Land Based Investment Strategy

BRITISH COLUMBIA | Ministry of Forests, Lands and Natural Resource Operations

General Standards for Ministry Funded Programs

Effective June, 2012

These standards are applicable to all activities carried out under a Ministry funded Program such as Forests for Tomorrow (FFT). FFT is part of the Land Base Investment Strategy. For the FFT program, standards for eligible activities exist. The General Standards, activity-specific standards, and other applicable standards apply to Recipient Agreement holders.

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ARTICLE 1 DEFINITIONS AND INTERPRETATION

Definitions

1.01 In this document, these words have the following meanings:

"Administrator" means the administrator referred to in a Recipient Agreement;

"Best Practices" means those practices that will, at reasonable cost, best achieve the intended results while at the same time not cause or result in Damage;

"Damage" means

(a) damage to property,

(b) slumping or sliding of land, landslides, adverse gully processes, snow avalanches, destabilized alluvial fans, or any similar event,

(c) soil disturbance in excess of allowed limits,

(d) a reduction in ability to meet the visual quality objectives of a known scenic area,

(e) any action inconsistent with a general wildlife measure or an objective applicable to a known wildlife habitat area or an ungulate winter range, or

(f) damage to or change in the environment of a wildlife tree or resource feature that, in the opinion of the District Resource Manager, unacceptably impairs the functionality, use or enjoyment of the feature or tree;

"District Resource Manager" means the District Resource Manager of the Ministry within which a Work Area is located, and includes a person delegated or appointed by the District Resource Manager to act on his or her behalf;

"FRPA" means the *Forest and Range Practices Act,* regulations and standards made under the Act;

"Ministry" means the Ministry of Forests, Lands and Natural Resource Operations;

"Ministry Activity Standards" means a document issued by the Ministry containing requirements of specifications for the carrying out of specific type of activity funded by a Ministry Program such as FFT;

"Ministry Standards" means the requirements of specifications contained in this document, in the Ministry Activity Standards Documents, and other applicable standards;

"Overview Plan" means a Ministry Plan or Annual Operational Plan within a management unit such as a timber supply area or tree farm licence area;

‘‘**Province**” means Her Majesty the Queen in Right of the Province of British Columbia.

“Recipient” means a party designated by the Ministry to receive funding pursuant to a Recipient Agreement;

“Recipient Agreement” means the contract between an Administrator and a Recipient for performance of the Work;

“Specified” means, as the context so requires, specified in an Overview Plan, a Ministry Standard, Treatment Plan or Work Plan or by a District Resource Manager.

“Technical Contact” means the person named as the technical contact for a particular activity such as on the Ministry website;

“Treatment Plan” means an overall plan setting out measurable objectives desired to be achieved on specified Work Areas, together with one or more silviculture or forest health treatments necessary to achieve the objectives, and as further described in the, FFT Standards, Ministry Standards;

“Work” means the work described and funded under a Recipient Agreement;

“Work Area” means the areas or locations where Work is to be undertaken or any area of Crown Land occupied for purposes of the Work;

“Work Plan” means a detailed operational plan for the carrying out of an individual silviculture or forest health treatment, and as further described in the FFT Standards, or Ministry Standards.

Interpretation

1.02 The terms *resource feature, riparian management area, riparian management zone, riparian reserve zone, scenic area, ungulate winter range, visual quality objective, wildlife habitat area*, and *wildlife tree* have the meanings given them in FRPA.

1.03 A word defined in the General Standards for Ministry funded programs has the same meaning in Ministry Activity Standards or other applicable standards.

1.04 Where a word or abbreviation which has a well known technical or trade meaning is used in Ministry Standards, it has that recognized meaning.

1.05 The headings in this document have been inserted for reference only and unless otherwise stated do not define, limit, alter or enlarge the meaning of any provision.

1.06 Any reference to Ministry Standard includes every amendment to or substitute for them published from time to time.

ARTICLE 2 STANDARDS APPLICABLE TO EVERY ACTIVITY

2.01 The standards in this Article apply to every activity under Ministry Funded Programs.

General

2.02 All Work must be performed to the Ministry Standards applicable to the type of Work and in compliance with the laws of Canada and British Columbia applicable to the Work and the Work Area.

2.03 Work must at all times be conducted with the standard of care, skill and diligence normally exercised and observed by persons engaged in the performance of activities similar to the Work.

2.04 Work may only be performed during biological and weather conditions appropriate to:

(a) ensuring high efficacy of the Work, and

(b) attainment of Ministry Standards.

2.05 A Work Area must be unencumbered Crown Land and not the subject of a research installation or other authorized activity with which a Ministry funded program activity may conflict.

First Nations Requirements

2.06 Where a proposed activity may have an impact on the forest land base and is outside of a review process required under FRPA or the *Integrated Pest Management Act and Regulation* the Recipient must carry out a process of information-sharing with potentially affected First Nations.

2.07 The results of this process must be presented to the District Resource Manager prior to Work being initiated. The District Resource Manager will consider the information provided and may require further consultation, mitigative measures, other activities, or may disallow the Work based on issues brought forward in relation to aboriginal interests.

Protection of Property and the Environment

2.08 In carrying out the Work the contractor must not cause, or create conditions that are likely to cause, either directly or indirectly, Damage or risk to human life or safety.

2.09 If the contractor causes harm contrary to paragraph 2.08 or if the Recipient reasonably believes that carrying out the Work will result in a breach of paragraph 2.08 the Recipient must:

(a) immediately stop the Work in the area affected;

(b) prevent any further Damage;

(c) immediately notify the District Resource Manager and the Administrator; and

(d) take any remedial measures that the District Resource Manager or the Administrator requires.

2.10 Work that has been stopped under section 2.09 may be resumed when:

(a) it can be resumed without breaching section 2.08; and

(b) any remedial measures required under section 2.09 have been carried out to the satisfaction of the District Resource Manager or the Administrator.

2.11 Work Areas must be kept free from any accumulation of waste products or debris resulting from the Work.

2.12 In addition to the notification requirements in section 2.09, a Recipient must immediately notify the District Resource Manager and the Administrator whenever any contravention of legislation occurs or is observed.

Practices

2.13 Trees in a Riparian Reserve Zone must not be felled or modified unless the felling or modification has been specified in a Treatment or Work Plan.

2.14 Slash or debris capable of damaging fish habitat or reducing water quality must not be placed in or around aquatic environments, or in a location where natural forces may subsequently transport the slash or debris into an aquatic environment.

Record Keeping

2.15 The Recipient must retain on its own files for a period of not less than seven years all data, reports, photographs and maps required to be produced by Ministry Standard.

ARTICLE 3 STANDARDS APPLICABLE TO SILVICULTURE AND FOREST HEALTH

3.01 The standards in this Article apply to eligible Ministry funded silviculture and forest health activities that correspond to general Work Areas identified in Ministry Overview plans.

Treatment and Work Plans

3.02 Except as provided for in Section 3.12, a Work Area must correspond to the Ministry Overview Plan and have a Treatment Plan and Work Plan in effect before Work commences on that area.

3.03 A Treatment Plan and a Work Plan

(a) must be consistent with

i) the FFT Standards, or Ministry Standards,

ii) the use of Best Practices,

iii) general wildlife measures applicable to a wildlife habitat area, and

iv) the objectives, priorities and activities expressed in higher level plans, forest stewardship plans, or silviculture or forest health strategies,

(b) are not in effect until signed by a Registered Professional Forester;

(c) except as may be required under a pest management plan or unless requested by the District Resource Manager, are not required to be submitted to a District Manager; and

(d) are public documents and must be made available to a person on request.

3.04 A Treatment Plan or Work Plan that is not consistent with the FFT Standards or Ministry Standards is not in effect unless the inconsistent part of the plan is approved in writing by the District Manager or Technical Contact as appropriate.

3.05 If at any time a Treatment or Work Plan appears unsuitable or not in compliance with Forest Practices Legislation, particularly as a result of forest health factors, any portion of the Work affected by the unsuitable or non-compliant aspect of the Work must immediately be suspended and the Administrator informed

3.06 All Work must meet or exceed the requirements of the applicable Treatment and Work Plans for each Work Area.

Treatment Plans

3.07 An approved backlog silviculture prescription or stand management prescription may constitute a Treatment Plan for the purposes of these standards, provided an RPF confirms the prescription is still valid.

3.08 In addition to the requirements of section 3.03, a Treatment Plan must:

(a) include a map showing the Work Areas and Treatment Units that are subject to the Treatment Plan;

(b) set out measurable objectives that are desired to be achieved on the Treatment Units;

(c) set out a schedule of silviculture or forest health treatments appropriate to achieving the objectives, and

(d) where not effectively already referred through another planning or approval process, be referred to any government resource agency or person that, in reasonable foresight, may be materially affected by the proposed plan, and to any agency or person as directed by the District Manager.

3.09 Except for surveys, where a Treatment Plan schedules a series of treatments to be carried out, Work may only commence on the first treatment in the series where there is reasonable expectation that sufficient funding will exist in the future to carry the Treatment Plan to completion.

3.10 A Treatment Plan not carried to completion must have a file note as to the reasons why treatments were terminated.

Work Plans

3.11 In addition to the requirements of section 3.03, a Work Plan must:

(a) be consistent with the Treatment Plan for a Work Area;

(b) be appropriate and specific to the silviculture activity to be carried out on a Work area; and

(c) have, at a minimum, the contents for a Work Plan Specified in a FFT Activity Standards Document or Ministry Standards Document.

3.12 A Work Plan is not required where all the Specified requirements for a Work Plan are met within the Treatment Plan, and in such cases every reference in the FFT Standards, or Ministry Standards to a Work Plan shall mean the Treatment Plan.

Activity Reporting

3.13 Silviculture and forest health projects must have activity accomplishment reports and maps prepared and submitted as specified in Ministry Standards.

ARTICLE 4 RIGHTS OF OCCUPATION AND SAFETY

Occupation

4.01 The Recipient has the right to occupy the particular Crown Land specified by the Administrator solely for the purpose of carrying out the Ministry funded program and activities and only for so long as the Recipient is in compliance with the Recipient Agreement.

Safety

4.02 As occupier of lands used as a workplace, the Recipient acknowledges that they are an owner as defined in *Workers Compensation Act Section 106.*

4.03 As owner of the workplace, the Recipient acknowledges that, in relation to a multiple-employer workplace, the Recipient will be the Prime Contractor or designate a Prime Contractor.

4.04 Where the Recipient has designated a Prime Contractor, the Recipient must notify the Administrator the name of the contractor who they have entered into a written Prime Contractor agreement with.

4.05 The Recipient must ensure that, on all multi-employer workplaces, a worksite sign in a format prescribed in Ministry Standards is posted on all access points to the worksite.

ARTICLE 5 MISCELLANEOUS

Monitoring by the Province

5.01 The Province reserves the right to monitor and examine, at all times during the Term and without notice to the Recipient, any Work performed. Monitoring and examinations are conducted for the sole benefit of the Province, and do not release the Recipient or any other party required to carry out quality control from the responsibility of providing quality control measures to assure that the Work strictly complies with Ministry Standards.

Method of Measurement

5.02 Unless otherwise specified, all linear and area measurements are measured on the horizontal plane.

Ownership of Work or Improvements

5.03 Despite any Work or improvements on Crown Land that may be performed or made by the Recipient, the sole ownership of all Work Areas and any improvements remains with the Province.

Recipient Agreement

5.04 The Recipient must abide by all the conditions in a signed Recipient Agreement.

Non-Waiver

5.05 A waiver of a Ministry Standard or a waiver of a Recipient's breach of a Ministry Standard is effective only if it is in writing and signed by the District Resource Manager or Administrator.