



11250-01/Gate

June 14, 2016

All Licensees:

Recently, I have received several requests by forest licensees to install gates on Forest Service Roads (FSR) and Road Permit Roads (RPR) on Crown land within South Island Natural Resource District for various reasons. Also, it has come to my attention that there may be gates already in place that are not authorized as per the legislation. I am sending this letter to remind forest licensees about the legislation governing traffic control devices, including gates on FSR and RPR as outlined in the *Forest and Range Practices Act (FRPA)*, *Forest Service Road Use Regulation (FSRUR)* and the *Ministry of Forests and Range Act (MFRA)*.

FRPA, Section 22.2 states:

22.2 (1) Subject to subsections (2) to (4) and to regulations respecting roads made under the Industrial Roads Act, a road that is

- (a) a forest service road, or*
- (b) constructed or maintained by the holder of a road permit or a woodlot licence may be used by any person, other than a person referred to in section 22.1, without charge.*

(2) The

- (a) district manager, for a forest service road, or*
- (b) holder of a road permit or a woodlot licence, for a road under the permit or licence, may take action under subsection (3) if*
- (c) use of the road under subsection (1) would likely*
 - (i) cause significant damage to the road,*
 - (ii) cause significant sediment delivery, or*
 - (iii) endanger property, public health or public safety, or*
- (d) the presence on the road of a vehicle or animal would likely cause damage to the road or environment or endanger life or property.*

(3) In the circumstances described in subsection (2),

- (a) the district manager, for a forest service road, may*
 - (i) close the road or restrict its use, or*
 - (ii) remove a vehicle or an animal from the road at the expense of the owner of the vehicle or animal, and*
- (b) the holder of a road permit or a woodlot licence, for a road under the permit or licence,*

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- (i) with the prior consent of the minister, may close the road or restrict its use, or
 - (ii) may remove a vehicle or an animal from the road at the expense of the owner of the vehicle or animal.
- 4) The minister, in accordance with the regulations, may specify types of expenses that must be paid to
 - (a) government for a road referred to in subsection (1) (a),
 - (b) holders referred to in subsection (1) (b), or
 - (c) other persons who meet prescribed requirements by a person, other than a person referred to in section 22.1, who uses a road or class of roads.

FSRUR, Section 6 (1) states:

Traffic control devices

- 6 (1) A district manager or an official may cause a traffic control device to be erected on a forest service road if, in the district manager's opinion, restrictions on the use of the road or the traffic on the road are required to achieve the purposes of section 4 (b) and (c) of the Ministry of Forests Act.
- (2) Without limiting the generality of subsection (1), a traffic control device may be used in any of the following ways:
- (a) to close the road to all traffic or to specified categories or sizes of motor vehicles including those not engaged in commercial activities;
 - (b) to close the road totally, or for a specified period of time;
 - (c) to regulate the movement of traffic;
 - (d) to require the use of 2-way radio systems during certain hours in order to coordinate the movement of traffic, including specifying the radio frequency to be used on portions of forest service roads;
 - (e) to restrict the use of vehicles having characteristics that could damage the forest service road or create a safety risk;
 - (f) to warn drivers of hazardous or unusual conditions existing on forest service roads.
- (3) A person must not erect a traffic control device on a forest service road without the prior consent of the district manager in whose district the road is situated.
- (4) A person must not damage, deface or remove a traffic control device erected or posted on a forest service road or its right of way without the consent of the district manager.
- (5) A person must not operate a vehicle contrary to a traffic control device.

MFRA, Sections 4(b) and (c) states:

4. The purposes and functions of the ministry are, under the direction of the minister, to do the following:
- (a) encourage maximum productivity of the forest and range resources in British Columbia;
 - (b) manage, protect and conserve the forest and range resources of the government, having regard to the immediate and long term economic and social benefits they may confer on British Columbia;
 - (c) plan the use of the forest and range resources of the government, so that the production of timber and forage, the harvesting of timber, the grazing of livestock and the realization of fisheries, wildlife, water, outdoor recreation and other natural resource

- values are coordinated and integrated, in consultation and cooperation with other ministries and agencies of the government and with the private sector;*
- (d) encourage a vigorous, efficient and world competitive*
- (i) timber processing industry, and*
- (ii) ranching sector in British Columbia;*
- (e) assert the financial interest of the government in its forest and range resources in a systematic and equitable manner.*

When seeking District Manager approval to gate a FSR or a RPR, please provide the reasons consistent with *FRPA 22.2(2)(c)* as well as the proposed gate location and the time period you are seeking access restricted.

If you have any questions or if you have placed gates on FSRs or RPRs that you are unsure if they are authorized by the District Manager, please contact Dean Fenn, A/District Engineering Officer at 250-731-3039 by June 30, 2016.

Yours truly,


Digitally signed by Rhonda (Morris) Coleman
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Rhonda Morris
District Manager
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