



Forest Practices Board

File: 97250-20/16063

March 20, 2017

VIA EMAIL

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[Redacted]

[Redacted]

Dear Participants:

Re: Resolution of Complaint 16063 – Unauthorized Damage to a Range Development

This is the Board’s closing letter for a complaint filed by [Redacted] (the complainant) of the Sharpe Lake area within the 100 Mile House Natural Resource District (the district). The complainant is the holder of Crown range agreement RAN076033.

In August 2016, the Board received a complaint asserting that a timber sale licence holder (TSL holder) under the BC Timber Sales program had removed portions of a fence on the complainant’s range agreement area to accommodate road access for timber harvesting. The complainant alleged that the actions of the TSL holder put their livestock at risk because the livestock could have easily left the range agreement area. They also alleged that the TSL holder did not obtain the required authorizations from the district manager to remove portions of the fence.

Background

In June 2016, the complainant learned that the TSL holder had recently removed a section of fence within their range agreement area. The complainant contacted the TSL holder and said that they should take immediate measures to repair the fence and prevent the livestock from leaving the range area. According to the complainant, the TSL holder said that it would close off the breach in the fence when it was not using the road to access the cutblock.

Later in June, the complainant was inspecting the range agreement area and found that the TSL holder had not taken any measures to close off the fence breach. The complainant saw that the TSL holder had also cut another opening on a different fence, and also observed a third section of fence that had been damaged by a low-bed trailer associated with the TSL holder's activities.

The complainant contacted BC Timber Sales, compliance and enforcement branch and several staff in the resource district. The complainant asked compliance and enforcement staff to investigate whether the TSL holder had obtained the necessary authorizations under the *Forest and Range Practices Act* to breach both range fences. Compliance and enforcement staff advised the complainant that there was nothing they could do because authority to breach a range fence is implied when the district manager approves a cutting permit or road permit.

Section 51 of the *Forest and Range Practices Act* requires a person to obtain an authorization from the district manager before constructing, modifying, removing, damaging or destroying a range development (including a fence) on Crown range.

Board staff confirmed that the TSL holder did not obtain the necessary authorization before removing the two sections of fence. Further, the district manager said that compliance and enforcement staff incorrectly interpreted FRPA's requirements when they advised the complainant that authority to damage or remove a range development was implied when the district manager issues a road permit or cutting permit.

After harvesting of the cutblocks was completed, the TSL holder hired a contractor to repair the three sections of fence. The complainant confirmed that the breaches were repaired, but was unsure whether the repairs met the Ministry of Forests, Lands and Natural Resource Operations' fencing standards.

Resolution

In December 2016, the district manager issued a policy on implementation of section 51 of the *Forest and Range Practices Act*. This new policy clarifies the roles and responsibilities of ministry staff, forest licensees and range agreement holders when forest licensees require range developments to be modified to accommodate forest operations. BC Timber Sales has also assured the complainant that the fencing will be inspected to ensure it meets ministry standards, once the cutblocks are replanted.

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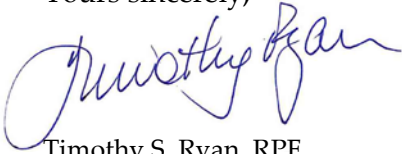
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The complainant is satisfied with the new district policy on range developments and with BC Timber Sales' commitment to ensure the fence repairs meet ministry standards.

This concludes the Board's involvement in this file. If you have any remaining questions or concerns, please contact Doug Wahl at (250) 213-4723.

Yours sincerely,

A handwritten signature in blue ink that reads "Timothy Ryan". The signature is written in a cursive style with a large initial "T".

Timothy S. Ryan, RPF
Chair

cc: Minister Steve Thomson
Norah White