



**BRITISH
COLUMBIA**

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**Ministry of Forests
and Range and Minister
Responsible for Integrated
Land Management Bureau**

Office of the Minister

MEMORANDUM

File: 265-20

Ref: Cliff #125312

Re: Designation of Minister's Authority

Various sections of the *Forest Act* and its regulations provide the Minister with the ability to authorize a person to carry out duties and powers under that section or refer to the Minister's delegate.

This memo designates ministry officials who are authorized to carry out the duties and powers under the sections of the *Forest Act* set out in the table below.



Your signature on this memorandum signifies approval of these designations.

Forest Act Designations

Section	Designation	Rationale
Section 13 (1) (a) (ii), (2), 3 (a) and (c), (4) & (5) [Applications] This section provides the Minister or person authorized by the Minister authority to invite and approve forest licence applications.	Regional executive director	This designation will ensure that forest licences are issued in a timely manner. As forest licences cross forest district boundaries, regional managers are the appropriate ministry official for this function.
Section 13.1 (1) (a) (ii), (2) (a) and (c), (3) and (6) (b) [Direct award of forest licence to produce bioenergy] This section provides authority to the Minister or a person authorized by the Minister to specify the requirements for and qualifications of a bioenergy applicant for a forest licence and the authority to enter into the forest licence with the eligible bioenergy applicant.	Regional executive director	This designation is consistent with the designation of the regional manager to offer a forest licence under section 13, ensuring consistent administration in forest licence application evaluation and award.
Section 15 (1.1), (1.2), (2) and (3) (a) and (b) [Replacement] This section provides the Minister or authorized person the authority to offer and issue a replacement licence to a forest licence holder.	Regional executive director	These designations will ensure that replacement licences can be issued in a timely manner. Regional managers are the appropriate official due to their expertise in dealing with forest licences.

Section	Designation	Rationale
Section 15.1 (3) [Transition for forest licence replacement] This section provides for the Minister or person authorized by the minister to offer a replacement for a forest licence under transition provisions relating to forest licence replacements.	Regional executive director	This designation is consistent with the designation of the regional manager to offer a replacement licence under section 15, ensuring consistent administration in forest licence application evaluation and award.
Section 43.2 (1) (4) and (6) [Applications for community forest agreements] This section provides the Minister the authority to evaluate applications and to approve another application if an approved applicant does not enter into an agreement.	Regional executive director	The regional manager, as the licensor of these agreements, is the person best informed on applications for community forest agreements and to provide for administrative efficiency and maintain consistency.
Section 43.3 (b) [Content of community forest agreements] This section requires the Minister or person authorized by the minister to determine the community forest agreement area.	Regional executive director	Regional managers carry out all other functions respecting these agreements and are therefore the appropriate official to determine a community forest agreement area.
Section 43.7 (1), (2), (3), (4), (5) and (6) [Community salvage licence applications] The section authorizes the Minister or person authorized by the Minister to invite, evaluate and approve community salvage licences.	Regional executive director	Designating the regional manager will ensure consistency in the manner in which these licences are administered, and is consistent with the regional manager's role for community forest agreements.
Section 58.1 (6) [Extension of timber sale licences and cutting permits] This section provides the Minister or authorized person the authority to waive the timber sale licence or cutting permit extension fee if specified tests are met.	Assistant Deputy Minister, Field Operations for timber sale licences Regional executive director and district manager for cutting permits	For timber sale licences the designation is consistent with assistant deputy minister's role in overseeing the program to ensure provincial consistency for these types of decisions. For cutting permits these designations provide for increased operational efficiency and streamlined business processes.
Section 58.3 (4) [Surrender of BC timber sales agreement] This section provides the Minister or authorized person the authority	Assistant Deputy Minister, Field Operations	Designating the Assistant Deputy Minister, Field Operations is consistent with assistant deputy minister's role in overseeing the program to ensure provincial consistency for these types

Designation of Minister's Authority under the *Forest Act*

Section	Designation	Rationale
to relieve the holder of a surrendered timber sale licence from the forfeiture of their deposit if specified tests are met.		of decisions (i.e. requests to waive fees or grant forfeiture relief).
Section 82 [Timber marking: interpretation] The term "registrar" is defined as the person designated by the minister to administer timber marks and marine log brands.	Assistant Deputy Minister, Forests and Range Tenures and Pricing	Designating the Assistant Deputy Minister, Forests and Range Tenures and Pricing is consistent with assistant deputy minister's role in overseeing the program to ensure provincial consistency for these types of decisions.
Section 105.2 (1) [Correcting stumpage rates where inaccurate information was provided] Under this section, if an official designated by the minister is of the opinion that a stumpage rate has been determined in error due to inaccurate information submitted by the holder, the official may direct that the stumpage rate be redetermined to take into account the new information.	Regional executive director Director, Pricing Branch	These designations will ensure that the stumpage rate can be re-determined in a timely manner which may provide increased business certainty for licence holders and government. The designation of the regional manager and Director, Pricing Branch is consistent with their role for stumpage determinations, and enables the redetermination process to take pricing policy considerations into account.
Section 121 (7) [Road and trail construction] Under this section, the minister may designate employees to prepare explanatory plans for the purposes of dedicating forest service roads to government or expropriating land for roads.	Director, Resource Tenures Branch	The director has been delegated the authority under section 121 to deal the taking of land for forest service roads to which this provision relates.
Section 136 (1.1) and (2) [Records and returns] Under this section, persons must keep accurate records relating to their agreement or timber processing facility. This information can be inspected by a ministry official designated by the minister. As well, agreement holders or timber processing facility operators must report specified information to a person designated by the minister.	Regional executive director Revenue Accountant, Southern Interior Forest Region Audit Accountant, Northern Interior Forest Region Director, Pricing Branch Senior Timber Pricing Accountant (Interior), Pricing	Due to the sensitive nature of the data requested, these designations are required so that the appropriately qualified ministry personnel have the legislative authority to receive, question and inspect records pertaining to the information described in section 136. The persons designated have the required qualifications to carry out this sensitive task.

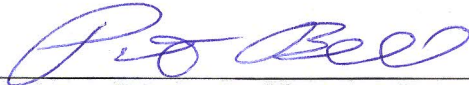
Section	Designation	Rationale
	Branch Timber Pricing Accountant (Interior), Pricing Branch Senior Timber Pricing Accountant (Coast), Pricing Branch	
Section 143 (2) (b) [Determinations that may be reviewed] Under this section, a person authorized by the Minister can review a determination, order or decision of a timber sales manager related to disqualification, suspension or cancellation.	Regional executive director Executive Director, Field Operations	This designation will ensure the decision can be reviewed in a timely manner. The regional manager has the necessary expertise and experience to adjudicate these matters and can ensure provincial consistency in their administration.

Forest Act Regulation Designations

Section	Designation	Rationale
BC Timber Sales Regulation section 19 (2) [Forfeiture of bid deposit or standing bid deposit for not entering into agreement] This section provides the Minister or person authorized by the Minister authority to relieve an applicant from a deposit forfeiture imposed due to an applicant not entering into a licence.	Assistant Deputy Minister, Field Operations	Last year the BC Timber Sales provisions of the Advertising, Deposits, Disposition and Extensions Regulation were moved into an expanded BC Timber Sales Regulation. As a result, there is a need to delegate to the Assistant Deputy Minister Field Operations under the BC Timber Sales Regulation the powers the Assistant Deputy Minister carried out under the Advertising, Deposits, Disposition and Extensions Regulation.
BC Timber Sales Regulation section 21 (5) [Forfeiture of deposit for non-compliance with agreement] This section provides the Minister or Minister's delegate authority to relieve a timber sale licence holder from realization of the holder's deposit due to non-compliance or the forfeiture of the deposit for	Assistant Deputy Minister, Field Operations	Last year the BC Timber Sales provisions of the Advertising, Deposits, Disposition and Extensions Regulation were moved into an expanded BC Timber Sales Regulation. As a result, there is a need to delegate to the Assistant Deputy Minister Field Operations under the BC Timber Sales Regulation the powers the Assistant Deputy Minister carried out under the

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Section	Designation	Rationale
failure to harvest under the licence.		Advertising, Deposits, Disposition and Extensions Regulation.



Minister of Forests and Range and
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July 28, 2010

Date