300
Fax: (250) 847-6353

Vanderhoof
P.O. Box 190 1522 Highway 16 East
Vanderhoof BC V0J 3A0
Tel: (250) 567-6363
Fax: (250) 567-6370

SOUTHERN INTERIOR FOREST REGION
515 Columbia Street
Kamloops BC V2C 2T7
Tel: (250) 828-4131 Fax: (250) 828-4154

Forest Districts:

Arrow Boundary
845 Columbia Avenue
Castlegar BC V1N 1H3 or
Tel: (250) 365-8600
Fax: (250) 365-8568

Grand Forks Field Office
7290- 2nd St.
Grand Forks, BC V0H 1H0
Tel: (250) 442-4317
Fax: (250) 365-8568

Cascades
P.O. Box 4400 Stn. Main
Highway 54 and Airport Road
Merritt BC V1K 1B8
Tel: (250) 378-8400
Fax: (250) 378-8481

Central Cariboo
925 North 2nd Avenue
Williams Lake BC V2G 4P7
Tel: (250) 305-2001
Fax: (250) 305-2034

Lillooet Field Office Tel: (250) 256-1431

Chilcotin
P.O. Box 65
Stum Lake Road
Alexis Creek BC V0L 1A0
Tel: (250) 394-4700
Fax: (250) 394-4515

Headwaters
P.O. Box 4501
R.R. #2 687Yellowhead Highway 5
Clearwater, BC V0E 1N0
Tel: (250) 587-6700
Fax: (250) 587-6790

Kamloops
1265 Dalhousie Drive
Kamloops BC V2C 5Z5
Tel: (250) 371-6500
Fax: (250) 828-4627

Kootenay Lakes
R.R. #1, S-22, C-27
1907 Ridgewood Road
Nelson BC V1L 6K1
Tel: (250) 825-1100
Fax: (250) 825-9657

Okanagan Shuswap
2501 14th Avenue
Vernon BC V1T 8Z1
Tel: (250) 558-1700
Fax: (250) 549-5485

100 Mile House
P.O. Box 129 300 S. Cariboo Highway
100 Mile House BC V0K 2E0
Tel: (250) 395-7800
Fax: (250) 395-7810

Quesnel
322 Johnston Avenue
Quesnel BC V2J 3M5
Tel: (250) 992-4400
Fax: (250) 992-4403

Rocky Mountain
1902 Theatre Road
Cranbrook BC V1C 7G1
Tel: (250) 426-1700
Fax: (250) 426-1777
Policy and implementation
(see also district and regional offices, above)
Forest Practices Branch
Ministry of Forests
8th Floor, 727 Fisgard Street
P.O. Box 9513 Stn Prov Govt
Victoria, BC V8W 9C2
Telephone (250) 387-6653 Fax (250) 387-1467

Copies of legislation and other government publications
Crown Publications
521 Fort Street
Victoria, BC V8W 1E7
Telephone (250) 386-4636 Fax (250) 386-0221

Printed documents
The Rangeland Health Series provides information on best range management practices. Brochures are available in PDF format from the following link:

http://www.for.gov.bc.ca/hfd/pubs/Bro.htm

Appeal government penalties
Forest Appeals Commission
Fourth Floor, 836 Yates Street
Victoria, BC V82 1L8
Telephone (250) 387-3464 Fax (250) 356-9923

Concerns about forest operations
Forest Practices Board
Third floor, 1675 Douglas Street
P.O. Box 9905, Stn Prov Govt
Victoria, BC V8W 9R1
Toll-free 1-800-994-5899
Telephone (250) 387-7964 Fax (250) 387-7009
Appendix — Legislation most pertinent to Crown range
Forest and Range Practices Act

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- Section 14 – review and comment
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- Section 17 – Minister of Forests’ delegation
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Administrative Remedies Regulation

- A schedule of penalties that may be imposed for breaking the law.

Range Act

The Range Act grants the right to use Crown range/forage through the form of an agreement. The Forest and Range Practices Act regulates how Crown range will be used (i.e., requirement to have a Range Act agreement and to have and abide by a range use plan).

General content:
• regional or district manager may grant licences and permits
• grazing licences
• grazing permits
• temporary grazing permits
• hay cutting licences
• hay cutting permits
• transfers
• suspensions
• cancellations

Range Regulation

**General content:**
• advertisement of licences and permits
• applications for grazing permits and licences
• applications for hay cutting permits and licences
• competition
• private land agreements
• fees
• transfers