



General Bulletin

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Dealing with Danger Trees: Exemptions and Cutting Authorization

Background

Workers' Compensation Board Industrial Health and Safety Regulations require all snags that could endanger workers (danger trees) must be felled before starting yarding or skidding operations. The *Forest Practices Code of British Columbia Act* (Act) and the *Forest Act* provides authority for danger trees to be addressed in the operational planning process and in issuing of harvesting authorities. This bulletin provides details on managing danger trees where planning processes have not addressed felling or harvesting of these trees. Another bulletin titled *Planning for Danger Trees: Avoiding Plan Amendments* is being developed.

A faller may be permitted to fell danger trees located outside a cutblock or within wildlife tree patches or within a riparian management area, **if in the opinion of the faller**, the tree represents a safety hazard. In addition, trees used for tail holds and anchor trees (tool trees) or trees adjacent to these may also be felled if they constitute a safety hazard.

To fell a danger or tool tree the following are required:

- the area outside the cutblock boundary where felling danger trees may occur must be exempted from the requirement to be identified in a forest development plan (FDP), and logging plan (LP); and
- the area must be identified under the silviculture prescription (SP) or exempted from the prescription (a SP can provide details on felling of danger trees outside the cutblock); and
- felling, bucking and utilization of danger trees outside the cutblock must be authorized in a cutting authority.

Recommendations

Exemption from Operational Plans

The Act provides authority for district managers (DM) to exempt a person from the requirements for identifying harvesting areas outside a cutblock for a FDP under section 28(1)(a) and for an LP in section 29(1)(a). Exemption for identification in a SP is provided in section 30(1)(b). Exemption may be required if the SP does not provide

details on felling, bucking and utilization of danger trees outside of cutblock. **Exemption for the FDP, SP and LP can all be provided in the same approval letter.** Before granting exemption the statutory decision makers must put their minds to determining if the requirement is not necessary to adequately manage and conserve the forest resources (sec. 33).

The licensee should submit a written notice to the DM's requesting an exemption from the operational planning requirement for the purposes of felling danger trees. The request should indicate which cutblocks have danger trees, approximate location and distance from the cutblock boundary for danger or tool tree felling (e.g. 50 metres).

An example of an exemption notice is:

"Under the authority provided in section 28(1)(a), 29(1)(a) and 30(1)(b) of the Forest Practices Code of British Columbia Act, you are exempt from the requirement of a forest development plan, silviculture prescription and logging plan for the felling of danger trees associated with timber harvesting on the following cutblocks. The exemption pertains to that area outside the cutblock for a distance of ___ metres in which trees represent a safety hazard according to WCB standards."

Authority to fell, buck and utilize danger trees

There are two types of clauses that may be included in the cutting authority. One provides for authority to fell a tree deemed to be a danger tree. The other clause provides the authority to fell and buck and utilize that tree. ***Clauses that are currently available for use are [attached to this bulletin](#).***

Exercising Statutory Authority for Danger Trees

In determining if danger trees should be felled and utilized the DM may want to consider the following information:

- Where are danger trees located (ex. in the riparian reserve zone)?
- Do danger trees have high value as wildlife trees?
- What are the coarse woody debris requirements?
- Does the FDP, SP or LP provide management objectives for consideration in approval?
- Licensee work performance.
- The *Riparian Management Guidebook*, p.40 and *Biodiversity Guidebook*, p.62 to 64.

The preferred practice to manage for danger trees is by recognizing the need within the planning process so that amendments are not necessary.

Draft Hazard Tree Clauses

*This guide is provided for the information of Forest Service staff primarily district managers. While every effort has been made to ensure accuracy, this guide is only intended to provide an overview. It should **not** be interpreted as ministry policy or legal advice, and it should **not** be used in place of the Forest Practices Code of British Columbia Act, the Forest Act, or their associated regulations.*

Option 1: Authority to fell but not to buck and utilize hazard trees without consent

1.01

The hazard tree felling area surrounding the cutblock boundary(s), identified on the attached map as Exhibit "A", is subject to an exemption from the requirement for a forest development plan as provided under Sec. 28(1)(a)(i) of the Forest Practices Code of British Columbia Act, exemption notice dated _____, for the purposes of hazard tree felling. The hazard tree felling area extends _____ metres beyond the cutblock boundary(s).

1.02

The licensee may fell trees outside of the cutblock boundary(s) but within the area described in paragraph 1.01 if the person conducting tree felling or rigging tail hold/anchor trees determines that the tree represents a safety hazard according to Workers' Compensation Board standards.

1.03

The licensee must not buck or utilize a tree felled under paragraph 1.02 without the consent of the district manager.

1.04

If consent is granted under paragraph 1.03, then the felled hazard tree(s) shall be bucked and utilized according to the standards specified in Schedule "B" of this authority, unless otherwise directed by the district manager.

Option 2: Authority to fell, buck and utilize trees

1.01

The hazard tree felling area surrounding the cutblock boundary(s), identified on the attached map as Exhibit "A", is subject to an exemption from the requirement for a forest development plan as provided under Sec. 28(1)(a)(I) of the Forest Practices Code of British Columbia Act, exemption notice dated _____ for the purposes of hazard tree felling. The hazard tree felling area extends _____ meters beyond the cutblock boundary(s).

1.02

The licensee may fell trees outside of the cutblock boundary(s) but within the area described in paragraph 1.01 if the person conducting tree felling or rigging tail hold/anchor trees determines the tree represents a safety hazard according to Workers' Compensation Board standards.

1.03

Tree(s) felled under paragraph 1.02 shall be bucked and utilized according to the standards specified in Schedule "B" of this authority, unless otherwise directed by the district manager.