

Timber Sale Licence - Safety and Highlights Report

☒ Bonus Bid / Scale Based

TSL TA0167

1.0 Purpose

This report is intended to inform prospective bidders of known field safety hazards, key information regarding harvest and road activities, and other pertinent matters that may affect operations and costs under the Timber Sale Licence (TSL). Some of the items described within this report may not be contained within the tender package nor are they within the control of BC Timber Sales (BCTS) (e.g. Road Use Permits, Special Use Permits, Road Use Maintenance Agreements and foreshore tenures). If applicable, these requirements should be considered by the potential bidders prior to submitting a tender. To be fully informed of the tender obligations and to be able to formulate an accurate bid, prospective bidders should review all of the details of the tender package and also view the cutting authority area in the field.

2.0 Known Field Safety Hazards

This section is intended to make known, to prospective bidders, information about hazards in and around the TSL that have been encountered by BCTS staff and contractors in the course of planning and developing this TSL. The following field safety hazards have been identified. (Note: This list does not include potential hazards that may exist that were not identified during planning or development and neither does it identify routine safety hazards associated with forest harvest and road operations):

- ☒ There are slopes within all blocks that exceed 35%. Bidders are encouraged to familiarize themselves with the WorkSafe BC regulations about steep slope harvesting.
- ☒ Portions of the Mark Creek FSR are subject to hazards associated with avalanches during winter months. Users of the Mark Creek FSR will be required to implement and follow safe-work procedures to protect workers from risks associated with avalanches.
- ☒ Note the requirement for the licensee to obtain liability insurance of not less than \$5 million naming the City of Kimberley as an additional insured on the policy. (See TSL Schedule A Clause 1.02).
- ☒ During the COVID-19 outbreak, Forestry Industry employers are reminded of Work Safe BC and BC Forest Safety Councils guidance to prevent exposure in the workplace.

- <https://www.worksafebc.com/en/about-us/covid-19-updates/covid-19-industry-information/forestry> and
- <http://www.bcforestsafety.org/node/3460>

Timber Sale Licence - Safety and Highlights Report

3.0 Safety Considerations

All persons who provide direction to workers or operate on the TSL area(s) will be required to be certified as SAFE Companies. Please also refer to the following BCTS Safety website for more information:

<https://www2.gov.bc.ca/gov/content/industry/forestry/bc-timber-sales/safety>

3.1 Obligation to Report Unsafe Conditions or Practices

The Workers Compensation Act and section 3.10 of the related Occupational Health and Safety Regulation require that all persons report any observed unsafe conditions or practices to the person in charge of the workplace. BCTS staff will report any observed unsafe conditions or practices during the course of their work on the TSL.

3.2 TSL holders are defined as 'Owners' under the *Workers Compensation Act*

The TSL holder is the owner of the work site under the *Workers Compensation Act* and regulations. If you are unsure of your responsibilities as owner of the worksite, you should consult a safety professional or WorkSafeBC.

4.0 BCTS Staff Do Not Direct TSL Holder Activities

4.1 Conflicts with Workers Compensation Act

If there is a conflict between legal obligations under the TSL and the *Workers Compensation Act*, you are responsible to bring those conflicts to the attention of the Timber Sales Manager and/or WorkSafeBC for resolution.

4.2 Results-Based Regime

TSL holders operate in a results-based regime under the *Forest and Range Practices Act* (FRPA) and are able to plan and conduct their activities without supervision from BCTS. BCTS determines objectives for a TSL through various aspects of the FRPA framework (e.g. Forest Stewardship Plans, Site Plans, related regulations) and ensures that the objectives and obligations are met by establishing results-based clauses within the TSL document. As such, BCTS staff will not direct the TSL holder in how these objectives and requirements are achieved.

4.3 Legislative & Licence Framework

In exercising harvest rights under the TSL, the holder of the TSL must comply with all applicable legislative and regulatory requirements and all requirements set out in the TSL.

Timber Sale Licence - Safety and Highlights Report

4.4 Environmental Management System

TSL holders must implement the Environmental Management System pertaining to the licence.

4.5 Recommended Harvest Plan

There are new clauses contained in the TSL document (part 4.00) that require primary forest activities on the cutting authority area to be covered by a plan. BCTS has prepared plans, included them in the tender package, and the TSL holder may use them for the purpose of TSL part 4.00.

If, during the course of operations, the TSL holder chooses to conduct activities in a way that is different from what is described in a plan, the TSL holder must prepare an alternate plan or a plan amendment. The TSL holder must submit the alternate plan or amendment to the Timber Sales Manager upon request.

Further information regarding the requirement to have a plan may be found at the following weblink (2015-09-01 – Advisory Bulletin – Having a Plan):

<https://www2.gov.bc.ca/gov/content/industry/forestry/bc-timber-sales/policy-legislation>

4.6 New Forest Stewardship Plan Amendment #5 Requirements

Prospective bidders should be aware that there are new requirements within the BCTS Forest Stewardship Plan #601 Amendment #5 that are the obligation of the TSL holder to comply with, including but not limited to:

- Prohibition on the construction of excavated or bladed trails or roads not previously identified in a plan (*FSP Section 5.1 - Soils*)
- Removal of slash and debris from stream channels and measures for designated stream crossings (*FSP Section 5.3.1.5 - Water, Fish, Wildlife and Biodiversity within Riparian Areas*)
- Prohibition on harvesting, or altering the boundary or location of, a wildlife tree retention area (WTRA) (*FSP Section 5.3.1.7 - Wildlife and Biodiversity – Stand Level*)
- Requirement to leave coarse wood debris (CWD) of specified amount, sizes and characteristics in the IDF and MS Biogeoclimatic Zones (*FSP Section 5.3.1.8 - Wildlife and Biodiversity - Coarse Woody Debris*)
- Measures and actions required to protect wildlife habitat features (*FSP Section 5.3.2.5 - Encounters with Wildlife Habitat Features*)
- Road maintenance requirements (*FSP Section 5.8.1 - Road Maintenance*)
- Requirements for road deactivation and for a Road Deactivation Plan and a Statement of Road Deactivation Conformance (*FSP Section 5.8.2 - Road Deactivation*)

Timber Sale Licence - Safety and Highlights Report

- Revised grass seeding requirements for new roads, trails, landings, and deactivated areas (*FSP Section 5.8.3 - Revegetation following Road Construction and Deactivation and FSP Section 6.1 - Measures to Prevent the Introduction or Spread of Invasive Plants*)

A summary of these new requirements is available in a document entitled *Summary of TSL Operational Requirements – Amendment 5 - BCTS 2017 to 2022 FSP.pdf*.

The above summary document, as well as the entire Consolidated 2017-2022 BC Timber Sales Kootenay Business Area Forest Stewardship Plan is available at:

<https://www.for.gov.bc.ca/ftp/TKO/external//publish/FSP/Amendment%235/>

5.0 Timber Description and Volume Estimate Method

Timber Description	Volume Estimate Methodology	Damaged Timber Beetle - Red/Grey %
Standing Green	Full Cruise	< 35%
Additional Information: <ul style="list-style-type: none">Total estimated Timber Sale Volume is 10,666 m3.Estimated Net Cruise Volume 10,568 m3, more or less.Estimated Road Permit Volume 98 m3, more or less Note, a full cruise means a cruise that meets all the standards required in the cruise and appraisal manual and includes a full cruise compilation based on data collected only from the TSL area.		

6.0 Harvesting

6.1 Significant Contractual Conditions

☒ The Licensee must conduct a waste assessment (TSL Paragraph 6.02)

☒ Other:

The Licensee must create an average of 3 to 5 wildlife stubs/ha reasonably dispersed across the cutting authority area by

- selecting suitable coniferous (including live and dead-standing lodgepole pine) and deciduous trees of at least 30 cm. diameter (breast height), and
- cutting those trees to a height of no less than 5 metres above the ground.

Environmental (TSL Paragraph 3.01): The licensee must

- supply, use and maintain at least one self-contained chemical toilet for every ten (10) persons working in the cutting authority area on or near a landing approved by the Timber Sales Manager when conducting operations under this licence, and
- discharge those toilets only at an approved disposal site that is not on the cutting authority area.

Timber Sale Licence - Safety and Highlights Report

6.2 Operational Recommendations

- ☒ Silviculture System: Clearcut with reserves.
- ☒ Seasonal Recommendations: Skidding and mechanical felling to be confined to soil conditions that will not result in an inordinate amount of soil disturbance.
- ☒ Other: The licensee is responsible to contact the registered trapper for trapline TR0420T008 prior to commencement of harvesting. Contact information for the trapper will be available at the prework.
There are "Wildlife Tree Retention Areas" (WTRA's) in both blocks and Non Classified Drainages (NCD's) within block #2. See SP's and maps for details and locations.

7.0 Roads

7.1 Access Information

- ☒ Approximate new road construction: 1.041 km
 - ☒ Road Permit 1.041 km
- ☐ Approximate total road rehabilitation: 1.041 km

7.2 Permits and/or Agreements Required

- ☒ Road Use Permit Required
- ☒ Other: The Licensee will
 - (a) enter into a road maintenance agreement with the City of Kimberley (Association) for payment for the use of the St. Mary's road that the Association must maintain and which the Licensee will use to transport logs from the cutting authority area,
 - (b) not commence timber harvesting on the cutting authority area until the Licensee provides a copy of that agreement to the Timber Sales Manager, and
 - (b) pay the road use fee in the amount of \$56.00 per load in the manner specified in that agreement to the City of Kimberley.

8.0 Forest Management Certification Systems

BCTS operates under various forest management certification systems. The forest management certification systems that directly affect this TSL are:

- ☒ Sustainable Forestry Initiative - <http://www.sfiprogram.org/>

9.0 Bulletins, Policy and Regulations

You are encouraged to view the Legislation, Regulations, BCTS Advisory Bulletins, and Policies that can be found at the following website:

<https://www2.gov.bc.ca/gov/content/industry/forestry/bc-timber-sales/policy-legislation>

Timber Sale Licence - Safety and Highlights Report

Important BCTS Updates and Information Releases can be found at the following website:

<https://www2.gov.bc.ca/gov/content?id=6E4474E309F44CC98344F58D49966069>

10.0 Forest Professional Overview Certification (FPOC)

This Timber Sale Licence is part of a project to pilot the use of forest professional certification. BC Timber Sales is interested in piloting this concept to determine whether it contributes to ensuring that its stewardship commitments, as identified in its Forest Stewardship Plan, are achieved.

The requirements in this Timber Sale Licence that specifically relate to the pilot include:

- **Timber Sale Licence 'Section 13. Reporting**

13.02 Following the completion of primary forest activities, the Licensee will submit to the Timber Sales Manager a conformance certificate, signed by a Registered Professional Forester or a Registered Forest Technologist, that confirms that all primary forest activities conducted under this licence are consistent with the Forest Stewardship Plan results and strategies applicable to this Licence.

13.03 The Licensee will submit the signed conformance certificate, referenced in section 13.02 of this Timber Sales Licence, to the Timber Sales Manager prior to final deposit release and in the format provided in Appendix II of this Licence.

11.0 Waste and Residue Assessment (Interior only - April 1, 2019)

On April 1, 2019, a new *Interior Logging Residue and Waste Measurement Procedures Manual* will set out new standards for completing waste and residue assessments that will apply to all scale based TSLs advertised in the interior of British Columbia on or after April 1, 2019. The Licensee will be required to complete waste and residue assessments for scale based TSLs. Some of the changes to the *Interior Logging Residue and Waste Measurement Procedures Manual* are:

- requires waste estimates be determined using field sampling and measurements;
- ocular assessments will no longer be accepted;
- newly developed and efficient sampling designs, methods and reporting processes;
- penalties for late waste and residue assessment reporting; and
- a new sampling method for roadside pile accumulations.

Timber Sale Licence - Safety and Highlights Report

NOTE:

BCTS may request that the Licensee conduct a Waste Assessment incremental to completion of harvesting on all cut blocks within the Timber Sale License. Incremental Waste Assessment will enable BCTS to conduct post-harvest silviculture treatments on some blocks where harvesting is completed but prior to harvesting complete on all blocks within the TSL.

The request for incremental waste assessment will be advised by BCTS well in advance of intended treatments.

12.0 Fire Hazard Assessments and Abatement

A person who carries out a high risk industrial activity on Crown Land, as defined by the *Wildfire Act* and its regulation, must conduct a fire hazard assessment in accordance with Section 7 of the *Wildfire Act*. The fire assessment must take place at the set time period as stated in Division 2 of the Wildfire Regulation when falling of timber commences. A person must abate fire hazard and reduce the fuel hazard on the site of the industrial activity at the set time period as stated in Division 2 of the Wildfire Regulation.

The holder of the TSL must prepare the fire hazard assessments and, as requested, submit the fire hazard assessments to the Timber Sales Manager

13.0 TSL Term Extensions

The holder of the TSL is responsible for administering the licence with respect to all dates, deadlines and schedules pertinent to the licence, including the expiry date.

The TSL document specifies whether or not the licence term is extendable.

Information regarding the licence term is specified in Parts 1 and 2 of the licence document.

If the holder of an extendable TSL wishes to have the licence term extended they must make an application to the TSM and complete all obligations in accordance with Section 58.1 of the *Forest Act* **prior** to the expiry of the licence.

TSL holders are strongly advised to seek advice from the TSM regarding licence term extensions (e.g. process, fees, obligations, timelines, etc.) well before the expiry date of the TSL.

The term of the TSL cannot be extended after the licence has expired.

Timber Sale Licence - Safety and Highlights Report

14.0 Special Tree Protection Regulation

Specified Trees and/or supporting trees that the TSL holder becomes aware of on this TSL that have not been previously identified by BCTS, must not:

1. With respect to a specified tree, be cut, damaged or destroyed; or
2. With respect to a supporting tree, be felled, topped or destroyed.

Specified trees must be reported to the Minister on the *Special Tree Reporting Information Submission* form attached to this tender package and the trees must be managed in accordance with the Special Tree Protection Regulation.

A danger tree, or a tree that requires wind pruning, that meets the Special Tree Protection Regulation specifications for a specified tree must not be topped, limbed, pruned or otherwise cut without an exemption. A danger tree that meets the Special Tree Protection Regulation specifications for a supporting tree must not be felled, topped, or destroyed without an exemption. If a specified tree or supporting tree is identified as a danger tree, mitigating measures, such as a no work zone, must be used to manage the hazard until an exemption is granted.

An exemption from the requirements of the Special Tree Protection Regulation as it pertains to this TSL may be applied for, in accordance with the Special Tree Protection Regulation, on the *Special Tree Reporting Information Submission* form attached to this tender package.

15.0 Miscellaneous

TSL TA0167 is located geographically close to the City of Kimberley.

16.0 Information to include with Security Deposits (April 1, 2019)

The successful applicant for this licence is to submit information about the security deposit before signing this licence. Please see the form, 'Information to include with Security Deposits (for successful applicant only)' included in the information attachments in the Tender Package. The form collects information regarding the origin of the successful applicant's TSL deposit funds.

Information provided by the successful applicant will support the Ministry in the administration of TSL auctions and carrying out its responsibilities under the *Forest Act*.