

File: 265-20 Delegations and Designations 2012

**Re: Designation of Minister's Authority**

Various sections of the *Forest Act* and its regulations enable the Minister of Forests, Lands and Natural Resource Operations to authorize a person to carry out duties and powers under that section or to appoint a Minister's delegate.

This table replaces all previous designations under the *Forest Act*.

Your signature on this memorandum signifies approval of these designations.

***Forest Act Designations***

| Section                                                                                                                                                                                                                                                                                                                                                                                                       | Designation                 | Rationale                                                                                                                                                                                                                 |
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| <b>Section 13 (1) (a) (ii), (2), 3 (a) and (c), (4) &amp; (5) [Applications]</b><br>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 executive directors are the appropriate official for this function.        |
| <b>Section 13.1 (1) (a) (ii), (2) (a) and (c), (3) and (6) (b) [Direct award of forest licence to produce bioenergy]</b><br>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 executive director to offer a forest licence under section 13, ensuring consistent administration in forest licence application evaluation and award. |

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

| Section                                                                                                                                                                                                                                                                           | Designation                 | Rationale                                                                                                                                                                                                                                                                                   |
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| <b>Section 15 (1.1), (1.2) and (2) [Replacement]</b><br>This section provides the Minister or authorized person the authority to offer and issue a replacement licence to a forest holder.                                                                                        | Regional Executive Director | These designations will ensure that replacement licences can be issued in a timely manner. Regional executive directors are the appropriate official due to their expertise in dealing with forest licences.                                                                                |
| <b>Section 15 (3) (a) and (b) and 5 (b) [Replacement]</b><br>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 executive directors are the appropriate official due to their expertise in dealing with forest licences.                                                                                |
| <b>Section 15.1 (3) [Transition for forest licence replacement]</b><br>This section provides the authority 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 executive director to offer a replacement licence under section 15, ensuring consistent administration in forest licence application evaluation and award.                                                              |
| <b>Section 28 (1) and (3) [Rights not in tree farm licence]</b><br>This section requires a timber licence holder to provide a harvesting schedule for a licence set to expire as a result of the termination or expiry of a tree farm licence.                                    | Regional Executive Director | Designating the Regional Executive Director is consistent with roles and responsibilities in the administration of timber licences.<br><br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> . |
| <b>Section 43.3 (b) [Content of community forest agreements]</b><br>This section requires the Minister or person authorized by the minister to determine the community forest agreement area.                                                                                     | Regional Executive Director | Regional executive directors carry out all other functions respecting these agreements and are therefore the appropriate official to determine a community forest agreement area.                                                                                                           |
| <b>Section 43.7 (1), (2), (3), (4) and (5) [Community salvage licence applications]</b><br>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 executive director will ensure consistency in the manner in which this licence is administered, and is consistent with the regional executive director's role for community forest agreements.                                                                     |

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

| Section                                                                                                                                                                                                                                                                                     | Designation                 | Rationale                                                                                                                                                                                                                                                                                                                                                  |
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| <b>Section 44 (3) (a) [Applications]</b><br>This section sets out the woodlot licence application process. Subsection 3 requires that an application is to be made to the minister or minister's designate.                                                                                 | Regional Executive Director | Designating this section is consistent with the other duties and responsibilities associated with woodlot licence administration, which are the responsibility of the regional executive director.<br><br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> . |
| <b>Section 46 (6) (b) [Replacement]</b><br>This section sets out the woodlot licence replacement process. Subsection 6 requires that an accepted offer of replacement is to be made to the minister or minister's designate.                                                                | Regional Executive Director | Designating this section is consistent with the other duties and responsibilities associated with woodlot licence administration, which are the responsibility of the regional executive director.<br><br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> . |
| <b>48 (3) (a) [Free use permit]</b><br>This section sets out who can be issued a free use permit. Subsection (3) (a) requires that a person who wishes to harvest timber for traditional or cultural reasons and requires more than 50m <sup>3</sup> to apply to the minister or designate. | District Manager            | Free use permits are administered by the district managers. Designating this section to district managers will ensure consistent administration of free use permits.<br><br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> .                               |
| <b>49 (3) [Issuance and content of free use permit]</b><br>This section sets the content of a free use permit and the requirements for issuance. Subsection 3 allows for a review of a decision made relating to the term and volume of the permit.                                         | Regional Executive Director | Designating the ability to review a decision to the regional executive director is consistent the administration of other small tenures.<br><br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> .                                                           |

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

| Section                                                                                                                                                                                                                                                                          | Designation                                                                                                                                        | Rationale                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b>Section 58.1 (6) [Extension of timber sale licences and cutting permits]</b></p> <p>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.</p>                 | <p>Timber Operations and Pricing Division for timber sale licences</p> <p>Regional Executive Director and District Manager for cutting permits</p> | <p>Designating the Assistant Deputy Minister, Timber Operations and Pricing Division is consistent with the assistant deputy minister's role in ensuring provincial consistency for decisions that can impact the market pricing system.</p> <p>For cutting permits these designations provide for increased operational efficiency and streamlined business processes.</p> |
| <p><b>Section 58.3 (4) [Surrender of BC timber sales agreement]</b></p> <p>This section provides the Minister or authorized person the authority to relieve the holder of a surrendered timber sale licence from the forfeiture of their deposit if specified tests are met.</p> | <p>Assistant Deputy Minister, Timber Operations and Pricing Division</p>                                                                           | <p>Designating the Assistant Deputy Minister, Timber Operations and Pricing Division is consistent with the assistant deputy minister's role in ensuring provincial consistency for decisions that can impact the market pricing system.</p>                                                                                                                                |
| <p><b>Section 75.4 (4) [Cut Control of major licences]</b></p> <p>This sections sets out the cut control rules for major licences. Subsection (4) sets out the termination requirements for a major licence holder, other than a woodlot, for any cut control period.</p>        | <p>Regional Executive Director</p>                                                                                                                 | <p>The designation will allow the written notice required under this section to be delivered to the regional executive director.</p> <p>The designation is consistent with the <i>Forest Act</i> as it was prior to June 2011 before the references to regional manager were removed.</p>                                                                                   |
| <p><b>Section 75.4 (4.1) [Cut Control of major licences]</b></p> <p>This section sets out the cut control rules for major licences. Subsection (4.1) sets out the termination requirements for a woodlot, for any cut control period.</p>                                        | <p>District Manager</p>                                                                                                                            | <p>The designation will allow the written notice required under this section o be delivered to the district manager.</p> <p>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i>.</p>                                                                                             |
| <p><b>Section 82 [Timber marking: interpretation]</b></p> <p>The term "registrar" is defined as the person designated by the minister to administer timber marks and marine log brands.</p>                                                                                      | <p>Assistant Deputy Minister, Tenures, Competitiveness and Innovation</p>                                                                          | <p>Designating the Assistant Deputy Minister, Tenures, Competitiveness and Innovation is consistent with assistant deputy minister's role in overseeing the program to ensure provincial consistency for timber marking administration.</p>                                                                                                                                 |

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

| Section                                                                                                                                                                                                                                          | Designation                                                       | Rationale                                                                                                                                                                                                                                                                                          |
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| <b>Section 97 (1) (f) and (2) [Scale return]</b><br>This section requires the details of a scale to be delivered to the minister or a designate.                                                                                                 | Regional Executive Director<br>District Manager                   | The designation to regional executive directors and district managers will ensure efficient timber scaling operations.<br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> .                         |
| <b>Section 99 (3) [Section scale and second check scale]</b><br>This section allows a scaler to request a second check scale, if a scale has been replaced by a second scale. This request must be made to a person designated by the minister.  | Regional Executive Director<br>District Manager<br>Forest Officer | The designation to regional executive directors, district managers and forest officers will ensure efficient timber scaling operations.<br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> .        |
| <b>Section 115 (1) (a) and (b) [Road permits and road use permits for timber harvesting]</b><br>Under this section a licence holder may apply to a person designated by the minister for a road permit or road use permit.                       | District Manager                                                  | The designation to district managers will allow for the applications for road permits and road use permits to be processed in a timely manner.<br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> . |
| <b>Section 117 (1) [Road use permits for industrial use]</b><br>Under this section a person without a licence to harvest timber who wishes to use a forest service road must apply the minister for a road use permit.                           | District Manager                                                  | The designation to district managers will allow for the applications for road permits and road use permits to be processed in a timely manner.<br>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2), 2011</i> . |
| <b>Section 121 (7) [Road and trail construction]</b><br>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, Forest 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.                                                                                                                                               |

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

| Section                                                                                                                                                                                                                                                                                                                                                                                                                              | Designation                                                                                                                                                                                                                                                                                                                                                                                                                            | Rationale                                                                                                                                                                                                                                                                                                                                                                                                             |
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| <p><b>Section 136 (1.1) and (2)</b><br/> <b>[Records and returns]</b></p> <p>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.</p> | <p>Regional Executive Director<br/> Revenue Accountant, Southern Interior Forest Region<br/> Audit Accountant, Northern Interior Forest Region<br/> Director, Timber Pricing Branch<br/> Senior Timber Pricing Accountant (Interior), Timber Pricing Branch<br/> Timber Pricing Accountant (Interior), Timber Pricing Branch<br/> Senior Timber Pricing Accountant (Coast), Timber Pricing Branch</p>                                  | <p>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.</p>                                            |
| <p><b>Section 143 (2) (b)</b><br/> <b>[Determinations that may be reviewed]</b></p> <p>This section provides that certain determinations, orders or decisions may be reviewed by a person authorized by the minister.</p>                                                                                                                                                                                                            | <p>For a determination, order or decision made by a Timber Sale Manager the designation is to Regional Executive Director and Executive Director, BC Timber Sales</p> <p>For a determination, order or decision made by the District Manager the designation is to the Regional Executive Director.</p> <p>For determination, order or decision made by Regional Executive Director the designation is made to the Chief Forester.</p> | <p>This designation will ensure the decision can be reviewed in a timely manner. Each designation is to an official with the necessary expertise and experience to adjudicate these matters and can ensure provincial consistency in their administration.</p> <p>The designation is consistent with the <i>Forest Act</i> as it was prior to Bill 13, <i>Miscellaneous Statutes Amendment Act (No. 2)</i>, 2011.</p> |

### **Forest Act Regulations Designations**

| Section                                                                                                                                                                                                                                                                                                                                                                       | Designation                                              | Rationale                                                                                                                                                                                                                                            |
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| <b>Advertising, Deposits, Disposition and Extension Regulation</b><br><b>section 13 (2) [Forfeiture of deposit for not entering into agreement]</b><br>This section provides the Minister or a person authorized by the Minister to waive forfeiture of a deposit for not entering into an agreement.                                                                         | Regional Executive Directors<br>District Managers        | Designating the Regional Executive Directors and District Managers is consistent with related provisions under the Advertising, Deposits, Disposition and Extension Regulation and allows for operationally consistent decisions regarding deposits. |
| <b>BC Timber Sales Regulation</b><br><b>section 19 (2) [Forfeiture of bid deposit or standing bid deposit for not entering into agreement]</b><br>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 timber sale licence.                    | Assistant Deputy Minister, Timber Operations and Pricing | Designating the Assistant Deputy Minister, Timber Operations and Pricing, is consistent with the assistant deputy minister's role in ensuring provincial consistency for decisions that can impact the market pricing system.                        |
| <b>BC Timber Sales Regulation</b><br><b>section 21 (5) [Forfeiture of deposit for non-compliance with agreement]</b><br>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 failure to harvest under the licence. | Assistant Deputy Minister, Timber Operations and Pricing | Designating the Assistant Deputy Minister, Timber Operations and Pricing, is consistent with the assistant deputy minister's role in ensuring provincial consistency for decisions that can impact the market pricing system.                        |

  
 Steve Thomson *Deputy Minister*  
 for Minister of Forests, Lands and  
 Natural Resource Operations

Nov 19/12  
 Date