

AUDIT OF FOREST PLANNING AND PRACTICES

1175401 B.C. Ltd.

Forest Licences A77899 and A77900

DECEMBER 2024

FPB/ARC/268



**Forest
Practices
Board**

BC'S INDEPENDENT
WATCHDOG FOR SOUND
FOREST & RANGE
PRACTICES

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Board Commentary

As part of its annual audit program, the Board conducted a full-scope compliance audit of forest licences A77899 and A77900 held by 1175401 B.C. Ltd. within the Sunshine Coast Natural Resource District. The audit results are described in detail later in this report. 1175401 B.C. Ltd. recently acquired these licences, and although it generally complied with *Forest and Range Practices Act* and *Wildfire Act* requirements, this audit found several instances of significant non-compliance.

This commentary provides the Board's views on licence transfers, the associated communication between the provincial government and new licensees regarding obligations and responsibilities, and how they relate to the compliance issues identified in this audit.

As the provincial government implements various initiatives to promote economic diversification and reconciliation, the Board has noticed an increase in small forest licences acquired by new tenure holders. The Board expects this trend to continue and is highlighting this as an opportunity to better support small licence holders.

When a forest licence is awarded or transferred, the legal and financial obligations are transferred along with it. New licensees are legally responsible for maintaining roads and meeting the operational planning requirements associated with their licence.

1175401 B.C. Ltd. acquired its licences approximately four years prior to the field audit. This audit found the licensee was unaware of its road maintenance obligations and had no proactive road maintenance plan to ensure its roads and structures were safe and sound. In addition, the licensee did not fulfill several commitments in its forest stewardship plan to ensure objectives were met for visual quality, fish habitat and wildlife, and measures for invasive plants. Similar findings have been observed in past audits¹, and are often related to a lack of awareness around silviculture and road maintenance obligations. This lack of awareness can put forest resources at risk and is not in the public's interest.

The number and significance of these findings highlight how important due diligence and clear communication around roles and responsibilities are when small licences are issued. The licence holder is responsible for meeting all obligations related to the licence; the Ministry of Forests could evaluate licensee experience when issuing the licence and provide clarity commensurate of experience; and professional foresters must adhere to practice requirements and ethical standards.

The Board encourages new licensees to address the risks and obligations associated with acquiring a new licence, and engage with forest professionals to ensure forest resources are managed according to legal standards.

¹ [Complaint investigation IRC171](#) and [Audit report ARC248](#)

Audit Results

Introduction

The Forest Practices Board is the public's watchdog for sound forest and range practices in British Columbia. One of the Board's roles is to audit the practices of the forest industry to ensure compliance with the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act*.

As part of the 2023 Forest Practices Board audit program, the Board randomly selected the Sunshine Coast Natural Resource District (the district), and within the district it selected forest licences (FL) A77899 and A77900 held by 1175401 B.C. Ltd. for audit.

This report explains what the Board audited and the results. Detailed information about the Board's compliance audit process is provided in Appendix 1.



Figure 1. Looking southwest towards Lasqueti Island from a free-growing cutblock managed by 1175401 B.C. Ltd.

Background

In 2019, FLs A77899 and A77900 were transferred to 1175401 B.C. Ltd., which operates exclusively on Texada Island in the Sunshine Coast Timber Supply Area (TSA). The island is in the Strait of Georgia and covers over 300 square kilometres (Figure 2). Industrial activities on the island have decreased in recent years, with only some quarrying and minor logging operations remaining active. In the summer, the island is frequented by many visitors seeking recreation.

Texada Island is home to various ecosystems, which are often exposed to the ocean. The island is located in the northern extent of the Coastal Douglas-fir biogeoclimatic zone, which covers approximately one-third of the island. The other two-thirds of the island falls within the drier subzones of the Coastal Western Hemlock biogeoclimatic zone. The licensee's annual allowable cut is just under 20 000 cubic metres, and it harvests mostly red cedar, Douglas-fir, white pine and lodgepole pine.

Texada Island is part of the territory of the shíshálh, Tla'amin, and the Snaw'naw'as Nations. These Indigenous Peoples have been stewards of the land since time immemorial, and the Forest Practices Board recognizes their deep connection with the land that continues to this day.

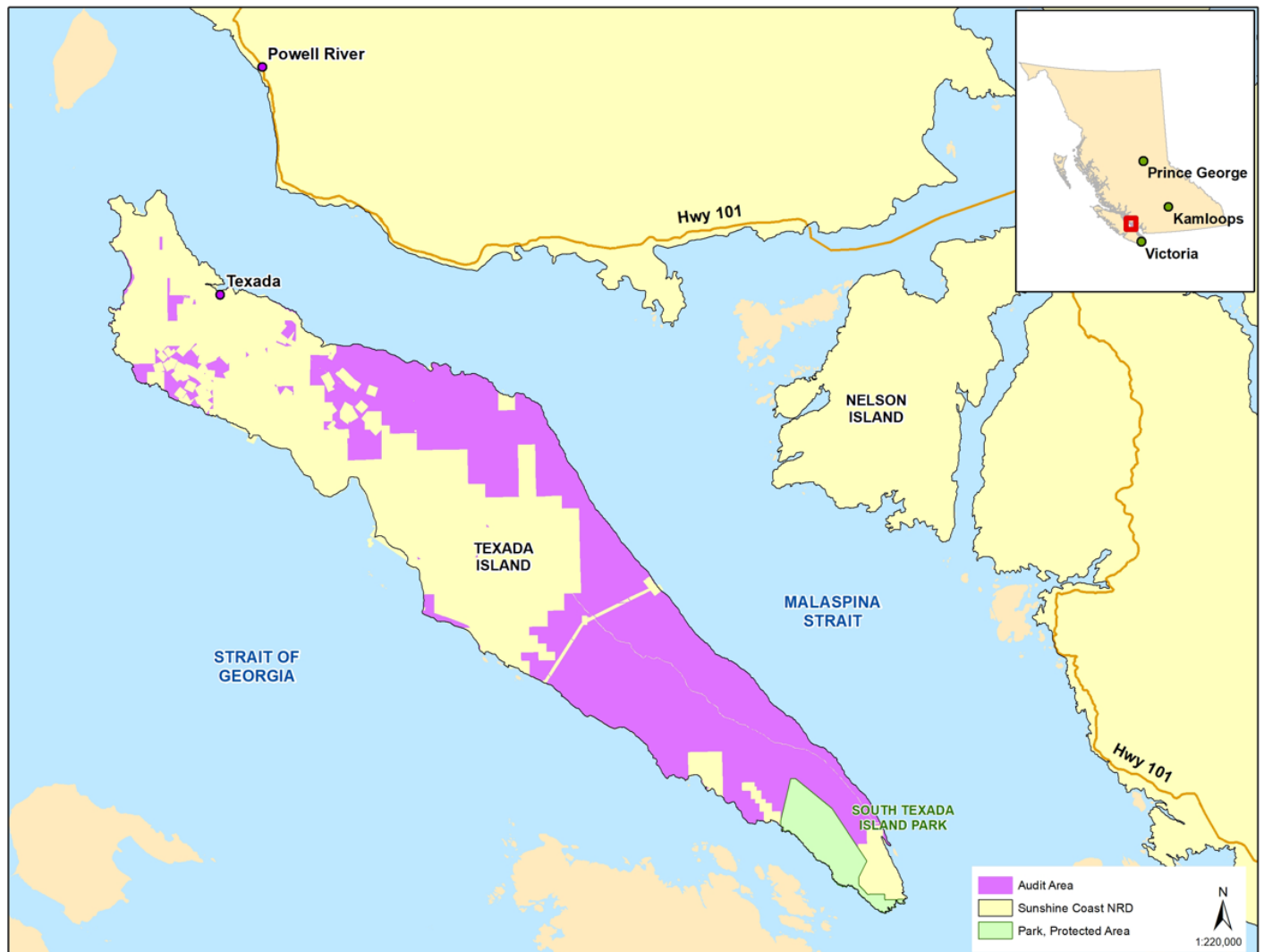


Figure 2. Map of the Audit Area

Audit Approach and Scope

This was a full scope compliance audit with a two-year timeframe. All activities 1175401 B.C. Ltd. carried out between June 1, 2021, and June 2, 2023, were subject to audit. The activities included harvesting, road and major structure¹ construction, maintenance and deactivation, silviculture, wildfire protection and associated planning.

Auditors assessed these activities for compliance with FRPA, the *Wildfire Act*, and applicable regulations and legal orders. This work included interviewing the licence holder and contractors, reviewing the forest stewardship plan (FSP)* and site plans, assessing silviculture records and conducting site visits with the licence holder to review field practices. Sites were accessed by road. Four professional foresters and one professional geoscientist made up the audit team. The audit team was in the field from May 29 to June 2, 2023.

The standards and procedures used to carry out this audit are set out in the Board's *Compliance Audit Reference Manual, Version 7.1, July 2016*.

*FOREST STEWARDSHIP PLAN

An FSP is a key planning element in the FRPA framework. It is the only plan subject to public review and comment, and government approval. In its FSP, 1175401 B.C. Ltd. is required to identify results and/or strategies consistent with government objectives for values such as water, wildlife and soils. These results and strategies must be measurable and once approved are subject to government enforcement. FSPs identify areas within which road construction and harvesting will occur but are not required to show the specific locations of future roads and cutblocks. FSPs can have a term of up to five years.

Planning and Practices Examined

Operational Planning

1175401 B.C. Ltd. planned its activities under FSP # 848, which was approved in 2020. Auditors examined the FSP and site plans for consistency with legal requirements set out in legislation and ministerial orders. These included government objectives for community watersheds, species at risk and visual quality. Auditors also reviewed site plans during harvesting, road and silviculture field sampling to ensure they accurately identified site conditions.

Timber Harvesting

1175401 B.C. Ltd. harvested 15 cutblocks during the audit period, and auditors examined all of them.

Road and Major Structure Construction, Maintenance and Deactivation

1175401 B.C. Ltd. constructed roads and had maintenance obligations for roads and bridges. Two crossing structures were built, but no roads or bridges were deactivated during the audit period. The population and sample for roads and structures are in Table 1.

TABLE 1. Population and Sample for Road and Bridge Activities

ACTIVITY	POPULATION	SAMPLE
	(Kilometres)	(Kilometres)
Road Maintenance	163.5	50.8
Road Construction	5.3	5.3
	(Structures)	(Structures)
Bridge & Major Culvert Maintenance	10	6
Bridge & Major Culvert Construction	2	2

Silviculture Obligations and Activities

1175401 B.C. Ltd. conducted planting and brushing activities and had regeneration and free-growing obligations during the audit period. The population and sample for silviculture activities and obligations are shown in Table 2.

TABLE 2. Population and Sample for Silviculture Activities and Obligations

OBLIGATIONS AND ACTIVITIES	POPULATION	SAMPLE
	(Cutblocks)	(Cutblocks)
Planting*	18	18
Brushing	1	1
Regeneration Obligations (due or declared)	21	21
Free-growing Obligations (due or declared)**	4	4

*All planted cutblocks in the population were assessed for seed transfer requirements.

**All free-growing cutblocks in the population were evaluated for forest cover reporting.

Wildfire Protection

Auditors examined fire hazard assessment and abatement activities. The auditors also examined fire preparedness at the only active work site during the field audit. The population and sample of wildfire protection activities are shown in Table 3.

TABLE 3. Population and Sample for Wildfire Protection Activities and Obligations

ACTIVITY	POPULATION	SAMPLE
	(Cutblocks)	(Cutblocks)
Fire Hazard Assessment	17	17
Fire Hazard Abatement	4	4
Fire Preparedness at Active Work Sites	1	1

Findings

The audit found that 1175401 B.C. Ltd.'s planning and practices generally complied with FRPA and the *Wildfire Act*. However, the audit identified three significant non-compliances related to planning, road maintenance obligations, and riparian assessments, as well as three areas requiring improvement related to visual quality objectives (VQO), bridge construction, and fire hazard assessments.

Findings of Significance

Operational Planning Commitments

Section 20.22(1)ⁱⁱ of FRPA requires the holder of an FSP to ensure that the intended results specified in the plan are achieved and the strategies described in the plan are carried out. In its FSP, 1175401 B.C. Ltd. committed to conducting habitat and occurrence assessments for wildlife, and riparian area assessments. To comply with section 20.22(1) of FRPA, the licensee was required to follow through with these commitments.

1175401 B.C. Ltd. could not provide evidence that it completed these assessments other than stating it had completed ocular assessments for some of the cutblocks in visually sensitive areas. The licensee was responsible for conducting riparian assessments for a fish stream and tailed frog presence, evaluations of northern goshawk presence and tracking of suitable habitat. The licensee was also required to demonstrate how it followed all the steps of its strategy to address invasive plants. Because 1175401 B.C. Ltd. did not provide these assessments, it cannot demonstrate whether the results and strategies for these resource interests were achieved.

This is an issue, as it could affect multiple resource values, including wildlife, water, fish, visual quality, and wildlife and biodiversity in riparian areas. It could also hinder the prevention of the introduction and spread of invasive plants. This finding is considered a significant non-compliance because the licensee did not ensure that planning objectives were met for these resource values.

Road Maintenance Tracking

Several sections of the *Forest Planning and Practices Regulation* (FPPR), including sections 72, 79 and 81ⁱⁱⁱ, establish requirements for road maintenance. These sections require that the person responsible for a road or bridge must ensure that the road and structures are structurally sound and safe for industrial users, and that they are not adversely affecting a forest resource. The requirement to "ensure" means that the person must take positive steps to "make certain" of these outcomes, including putting a system of checks and balances in place.

Given the proximity of FLs A77899 and A77900 operations to high resource values, and regular use of the roads by Texada Island residents, it is reasonable to expect a high level of diligence for road maintenance.

1175401 B.C. Ltd. did not have any records of road, bridge or box culvert maintenance or inspections. Only the Ministry of Forests could confirm what sections of road and which bridges the licensee was responsible for. The auditors did not identify any significant issues on the ground with respect to road, bridge and box culvert maintenance on roads the licensee was responsible for within FLs A77899 and A77900. However, the licensee was not aware of its road maintenance obligations and did not have a proactive road maintenance plan for roads and structures. This is a significant non-compliance with the requirements of sections 72, 79 and 81 of the FPPR.

Maintaining Fish Passage and Protecting Fish Habitat

Sections 56(1) and 57^{iv} of the FPPR require 1175401 B.C. Ltd. to ensure that road construction does not have material adverse effects on fish passage in a fish-bearing stream, and that forest activities are conducted in a manner that is unlikely to harm fish or damage fish habitat.

1175401 B.C. Ltd. completed the construction of a road (Spur 10-2) prior to the field audit on May 30, 2023. The licensee did not complete surveys for fish presence prior to road construction. Auditors found that the road crossed a fish stream adjacent to cutblock 10A and created a fish barrier comprised of corrugated metal pipe, blast rock and woody debris.

Tenure holders must ensure their decision-making is supported by sound and accurate documentation. Because 1175401 B.C. Ltd. cannot demonstrate it was diligent in assessing for fish presence prior to the construction of a road and stream crossing, it could not ensure these activities did not have a material adverse effect on fish passage or harm fish habitat, which contravenes sections 56 and 57 of the FPPR. As a result, this finding is considered a significant non-compliance.

Harvesting in a Scenic Area

In its FSP, the licensee committed to completing a visual impact assessment by a qualified professional before harvesting and road building to ensure these activities meet the VQO. The Board interprets this commitment as the licensee's intent to meet the applicable VQO after harvesting and road building.. An order made under the *Government Actions Regulation* established a VQO of partial retention² along the entire eastern shore of Texada Island (established in May 1997, under the *Forest Practices Code of BC Act*).

A VQO of partial retention means that alterations, including harvesting and road building, when viewed from a significant public viewpoint, can occur to the extent that it is easy to see, small to medium in scale, and natural in appearance, but not rectilinear or geometric in form.

1175401 B.C. Ltd. stated it had completed an ocular assessment for cutblock 42 of cutting permit 37, but could not provide documented evidence of doing so. Auditors analyzed the appearance of the cutblock from a significant viewpoint on Highway 101, south of Powell River, using provincial standards. While the alterations to the cutblock were small in scale, the boundary to the south of it was linear and geometric in appearance, resulting in the cutblock not meeting the partial retention criteria

The licensee did not comply with section 20.22(1) of FRPA. When viewed from a significant public viewpoint, the cutblock does not meet the VQO of partial retention. However, because the timber harvesting was small in scale, this is considered an area requiring improvement.

Bridge Construction

Section 72 of the FPPR requires 1175401 B.C. Ltd. to ensure the bridges it constructs are structurally sound and safe for industrial use. Section 77^v of the FPPR requires the licensee to prepare relevant field and construction data, and record or as-built drawings for bridges it constructs. Section 77 also requires the licensee to retain these documents for as long as the structure is in place or until it is no longer responsible for maintaining the road.

² Visual resource legislation and policies - <https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/visual-resource-management/legislation-policies>

1175401 B.C. Ltd. planned to construct a wood box culvert over stream 1 on Branch NE 1 to access cutblock 16D. After construction, the span of the log stringer structure exceeded 6 metres from bearing to bearing, which resulted in the crossing being categorized as a bridge. Constructing bridges requires involving a qualified professional to prepare certain documentation before and after its construction. These documents are specifically described in the *Professional Services in the Forest Sector: Crossings*³ and are a practice requirement for all bridge construction projects.

None of the documentation required by section 77 of the FPPR was prepared or obtained by 1175401 B.C. Ltd. At a minimum, there needed to be a design, crossing assurance statements and an as-built or record drawing.

Auditors found the bridge was well-constructed and protected the stream channel and banks. Since the auditors did not have concerns with the safety of the structure, and no negative impacts to forest resources were noted, these non-compliances are not considered significant.

Fire Hazard Assessments

The *Wildfire Act* requires licensees to conduct fire hazard assessments at specified intervals.^{vi} These include assessing the fuel on site and the associated risk of a fire starting or spreading. If the licensee identifies a fire hazard, it must be abated to the extent required in the *Wildfire Regulation*.

Auditors found that fire hazards were abated within the time—and to the extent—required in the *Wildfire Regulation*. However, 1175401 B.C. Ltd. did not complete hazard assessments for the cutblocks sampled. A hazard assessment is required by law to determine if harvesting has created a fire hazard.

While 1175401 B.C. Ltd. is completing fire hazard abatement in accordance with the *Wildfire Act*, it cannot demonstrate that it has been assessing the hazard. This is a non-compliance with legislation. This non-compliance is not considered significant since fire hazards are being abated in an effective and timely manner. This finding is considered an area requiring improvement.

General Findings

Operational Planning

Aside from the findings described in the *Findings of Significance* section of this report, the FSP and site plans were consistent with FRPA requirements and relevant legal objectives. 1175401 B.C. Ltd. addressed site-specific resources in the site plans, and auditors had no concerns with operational planning.

Timber Harvesting

The auditors sampled harvesting activities in 15 cutblocks. These cutblocks included a range of key resource values to evaluate, such as wildlife, recreation, fish habitat and visual quality. The sampled cutblocks contained adequate reserves and crossings, which reflected commitments in the site plans.

In summary, auditors found that harvesting was conducted in accordance with the legislation, and consistent with FSP requirements and the prescribed measures in the site plans.

³ <https://tools.egbc.ca/Practice-Resources/Individual-Practice/Guidelines-Advisories/Document/01525AMW23GFLUWJCAIFGI3P5YWZKMZS3G/Professional%20Services%20in%20the%20Forest%20Sector%20-%20Crossings>

Road and Major Structure Construction, Maintenance and Deactivation

Aside from the findings described in the *Findings of Significance* section of this report, the general observations for the roads audit section are described below.

Road Construction

All documentation was complete, including road permits and road designs. Roads were constructed according to standards.

Road Maintenance

Given the small size of the FLs, 1175401 B.C. Ltd. is responsible for maintaining a considerable number of roads (163.5 kilometres total). Roads were mostly located on flat terrain, and the licensee addressed maintenance items in a timely manner. Culverts were functional and drainage was maintained. Active road sections were stable and safe for industrial use.

Other than the findings described in the *Findings of Significance* section of this report, auditors had no concerns with the road or major structure work carried out by 1175401 B.C. Ltd.

Wildfire Protection

Wildfire Preparedness

Auditors visited one active site where an operator contracted by 1175401 B.C. Ltd. was carrying out road maintenance activities. This is not defined as a high-risk activity under the *Wildfire Regulation* and the operator must only have sufficient hand tools on site to meet fire preparedness requirements. The operator met this requirement and auditors had no concerns regarding wildfire preparedness.

Wildfire Hazard Abatement

Regarding wildfire hazard abatement, auditors found that harvest debris piles were abated to the extent required and within the time required in the *Wildfire Regulation*.

Silviculture Activities and Obligations

During the field audit, auditors found that 1175401 B.C. Ltd. planted cutblocks the year they were harvested, completed pile burning over the next fall/winter and then planted the burn pile voids the following spring. All seedlings were planted with vexar mesh to protect them from browse damage. The licensee planted 100 percent coastal Douglas-fir using A-class seed that grew well on site.

All cutblocks with free-growing and regeneration obligations conformed with stocking standards and were consistent with silviculture surveys.

All seedlots used by 1175401 B.C. Ltd. conformed to the *Chief Foresters Standards for Seed Use*⁴ and annual reporting was accurate and completed on time.

Auditors had no concerns with silviculture activities.

⁴ <https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/tree-seed/legislation-standards/chief-forester-s-standards-for-seed-use>

Audit Opinion

In my opinion, except for the issues described below, the operational planning, timber harvesting, road and major structure construction, maintenance and deactivation, silviculture and fire protection activities carried out by 1175401 B.C. Ltd. between June 1, 2021, and June 2, 2023, complied in all significant respects with the requirements of the *Forest and Range Practices Act*, the *Wildfire Act* and related regulations, as of June 2023.

In reference to compliance, the term “in all significant respects” recognizes that there may be minor instances of non-compliance that either may not be detected by the audit or that are detected but not considered worthy of inclusion in the audit report.

Without further qualifying my opinion, I draw attention to the *Operational Planning Commitments* section of the report, which describes a significant non-compliance related to forest stewardship plan commitments; the *Road Maintenance Tracking* section of the report, which describes a significant non-compliance related to the tracking of road obligations; the *Maintaining Fish Passage and Protecting Fish Habitat* section of the report, which describes a significant non-compliance related to fish habitat; the *Timber Harvesting in a Scenic Area* section of the report, which describes an area requiring improvement related to visual quality objectives; the *Bridge Construction* section of the report, which describes an area requiring improvement for bridge construction documentation; and the *Fire Hazard Assessments* section of the report, which describes an area requiring improvement related to the completion of hazard assessments.

The *Audit Approach and Scope* and the *Planning and Practices Examined* sections of this report describe the basis of the audit work performed in reaching the above conclusion. The audit was conducted in accordance with the auditing standards of the Forest Practices Board, including adherence to the auditor independence standards and the ethical requirements, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour. Such an audit includes examining sufficient forest planning and practices to support an overall evaluation of compliance with the *Forest and Range Practices Act* and the *Wildfire Act*.



Daryl Spencer, RPF
Auditor of Record

Kelowna, British Columbia
November 2024

Appendix 1:

Forest Practices Board Compliance Audit Process

Background

The Forest Practices Board conducts periodic audits of government and licensees to determine compliance with Parts 2 to 5 of the *Forest and Range Practices Act* (FRPA), and Parts 1 and 2 of the *Wildfire Act*, and associated regulations and standards.

Selection of Auditees

The number, type and scope of audits to be conducted each year are established by the Director of Audits in accordance with the Board's strategic priorities and budget. Once a licence has been audited, it is removed from the audit selection pool for five years.

The Board randomly selects districts or timber supply areas (TSAs) from each of the three natural resource areas of BC (North, South and Coast). The auditors then review the forest resources, geographic features, activities, and operating conditions in the district or TSA selected, as well as past Board audits in that district or TSA. These factors are considered with the Board's operational and strategic priorities, and the type of audit is determined. At this stage, the Board chooses the auditee(s) that best suits the selected risk and priorities. This is considered a qualified random approach of selection.

In addition, each year, the Board randomly selects at least 1 of the 31 BCTS field units for audit.

Audit Standards

Audits are conducted in accordance with auditing standards developed by the Board and described in the Board's *Compliance Audit Reference Manual*. The standards are based on Canadian generally accepted auditing standards and relevant ethical requirements. This includes those pertaining to independence, as published by the Chartered Professional Accountants of Canada, and consistent with the *Canadian Standards on Assurance Engagements* (CSAE) 3001, the *Conformity assessment – Requirements for bodies providing audit and certification of management systems* (ISO 17021-1:2011), and the *CPA Code of Professional Conduct* (CPABC Code – June 2015).

Audit Process

Conducting the Audit

Once the Board selects a licence or BCTS field unit for audit, the next step is to determine the scope of the audit (timeframe, activities). For the timeframe, the Board normally examines activities that took place over a one or two-year time period up to the start of the audit fieldwork (i.e., looking back two years). This is referred to as the audit period.

For a full-scope compliance audit, all activities carried out during the audit period are identified, which may include harvest, silviculture, fire protection and road-related activities. These activities form the population.

From the population, the auditors select a sample of each activity to examine in the field. Generally, auditors will concentrate on sampling where the risk of impacts to forest resources is deemed to be high. This is called the *inherent risk*. It can be a function of site conditions, natural circumstances, and the particular forest or range practices involved. Proportionally, more sampling occurs where the inherent risk is high because the higher the risk, the higher the likelihood of significant non-compliance or failure to achieve specified results.

For smaller audits, the sample may include the full population. Auditors also consider factors such as geographic distribution and values potentially affected by activities to ensure an adequate sample size.

Auditors' work includes interviewing licensee staff, reviewing the auditee's applicable plans, and reviewing applicable legal orders, observations, inspections, and assessments in the field.

Evaluating the Results

The Board recognizes that compliance with the requirements of FRPA and the *Wildfire Act* is more a matter of degree than absolute adherence. Determining compliance and assessing the significance of non-compliance requires the exercise of professional judgment within the direction provided by the Board.

The audit team, composed of professionals and technical experts, first determines whether forest practices comply with legal requirements. For those practices considered to not be in compliance, the audit team then evaluates the significance of the non-compliance based on a number of criteria, including the magnitude of the event, the frequency of its occurrence and the severity of the consequences.

Auditors categorize their findings into the following levels of compliance:

Compliance – where the auditor finds that practices meet FRPA and *Wildfire Act* requirements.

Unsound Practice – where the auditor identifies a practice that complies with FRPA or the *Wildfire Act*, but may adversely affect a forest resource.

Areas Requiring Improvement (Not significant non-compliance) – where the auditor, upon reaching a non-compliance conclusion, determines that one or more non-compliance event(s) is not significant and not generally worthy of reporting. In certain circumstances, these events may be reported as an area requiring improvement.

Significant non-compliance – where the auditor determines a non-compliance event(s) or condition(s) is, or has the potential to be, significant and is considered worthy of reporting.

Significant breach – where the auditor finds that significant harm has occurred, or is beginning to occur, to persons or the environment as a result of one or more non-compliance events.

If an auditor identifies a probable significant breach of the legislation, the auditor is required by the *Forest Practices Board Regulation* to immediately advise the Board, the party being audited, and the responsible Minister(s).

Reporting

Based on the above evaluation, the auditor then prepares a draft audit report. The auditor provides the party being audited with a copy of the draft report for review and comment before it is submitted to the Board.

The Board reviews the draft report and may make recommendations and/ or provide commentary on the audit findings. The Board must, prior to publishing a report or recommendation, consider whether or not it may adversely affect a party or person. The Board must give any affected party or person the opportunity to review, rebut or clarify the information before the Board publishes its report. The final report is released to the auditee first and then to the public and government seven days later.

ENDNOTES

ⁱ Major structure includes bridges and major culverts where:

- Bridge means a temporary or permanent crossing structure with a span length equal to or greater than 6 metres or an abutment height of 4 metres or greater.
- Major culvert has a pipe diameter of 2 metres or greater or is a pipe or open bottom arch with a span greater than 2.13 metres.

ⁱⁱ *Forest and Range Practices Act* - Compliance with forest stewardship plans and woodlot licence plans – Section 20.22(1)

20.22(1) The holder of a forest stewardship plan or woodlot licence plan must ensure that the intended results specified in the plan are achieved and the strategies described in the plan are carried out.

ⁱⁱⁱ *Forest Planning and Practices Regulation* – Roads – Sections 72, 79, 81

Roads and associated structures

72 A person who constructs or maintains a road must ensure that the road and the bridges, culverts, fords and other structures associated with the road are structurally sound and safe for use by industrial users.

Road maintenance

79(1) A person may maintain a road only if authorized or required to do so under the Act or this regulation.

(2) 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.

(3) Subject to subsection (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.

(4) 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.

(6) A person required to maintain a road must ensure all of the following:

- (a) the structural integrity of the road prism and clearing width are protected;
- (b) the drainage systems of the road are functional;
- (c) the road can be used safely by industrial users.

(7) A holder of a road use permit required to maintain a forest service road under subsection (4), on giving the district manager at least 30 days notice, may do one or more of the following in respect of the forest service road:

- (a) build a bridge;
- (b) install a major culvert;
- (c) install a culvert in a fish stream.

(8) Within 30 days of receiving a notice referred to in subsection (7), the district manager may impose requirements respecting a bridge or culvert referred to in that subsection, and the holder of the road use permit must comply with those requirements.

(9) If the district manager does not impose requirements under subsection (8), the holder of the road use permit may proceed in accordance with the notice given under subsection (7).

Wilderness roads

81 Despite section 22.2 [non-industrial use of a road] of the Act and section 79 [road maintenance], if a forest service road, or a road authorized under a road permit, a cutting permit, a timber sale licence that does not provide for cutting permits, a special use permit or a woodlot licence is not being used by industrial users,

- (a) section 79 (6) (a) and (b) apply to that road only to the extent necessary to ensure there is no material adverse effect on a forest resource, and
- (b) section 79 (6) (c) does not apply to that road.

^{iv} *Forest Planning and Practices Regulation* – Riparian Areas – Sections 56(1), 57

Fish passage

56(1) An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not have a material adverse effect on fish passage in a fish stream.

Protection of fish and fish habitat

57 An authorized person who carries out a primary forest activity must conduct the primary forest activity at a time and in a manner that is unlikely to harm fish or destroy, damage or harmfully alter fish habitat.

^v *Forest Planning and Practices Regulation* – Retaining information – Section 77

77(1) A person who builds a bridge or major culvert for the purpose of constructing or maintaining a road must do all of the following:

- (a) prepare or obtain
 - (i) pile driving records,
 - (ii) for new materials used to build the bridge or major culvert, mill test certificates, in-plant steel fabrication drawings, and concrete test results,
 - (iii) soil compaction results, and
 - (iv) other relevant field and construction data;
- (b) prepare as-built drawings of the bridge or major culvert;
- (c) retain the information referred to in paragraphs (a) and (b) until the earlier of the date that
 - (i) the bridge or major culvert is removed, and
 - (ii) the person is no longer required to maintain the road.

(2) Subject to subsection (3), a person responsible for maintaining a road must retain a copy of inspection records for a bridge or major culvert associated with the road for at least one year after the bridge or major culvert is removed from the site.

(3) Unless the road has been deactivated, a person must submit to the district manager or the timber sales manager, as applicable, the documents, drawings and records described in subsections (1) and (2) in respect of a road if the person is no longer required to maintain the road because the district manager or timber sales manager

- (a) cancelled the road permit, road use permit or special use permit for the road, and
- (b) does not require the road to be deactivated.

^{vi} *Wildfire Act* – Hazard assessment and abatement – Section 7(1)

7(1) In prescribed circumstances and at prescribed intervals, a person carrying out an industrial activity or a prescribed activity on forest land or grass land or within 1 km of forest land or grass land must conduct fire hazard assessments.



**Forest
Practices
Board**

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