# Guidelines for Tree Removal in Parks

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## Introduction

BC Parks is sometimes required to remove trees from parks[1] for reasons like managing safety, developing infrastructure, or restoring ecosystems. For small-scale hazards, the appropriate

[1] Parks are defined, for the purposes of this guideline, parks (Classes A, B and C), recreation areas, and conservancies as defined in the *Park Act* and protected areas established under the *Environment and Land Use Act.* Parks for the purposes of this document do not include ecological reserves as defined in the *Ecological Reserve Act*, as there are different legal tests for deciding on whether and how to proceed with tree removal projects in Ecological Reserves.

course of action is for a qualified wildlife dangerous tree assessor to follow the Parks and Recreation manual of the Wildlife Dangerous Tree Assessors Course. Tree removal, therefore, is defined primarily as removal of trees from a park for any reason. However, this guidance can provide help in situations where trees must be cut within a park, but do not need to be removed, and for which the wildlife danger tree process is not appropriate. It can also be helpful to guide large-scale wildlife-dangerous tree projects. This guidance document has been developed collaboratively as a tool to help understand the legal implications and considerations involved in undertaking a tree removal project, and outlines the steps to consider along the way. It also provides examples and tools provided by BC Parks staff experienced in carrying out tree removal projects. Legislation sets the context for any tree removal projects, policy adds parameters and this guidance is meant to provide understanding of how to apply both, and also provide some operational tools and advice. Note that the legal context surrounding tree removal projects can be complicated, and should be evaluated on a case-by-case basis.

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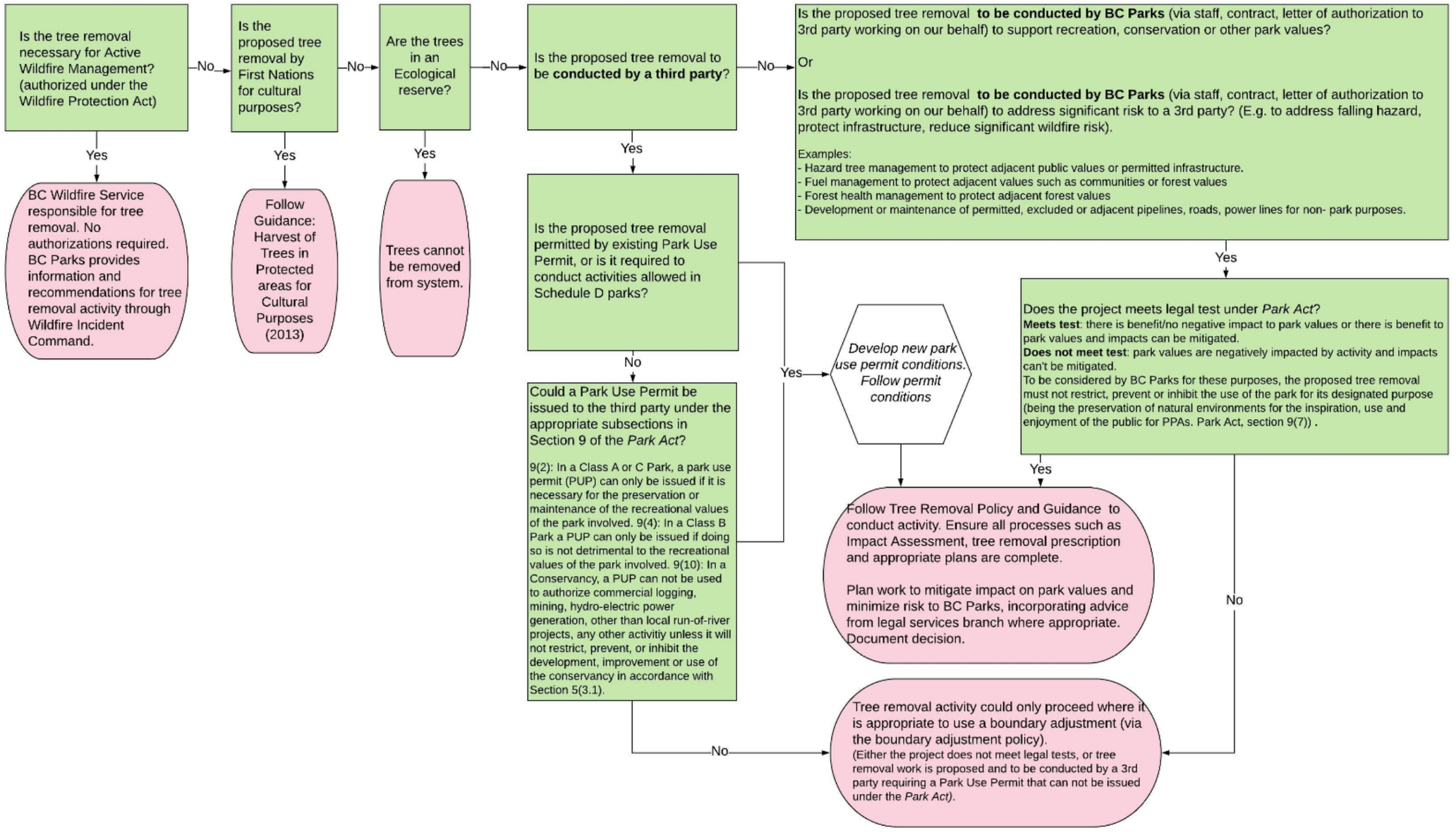
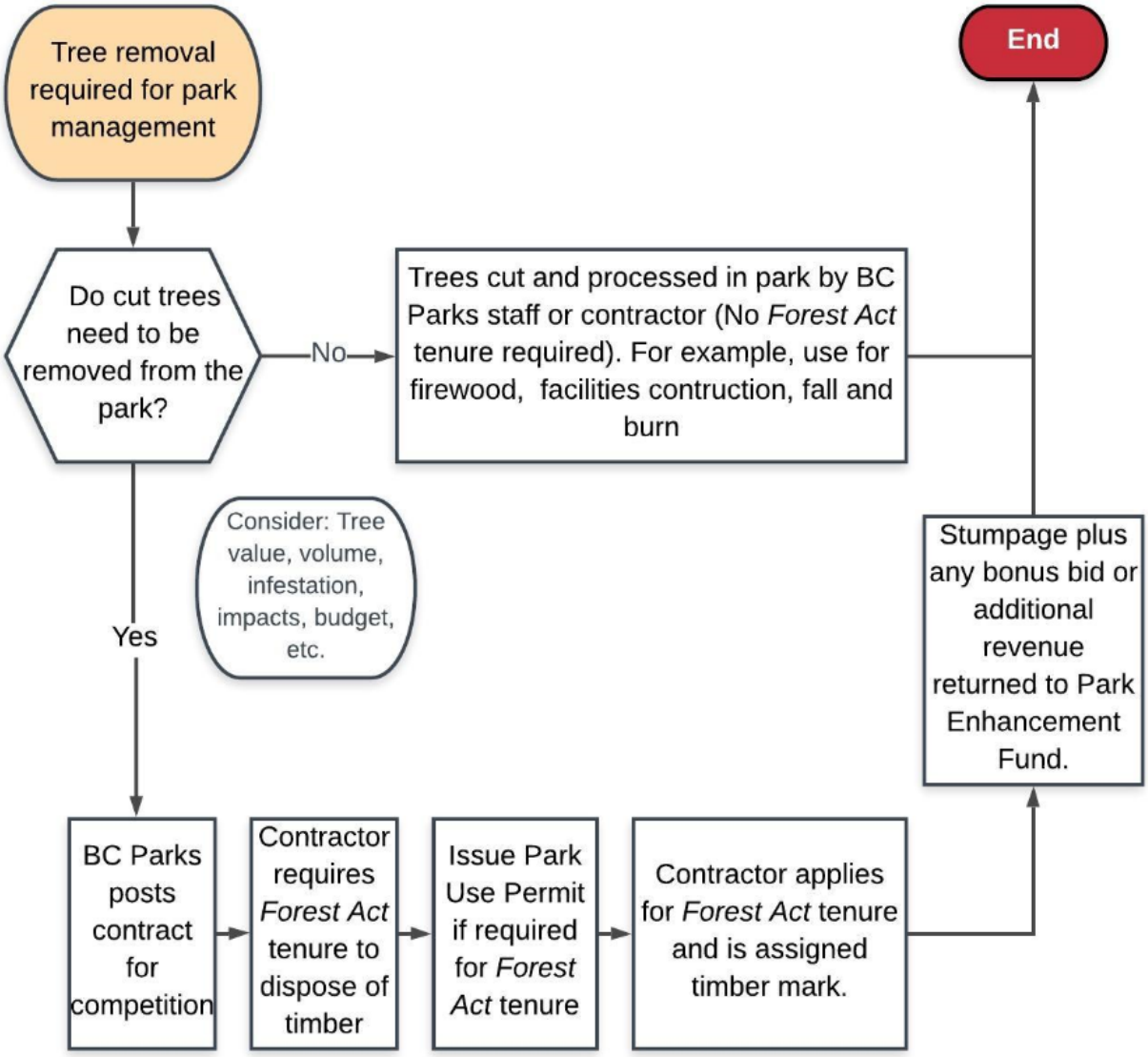
## Figure 1: Decision-Making Flow Chart for Tree Removal Projects



## Figure 2: Flow chart of Permitting and Tenuring Process for Tree Removal



## 1.0 Outline of a typical tree removal project initiated by park staff

The following is a list of key tasks and points to consider at each step of a tree removal project. This is not a comprehensive list of every consideration, but reminders of some of the most key steps. Not every step will apply to every project. Many of these steps are described in more detail below or illustrated with attached examples.

Be sure to refer to the set of three **Best Management Practices for Tree Removals in Parks and Protected Areas** (linked below), as there is a great deal more detailed operational guidance within them.

1. Planning
2. Harvesting Operations
3. Road Design and Engineering

**Step One: Evaluate project**

The first step is to determine whether a potential project is necessary and viable.

- ☐ Define key project objectives.
- ☐ Identify whether there is funding to do project planning.
- ☐ Identify potential funding sources for implementation and long-term commitments. Are there funds that can be leveraged?
- ☐ Determine whether there is enough time to do the project from start to finish. Remember BC Parks staff are the contract administrators and monitors and must follow through to the end of the project.
- ☐ Refer to Best Management Practices for tree removal (linked above).
- ☐ Determine whether the project meets the test of the *Park Act* (see decision-making flow chart)
    - ☐ Identify benefit(s) to the park
    - ☐ Determine if the work is consistent with the park's stated purpose
    - ☐ Identify if there are risks to neighbours that would be mitigated by the work
- ☐ Determine whether the project is supported by or consistent with any existing plans and policies (wildfire risk assessments, community wildfire protection plans, park management plan, land use planning documents, etc.).
- ☐ Identify potential partners who could help with the project or who have shared interests.
- ☐ Consider First Nations interests and initiate conversations as early as possible given First Nations capacity and interest.
- ☐ Work with Land and Resource Section Head to determine whether Park Executive Committee (PEC) should be briefed.

**Step Two: Plan Project**

Careful planning is essential before beginning any tree removal project.

- Develop assessments, plans and/or prescription using appropriate qualified professionals/ qualified registered professionals (done by the proponent, reviewed and supported by BC Parks, where a project is initiated outside of BC Parks).
- Complete an Impact assessment, which will include
    - First Nations Consultation (required before IA can be signed off)
    - Public and stakeholder notification and engagement, if required
- Determine authorizations required. If trees are to be removed from the park, speak to a FLNRORD Natural Resource District Tenures Officer/Senior Authorization Officer first so they can determine the type of tenure and requirements of that tenure. Note that even if trees are not leaving the park, authorizations may be required (e.g. burn permits when chipping and burning, landfill authorization if chipping and moving to landfill).
- Get stumpage and tree value estimate to help determine funding requirements (work with FLNRORD Natural Resource District Office). Will need to gather information for FLNRORD to generate stumpage that could include species, grade, age, diameter, height, damage.
- Calculate and secure funding for project implementation.

**Step Three: Prepare Project**

Once project planning is done, and a plan is ready to be implemented, prepare project details to ensure that appropriate procurement and authorizations are in place, and that all appropriate communication streams are established.

- Follow an appropriate procurement process. If using BC Bid, complete follow-up process with all potential proponents. Examples include:
    - Tree removal contractor(s)
    - Project manager
    - Environmental monitor
    - Qualified professionals/ qualified registered professionals
- Issue Park Use Permit and/or contract, if required.
- Ensure contractor obtains appropriate authorizations. Where an appraisal is needed, the contractor will need to ensure it is completed in accordance with Interior or coastal appraisal manual.
- Submit information to Land and Resource Section Head for tracking stumpage (a copy of the tenure – which will include the timber mark, anticipated dates when logs will cross the scales (or leave the park), project description and which park the activity is occurring in).
- Acquire financial guarantees, if required.
- Develop and implement a communications plan, if required.
- Establish monitoring plots to document change over time data and take photos, if required.

**Step Four: Implement Project**

Project implementation is the actual work on the ground. The steps here are many and varied. Here are just a few things that are important to consider. Specific steps will be guided by all relevant project plans and prescriptions.

- ☐ Hold pre-work meetings, including review of worksite hazards.
- ☐ Ensure Worksafe BC Notice of Work is in place.
- ☐ Designate a prime contractor with the Prime Contractor Agreement. WorkSafe BC regulations require the designation and roles and responsibilities as a prime contractor be made by written agreement. Prime Contractor will default to BC Parks unless we assign it, therefore regardless if there is a multiple-employer workplace or not and regardless of the contract template being used BC Parks must designate a Prime Contractor.
- ☐ Ensure any professional declaration forms are completed, if required.
- ☐ Communications/website updates about anything happening in the park, which could include safety information, disruptions to visitors or an update about the project.
- ☐ Notify park operator, if required.
- ☐ Post appropriate signage within park.

**Step Five: Wrap-up Project**

When the project on the ground is complete, there is still work to do to evaluate, monitor and report on the outcomes of the project.

- ☐ Compile internal and external reports.
- ☐ Follow-up communication with First Nations, local government, stakeholders and public - share your experience.
- ☐ Provide project completion to Land and Resource Section Head to ensure stumpage funds are recovered.
- ☐ Submit any outstanding invoices and release any financial guarantees.
- ☐ Complete contract evaluation.
- ☐ Carry out post-project monitoring.
- ☐ Carry out site rehabilitation, as required (and take down flagging).
- ☐ Identify any next steps required.
- ☐ Celebrate!

## 2.0 Legislation associated with removal of trees from parks

Legislation sets the context for cutting and removing trees from parks. It is critical to understand how a project fits within the legal framework first, then apply policy. For example: Does the work "restrict, prevent or inhibit the use of the park for its designated purpose"? If trees are leaving the park, are they being removed and disposed of in accordance with the *Forest Act*? Does the project also help to mitigate risks to neighbours? These can be complicated questions, and projects must be evaluated with this legal lens on a case-by-case basis. In some cases, a legal opinion may be required. The decision-making flow chart for tree removal projects provided here is intended to provide a starting place for reflecting on these questions.

### 2.1 *Park Act*

For tree removal to occur in a park, it must meet the tests of the *Park Act* – in particular, those sections listed below.

Tree removal is only allowed in a park if it does not hinder the development, improvement and use of the Park (*Section 9(7)*) and does not restrict, prevent or inhibit the use of the park for its designated purpose (in accordance with *Section 12(3)*).

Tree removal projects initiated by a third party could also only be done if it is possible to issue a permit for the third party to do that work (Sections 9(2), (4), (10).

**Section 9** of the *Park Act* directs that all natural resources removed from or damaged or disturbed in a park must be done in accordance with a valid park use permit.

**Section 9(2)** A park use permit referred to in subsection (1) [that is, within a Class A park or in a park where the OIC directs it is to be treated as a Class A park] must not be issued unless, in the opinion of the minister, it is necessary for the preservation or maintenance of the recreational values of the park involved.

**Section 9(4)** A park use permit referred to in subsection (3) [that is, within a Class B park] must not be issued unless, in the opinion of the minister, to do so is not detrimental to the recreational values of the park involved.

**Section 9(5)** A natural resource other than fish and wildlife taken, hunted or killed in accordance with the *Wildlife Act* and fish, game or wildlife stalked or pursued for observation or for photographic or study purposes, in a designated wildland area must not be granted, sold, removed, destroyed, damaged, disturbed or exploited.

**Section 9(7)** A natural resource in a park of any class must not be granted, sold, removed, destroyed, disturbed, damaged or exploited unless, in the opinion of the minister, the

development, improvement and use of the park in accordance with section 12 (3) will not be hindered by it.

**Section 9(9)** A natural resource in a conservancy must not be granted, sold, removed, destroyed, disturbed, damaged or exploited unless, in the opinion of the minister, the development, improvement and use of the conservancy in accordance with section 5 (3.1) will not be hindered by it.

**Section 9(10)** A park use permit must not be issued to authorize the following activities in a conservancy:

(a) commercial logging;
(b) mining;
(c) hydro electric power generation, other than local run-of-the-river projects;
(d) any other activity unless, in the opinion of the minister, the activity will not restrict, prevent or inhibit the development, improvement or use of the conservancy in accordance with section 5 (3.1).

**Section 12 (3)** A person must not carry on, in any park, any activity that will restrict, prevent or inhibit the use of the park for its designated purpose.

**Section 15** of the *Park Act* directs that all timber cut on or removed from a park must be disposed (i.e.: sold) in accordance with the *Forest Act*. Trees in a PPA are owned by the Crown, and while they remain in the PPA they are managed under the *Park Act*. This means that while they remain in the park, they may be used in the park as directed by park officers. Once trees leave a park boundary, however, as directed in Section 15, they must be disposed according to the *Forest Act*. This means trees leaving a park for sale are treated exactly the same as trees harvested on Crown Land.

### 2.2 *Ecological Reserves Act*

Trees within an ecological reserve must remain property of the Crown. This means that if there are trees within an ecological reserve, they must stay in the reserve, or at least on Crown land – ideally within the Park system where they can be tracked. They could be left as coarse woody debris or used for fences or other appropriate infrastructure. Cutting (but not removing) trees from an ecological reserve would likely be appropriate only when the work is consistent with the stated purposes of the *Ecological Reserves Act*. When it is not clear, speak to a supervisor or the Land and Resource Section Head, and consider whether a legal opinion in needed.

**Purpose**

Section 2: The purpose of this *Act* is to reserve Crown land for ecological purposes, including the following areas:

a) areas suitable for scientific research and educational purposes associated with studies in productivity and other aspects of the natural environment;
b) areas that are representative examples of natural ecosystems in British Columbia;
c) areas that serve as examples of ecosystems that have been modified by human beings and offer an opportunity to study the recovery of the natural ecosystem from modification;
d) areas where rare or endangered native plants and animals in their natural habitat may be preserved;
e) areas that contain unique and rare examples of botanical, zoological or geological phenomena.

**Ecological reserves not available for disposition**

**Section 5** (1) Any area established or continued as an ecological reserve under this *Act* or by the *Protected Areas of British Columbia Act* must be immediately withdrawn and reserved from any further disposition that might otherwise be granted under any *Act* or law in force in British Columbia.

(2) Without limiting subsection (1), that subsection applies to dispositions under the following Acts: *Coal Act*, *Forest Act*, *Land Act*, *Mineral Tenure Act*, *Mining Right of Way Act*, *Petroleum and Natural Gas Act*, *Range Act* and *Water Sustainability Act*.

(3) Subsection (1) does not apply to a disposition by permit under section 5.1.

*"**disposition**" means and includes **every act of the government where** Crown land, mines, minerals, coal, petroleum, natural gas, **timber** and water, or any right, title, interest or estate in them is **granted, disposed of or affected, or by which the government divests itself of or creates a right, title, interest or estate in, or permits the use of** land, mines, minerals, coal, petroleum, natural gas, **timber** and water"*

### 2.3 *Forest Act*

The *Forest Act* states that the rights to harvest Crown timber must not be granted…except in accordance with the *Forest Act*. However, this statement is "subject to the *Park Act*", meaning BC Parks does not require *Forest Act* authorization to cut trees within a park. In addition, BC Parks can use trees cut from within a protected area in any way they see fit – either within or outside of a protected area. If BC Parks staff plan to transport the timber outside of a park and or dispose of timber cut in a park (i.e. remove the timber outside the park to a processing facility), then transport or disposal must be carried out in accordance with the *Forest Act* as indicated by Section 15 of the *Park Act*.

Section 15 of the *Park Act* directs that all timber removed from a park must be disposed of in accordance with the *Forest Act*. FLNRORD is responsible for issuing cutting authorities for the harvest and sale of trees from crown lands. The most common authorities, or tenures, issued for this purpose is a License to Cut (LTC) or Timber Sale License (TSL). Most tree removal projects in

parks will be advertised to contractors as a tendered competition for the tree removal project. Section 5.1 provides an overview of tenure types that might be issued in parks.

There will need to be an assessment of the timber to be removed from a park so that a stumpage rate can be determined. The assessment will result in FLNRORD setting an "upset" rate which is the minimum stumpage required to be paid.

Any trees transported out of the park must be marked with a timber mark issued by FLNRORD to the contractor conducting the tree removal. The timber mark is a legal mark that identifies that the contractor has a legal right to harvest and sell the wood. As the holder of the timber mark, the contractor is required to pay the applicable stumpage. BC Parks does not wish to hold the timber mark as it would require BC Parks to:

- pay a contractor to remove the trees
- sell the trees to a sawmill or auction them
- pay the stumpage
- assume the risks associated with changes in log or contract prices

While trees from parks must be disposed of according to the *Forest Act,* provisions of the *Forest and Range Practices Act* (FRPA) associated with stewardship planning, silvicultural prescriptions etc. do not apply in parks. However, BC Parks will seek to exceed minimum environmental standards in these Acts wherever possible.

For more on Forest tenures in parks, see Forest Act Bulletin #4: Guidelines for Issuing Tenures in Parks. This 2005 bulletin provides an overview of tenuring options in parks managed by BC Parks. We expect to work with FLNRORD staff to create an updated version of this bulletin.

### 2.4 *Forest and Range Practices Act*

Under the *Forest and Range Practices Act* (FRPA), section 52, BC Parks does not need FLNRORD authorization to cut, damage or destroy timber within BC Parks. FRPA s52 is intended for application for non-government or other non-FLNRORD provincial government staff.

- FPRA section 52(1)(d) unauthorized timber harvesting states that a person must not cut, damage, or destroy Crown timber unless authorized to do so, (d) under the Park Act.
- FRPA section 52(3)(c) a person must not remove crown timber unless authorized to do so under the Park Act.

BC Parks does not require a letter providing this FPRA s52 authorization, as it exists in legislation (FRPA and *Park Act*).

### 2.5 *Foresters Act*

The *Foresters Act* defines the practice of professional forestry and stipulates that one must be a member of the Association of British Columbia Forest Professionals (ABCFP) to engage in the

practice of professional forestry. BC forest professionals operate under a professional reliance model and have exclusive rights of practice and title.

Registered Professional Foresters (RPF) and Registered Forest Technologists (RFT) are members of the professional forestry team and must only carry out work for which they are qualified, competent and proficient based on their education, training and experience and are expected to comply with the *Foresters Act*, the ABCFP code of ethics, bylaws and guidelines.

Specific to BC Parks tree removal, forest professionals should be engaged as per the legal definition of professional forestry. Such examples are timber evaluation, fuel management prescriptions, harvest plans and site plans. Where professional documents are required, those documents must be signed and sealed by the appropriate forest professional.

### 2.6 *Special Accounts and Appropriations Control Act*

Stumpage paid on trees removed from Parks should be returned to the Park Enhancement Fund (PEF). We must record the estimated stumpage once that has been calculated by FLNRORD, and then identify when the stumpage has been paid so that a Journal Voucher (JV) can be initiated to recover the funds.

Section 9.6 of the *Special Accounts and Appropriations Control Act* establishes the Park Enhancement Fund and defines appropriate sources of income in those funds. It allows for revenue from stumpage, but it does not allow for revenue from tree value to be held in PEF.

> **Section 9.6**
>
> (3) The special account consists of the following amounts:
>
> **(f)** protected area stumpage;

It also lays out allowed uses of funds that go into PEF:

> (4) Despite section 21 (3) of the *Financial Administration Act*, the minister may pay amounts out of the special account for any of the following in respect of protected areas:
>
> (a) informational, educational and interpretive programs delivered within or outside protected areas;
>
> (b) natural and cultural resource assessment, research and restoration;
>
> (c) construction, repair and maintenance supporting conservation or recreational, cultural or heritage values of protected areas;
>
> (d) volunteer program support;
>
> (e) regional multi-jurisdictional planning or planning projects related to conservation or recreational management of protected areas;

(f) development, production or acquisition of maps, informational material, services or promotional or educational products referred to in section 29.1 of the *Park Act*;

(g) payments required to be made by the minister under agreements authorized under subsection (6) of this section.

### 2.7 Considering people or property adjacent to a park

If trees pose a risk to people or property adjacent to a park, tree removal is sometimes an appropriate action to mitigate that risk. Even where a park use permit is not being considered (i.e. BC Parks wants to do the work for its own purposes in a park of any class, the requirements of sections 9(7) of the Act must be considered. Section 9(7) states that a natural resource in a park of any class must not be granted, sold, removed, destroyed, disturbed, damaged or exploited unless, in the opinion of the minister, the development, improvement and use of the park in accordance with section 12 (3) will not be hindered by it. See the similar limitation with respect to conservancies as set out in section 9(9) of the Act excerpted above. Balancing the Province's common law duties as land owner and the *Park Act* limitations will vary depending on the facts of every situation. Projects that involve a component of protecting people or property adjacent to parks should be carefully evaluated for how they meet legal tests on a case-by-case basis. It may be necessary to seek a legal opinion in some cases.

## 3.0 Policy Support

The following policy is available to direct Tree Removal projects, or to guide boundary adjustment in cases where a project is essential but does not meet the tests of the *Park Act*.

- Conservation Policy, particularly sections on Fire Management (5.6), Habitat Manipulation (5.9) including Tree Removal (5.9.1) and Ecological Restoration (5.10).
- Harvest of Trees in Protected Areas for Cultural Purposes (Guideline)
- Boundary Adjustment Policy
- Park Enhancement Fund Policy

Tree removal projects would be appropriate for the reasons laid out in section 5 of the Conservation policy, assuming they fit within the legal context laid out above. Tree removal projects are most often done for the following reasons:

- **First Nations Cultural Use:**
  First Nations may remove trees for cultural activities (see Guideline: Harvest of Trees in Protected Areas for Cultural Purposes)
- **Health and Safety:**
  If trees within a park pose a risk to people or property (including park infrastructure)

within or adjacent to a park, tree removal is sometimes an appropriate action to mitigate that risk (either initiated by BC Parks or by a third party).

- **Ecological Restoration:**
  Grasslands, fire-maintained ecosystems and other wildlife habitats may require removal of forest ingrowth and encroachment and the reintroduction of fire.
- **Forest Health Management:**
  Minimizing impacts on the Timber Harvesting Land Base (THLB) or park values (including park infrastructure) from forest disturbances such as insect infestations may require forest health treatments.
- **Facility and Infrastructure Development:**
  Construction of roads, trails, campgrounds, lodges or other park development projects may require the removal of trees.
- **Wildfire Suppression Actions:**
  Construction of fire guards for wildfire suppression activities may require the removal of trees.

## 4.0 Decision-making Process

Tree removal projects could be approved by a Section Head or by a Regional Director. The impact assessment process will guide who is best to sign off on a project. However, there may be projects that should be reviewed by the Park Executive Committee (PEC) or even by the Minister.

In addition, the Land and Resource Section Head should be informed of any tree removal projects happening in parks. They will track these projects provincially, ensure stumpage is recovered, and can provide advice.

Discuss projects with the Land and Resource Section Head to help understand project sensitivities and determine when projects should be brought to PEC. PEC should be informed of all projects that require removal of more than 500 cubic meters of trees and any projects that are particularly sensitive due to public or First Nations concerns. They may choose to review very large or particularly sensitive projects with the Minister.

The following criteria will be used to determine whether a project should be escalated to a review by PEC:

- Size: larger projects that will involve many cubic meters ($m^3$) of trees leaving a park
- Public interest: projects that are known or predicted to generate substantial public concern
- First Nations interests: projects that are known or predicted to conflict with First Nations interests

As a rough guide,

- A **small project** can be defined as about 50 $m^3$of trees or fewer (taken from the park or used or disposed of somehow within the park). This is also the amount FLNRORD considers small, and for which they could issue free use permits for removal of trees.
- A **medium project** would be 50 to 500 $m^3$
- A **large project** would be over 500 to 2000 $m^3$
- A **very large project** would be over 2000 $m^3$. Projects this size require that timber be cruised and are considered larger volumes by FLNRORD.

## 5.0 Tree Removal Project Authorizations

Tree removal projects can require a number of authorizations from BC Parks or other agencies before they can proceed. Each project should be evaluated individually to determine the appropriate authorizations. The following is a list of the most common possible authorizations that may be required in a tree removal project. Any projects requiring removal of trees from a park will require a Forest Act Tenure.

The following is a list of possible authorizations that may be required during delivery of a tree removal project:

- Park Use Permit
- Forest Act Tenure
- WorkSafe BC notice of work
- Ministry of Transportation and Infrastructure Permit (to construct, use, maintain access to a provincial public highway)
- Waste Assessment (required for some tenures prior to pile burning)
- BC Hydro pre-work meeting if conducting tree removal near energized high voltage conductors
- BC Wildfire Service Burn Reference number required for any category 3 fires. Call 1-888-797-1717
- Confirm adequate venting for burning (consult ENV venting index website)

### 5.1 Forest Act Tenures

Section 15 of the *Park Act* requires that the disposal of any timber from a provincial park or park be done in accordance with the *Forest Act*. This requirement means that a form of authorization under the *Forest Act* is required for the disposal of timber from a park.

BC Parks staff should connect with a FLNRORD Natural Resources District Tenures officer/Senior Authorizations Officer as soon as possible, as they will be key to helping determine what information is needed to do an evaluation and to help determine the most appropriate form of forest tenure.

The *Forest Act* states that rights to harvest Crown timber must not be granted … except in accordance with the *Forest Act*. However, this statement is "subject to the *Park Act*". Therefore, trees that are cut within a park but do not leave park boundaries (for example, are used for firewood, facilities, coarse woody debris or are chipped and/or burned) do not trigger the *Forest Act* requirements, and do not require a *Forest Act* tenure. As with all projects, these projects must still meet the tests of the *Park Act*.

The table below describes the forest tenures that could be required for tree removal projects. FLNRORD's Licence to Cut Administration Manual is a good source for more information about the various kinds of licence to cut – there are many more than are listed here.

| Project | Tenure Required under Forest Act? | Requirements of Tenure |
|---|---|---|
| Trees cut and left within the park: e.g. used as coarse woody debris, for infrastructure, or chipped/burned | No | n/a. BC Parks does not need FLNRORD authorization to cut, damage or destroy timber within BC Parks, as the authority exists in FRPA s52. FRPA s52 is intended for application for non-government or other non-FLNRORD provincial government staff. |
| Trees cut and moved from one park to another | Timber Mark Exemption | BC Parks can request a timber mark exemption letter from FLNRORD if trees are to be cut in a park and then moved to another park that requires leaving park boundaries. |
| Trees cut and decked within Park, removed by BC Timber Sales (BCTS) | Timber Sale Licence (TSL) | Government does not issue permits to other branches of government so BC Parks cannot hold a TSL.<br><br>Wood can be cut and decked, then BCTS can follow FLNRORD's decked wood policy and use a TSL to auction. |
| Trees cut and removed from Park – Option 1 | Occupant Licence to Cut (OLTC) | Park use permit required to provide right to occupy.<br><br>No volume limits or silviculture requirements.<br><br>No requirement for a competitive process for tenure to be issued. For tree removal projects led by BC Parks a competitive process is still required to issue the contract. FLNRORD considers BC Parks RFP process as an acceptable competitive process so the contractor would not have to compete a second time for the tenure. |
| Trees cut and removed from Park – Option 2 | Forestry Licence to Cut (FLTC) | There are various types of FLTCs that could be used, therefore the District FLNRORD staff will help determine the appropriate type of FLTC for each project.<br><br>Volumes over 2000 $m^3$ require a competitive process for tenure to be issued. FLNRORD considers BC Parks RFP process as an acceptable competitive process so the contractor would not have to compete a second time for the tenure. |

| | | |
|---|---|---|
| | | BC Parks is exempt from silvicultural requirements. |
| Trees cut and removed from park – Option 3 | Forestry Licence to Cut (FLTC)<br><br>*Forest Act s47.6(2.1)* | Unrestricted amount of crown timber that has already been cut (including fire suppression activities associated with wildfire) and may be decked.<br><br>Can be issued directly without competition or though a competitive award process. |
| Trees cut and removed from park - Option 4 | Forestry licence to Cut (FLTC)<br><br>*Forest Act s47.3(1)* | Direct award to First Nations, provided that the license is entered into "to further an agreement between First Nations and the government respecting treaty-related measures, interim measures or economic measures."<br><br>No timber restrictions and no volume restrictions |

A third party who wishes a permit to remove trees would either need to demonstrate that the project meets the tests under the *Park Act* in order to get a park use permit, or proceed through the boundary adjustment process (see decision-making flow chart). Where projects initiated by a third party are permissible within a park, a permit would always be required. For third party projects where trees will leave the park, a forest tenure, typically an OLTC – is also required. The permit would provide right to occupy as required by the OLTC. As with projects initiated by BC Parks, a timber mark would be issued for the forest tenure and stumpage value for the trees would be returned to PEF.

## 6.0 Tree Salvage

There is often interest from parties outside parks in salvaging trees that are damaged in some way (examples include through beetle kill, windfall, or landslide). Often, tree salvage is seen as a service, to "clean up" the park or manage risk. However, BC Parks conservation policies are to let natural processes prevail whenever possible. Trees that have been damaged and fallen through some natural process do not necessarily constitute a problem – they play valuable roles in a functioning ecosystem within a park. Removal of these trees would have to meet the tests of the *Park Act* just like any other tree removal and would only be possible to remove under a Park Use Permit if it is necessary for the preservation or maintenance of the recreational values of the park involved. To determine whether salvage of damaged trees would be appropriate, proceed through the same decision-making process as for any other tree removal project.

## 7.0 Tree Removal Project Case Studies

The following are case studies of different types and scales of tree removal projects that have happened in BC Parks.

Where available, original plans, prescriptions and other documents related to each of these case studies are saved here:

M:\WANSHARE\BC Parks\Common\Parks and Protected Areas\Tree Removal Policy and Guidelines\Supporting Resources for Tree Removal Projects

| **Tree Removal for managing wildfire risk within and outside of a park** | |
|---|---|
| Project Name | 2018 West Arm Park Fuelbreak Creation – Nelson Side |
| Proponent(s)<br>*BC Parks?*<br>*Others?* | City of Nelson, Regional District of Central Kootenay, BC Parks, Anderson Creek Timber (Forest Licensee adjacent to the park), Svoboda Road Residents (private land adjacent to the park) |
| Project size | Very large: 4000 $m^3$ |
| Key Objectives<br>*Why was the project needed? What values and risks were considered? What were the objectives of the prescription?* | This project was needed to reduce fuel loading to protect Park values and the City of Nelson from the threat of wildfire.<br><br>Internal values protected: A large portion of Nelson's watershed (80%) lies within the Park and includes infrastructure such as roads, pipelines and a small dam, spillway and intake house. The park contains a diverse range of habitats from lakeshore to subalpine. It protects high-elevation forests and alpine areas. West Arm Park features old-growth forests, internationally significant habitat for grizzly bear and mountain caribou, and archaeological values along the lakeshore. Fishing, canoeing, camping, hiking opportunities are available in West Arm although no facilities exist. There are many high-use mountain bike trails. Prescription objectives are to reduce the fuel load in the park to protect park values as well as adjacent values. |

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| | External values protected: City of Nelson, adjacent private property (Svoboda Road Residents), adjacent Forest Licensee (Anderson Creek Timber), CPR Railway, and Burlington Northern Rail Trail & Trestles.<br><br>Prescription Objectives:<br>• Help protect West Arm Provincial Park's natural values from high intensity wildfire;<br>• Improve public safety in the City of Nelson area as well as within West Arm Provincial Park;<br>• Improve the ability of the BC Wildfire Service to protect Park values and private land in the adjacent community;<br>• Enhance natural barriers to reduce the continuity of fuel loads;<br>• Demonstrate the principles and practices of FireSmart and fuel/ vegetation management to local community members and the broader public;<br>• Emulate the pattern of natural disturbances that have historically acted upon Park ecosystems;<br>• Accelerate succession to mature and older-growth forest structural conditions with often lower stand densities;<br>• Increase the availability and diversity of wildlife habitat through the restoration of more natural mixed or semi-open forest conditions;<br>• Minimize negative impacts to, and where possible enhance, Park values including cultural heritage, recreation and visual quality;<br>• Minimize negative impacts to, and where possible enhance, the many values of the treated forest, including source water protection and forest health. |
| Legal tests *What was the legal basis for proceeding with this project?* | Through careful planning and objective setting that focuses work to improve ecological function and to manage and mitigate the risks associated with wildfire, this project meets the tests of the Park Act (it does not hinder the development, improvement and use of the park in accordance with section 12 (3))<br><br>Fits with good neighbour context, contributing to a broader plan to manage fire risks to neighbouring communities.<br><br>Plan has clear focus to balance legal requirements both of the Park Act and of case law that guides work to protect people and infrastructure outside of a park. |
| Authorization tools used | FLTC and PUP<br>MOTI Permit for Road Use<br>Property Use Agreement – one with the Residents and one with Anderson Creek Timber<br>Operations Agreement – between BC Parks, Anderson Creek Timber and the Svoboda Road Residents<br>Permission from the City of Nelson to use a City street for hauling |

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| Operational considerations<br>*What key pieces of information were considered, and how were they addressed (refer to steps in the flow charts)?* | Access: Work with MOTI and Svoboda Road Residents to ensure we leave the road in better condition than we found it and establish a schedule of road use for the project that is conducive to the resident's schedules.<br>Timing/BMPs: BMPs indicate timing of treatment should be on frozen soils or sufficient snow cover and this is not achievable in this case because of the fuel loading, we need to conduct the treatment when we can see the ground<br>Biological Values: Fire Management Plan indicates park values that require protection and these values were incorporated into the prescriptions. All prescriptions were reviewed by RPBios.<br>Partnerships: Identify partners that can share costs and resources and infrastructure<br>Economic Value: Harvest when markets are favorable<br>Funding: Secure funding prior to beginning the project and ensure maintenance costs can be covered for subsequent projects<br>Public Concerns: 4 Open House Meetings, radio interviews, and newspaper articles |
| Funding sources | Forest Enhancement Society of BC:<br>$50,000.00 for prescription development<br>$6, 658.00 for AOA & PFR<br>$18,600.00 for prescription refinement with LiDAR & align with partner prescriptions<br>$96,000.00 for implementation |
| Assessments, plans and prescriptions used for decision making | 2007 West Arm Park Management Plan<br>2017 West Arm Provincial Park Fire Management Plan<br>2017 AOA & PFR<br>2018 Impact Assessment<br>2018 Fuelbreak creation prescriptions |
| Contractors needed<br>*E.g. Tree removal, environmental monitor, project manager…* | Prescription Development – RPF & RPBio<br>Archaeologist<br>Tree Removal Project Manager Tree Removal Contractor<br>Slashing Contractor |

| **Tree removal for maintaining road safety for both workers and park visitors** | |
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| Project Name | Tree Removal Along Highway/Ski Hill Road EC manning Park |
| Proponent(s)<br>*BC Parks? Others?* | Ministry of Transportation and Infrastructure (MOTI)<br>BC Parks |
| Project size | Very large: 2900 $m^3$ of trees removed |
| Key Objectives<br>*Why was the project needed? What values and risks were considered? What were the objectives of the prescription?* | Key objective was to remove dead trees (affected by forest health issues; MPB and Spruce Beetle) along highway/road corridors for public/worker safety.<br>Secondary objectives were to:<br>-reduce fuel loading along highway corridor to reduce wildfire risk.<br>-minimize aesthetic impacts along travel corridors.<br>-minimize impacts to non-targeted vegetation and ground disturbance.<br>-minimize impacts to park visitors (and businesses supporting them) during tree removal activities. |
| Legal tests<br>*What was the legal basis for proceeding with this project?* | Tree removal activities required to maintain the highway/road corridor through the park, but the road also provides access to the Park, supporting the recreational values of the Park and therefore meeting the test of the *Park Act for issuance of a permit to MOTI under section 9 of the Park Act*. |
| Authorization tools used<br>*Forest tenure, PUP, MOTI, etc…* | Park use permit issued to MOTI for planning and tree removal work within the park, MOTI contracted development of the prescription and their highways maintenance contractor subcontracted the tree removal work including hiring an environmental monitor. Subcontractor was issued Forest License to Cut from FLNRO to remove merchantable timber from the park. |
| Operational considerations<br>*What key pieces of information were considered, and how were they addressed (refer to steps in the flow charts)?* | • MOTI was the lead agency.<br>• Majority of trees to be removed were within the park beyond excluded highway right-of-way.<br>• Park visitors require use of highways/roads through the park to access park recreational facilities (ski hill, lodge, campgrounds and day use areas, etc)<br>• Worksafe BC had issued notices to both MOTI and BC Parks regarding the need to address tree hazards along the roadways for worker safety. |
| Funding sources | MOTI provided required funding for prescription and tree removal activities. Trees removed from the park were marketed by the subcontracted tree removal (logging) company to help offset costs. |
| Assessments, plans and prescriptions used for decision | Tree removal site plan (prescription)<br>BC Parks Impact assessment (including FN consultation)<br>Archeological Assessment<br>Manning Park Wildfire Management Plan |

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| Contractors needed<br>*E.g. Tree removal, environmental monitor, project manager…* | MOTI contracted out:<br>• development of the Tree Removal Site Plan (prescription)<br>• Archeological Assessment<br>• BC Parks Level 2 Impact Assessment<br><br>MOTI road maintenance contractor subcontracted out:<br>• Project manager<br>• Environmental Monitor<br>• Tree Removal (logging) Company |

| **Tree removal for Ecological Restoration – Large to Very Large Scale** | |
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| Project Name | 2016/17 Premier Lake Park Ecosystem Restoration (ER) – Phase 3 Tree Removal |
| Proponent(s)<br>*BC Parks? Others?* | BC Parks, BC Timber Sales (BCTS), local residents who live in close proximity to the park, Wildsight (local environmental organization) |
| Project size | Very large: 12,100 $m^3$ removed |
| Key Objectives<br>*Why was the project needed? What values and risks were considered? What were the objectives of the prescription?* | Key Objective: Restore ecological conditions to 165 ha of the grasslands and open forest types and allow for the reintroduction of prescribed fire in Premier Lake Park. This project was completed in conjunction with BCTS who conducted a 158 ha harvesting operation with a similar ecological restoration prescription adjacent to the treatment area in the park. These projects were implemented together as part of a larger landscape unit. The intent is to conduct a prescribed burn in the spring of 2019 and burn both units together.<br><br><u>Internal values protected:</u><br>• Wildlife – restore and increase forage on class 1 ungulate winter range<br>• Biodiversity – restore and promote diversity of plants and animals, including rare and endangered species<br>• Wildlife Danger Trees – manage danger trees while maintaining a sufficient number of dead/dying trees for wildlife habitat<br>• Fisheries – maintain the current distribution of fisheries within the park<br>• Water Quality – ensure maintenance of water quality<br>• Forest and Grassland Health – restore and promote healthy and vigorous native plant communities<br>• Restoration – restore natural conditions and reintroduce fire |

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| | • Fuels Reduction – reduce fuel loading<br>• Fire Management – re-introduce fire to intensity and frequency expected for this elevation and restored grassland/forest type<br><br><u>External values protected:</u> adjacent private property and adjacent Crown land<br><br><u>Ecological Restoration Prescription Objective:</u><br>• Tree removal treatment along with planned prescribed fire will enhance forage for wildlife, restore native plant species, enhance wildlife habitat, reduce forest health impacts and promote biodiversity. |
| Legal tests<br>*What was the legal basis for proceeding with this project?* | This work improves winter forage, restore natural fire cycles and meets other ecological objectives, and so meets the tests of the *Park Act* (it does not hinder the development, improvement and use of the park in accordance with section 12 (3)). Its main objective is to restore ecological function within the park. |
| Authorization tools used | OLTC, no park use permit (though one may typically be required by FLNRORD to issue and OLTC)<br>MOTI Road Use Permit<br>Burning Permit – for debris burn piles<br>Wildlife Act Permit – for access through the Premier Ridge Access Management Area (AMA)<br>Park use permit (PUP) to BCTS for access through the park |
| Operational considerations<br>*What key pieces of information were considered, and how were they addressed (refer to steps in the flow charts)?* | Access: We needed a Road Use Permit from MOTI to haul on the public road. We issued a PUP to BCTS to haul through the park. We also needed a *Wildlife Act* Permit from FLNRORD to drive and haul on the seasonally closed road through the Premier Ridge AMA. Premier Lake Park is used extensively in the winter for ice fishing and we had to ensure the public road and park road were signed appropriately. Some areas that have been typically used in the past for parking were closed as they were required for pull-outs for logging trucks. We closed access to Quartz Lake for the winter to prevent conflict between recreational users and logging trucks.<br>Timing/BMPs: Work was done during the month of January 2017. The ground was sufficiently frozen and snow covered.<br>Biological Values: Trees were retained in clumps and in higher density along ridges and known ungulate bedding areas<br>Partnerships: BCTS, Wildsight and the local residents were very much involved in the project. Working with BCTS was challenging however this partnership project enabled us to work at a landscape level. Wildsight and the local residents wanted to ensure that the intent was Ecosystem Restoration complete with a prescribed burn to restore the area.<br>Economic Value: We acquired enough stumpage to pay for this phase of the project as well as retained enough money in the PEF stumpage account to pay for subsequent prescribed burning. The tree removal contractor made enough from the sale of the trees to cover the harvesting costs. The |

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| | tree removal contractor was paid from PEF stumpage for slashing, burning and fuel free barrier creation.<br>Funding: Habitat Conservation Trust Fund (HCTF) and Park Enhancement Fund (PEF)<br>Public Concerns: Held 15+ meetings and field tours with partners and stakeholders to ensure they were on side and in full support of the project |
| Funding sources | HCTF<br>PEF - Project Stumpage |
| Assessments, plans and prescriptions used for decision making | -Premier Lake Provincial Park Purpose Statement and Zoning Plan<br>-Premier Lake Provincial Park Ecological Restoration Plan<br>-Preliminary Field Reconnaissance<br>-Impact Assessment<br>-Government Actions Regulation (GAR): Order - Ungulate Winter Range U-4-008<br>- Invermere Timber Supply Area<br>-Ecological Restoration Prescription<br>-Best Management Practices for Tree Removals in Parks and Protected Areas |
| Contractors needed<br>*E.g. Tree removal, environmental monitor, project manager…* | Registered Professional Forester for Prescription Development<br>Tree Removal Project Manager<br>Tree Removal Contractor<br>Slashing Contractor |

| **Tree removal for Ecological Restoration – Small or Medium Scale** | |
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| Project Name | Helliwell Park – Coastal Bluff ecosystem restoration – removal of encroaching conifers in the absence of fire (medium scale) |
| Proponent(s)<br>*BC Parks? Others?* | BC Parks<br>Ministry of Environment, Ecosystems Branch<br>Garry Oak Ecosystems Recovery Team<br>Taylor's Checkerspot Recovery Implementation Group (RIG) |
| Project size<br>*Volume, Ha removed and/or number of trees* | Medium<br>Over 500 trees on 5 to 60 cm at ground were removed over 5 years, as of winter 2018/19. A similar amount were pruned or limbed. Treatment area is 917 ha |
| Key Objectives<br>*Why was the project needed? What values and risks were considered? What were the objectives of the prescription?* | In the absence of agriculture, First Nations cultural burning and forest fires, the open coastal bluff ecosystem of Helliwell Park was becoming dominated by conifer trees which were shading out the unique coastal bluff ecosystem species that made this Park unique. Funding was leveraged for the immediate recovery efforts of the Endangered Taylor's Checkerspot butterfly, which disappeared from Helliwell Park in the 1990s. However, many open coastal bluff ecosystem species will benefit from conifer removal/restoration work. Prior to tree removal, a hydrologist and |

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| | restoration ecologist were consulted, the Taylor's Checkerspot RIG as well as local First Nations (K'omoks). We also worked with the local community to help them understand the benefits of this project. Constant updates and communication were provided to local groups. We conducted tree removal using a phased approach to reduce the risk of invasive plants. Typically, trees were limbed one year, and then removed the following year. This allowed light to penetrate beneath the tree and allow natural surrounding species to fill in before tree removal. |
| Legal tests<br>*What was the legal basis for proceeding with this project?* | Work was initiated by BC Parks and done to protect values for which the park was established, and therefore is in accordance with Section 9 of the *Park Act*. |
| Authorization tools used<br>*Forest tenure, PUP, MOTI, etc…* | Permission to access the Park via private property for restoration planting and weeding as well as for tree removal and chipping.<br><br>Used the wood to mark the property boundary, and scattered it within the park as coarse woody debris. We have removed chipped branches but no forest licence required. |
| Operational considerations<br>*What key pieces of information were considered, and how were they addressed (refer to steps in the flow charts)?* | BC Parks was the lead agency, but we worked closely with Ecosystems Branch of Ministry of Environment and Climate Change Strategy and with local advisory groups (Hornby Island Provincial Parks Committee, Conservancy Hornby Island, High Salal Ranch (private strata bordering park), Taylor's Checkerspot RIG. Tree limbing and removal, invasive plant removal, and planting of native species were key components of this restoration project. Tree encroachment was identified in the Purpose Statement and Ecosystem Based Plan as a significant threat to the key ecological and recreational values of Helliwell Park. Without tree removal, the values that the Park was established to protect would have disappeared.<br><br>The Helliwell Purpose Statement identifies the role of Helliwell Park is to "protect rare and endangered terrestrial ecosystem elements…". It identifies "encroachment of trees onto meadows" as a management issue and recognizes Helliwell as containing "nationally significant habitat of one of the last known populations of the endangered Taylor's Checkerspot butterfly.<br><br>Public use, concern and interest was very high – concern about removing trees. Significant engagement has been carried out in the community to provide opportunities for feedback, share understanding, and involve community members. Forms of public engagement included: evening information sessions at local community center, a booth at the local Farmers market, meetings with local advisory groups (Hornby Island |

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| | provincial parks committee, Conservancy Hornby Island and High Salal Ranch), articles in the local papers, online public survey, engagement with the local Natural History Centre to grow plants for restoration and Hornby Island Community School to help with planting.<br><br>Work resulted in a public protest, letters in the local paper and a petition |
| Funding sources | Environment Canada Habitat Stewardship Program for Species at Risk (most)<br>MOECC Wildlife Science Section, Species at Risk Unity<br>BC Parks, West Coast Region<br>BC Parks, Park Enhancement Funds<br>Garry Oaks Ecosystems Recovery Team, Taylor's Checkerspot RIG<br>Volunteer support |
| Assessments, plans and prescriptions used for decision making | Impact Assessment<br><br>Helliwell Planting Prescriptions (created by Saanich Native Plants and reviewed by BC Parks, MoECC staff and some discussions by Taylor's Checkerspot RIG).<br>Restoration techniques developed with input from Hydrologists, biologists, restoration specialists, arborists (to assess windthrow risk).<br><br>Habitat and Translocation Plan for Taylor's Checkerspot (GOERT)<br>Taylor's Checkerspot Recovery Strategy<br><br>Garry Oak Ecosystem Recovery Plan |
| Contractors needed<br>*E.g. Tree removal, environmental monitor, project manager…* | - Faller<br>- tree limbing<br>- wood chipping<br>- stump cutter (to ensure stumps are cut low to allow them to blend in more easily)<br>- coastal bluff restoration specialists for planting prescriptions<br>- planting specialists |

| **Tree Removal for managing heritage values** | |
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| Project Name | Yorke Island – WDT Trees Removal to Protect Heritage Values<br>Summer 2018 (phase 2 Winter 2019)<br>Does not include trees around heritage views |
| Proponent(s)<br>*BC Parks? Others?* | BC Parks – supported by guidance provided by heritage professionals and in discussion with BC Heritage Branch. |
| Project size<br>*Volume, Ha removed and/or number of trees* | Small<br>Phase 1 - Trees around the Main Battery, Water Tower, and Power House (completed Summer 2018) – about 60 trees<br>Phase 2 –Trees around Sunderland Post, Radio Tower, Officer Quarters (Winter 2019) – about 20 trees<br>Future: Open up historic views (waiting on Management Plan)<br><br>Initital phase followed WDT process. Future work to open up historic views will be a separate process. |
| Key Objectives<br>*Why was the project needed? What values and risks were considered? What were the objectives of the prescription?* | Hənʌəmdᶻi Məkola/Yorke Island Conservancy contains the remaining buildings from a WWII Battery. BC Parks with the support of partners and consultants recently completed work to establish the current condition of the multiple historical structures.<br><br>As a result of this work it became evident that BC Parks has a duty to protect these significant historical structures. At the same time BC Parks is working on a management plan to provide further direction. In the absence of the management plan it was determined BC Parks needed to act to remove trees that posed a significant risk to damaging historical values around structures. At the same time BC Parks is trying to keep the current feel to the site of being taken over by the rain forest, at least until a management plan provides more direction.<br><br>Objectives: to remove/modify trees that posed a significant risk to damaging historical structures or features, at the same time being aware not to significantly alter the current state of forest composition around the structures. Future reestablishment of War time site lines and views from different areas of the island is waiting for completion of the Management Plan for direction (as views do not pose a risk to historical structures (trees just limit the historical views – which may be part of the story that needs protection?). |
| Legal tests<br>*What was the legal basis for proceeding with this project?* | Obligation to protect Heritage Values.<br>Structures on the island are the main attractant of visitors so a good proportion of the trees that are dangerous to structures are also a danger tree to people. The exception would be a few trees that roots are causing damage to foundations (most the trees that were growing on roofs had shallow systems making them very dangerous to public as well as damage |

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| | to heritage buildings) all the trees removed to date posed a risk to both historical values and humans.<br><br>Since this work was done to protect park values, it is in accordance with Section 9 of the *Park Act*. |
| Authorization tools used<br>*PUP, Forest Tenure, others?* | None required – no trees removed from the area. |
| Operational considerations<br>*What key pieces of information were considered, and how were they addressed (refer to steps in the flow charts)?* | Discussions on site with BC Parks Staff<br>BC Heritage Branch recommendations<br>Potential impacts on heritage buildings and safety of workers doing conservation work at the site.<br><br>Majority of the work was based on the Danger Tree Assessment information (majority of the buildings where built to be bombed, so are pretty tough).<br><br>BC Parks Ranger staff were able to do the cleanup (6 regular Rangers + 6 student rangers). If site cleanup was not done with in-house staff there would have been a significant increase cost associated with ensuring the protection and integrity of the high historical values. |
| Funding sources | BC Parks Wildlife Danger Tree Funds |
| *Assessments*, plans and prescriptions used for decision making | Wildlife Danger Tree Assessment Forms<br>Yorke Island Conservation Plan |
| Contractors needed<br>*E.g. Tree removal, environmental monitor, project manager…* | Contract Faller<br>BC Parks did Assessments<br>BC Heritage Branch provided Archaeologist<br>BC Parks Ranger Staff did the bucking site cleanup.<br>Contractors specializing in Historical Preservation. |

## 8.0 Definitions

**Appraisal:** The process used to determine a stumpage rate for a tract of standing timber. Through a series of calculations, FLNRORD's Timber Pricing section estimates the value of products (logs, lumber, and chips) that a stand can produce and the costs of production (including harvesting, transportation, manufacturing, and reforestation). The difference between the sale value and costs is entered into a formula that calculates the stumpage rate. Nearly all Crown cutting authorities must be appraised before any harvesting is allowed.

**Assessment:** For the purpose of this policy, an assessment is an evaluation made by a qualified professional that describes the current state of a park or area within a park. For example, a fire risk assessment will determine the areas of greatest risk of wildfire within a certain area (may be completely within a park, or across the landscape both within and outside of a park). An Ecosystem assessment may identify impacts that are having a negative impact on ecosystem function.

**BC Timber Sales (BCTS):** An independent organization within FLNRORD that develops timber sale licences for competitive auction. The price paid for timber through a timber sale licence is used to measure the market value of timber harvested from public land in British Columbia. This value is then used to calculate the stumpage fees paid on public timber harvested under other forms of tenure.

**Bonus bid:** A premium that a logging operator agrees to pay, in addition to stumpage, for the rights to harvest timber.

**Coarse woody debris (CWD):** Typically, sound or rotting logs, stumps, or large branches that have fallen or been cut and left in the woods, or trees and branches that have died but remain standing or leaning.

**Commercial logging:** The act of timber harvesting (including salvage logging) for economic return.

**Common law:** A system of law characterized by case law that is developed by judges through decisions of courts and similar tribunals. The principle of common law is that it is unfair to treat similar facts differently on different occasions. The body of precedent in previous legal cases is called "common law" and it binds future decisions. In cases where the parties disagree on what the law is, a common law court looks to past precedential decisions of relevant courts. In tree removal projects that are motivated by safety to people or infrastructure outside of a park, we may look to common law to understand how legal precedent may shape when and how we proceed with projects.

**Contractor:** A person who has an agreement with the holder of a forest licence, timber licence, or tree farm licence to carry out one or more aspects of the holder's timber harvesting operations under the licence, and includes "person under contract" as defined by the *Forest Act* regulations.

**Ecological Restoration:** Ecological restoration is a practice that seeks to repair degraded ecosystems by re-establishing native species, structural characteristics, and ecological processes. The Society for Ecological Restoration International defines ecological restoration as "an intentional activity that initiates or accelerates the recovery of an ecosystem with respect to its health, integrity and sustainability….Restoration attempts to return an ecosystem to its historic trajectory" (Society for Ecological Restoration International Science & Policy Working Group 2004).

**Forest Health:** Forest health describes the physiological condition of a forest. Managing for forest health includes actions to minimize the impact of forest pathogens on identified values.

**Forest ingrowth:** The process whereby previously open forest becomes more dense, and treed grasslands become more densely covered with young trees. Also, forest encroachment.

**Forestry licence to cut (FLTC):** An agreement under the Forest Act (Section 47.6) that authorizes the harvesting of relatively small volumes of timber for various purposes including small-scale salvage, timber removal for scientific purposes, forest health, and BC Timber Sales-related activities.

**Free use permits:** An agreement entered into under the Forest Act (Part 3, Division 9 ) that provides the right to harvest up to 50 cubic metres of timber for non-commercial purposes, or up to 250 cubic metres of timber for a traditional or cultural activity. Permit term is limited to a maximum of 1 year and the permit holder is not required to pay stumpage.

**Fuel or fire hazard:** The potential fire behaviour, without regard to the state of weather or topography, based on the physical fuel characteristics, including fuel arrangement, fuel load, condition of herbaceous vegetation, and the presence of ladder fuel.

**Fuel management:** The planned manipulation and/or reduction of living or dead forest fuels for forest management and other land use objectives (e.g. hazard reduction, silvicultural purposes, wildlife habitat improvement) by prescribed fire; mechanical means; and/or changing stand structure and species composition.

**Habitat manipulation:** Alteration of natural elements of a park.

**Occupant licence to cut:** An agreement entered into under the Forest Act (Section 47.4) that allows a person who purchases or occupies land, and who does not otherwise have the right to harvest Crown timber from the land, to cut and (or) remove timber on the land. They must be given the right to occupy through a park use permit.

**Timber cruise**: An estimate, to a specified degree of accuracy, of the volume of timber on an area to be harvested

**Parks:** Parks are defined, for the purposes of this guideline, parks (Classes A, B and C), recreation areas, and conservancies as defined in the Park Act and protected areas established under the *Environment and Land Use Act.* Parks and Protected Areas for the purposes of this document do not include ecological reserves as defined in the *Ecological Reserve Act*, as there are different legal tests for deciding on whether and how to proceed with tree removal projects in Ecological Reserves.

**Park Enhancement Fund (Stumpage account**): The Park Enhancement Fund (PEF) was established in 2008 as a special account under the *Special Accounts Appropriation and Control Act*. The purpose of this account is to support BC Parks in earning revenue, attracting donations and aiding in the development of partnership and sponsorship opportunities to benefit the provincial park system. The PEF account allows funds to be carried over fiscal years and can be used to fund multi-year projects. Stumpage (see definitions sections) from the protected areas is put into this account but in a separate place as it is to be spent on provincial conservation priorities. The stumpage derived from any individual tree removal project will first be allocated to offsetting the costs of the project and associated site restoration activities.

**Registered professional forester (RPF):** A person registered under the *Foresters* Act (Section 14) to practice professional forestry in British Columbia. Foresters are involved with the inventory, classification, valuation, appraisal, conservation, protection, management, enhancement, harvesting, silviculture, and rehabilitation of forest lands and ecosystems. They prepare, review, amend, and approve professional documents; assess the impact of professional forestry activities; and audit, examine, and verify the results of activities involving the practice of professional forestry, and the attainment of goals and objectives identified in professional documents. Other activities of RPFs include planning, locating, and approving forest transportation systems; and assessing, estimating, and analyzing the capability of forest lands to yield a flow of timber while recognizing public values related to forest resources and ecosystems. Only RPFs are qualified to write forestry prescriptions for tree removal projects – they should be RPFs with expertise in writing prescriptions in conservation areas.

**Salvage Logging**: Salvage logging is the commercial harvesting practice of removing timber from areas damaged by natural disaster. Forests can be damaged by flood, disease, wind, wildfires, earthquakes, hurricanes, landslides, insect infestations, etc. Logs are removed and sold on the open market to recover costs of clean-up, reduce the risk of wildfire or restore aesthetics. Other incentives include economic gain and/or use of downed trees.

**Stumpage**: The fee that individuals and firms are required to pay to the government when they harvest Crown timber in British Columbia. Stumpage is determined through a complex appraisal of each stand or area of trees that will be harvested. The price is pre-determined and set by

government using a calculation that reflects considerations such as market value, the species and quality of the wood and the cost of harvesting. Stumpage is usually adjusted quarterly to reflect changes in the markets for forest products. A stumpage rate (dollars per cubic metre) is determined and applied to the volume of timber that is cut. Invoices are then sent to individuals or firms. Stumpage paid on trees removed from Parks is returned to the Park Enhancement Fund.

**Tenure**: Tenure is the mechanism by which the government transfers specific rights to use Crown, or public, forest and resources to others. Private forest companies, communities and individuals gain the right to harvest timber in public forests through tenure agreements with the provincial government. A timber tenure can take the form of an agreement, licence or permit. Each is a legally binding contract that provides the contract holder with specific rights to use public forests over a specific period of time, in exchange for meeting government objectives, including forest management obligations and the payment of fees including stumpage. Tenures are issued by FLNRORD any time trees are removed from a park.

**Tree disposal:** Disposing of timber is the selling of the tree(s) to third party interests. In parks this applies to any trees that cross out of the park.

**Tree removal**: The process of cutting and/or removing trees in parks, other than in situations where the Wildlife Danger Tree Assessment process is appropriate. This could mean 1) cut and transport trees out of the park to a timber processing facility 2) cut and transport trees out of the park and transport to a different park for use within that park, 3) cut and used within the park it was cut, 4) cut, piled, and burned/chipped on site.

**Wildlife-dangerous tree:** A tree that poses a risk to people or infrastructure because of location or lean, physical damage, overhead hazards, deterioration of the limbs, stem or root system, or any combination. Also known as a Hazard tree. Wildlife-dangerous trees are managed using the Wildlife-Dangerous Tree Assessment process, but larger-scale events that create many wildlife-danger trees may proceed more as a tree removal project, using a site-wide prescription and disposal of trees outside of a park.

**Wildlife Dangerous Tree Assessment (WDTA):** The WDTA is an accredited technical danger tree course is for those who are involved with hazard tree assessments in parks. It is a standardized process, is province wide and is mandatory. Removing the hazard may also include modifying a tree to reduce the risk.

## 9.0 Appendices – RFP, Contract, Prescription and Other Examples

We have compiled a set of documents that may be useful as you plan a tree removal project, including the following:

- RFP examples
- Contract example
- Prescription examples (ER, fuel management)
- Detailed summary of *Forester's Act*

You can find these and more supporting documents all in a folder on the M-Drive: M:\WANSHARE\BC Parks\Common\Parks and Protected Areas\Tree Removal Policy and Guidelines\Supporting Resources for Tree Removal Projects