



**Forest
Practices
Board**

Audit of Forest Planning and Practices

*McBride Community Forest Corporation
Community Forest Agreement K1H*

FPB/ARC/155

September 2013

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Board Commentary

This audit examined the activities of McBride Community Forest Corporation (MCFC) on community forest agreement K1H in the Prince George District from September 1, 2010, to September 28, 2012.

Community forests are an important initiative for both communities and the government. MCFC describes itself as being innovative and directly benefiting the community by employing local workers, funding community projects, as well as maintaining and creating recreation and tourism opportunities through balancing the social, economic and environmental needs of the community.

However, the Board is concerned that what it found in McBride is not consistent with the generally good results from previously audited community forest licences. Of the eight community forests audited previously, the Board found no significant non-compliances, and only one area requiring improvement. In this audit, the Board found four cases of significant non-compliance and one additional area requiring improvement.

These findings include several site plans that did not show all road locations on the site plan maps, and in one instance this led to a poorly constructed road that caused environmental harm. As well, five access roads were utilized although their use was not authorized. The annual reporting requirement for forest cover information was not submitted and accurate silviculture information for cutblocks was not maintained.

Each of these findings has potential implications for the management and protection of forest resources on its own, and collectively they are of considerable concern. Our findings indicate a pattern that raises serious questions about diligence and attention to detail. As a result, we have determined the forest management of MCFC during the audit period was not up to the standard required by legislation and expected by the public.

Although the MCFC reports that it is taking measures to rectify areas of non-compliance, the Board believes that MCFC will need to pay greater on-going attention to compliance with forest practices requirements if its future operations are to warrant public confidence.

Audit Results

Background

As part of its 2012 compliance audit program, the Forest Practices Board selected community forest agreement (CFA) K1H, held by the McBride Community Forest Corporation (MCFC) for audit. A community forest pilot agreement was first issued to MCFC in August 2002, and MCFC was awarded the 25-year long term CFA K1H in 2007.

The McBride community forest surrounds the Village of McBride, which lies in the Robson Valley, about 210 kilometres southeast of Prince George.

Under the CFA, MCFC holds an area based tenure with exclusive right to harvest 50 000 cubic metres of timber annually from the 60 000-hectare community forest. The Village of McBride is the sole shareholder of MCFC. The community forest is governed by a board of directors appointed by elected members of the Village Council. MCFC states its long-term vision for the community forest is to return a number of tangible benefits to the community, such as employment for local businesses and workers, through balancing the social, economic and environmental needs of the community. A map of the community forest appears on page 3.

MCFC harvested approximately 123 000 cubic metres of timber during the two-year audit period.

Two professional foresters, a professional forester/engineer, and a chartered accountant made up the audit team. Field work was carried out from September 24 to 28, 2012.

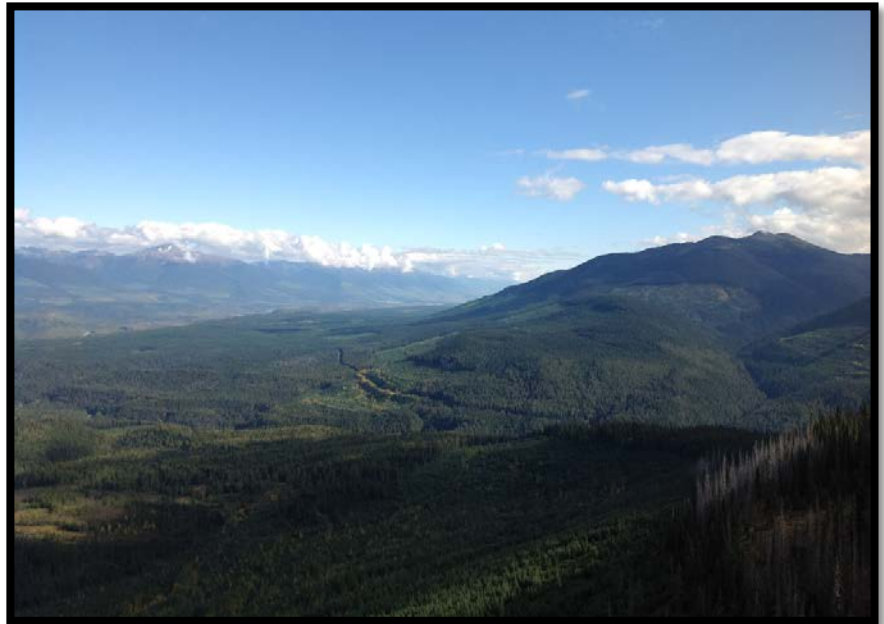
Additional information about the Board's compliance audit process is provided in Appendix 1.

Land Use Planning

The 1999 Robson Valley Land and Resource Management Plan (LRMP)ⁱ area includes the McBride Community Forest.

The LRMP was developed through a local planning process and it provides broad

direction for the sustainable use of Crown land and resources in the Robson Valley area. The plan balances economic, ecological, spiritual, recreational and cultural interests. LRMP objectives have been established for access management, biodiversity, First Nations and sustainability, among other values.



Looking southeast along the Robson Valley, and over the McBride community forest.

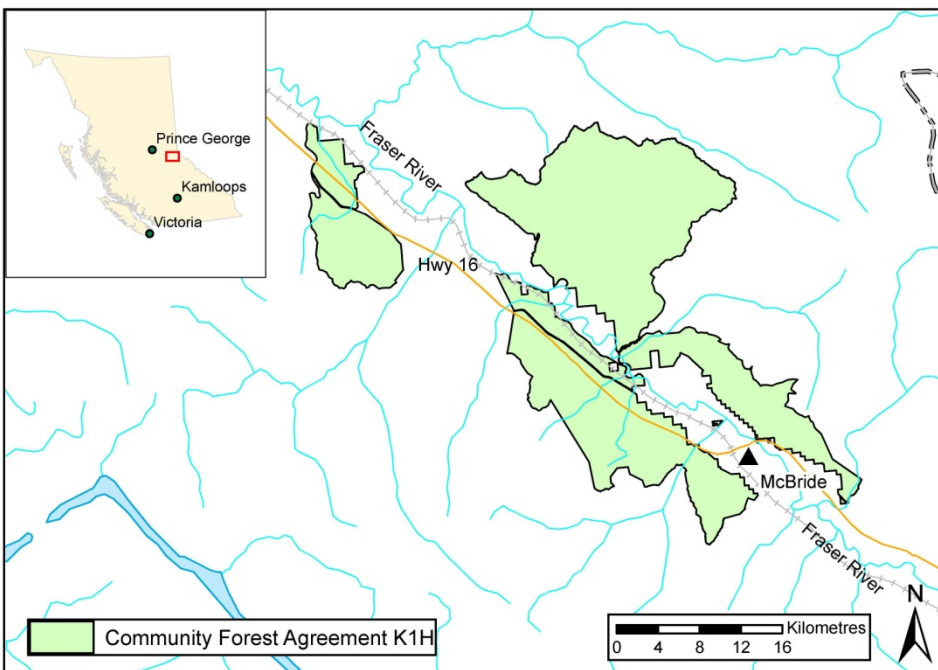
The Robson Valley Sustainable Resource Management Plan (SRMP)ⁱⁱ is a sub-regional plan that provides direction on implementation of the LRMP, and also applies to the McBride Community Forest. The SRMP has various objectives that have been made legally binding on forest licensees through Cabinet orders, such as the Order to Establish the Crescent Spur, Lower Morkill/Crushing, Forgetmenot, Upper Morkill, North Trench, and Goat Landscape Unit objectives, effective January 30, 2006. The Order establishes spatial old growth management areas (OGMAs) and sets out criteria for their replacement where harvesting is proposed in an OGMA.

Audit Approach and Scope

The Board conducted a full scope compliance audit in which all harvesting, roads, silviculture, protection activities and associated planning done between September 1, 2010, and September 28, 2012, were included in the audit. These activities and associated planning were assessed for compliance with the *Forest and Range Practices Act* (FRPA) and the *Wildfire Act* (WA), and related regulations.

The Board's Compliance Audit Reference Manual (CARM), Version 6.0, May 2003, and the addendum to the manual for the 2012 audit season set out the standards and procedures that were used to carry out this audit.

McBride Community Forest Agreement K1H



Planning and Practices Examined

Operational Planning

The MCFC's forest stewardship plan (FSP)ⁱⁱⁱ was approved March 4, 2008, and amended September 4, 2009. Auditors examined the FSP and site plans to ensure they were consistent with legislated requirements. Site plans were also evaluated through harvesting, road and silviculture field sampling to ensure they contain the required elements of a site plan and accurately identified site conditions.

Timber Harvesting

During the audit period, MCFC harvested 22 cutblocks covering 3056 hectares, and auditors examined 21 blocks, 7 on the ground and 14 from the air, totalling 3025 hectares. Harvesting mainly involved selecting spruce, balsam and Douglas-fir from mixed stands and, in many of the lower elevation cutblocks, hemlock and cedar were left standing.

Road Construction, Maintenance, Deactivation

The MCFC built and maintained road permit roads and in-block roads, and maintained certain forest service roads. Some in-block roads were built as winter roads and some of these winter roads were also deactivated. A summary of the roads constructed, maintained and deactivated during the audit period is included in Table 1.

Table 1. Summary of Road Activities.

Road type	Road activity	Length (km)	Sampled by auditors (km)
Forest Service Roads (FSR)	Maintenance	79	55
Road Permit (RP) and in-block roads	Construction	26	23
	Maintenance	138	100
	Deactivation	1.1	1.1
Unauthorized use of roads	Maintenance	~10	~10

Auditors also examined five sections of road (approximately 10 kilometres) that MCFC used without authorization. These roads, which were built before the audit period, were constructed over old non-status roads. MCFC is also responsible for approximately 11 kilometres of additional forest service road (FSR) which is outside of the community forest area and does not access operations within the community forest. These sections of the Dore FSR were not audited.

The MCFC is responsible for maintaining 15 bridges and auditors examined 8 of them. No new structures were built during the audit period.

Silviculture Activities and Obligations

The MCFC planted approximately 600 000 seedlings in 24 blocks during the audit period. Auditors examined 22 of those blocks in conjunction with harvest and silviculture obligations auditing, and examined 15 blocks for conformance with the Chief Forester's standards for seed use.

One of the planting cutblocks was also site prepared with mechanical mounding and manually spot brushed; this block was audited.

Regeneration obligations were assessed on 29 blocks, through a combination of field and file reviews.

There were no free-growing obligations subject to audit as none have become due, nor have any early declarations been made.

Fire Protection

Auditors encountered one active site in the field and assessed the fire preparedness of that operation. General fire preparedness planning for the community forest was also assessed.

Reporting to Government

Auditors assessed whether MCFC met its reporting requirements to government. Section 86 of the *Forest Planning and Practices Regulation* specifies that each year, by June 1, agreement holders must report to the district manager each area where timber harvesting was completed, along with the location of any associated wildlife tree retention; a summary of silviculture treatments; and, forest cover information for areas where silviculture obligations have been met, or were due but have not been met.

Findings

The audit of planning and forestry activities undertaken by MCFC identified significant non-compliance with respect to operational planning, road construction and silviculture. The operational planning non-compliance relates to the approximate location of all roads not being included on site plan maps. The road construction non-compliances involved one poorly constructed road and the unauthorized use of roads. The silviculture non-compliance relates to a lack of reporting to government. These cases of non-compliance are discussed below.

The audit also identified silviculture obligations as an area requiring improvement. Other activities examined were found to be in compliance, in all significant respects, with the requirements of FRPA, WA and related regulations, as of September 2012.

Site Level Management

It is evident that MCFC used several approaches to promote flexible site level management over the period of this audit. Many of the cutblocks were very large, but only a portion of the blocks were harvested and the harvested portion was not accurately tracked (10 out of 22 cutblocks harvested in the audit period are between 100 and 500 hectares in size). In most cutblocks, the cutblock boundaries, riparian reserve zones, wildlife tree patch and old growth management area boundaries, road locations, and sensitive areas were not marked (flagged) in the field. Harvesting in

these cutblocks usually occurred over a number of years, and MCFC often held multiple cutting permits over the same parcel of land. This lack of formal planning at the site level created various record-keeping challenges and also led to several non-compliances noted on the ground. In addition to the issues identified below, the audit also noted a small trespass within an old growth management area, the harvesting of a mapped wildlife tree patch, as well as fisheries concerns near the Fraser River. Some of these issues have, or are currently being reviewed by other agencies.^{iv}

MCFC's lack of formal management control at the site level puts at risk sound forest management on the ground, and MCFC has failed to comply with several legislative requirements of operating on Crown land.

Operational Planning

MCFC's FSP was consistent with legislated requirements and the SRMP sections and Orders were incorporated into the planning. As well, all cutblocks harvested within the audit period had site plans in place, as required by legislation. However, 8 of 22 site plans audited did not show all road locations on the site plan maps. This is a non-compliance with FRPA section 10(2)^v, which requires that site plans must identify the approximate location of cutblocks and roads and, given the pervasiveness of this issue, it is considered significant.

Road Construction

The failure to locate roads in the field on site plans has the potential to create multiple issues on the ground. In one instance, a road was constructed where it was not previously identified on the plan; a small stream (S6)^{vi} was diverted by the construction; and a trench had to be put in place to redirect this stream to Clyde Creek (S2), a large fish bearing stream. Further, this same road was constructed adjacent to Clyde Creek and infringed into the 30-metre riparian reserve zone for approximately 40 metres. These issues are non-compliant with sections 39^{vii} and 51.1^{viii} of the *Forest Planning and Practices Regulation*. As the construction of this road caused harm to the environment, this is considered a significant non-compliance.

Auditors found five access roads into three cutting permits that MCFC was not authorized to use for industrial purposes. All five access roads were constructed on old non-status roads where road permits are required to authorize industrial use. This is a non-compliance with section 22.1^{ix} of FRPA. As obtaining authorizations prior to conducting activities on Crown land is a cornerstone of this legislation, and because this finding is pervasive, this is also considered a significant non-compliance.

Silviculture

Reporting to Government

A review of MCFC files identified inconsistencies between the files and submissions to the government database, Reporting Silviculture Updates and Landstatus Tracking System (RESULTS), and government's Forest Tenure Administration (FTA) databases. Of the 24 cutblocks reported to the audit team by MCFC as planted in the audit period, 18 were not entered as cutblocks in the RESULTS database as required, even though these 18 cutblocks do exist in the FTA database.

In addition to the above inconsistencies, auditors found that, of the 29 cutblocks assessed for regeneration obligations, 12 cutblocks had incomplete, inaccurate, or non-existent reporting of forest cover information in RESULTS at the time of the audit.

When cutblocks are not tracked in RESULTS and/or forest cover information is not submitted in RESULTS, there is a risk that reforestation obligations will not be met. For this reason, this is considered a significant non-compliance with FPPR section 86^x with regard to the requirement to annually report to government forest cover information for areas where silviculture treatments have occurred, or where the regeneration date has been met, or was due but not met.

Part way through the audit period (as of January 2012), MCFC had started to build its own database of the cutblocks for which it has silviculture obligations using a commercial forest data management system.

Subsequent to the audit, MCFC has stated the database is now complete and is currently up-to-date with RESULTS reporting.

Silviculture Obligations

The audit team assessed 29 cutblocks covering 780 hectares for regeneration obligations. These cutblocks either had regeneration obligations that were due during the audit period, or prior to the audit period and the RESULTS database identified these obligations as being outstanding.

The stocking status on these 29 cutblocks could not be confirmed with silviculture survey information, as surveys had not been conducted and the planting reports, which usually demonstrate the location where seedlings have been planted, were of poor quality or non-existent.

The maintenance of accurate silviculture information for cutblocks for which the MCFC has obligations is a legislative requirement (FPPR section 88^{xi}) and is a key component of sound forest management. Although MCFC had not conducted silviculture surveys on these cutblocks, the majority of the cutblocks appear to be sufficiently restocked, therefore this is considered an area requiring improvement.

Subsequent to the audit, MCFC states that walk-through assessments in conjunction with some formal surveys indicate that all blocks are sufficiently restocked. MCFC also stated it has reorganized its paper files.

Audit Opinion

In my opinion, with four exceptions, the operational planning; harvesting; road construction; road deactivation; road maintenance; silviculture; and fire protection activities carried out by the McBride Community Forest Corporation on community forest agreement K1H between September 1, 2010, and September 28, 2012, complied in all significant respects with the requirements of the *Forest and Range Practices Act*, the *Wildfire Act* and related regulations as of September 2012.

As described in the *Operational Planning* section of the report, the audit identified significant non-compliance related to not including the approximate location of roads on the site plan maps.

As described in the *Road Construction* section of the report, the audit identified two significant non-compliances. One related to an instance of poor road construction, and the other related to a pervasive unauthorized use of roads for industrial activities.

As described in the *Reporting to Government* section of the report, the audit identified significant non-compliance related to lack of reporting.

Without further qualifying my opinion, I draw attention to the *Silviculture Obligations* section of the report, which describes an area requiring improvement.

In reference to compliance, the term “in all significant respects” recognizes that there may be minor instances of non-compliance that either may not be detected by the audit, or that are detected but not considered worthy of inclusion in the audit report.

The *Audit Approach and Scope* and the *Planning and Practices Examined* sections of this report describe the basis of the audit work performed in reaching the above conclusion. The audit was conducted in accordance with the auditing standards of the Forest Practices Board. Such an audit includes examining sufficient forest planning and practices to support an overall evaluation of compliance with the *Forest and Range Practices Act* and the *Wildfire Act*.



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Victoria, British Columbia
June 12, 2013

Appendix 1:

Forest Practices Board Compliance Audit Process

Background

The Forest Practices Board conducts audits of government and agreement-holders under the *Forest and Range Practices Act* (FRPA), section 122, and the *Wildfire Act* (WA). Compliance audits examine forest or range planning and practices to determine whether or not they meet FRPA and / or WA requirements.

Selection of auditees

The Board conducts about 8 or 9 compliance audits annually. Most of these are audits of agreement holders. The Board also audits the government's BC Timber Sales Program (BCTS). This section describes the process for selecting agreement holders to audit.

To begin with, auditors randomly select an area of the Province, such as a district. Then the auditors review the forest resources, geographic features, operating conditions and other factors in the area selected. These are considered in conjunction with Board strategic priorities (updated annually), and the type of audit is determined. At this stage, we choose the auditee(s) that best suits the selected risk and priorities. The audit selections are not based on past performance.

For example, in 2010, the Board randomly selected the Mackenzie district as a location for an audit. After assessing the activities within that area, we discovered that a large licensee had recently closed operations due to financial problems. As the Board has expressed concern in the past about financially strapped companies failing to meet outstanding obligations, such as reforestation and road maintenance, and we knew that some of the licence area is very remote, the new licence holder was selected for audit.

For BCTS audits, a district within one of the 12 business areas within the province is selected randomly for audit.

Audit Standards

Audits by the Board are conducted in accordance with the auditing standards developed by the Board. These standards are consistent with Canadian generally accepted auditing standards. The standards for compliance audits are described in the Board's *Compliance Audit Reference Manual*.

Audit Process

Conducting the Audit

Once the Board randomly selects an area or district and determines the scope of audit to be conducted and the licensee(s) to be audited, all activities carried out during the period subject to audit are identified (such as harvesting or replanting, and road construction or deactivation activities). Items that make up each forest activity are referred to as a population. For example, all

sites harvested from the timber harvesting population and all road sections constructed from the road construction population.

A separate sample is then selected for each population (e.g., the cutblocks selected for auditing timber harvesting). Within each population, more audit effort (i.e., more audit sampling) is allocated to areas where the risk of non-compliance is greater.

Audit fieldwork includes assessments of features using helicopters and ground procedures, such as measuring specific features like riparian reserve zone width. The audit teams generally spend one week in the field.

Evaluating the Results

The Board recognizes that compliance with the many requirements of FRPA and WA, is more a matter of degree than absolute adherence. Determining compliance, and assessing the significance of non-compliance, requires the exercise of professional judgment within the direction provided by the Board.

The audit team, composed of professionals and technical experts, first determines whether forest practices comply with legislated requirements. For those practices considered to not be in compliance, the audit team then evaluates the significance of the non-compliance, based on a number of criteria, including the magnitude of the event, the frequency of its occurrence and the severity of the consequences.

Auditors categorize their findings into the following levels of compliance:

Compliance – where the auditor finds that practices meet FRPA and WA requirements.

Not significant non-compliance – where the auditor, upon reaching a non-compliance conclusion, determines that one or more non-compliance event(s) is not significant and not generally worthy of reporting. However, in certain circumstances, events that are considered not significant non-compliance may be reported as an area requiring improvement.

Significant non-compliance – where the auditor determines a non-compliance event(s) or condition(s) is or has the potential to be significant, and is considered worthy of reporting.

Significant breach – where the auditor finds that significant harm has occurred, or is beginning to occur, to persons or the environment as a result of one or many non-compliance events.

If it is determined that a significant breach has occurred, the auditor is required by the *Forest Practices Board Regulation* to immediately advise the Board, the party being audited, and the Minister of Forests, Lands and Natural Resource Operations.

Reporting

Based on the above evaluation, the auditor then prepares a draft audit report. The party being audited is given a draft of the report for review and comment before it is submitted to the Board. Once the auditor submits the draft report, the Board reviews it and determines if the audit findings may adversely affect any party or person. If so, the party or person must be given an opportunity to make representations before the Board decides the matter and issues a final report. The representations allow parties that may potentially be adversely affected to present their views to the Board.

The Board then reviews the draft report from the auditor and the representations from parties that may potentially be adversely affected before preparing its final report. Once the representations have been completed, the report is finalized and released: first to the auditee and then to the public and government.

ⁱ The Robson Valley Land and Resource Management Plan is located at:
http://www.ilmb.gov.bc.ca/slrp/lrmp/princegeorge/robson_valley/index.html

ⁱⁱ The Robson Valley Sustainable Resource Management Plan is located at:
http://ilmbwww.gov.bc.ca/slrp/srmp/north/robson_valley/index.html

ⁱⁱⁱ A forest stewardship plan (FSP) is a key planning element in the FRPA framework and the only plan subject to public review and comment and government approval. In FSPs licensees are required to identify results and/or strategies consistent with government objectives for values such as water, wildlife and soils. These results and strategies must be measurable and once approved are subject to government enforcement. FSPs identify areas within which road construction and harvesting will occur but are not required to show the specific locations of future roads and cutblocks. FSPs can have a term of up to five years.

^{iv} The other agencies include the Federal Department of Fisheries and Oceans as well as the Provincial Compliance and Enforcement Branch of the Ministry of Forest, Lands and Natural Resource Operations.

^v Section 10 of the Forest and Range Practices Act:

Site plans for cutblocks and roads

- 10** (1) Except in prescribed circumstances, the holder of a forest stewardship plan must prepare a site plan in accordance with prescribed requirements for any
- (a) cutblock before the start of timber harvesting on the cutblock, and
 - (b) road before the start of timber harvesting related to the road's construction.
- (2) A site plan must
- (a) identify the approximate locations of cutblocks and roads,
 - (b) be consistent with the forest stewardship plan, this Act and the regulations, and
 - (c) identify how the intended results or strategies described in the forest stewardship plan apply to the site.
- (3) A site plan may apply to one or more cutblocks and roads whether within the area of one or more forest stewardship plans.

^{vi} Section 47 of the Forest and Range Practices Act:

Stream riparian classes

- (2) A stream that is a fish stream or is located in a community watershed has the following riparian class:
- (a) S1A, if the stream averages, over a one km length, either a stream width or an active flood plain width of 100 m or greater;

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- (b) S1B, if the stream width is greater than 20 m but the stream does not have a riparian class of S1A;
 - (c) S2, if the stream width is not less than 5 m but not more than 20 m;
 - (d) S3, if the stream width is not less than 1.5 m but is less than 5 m;
 - (e) S4, if the stream width is less than 1.5 m.
- (3) A stream that is not a fish stream and is located outside of a community watershed has the following riparian class:
- (a) S5, if the stream width is greater than 3 m;
 - (b) S6, if the stream width is 3 m or less.

^{vii} Section 39 of the Forest Planning and Practices Regulation:

Natural surface drainage patterns

- 39 (1) If an authorized person constructs a road, a temporary access structure or a permanent access structure on an area, the person must maintain natural surface drainage patterns on the area both during and after construction.
- (2) Despite subsection (1), if it is not practicable for an authorized person to maintain natural surface drainage patterns during the construction of a road, a temporary access structure or permanent access structure, the person must ensure that the altered surface drainage pattern is compatible with the original natural surface drainage pattern by the earlier of
- (a) the end of the construction, and
 - (b) the next freshet.

^{viii} Section 51(1) of the Forest Planning and Practices Regulation:

Restrictions in a riparian reserve zone

- 51 (1) An agreement holder must not cut, modify or remove trees in a riparian reserve zone, except for the following purposes:
- (a) felling or modifying a tree that is a safety hazard, if there is no other practicable option for addressing the safety hazard;
 - (b) topping or pruning a tree that is not wind firm;
 - (c) constructing a stream crossing;
 - (d) creating a corridor for full suspension yarding;
 - (e) creating guyline tiebacks;
 - (f) carrying out a sanitation treatment;
 - (g) felling or modifying a tree that has been windthrown or has been damaged by fire, insects, disease or other causes, if the felling or modifying will not have a material adverse impact on the riparian reserve zone;
 - (h) felling or modifying a tree under an occupant licence to cut, master licence to cut or free use permit issued in respect of an area that is subject to a licence, permit, or other form of tenure issued under the *Land Act*, *Coal Act*, *Geothermal Resources Act*, *Mines Act*, *Mineral Tenure Act*, *Mining Right of Way Act*, *Ministry of Lands, Parks and Housing Act* or *Petroleum and Natural Gas Act*, if the felling or modification is for a purpose expressly authorized under that licence, permit or tenure;
 - (i) felling or modifying a tree for the purpose of establishing or maintaining an interpretive forest site, recreation site, recreation facility or recreation trail.
- (2) An agreement holder who fells, tops, prunes or modifies a tree under subsection (1) may remove the tree only if the removal will not have a material adverse effect on the riparian reserve zone.
- (3) An agreement holder must not carry out the following silviculture treatments in a riparian reserve zone:
- (a) grazing or broadcast herbicide applications for the purpose of brushing;
 - (b) mechanized site preparation or broadcast burning for the purpose of site preparation;
 - (c) spacing or thinning.

^{ix} Section 22.1 of the Forest and Range Practices Act:

Industrial use of a road

- 22.1 (1) A person must not use a road for

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- (a) timber harvesting, including the transportation of the timber or associated machinery, materials or personnel, or
- (b) access for tree planting requiring more than 12 months to complete, or silvicultural treatments requiring transportation of machinery,
- except in one or more of the following circumstances:
- (c) the person
- (i) is authorized to do so under a timber sale licence that does not provide for a cutting permit or under a woodlot licence, cutting permit, road permit or forestry licence to cut, or
- (ii) is exempted under subsection (4);
- (d) the road is a forest service road, and the person is authorized to use the road under a road use permit or is exempted under subsection (4);
- (e) the road is one for which another person has a timber sale licence that does not provide for a cutting permit or has a woodlot licence, cutting permit, road permit or special use permit.
- (2) A person who is developing natural resources other than timber must not use a road for that purpose, including the transportation of the natural resources or associated machinery, materials or personnel, unless
- (a) the road is located inside the boundary of a claim, lease, permit or other authorization granted or issued under the *Coal Act*, the *Mineral Tenure Act*, the *Mines Act* or the *Mining Right of Way Act*, and the road was built under the authority of one of those Acts,
- (b) the road is located outside the boundary of a claim, lease, permit or other authorization granted or issued under an Act referred to in paragraph (a), and the person is authorized to use it by a special use permit or is exempted under subsection (4),
- (c) the road is authorized under the *Geothermal Resources Act*, *Petroleum and Natural Gas Act* or *Pipeline Act*,
- (d) the road is a forest service road, and the person is authorized to use the road under a road use permit or is exempted under subsection (4), or
- (e) the road is one for which another person has a road permit, special use permit or woodlot licence.
- (3) Subsections (1) (a) and (2) (d) do not apply to operations that are associated with, or are necessary to be carried out under, an agreement under the *Range Act*.
- (4) The minister may grant an exemption
- (a) referred to in subsection (1) (c) (ii) or (2) (b) if satisfied that the person's use of the road will not unnecessarily impact forest resources, or
- (b) referred to in subsection (1) (d) or (2) (d) if satisfied that the person's use of the road will not
- (i) unnecessarily impact forest resources,
- (ii) materially affect the use of the road by others, or
- (iii) materially increase the need for road maintenance.
- (5) A person granted an exemption under subsection (4) must comply with any conditions of the exemption.
- (6) A person who, under subsection (4), is granted an exemption referred to in subsection (1) (c) (ii) or (2) (b) must maintain the road for the duration of the person's use of the road in accordance with the regulations and any applicable forest stewardship plan or woodlot licence plan.
- (7) A person who uses a road under subsection (1) (d) or (e) or (2) (d) or (e) must give at least 5 clear days notice of the date on which the person will begin to use the road
- (a) to the holder of the applicable road permit, special use permit or woodlot licence, and
- (b) for a forest service road,
- (i) to the minister, and
- (ii) in prescribed circumstances, to the person required to maintain the forest service road.

^x Section 86 of the Forest Planning and Practices Regulation:

Annual reports

86 (1) In this section and in section 86.1:

"**location**" means the approximate location;

"**reporting period**", in respect of the year in which the report referred to in subsections (2) to (5) is to be furnished, means the 12 month period beginning on April 1 of the immediately preceding calendar year.

(2) Repealed. [B.C. Reg. 104/2008, s. 1 (a) (ii).]

(3) Before June 1 of each year, an agreement holder must report to the district manager

(a) for each area in which timber harvesting was completed during the reporting period and to which section 29 of the Act applies or to which section 44 (4) of this regulation applies, the following information:

(i) the area in which the harvesting occurred;

(ii) the amount of area that was harvested;

(iii) an update of the forest cover inventory;

(iv) the location and approximate size of all associated wildlife tree retention areas,

(b) the location of any resource feature or wildlife habitat feature in or contiguous to a cutblock or road of which feature the holder is aware during the reporting period if

(i) the holder has not, in a previous reporting period, reported the resource feature or wildlife habitat feature, and

(ii) the order establishing the resource feature or wildlife habitat feature requires the location of the resource feature or wildlife habitat feature to be reported under this section,

(c) the pertinent information about seeds used during the reporting period to grow seedlings planted by the holder in cutblocks on the land to which the agreement pertains,

(d) an update of the forest cover inventory for each area in which during the reporting period

(i) the requirements for the regeneration date have been met,

(ii) the requirements for the regeneration date have not been met but the regeneration date has passed,

(iii) a free growing stand has been declared under section 97 or 97.1 of this regulation or the requirements of section 46.11 (2) (b) of this regulation have been met, or

(iv) a free growing stand has not been established, but the free growing date has passed, and

(e) a summary of any silviculture treatments that were carried out during the reporting period.

(4) Repealed. [B.C. Reg. 104/2008, s. 1 (a) (ii).]

(5) Before June 1 of each year, a timber sales manager must report to the district manager

(a) for areas harvested during the reporting period under

(i) a timber sale licence entered into under the *Forest Act* between the timber sales manager and its holder, or

(ii) a forestry licence to cut entered into under the *Forest Act* between the timber sales manager and its holder,

the information referred to in subsection (3) (a) and (b) of this section, and

(b) for areas in which the timber sales manager establishes free growing stands as required under section 29 (2) of the Act, the information referred to in subsection (3) (c), (d) and (e) of this section.

(6) Information required under this section must be reported in a form and manner that is satisfactory to the minister.

^{xi} Section 88 of the Forest Planning and Practices Regulation:

Silviculture treatment records

88 (1) If an agreement holder carries out a silviculture treatment on an area to which [section 29 \(1\)](#) [*free growing stands*] of the Act applies or to which section 44 (4) of this regulation applies, the holder must maintain records of the silviculture treatment until the earlier of

(a) 15 months after a declaration has been made under section 97 of this regulation in respect of a free growing stand being established on the area, and

(b) a date specified by the district manager.

(2) If a timber sales manager carries out a silviculture treatment on an area to which section 29 (2) of the Act applies or to which section 44 (4) of this regulation applies, the timber sales manager must maintain records of the silviculture treatment until a free growing stand is established on the area.

(3) If the minister carries out a silviculture treatment on an area to which [section 46](#) applies, the minister must maintain records of the silviculture treatment until a free growing stand is established on the area.



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