General Bulletin

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Road Permits and Non-status Roads

Background

Section 54(1) of the *Forest Practices Code of British Columbia Act* (Act) provides authorization and exemption for the use of two categories of roads for which a district manager has authority:

1. road built under a road permit or other harvesting authorization; and
2. roads that are currently non-status.

Sec. 54 pertains to, among other issues, a licensee using non-status roads on Crown land for timber harvesting and related forest practices having authority under a road permit. The **licensee** may be exempted from the requirement of a road permit under sec. 54(5). There has been much discussion as to what constitutes "related forest practices", as well as how to measure the time component of the exemption.

Recommendations

It is recommended that district managers and their staff make themselves familiar with these amendments. This should ***not*** be interpreted as Ministry policy or a legal interpretation.

Activities Requiring Road Permits or Considerations for Exemption on Non-status Roads

The principal concern related to road use is the potential impact on the environment or use of the road by others. Sec. 54(1) provides authority for regulating road use when movements of equipment and vehicles constitute long-term or obtrusive use of a road or portions of a road that may be vulnerable to environmental damage. The legislation appears to contemplate that the following activities would require road permits or considerations for exemption:

- timber harvesting operations including mobilization and demobilization of all crew and equipment related to felling, yarding and hauling;
- mechanical site preparation, planting proposed to be conducted over several field seasons, associated crew and equipment movements subsequent to use of the road for timber harvesting/log haul.

Forestry activities that would not normally require road permits or need to be considered for exemption would be initial planting, brushing, juvenile spacing operations, surveys, block layout and other assessments.

Conditions for Exemption from a Road Permit

Once the district managers have determined that the licensees use will nor materially affect the use of the road by others or unnecessarily disturb the natural environment, they need to examine the time frame over which the licensees use will extend.

An exemption under sec. 54(5) may be provided if:

- there is no need to use the road for more than one operating season so that temporary deactivation will not be required; or

- it is determined that the use will not otherwise impact other users or the environment; and

- the cumulative duration of the activity is less than 60 days within one operating season.

Please note that under sec. 63(3) of the Act and sec. 17 of the *Forest Road Regulations*, a licensee provided exemption under sec. 54(4) is still responsible for certain maintenance obligations.

Contacts

Further details and direction are available from:

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