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Repealed Forest Practices Code Regulations

FOREST ROAD REGULATION **B.C. REG. 351/2002**

includes all amendments to December 12, 2003

Repealed. [B.C. Reg. 7/2004, effective Jan. 31, 2004]

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FOREST ROAD REGULATION

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PART 1 – Definitions and Application

Definitions

1. (1) In this regulation:

“**clearing width**” means the width required to be cleared of standing timber to accommodate road construction, maintenance and use;

“**culvert**” means

- (a) a pipe, arch or box, or
- (b) a log structure, not greater than 6 m in span

that is located below the surface of a road and is designed to carry water from one side of the road to the other;

“**cut slope**” means the face of an excavated bank required to lower the natural ground line to the desired road profile;

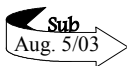
“**drainage system**” means a system designed to control the flow of water within a clearing width;

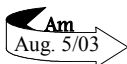
“**fisheries-sensitive zone**” means a flooded depression, pond or swamp, but does not include a stream, wetland or lake, that either perennially or seasonally contains water, and that is seasonally occupied by a species of fish listed in the definition of “fish stream” in the Operational and Site Planning Regulation;

“**ford**” means a dip in a road constructed to facilitate crossing a stream;

“**known**” means, when used to describe a feature, objective or other thing referred to in this regulation as known,

- (a) a feature, objective or other thing that is identified as a known feature, objective or thing in the forest development plan in which the road is proposed, or in the forest development plan in which the part of the forest development plan that is the road is amended,
- (b) a feature, objective or other thing that is identified in a silviculture prescription as a known objective, feature or thing, or
- (c) a feature, objective or other thing that is not required to be identified in an operational plan, or if there is no operational plan, that is
 - (i) contained in a higher level plan, or

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(ii) otherwise identified or made available to a person by a district manager at least 4 months before the road layout and design for which the information is required is prepared;

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“**major culvert**” means a stream culvert that

- (a) is one of the following:
 - (i) a pipe diameter of 2 000 mm or greater;
 - (ii) a pipe arch with a span greater than 2 130 mm;
 - (iii) an open bottom arch with a span greater than 2 130 mm, or
- (b) has a maximum design discharge of 6 m³/s or greater;

“**qualified registered professional**” means, with respect to an activity for which this regulation requires a qualified registered professional, a person who

- (a) has appropriate education and experience to carry out the activity, and
- (b) is a member of, or licensed by, a regulatory body in British Columbia that has the legislated authority to regulate its members’ performance of the activity;

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“**road prism**” means an area consisting of the road surface and any cut slope and road fill;

“**road subgrade width**” means the width of the top surface of the road fill or excavated surface, before surfacing is applied;

“**safe fish passage**” means safe passage of fish through culverts for the purposes of spawning, rearing or migration;

“**stream culvert**” means a culvert used to carry stream flow in an ephemeral or perennial stream channel from one side of the road to the other;

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“**wilderness road**” means

- (a) a forest service road, or
- (b) a road authorized under a road permit, special use permit, cutting permit, timber sale licence that does not provide for cutting permits, or woodlot licence

that is not being used by users referred to in section 54 (1) or (2) of the Act.

(2) Words and expressions not defined in this regulation have the meaning given to them in the Operational and Site Planning Regulation unless otherwise indicated.

[am. B.C.Reg. 292/2003, Sch. C; 466/2003, Sch. C.]

Workers Compensation Act prevails

2. If there is a conflict between the *Workers Compensation Act* or a regulation under that Act, and this regulation, the *Workers Compensation Act*, or the regulation made under that Act prevails.

Exemption from needing road use permits

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2.1 (1) A person who, under section 54 (1) (e) or (2) (e) of the Act, is required to obtain a road use permit, cutting permit or timber sale licence that does not provide for cutting permits, is exempted from that requirement and must

- (a) give to the holder of any permit or licence for the road at least 48 hours notice of the date on which the person will commence to use the road,
- (b) contribute a reasonable amount for the routine maintenance of the road, and
- (c) pay for, or repair, damage to the road caused by the person’s use of the road.

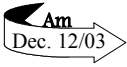
(2) If the holder of a permit or licence for the road referred to in subsection (1) and a person who has been exempted under subsection (1) do not agree on what constitutes a reasonable contribution or expense, the holder and the person must submit that question

- (a) for resolution by an agreed process for dispute resolution, or
- (b) in the absence of an agreed upon process under paragraph (a), to binding arbitration under the *Commercial Arbitration Act*.

[en. B.C.Reg. 466/2003, Sch. C.]

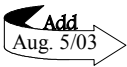
PART 2 – Road Layout and Design

3. *Repealed.* [B.C. Reg. 292/2003, Sch. C]

**Selecting road location**

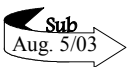
4. (1) A person required to prepare a road layout and design under section 60 (1) (a) of the Act must
- (a) locate the road to be consistent with higher level plans, any approved operational plan, cutting permit, road permit or special use permit, and
 - (b) select and locate stream crossings so that
 - (i) channel and bank disturbances at the crossing, or immediately upstream and downstream, can be prevented or mitigated, and
 - (ii) any bridge or culvert will be stable.
- (2) A road and related works and activities must be located outside a riparian management area, except for crossings, unless in the opinion of the district manager,
- (a) no other practicable option exists, or
 - (b) locating the road outside the riparian management area will create a higher risk of sediment delivery to a stream.
- (3) A road in a community watershed must not
- (a) be located within a 100 m radius upslope of a known licensed community water supply intake, unless the district manager agrees that the road may be located closer to the intake, or
 - (b) interfere with the known subsurface flow path of a drainage area that contributes to a spring.
- (4) Subsection (3) (a) does not apply to a road servicing a known licensed community water supply intake.

[am. B.C.Reg. 292/2003, Sch. C; 466/2003, Sch. C.]

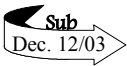
**Site inspections**

- 4.1 A person required to prepare a road layout and design under section 60 (1) (a) of the Act must ensure that a site inspection is carried out to determine whether measures are required to reduce the likelihood of a landslide occurring, or to reduce the likelihood of a landslide affecting forest resources, if
- (a) terrain stability mapping indicates that the road is located on terrain that is unstable or potentially unstable,
 - (b) the mapping referred to in paragraph (a) has not been done, and the road is located on terrain with slopes greater than 60%, or
 - (c) the road is located on terrain where there are indicators of slope instability.

[en. B.C.Reg. 292/2003, Sch. C.]

**Content of road layout and design**

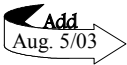
5. A person required to prepare a road layout and design under section 60 (1) (a) of the Act must ensure that it includes



- (a) a map showing the location of the road, as determined by a field traverse, with the stream or lake crossings indicated on the map, if the road is
 - (i) a permanent access structure, or
 - (ii) a temporary access structure if the road is on that is the subject of a road layout and design that required approval under section 5.1,
- (b) measures to reduce the likelihood of a landslide occurring, or to reduce the likelihood of that landslide affecting forest resources, if a site inspection that has been carried out under section 4.1 indicates that those measures are needed to achieve that reduction,
- (c) a requirement to provide a written statement described under section 8 (1) (i) if the road is in terrain described in section 4.1, and the person preparing the measures under paragraph (b) determines that
 - (i) the complexity of the design makes it difficult to implement, or

- (ii) the extent and nature of the work actually carried out leading up to completion is not readily discernible after completion,
- (d) the results of a visual impact assessment, within an area that is a known scenic area, that demonstrates that the road work is consistent with the established visual quality objectives for that area, and
- (e) the results of an archaeological impact assessment that meets the requirements of the minister responsible for the *Heritage Conservation Act* if the district manager is satisfied that the assessment is necessary to adequately manage and conserve archaeological sites in the area affected by the road or road work.

[en. B.C.Reg. 292/2003, Sch. C; am. B.C.Reg. 466/2003, Sch. C.]

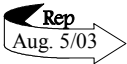


Road layout and design approval

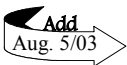
5.1 (1) The prescribed circumstances under section 60 (1) (b) of the Act in which a person must obtain the district manager’s approval of a road layout and design are,

- (a) except for crossings, the road is proposed to be located within a riparian management area,
 - (b) the road is proposed to be located in a community watershed and within 100 m upslope of a known licensed community water supply intake, or
 - (c) during and after construction, as a result of the road building practices employed, the likelihood of a landslide occurring is greater than low on terrain that impacts or is impacted by that road, as determined by a site inspection under section 4.1.
- (2) A road layout and design that is referred to in subsection (1) must include
- (a) the information described in section 5,
 - (b) for subsection (1) (a) and (b), the rationale for the road layout and design, and
 - (c) for subsection (1) (c), the rationale for the road layout and design, including
 - (i) information about the likelihood of landslide occurrence, and
 - (ii) if a landslide were to occur, information about the types of forest resources at risk of harm and the likelihood of such a landslide affecting those forest resources.
- (3) The district manager must approve a road layout and design referred to in subsection (1) if
- (a) it conforms to the requirements of section 5, and
 - (b) the district manager is satisfied that the road layout and design adequately manages and conserves forest resources.

[en. B.C.Reg. 292/2003, Sch. C.]



6. and 7. Repealed. [B.C. Reg. 292/2003, Sch. C]



Requirements for designs of bridges, culverts, etc.

7.1 (1) A person required to construct or modify a road in compliance with section 62 (1) of the Act or maintain a road in compliance with section 63 of the Act who

- (a) builds a bridge across a stream, or
- (b) installs a culvert in a stream,

must ensure that the bridge or culvert is designed to pass the highest peak flow of the stream that can reasonably be expected within the return periods specified in the following table for the length of time it is anticipated the bridge or culvert will remain on the site:

How long it is anticipated the bridge or culvert will remain on the site	Peak flow return period
For a bridge or culvert that will remain on site for up to 3 years	10 years
For a bridge that will remain on site from 3 to 15 years	50 years
For a bridge that will remain on site for over 15 years	100 years

For a culvert that will remain on site for over 3 years	100 years
For a bridge or culvert, within a community watershed, that will remain on site for over 3 years	100 years

(2) Despite subsection (1), a person referred to in that subsection may build a bridge or install a culvert that will not pass the highest peak flow of the stream that can reasonably be expected within the return periods specified in that subsection, if

- (a) in the case of a culvert, the stream is not a fish stream,
- (b) the bridge or culvert will pass the flow that will occur during the period the bridge or culvert remains on the site,
- (c) the building or installation occurs during a period of low flow,
- (d) the bridge, a component of the bridge that is vulnerable to damage by high flow or the culvert, as applicable, is removed before a period of high flow, and
- (e) in the case of a culvert, the person does not expect to install a culvert or build a bridge at the location where that culvert was installed after the removal of the original culvert.

(3) A person referred to in subsection (1) must ensure that all bridge design and fabrication for a bridge

- (a) is in accordance with the Canada-wide criteria for
 - (i) bridge design established by the Canadian Standards Association, Canadian Highway Bridge Design Code, CAN/CSA-S6, and
 - (ii) soil properties, as they apply to bridge piers and abutments, established by the Canadian Foundation Engineering Manual,
 that are applicable to roads at the time the design or fabrication is done, and
- (b) takes into account the effect of logging trucks with unbalanced loads and off-centre driving.

(4) A person referred to in subsection (1) must ensure that all permanent culvert materials are fabricated according to

- (a) the Canada-wide standards for culvert fabrication, established by the Canadian Standards Association, that are applicable to roads at the time of the fabrication, or
- (b) standards that ensure at least the same strength and durability as the standards referred to in paragraph (a).

(5) A person referred to in subsection (1) must obtain a professional engineer’s written structural analysis of portable bridge superstructures that are being reused at a new site, unless

- (a) the bridge superstructure was originally designed by a professional engineer,
- (b) the bridge superstructure will be reused at the new site to carry the original design loads or lighter loads, and
- (c) an inspection of the bridge at the new site before the first use of the bridge is unable to detect any damage or deterioration in the bridge.

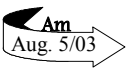
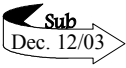
[en. B.C.Reg. 292/2003, Sch. C; am. B.C.Reg. 466/2003, Sch. C.]

PART 3 – Construction, Modification and Maintenance

Subgrade construction

8. (1) A person required to comply with section 62 (1) of the Act and who constructs a road, or modifies it by relocating it, must, in the course of the activity, comply with all of the following:

- (a) fell all standing trees within the clearing width and fell any danger trees that have the potential to reach the proposed road surface;
- (b) in areas where felled trees could reach streams or lakes,
 - (i) directionally fell trees away from the stream or lake, unless that is impractical, and
 - (ii) use felling and yarding methods that prevent the stream bank from destabilizing;



- (c) take steps to ensure that the road will remain stable until it is deactivated or a notice is received under section 64 (11.1) of the Act;
- (d) take steps to ensure that at the completion of the subgrade construction or modification, any borrow pits, quarries and waste areas are left in a stable condition;
- (e) not deposit slash, debris or soil into a lake, wetland, stream, fisheries-sensitive zone or marine-sensitive zone, if the deposit is capable of
- (i) damaging fish habitat, or
 - (ii) causing the water to fail to meet its known water quality objectives;
- (f) not deposit slash and debris in a manner that would increase the likelihood of slope failure;
- (g) establish clearing widths that are the minimum required to accommodate the following:
- (i) road prism;
 - (ii) user safety;
 - (iii) subgrade drainage;
 - (iv) subgrade stability;
 - (v) areas for the placement of slash, debris and other waste;
 - (vi) operation of equipment;
 - (vii) snow removal;
 - (viii) fencing and other structures that are ancillary to the road;
 - (ix) pits or quarries;
 - (x) landings;
- (h) construct cut slope angles to remain stable over the expected life of the road, unless
- (i) sliding of soil particles or of thin sheets of soil particles from the cutbank, or
 - (ii) sloughing of the cutbank
- cannot reasonably be expected to contribute to slope failures;
- (i) ensure that a qualified registered professional signs and seals a statement that construction or modification work has been carried out in general conformance with the road layout and design, if such a statement is required by the road layout and design under section 5 (c);
- (j) use rock drilling and blasting techniques that are scheduled and selected to minimize disturbance to known forest resources and existing improvements;
- (k) locate borrow pits, quarries and waste areas in areas where eroded soil materials or other harmful materials will be prevented from entering streams;
- (l) keep equipment fueling or servicing fluids controlled or contained to avoid damage to forest resources;
- (m) if the road being constructed or modified consists of snow and ice, minimize ground disturbance by using clean compacted snow and ice as fill material;
- (n) ensure that a professional engineer signs and seals a statement that the structure is in general conformance with the design drawings and specifications prepared by a professional engineer, for
- (i) a retaining wall that is more than 1.5 m high, or
 - (ii) another specialized structure, the design of which falls within the practice of professional engineering as defined in the *Engineers and Geoscientists Act*;
- (o) if the road is in a community watershed,
- (i) notify water licensees or their representatives of the start date of road construction or modification at least 48 hours before the start of road construction or modification,
 - (ii) ensure that rock that is from a known acid generating rock formation is not used for road construction or modification, and
 - (iii) ensure that the construction or modification does not cause the quality of water to fail to meet the known water quality objectives established by the Ministry of Water, Land and Air Protection.

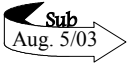
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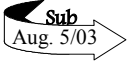
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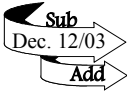
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- (2) A person referred to in subsection (1), in the course of constructing or modifying the road, may
- (a) use stumps and logs as retaining structures under or against the fill, if the retaining structures are designed by a qualified, registered professional to provide slope stability, and
 - (b) if the road layout and design was approved under section 5.1, amend it without approval so long as the amendment will not materially change the expected effects of the original approved design on riparian management areas, known licensed community water intakes, or terrain stability.



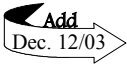
- (3) On or before May 31 of each year, for roads
- (a) that were constructed or were modified by relocating them,
 - (i) after March 31 of the previous year, and
 - (ii) before April 1 of the year in which the report referred to in this subsection is to be submitted, and
 - (b) that are permanent access structures, and



- (b.1) that were constructed or modified under the authority of a road permit or special use permit,

a person referred to in subsection (1) must submit to the district manager a map or report, in a form and manner satisfactory to the minister, that identifies the location of the following:

- (c) the road;
- (d) bridges, including the bridge type and overall length and the stream crossing identifiers;
- (e) major culverts, including the diameter or span of the culvert and the stream crossing identifiers;
- (f) fish-stream culverts, including the diameter or span of the culvert and the stream crossing identifiers;
- (g) engineered structures other than bridges, culverts or fords;
- (h) road sections containing stumps, roots and embedded logs left or placed
 - (i) under the road fill within the road prism width, if the road is located on landslide prone terrain, or
 - (ii) under the travelled portion of the road fill for other road locations.

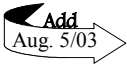


(4) When a person referred to in subsection (1) is required to make the reports referred to in section 46 (a) of the Timber Harvesting and Silviculture Practices Regulation, the person must include the information required under subsection (3) for any road

- (a) that is a permanent access structure, and
- (b) that the person has constructed, or modified by relocating the road, under the authority of a cutting permit, or a timber sale licence without a cutting permit, during the period covered by those reports.

[am. B.C.Reg. 292/2003, Sch. C; 466/2003, Sch. C.]

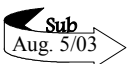
Conformance with visual quality and archaeological requirements



8.1 A person required to comply with section 62 (1) of the Act and who constructs a road, or modifies it by relocating it must ensure that that the road conforms with the results of

- (a) the visual impact assessment referred to in section 5 (d), and
- (b) the archaeological impact assessment referred to in section 5 (e).

[en. B.C.Reg. 292/2003, Sch. C.]



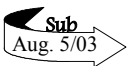
Building or installing drainage systems

9. (1) A person required to construct or modify a road in compliance with section 62 (1) of the Act or to maintain a road in compliance with section 63 of the Act must do all of the following when building or installing the drainage system for the road:

- (a) build such bridges, fords and ditches, and install such culverts as are necessary to maintain surface drainage patterns, in accordance with any design requirements referred to in section 7.1;
- (b) build bridges, fords or ditches, or install culverts at all crossings of permanent or seasonal streams;

- (c) ensure that the drainage system
 - (i) intercepts surface or subsurface drainage from the cut slope,
 - (ii) drains ditches and controls ditch erosion,
 - (iii) prevents ponding of water where road stability may be compromised,
 - (iv) prevents water from being directed onto potentially unstable slopes or soil material, and
 - (v) minimizes the amount of sediment entering streams;
 - (d) ensure that any stream and cross-drain culverts are structurally sound, functional, and stable;
 - (e) prevent road embankment and waste materials from interfering with waterflow at culvert inlets and outlets;
 - (f) at culvert outlets, protect fill that is unstable or susceptible to erosion with erosion-resistant materials or drainage structures;
 - (g) build bridges and install culverts to prevent or mitigate stream bank disturbance and to avoid adversely affecting downstream water quality;
 - (h) build crossings of fish streams
 - (i) in accordance with timing windows and measures provided in writing by a designated environment official in order to adequately manage and conserve aquatic resources, and
 - (ii) at a time and in a way that provides safe fish passage and protects fish habitat at the crossing and immediately upstream and downstream of the crossing;
 - (i) after building a bridge designed by a professional engineer, ensure that a professional engineer signs and seals a statement that the entire bridge is in general conformance with the design drawings and specifications;
 - (j) after building a bridge designed by a professional forester, ensure that a professional forester or professional engineer signs and seals a statement that the entire bridge is in general conformance with the design drawings and specifications;
 - (k) after building a bridge not designed by a professional engineer or professional forester, sign a statement that the entire bridge is in general conformance with the design drawings and specifications.
- (2) A person referred to in subsection (1) who builds a bridge or installs a major culvert must
- (a) prepare or obtain the following documents:
 - (i) pile driving records;
 - (ii) for new materials used to build the bridge or major culvert, mill test certificates, in-plant steel fabrication drawings, and concrete test results;
 - (iii) soil compaction results;
 - (iv) other pertinent field and construction data,
 - (b) prepare as-built drawings of the bridge or major culvert, and
 - (c) subject to subsection (3), retain the documents and drawings described in paragraphs (a) and (b) for the life of the structure.
- (3) If the district manager cancels a road permit, road use permit or special use permit for a road and does not require the road to be deactivated, the person who, as a result of the cancellation, is no longer required to maintain a road under section 63 of the Act must submit to the district manager the documents and drawings referred to in subsection (2).
- (4) Subsection (3) does not apply to a road that has been deactivated.

[en. B.C.Reg. 292/2003, Sch. C.]



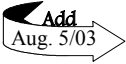
Revegetation

10. A person who constructs, modifies, maintains or deactivates a road and is required to comply with the Act in doing so, must ensure that soils exposed by the construction, modification, maintenance or deactivation are revegetated within 2 years of the soils becoming exposed, if it is reasonably foreseeable that the erosion of these soils will result in

- (a) sediment entering a stream, wetland or lake, or
- (b) a material adverse effect on another forest resource.

[en. B.C.Reg. 292/2003, Sch. C.]

**General wildlife measures in
wildlife habitat areas**



- 10.1** A person required to comply with section 62 (1) of the Act who, in a known wildlife habitat area,
- (a) constructs a road, or
 - (b) modifies it by relocating it,

must construct or modify the road in accordance with general wildlife measures that are

- (c) established for application within the wildlife habitat area, and
- (d) made available to the person by the designated environment official at the time the wildlife habitat area is made known.

[en. B.C.Reg. 292/2003, Sch. C.]

**Bridge and major culvert inspection,
evaluation and maintenance**

11. (1) A person required to maintain a road under section 63 of the Act must carry out an inspection of bridges and major culverts, and make a record of the inspection, at least once every 3 years after they are constructed, unless

- (a) a longer period is specified by a professional engineer as part of the inspection record, in which case the record must be produced within that longer period, or
- (b) the stringers or any portion of the structural components of the bridge substructure are untreated wood, in which case the inspection must be carried out at least once every 2 years after construction.

(2) Without limiting subsection (1), a person required to maintain a road under section 63 of the Act must make an inspection record concerning a bridge or major culvert

- (a) after the occurrence of an event that might have caused damage to the structure, and
- (b) more often than is required under subsection (1) and at a level of frequency that a professional engineer determines in writing to be adequate for the continuing safe use of the bridge by users referred to in section 54 (1) or (2) of the Act, if an inspection detects structural defects or if the defects are otherwise evident.

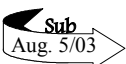
(3) A person required to maintain a road under section 63 of the Act must retain a copy of the inspection record of a given structure for one year beyond the actual life of the structure at the site.

**Follow up to inspection of bridge
and major culverts**

12. (1) A person required to maintain a road under section 63 of the Act must, if the bridge has structural deficiencies,

- (a) correct the deficiencies,
- (b) close, remove or replace the bridge before users or downstream improvements and forest resources are placed at risk,
- (c) restrict traffic loads to a safe level, or
- (d) ensure that a professional engineer evaluates the bridge according to the requirements of the Canadian Standards Association, Design of Highway Bridges, CAN/CSA-S6, as amended up to the date of the evaluation.

(2) If a professional engineer determines that a bridge is unable to carry its original design load, the person required to maintain the road under section 63 of the Act must place a sign on each bridge approach stating the actual capacity of the bridge.

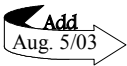


Road inspection and maintenance

- 13.** (1) A person may only maintain a road or modify a road other than by relocating it, if
- (a) the road is
 - (i) referred to in section 62 or 63 of the Act, or
 - (ii) a forest service road, and
 - (b) the person is authorized to do so under section 62 or 63 of the Act.

- (2) A person required to comply with section 62 or 63 of the Act who modifies a road other than by relocating it, or maintains a road, must ensure that, for the road and included structures,
- (a) the structural integrity of the road prism and clearing width are protected,
 - (b) the drainage systems of the road are functional,
 - (c) the transport of sediment from the road prism and its effects on other forest resources are minimized,
 - (d) safe passage for fish is provided at fish stream crossings built after June 15, 1995, and
 - (e) the road can safely be used for purposes referred to in section 54 (1) or (2) of the Act.
- (3) The person referred to in subsection (2) must ensure that, for the purposes of subsection (2) (c), road maintenance activities in a community watershed do not cause the quality of water to fail to meet the known water quality objectives established by the Minister of Water, Land and Air Protection.
- (4) Despite subsection (2), if a road is a wilderness road,
- (a) subsection (2) (a) and (b) only apply to the extent necessary to ensure there is no material adverse effect on a forest resource, and
 - (b) subsection (2) (e) does not apply to the person required to maintain the road.

[en. B.C.Reg. 292/2003, Sch. C.]



Bridges and culverts on forest service roads

13.1 (1) Before a holder of a road use permit who is required to maintain a forest service road in compliance with section 63 (7) of the Act

- (a) builds a bridge,
- (b) installs a major culvert, or
- (c) installs a stream culvert on a fish stream,

the holder must give to the district manager written notice of the location of the bridge or culvert.

(2) Within 30 days of receiving a notice referred to in subsection (1), the district manager, by written notice given to the holder of the road use permit, may specify requirements respecting the building or installing of the bridges or culverts referred to in that subsection.

(3) The holder of a road use permit referred to in subsection (1) may begin building or installing the bridge or culvert referred to in that subsection after

- (a) receiving a notice from the district manager under subsection (2), or
- (b) 35 days from the date of giving the notice to the district manager under subsection (1),

whichever occurs first.

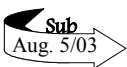
(4) The holder of a road use permit referred to in subsection (1) who is given a notice from the district manager under subsection (2) must build or install the bridge or culvert in accordance with the requirements specified in the notice.

[en. B.C.Reg. 292/2003, Sch. C.]

PART 5 – Deactivation

Timing windows and measures for road deactivation

14. A person who carries out road deactivation under section 64 of the Act must conform with timing windows and measures provided by the designated environment official to adequately manage and conserve aquatic resources that apply to deactivation works in and around stream crossings.

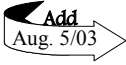


Road deactivation

15. (1) A person who deactivates a road in compliance with section 64 of the Act must ensure that the deactivation work provides for, or addresses, all of the following requirements:

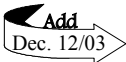
- (a) removal of all stream culverts other than log culverts;
- (b) removal of bridge and log culvert superstructures;
- (c) if failure of a bridge or log culvert substructure would adversely affect downstream forest resources or property, removal of the bridge or log culvert substructure;

- (d) stabilization of the road prism and clearing width;
- (e) restoration or maintenance of the surface drainage patterns, consistent with natural drainage patterns;
- (f) that deactivation works in a community watershed do not cause the quality of water to fail to meet the known water quality objectives established by the Minister of Water, Land and Air Protection;
- (g) safe fish passage and protection of fish habitat at stream crossings immediately upstream and downstream of the stream crossing structure, and the timing and description of the work to achieve these objectives;
- (h) minimization of the impact of silt and sediment transport on other forest resources.

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Aug. 5/03

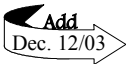
(1.1) Without limiting subsection (1), a person who deactivates a road in compliance with section 64 of the Act must close the road to motor vehicle traffic by installing one or more of the following barriers, sufficient to prevent access via the road surface width by motor vehicles other than all terrain vehicles, while making the barriers clearly visible to oncoming traffic:

- (a) a gate;
- (b) a soil or rock berm;
- (c) concrete blocks;
- (d) an excavation;
- (e) another suitable barrier.

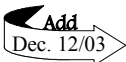
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Dec. 12/03

(1.2) A person referred to in subsection (1.1) may submit to the district manager, in writing, a request for an exemption from the requirements of that subsection in respect of a road if

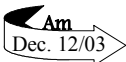
- (a) the person has not commenced deactivation of the road, and
- (b) the road does not contain any bridges or major culverts.

 Add
Dec. 12/03

(1.3) The district manager, in a notice given to a person who submits a request under subsection (1.2), may exempt the person, with or without conditions, if the district manager is satisfied that the efficacy of the deactivation works will not be negatively impacted by motor vehicle use.

 Add
Dec. 12/03

(1.4) A person who is given a notice under subsection (1.3) must comply with the conditions, if any, specified in the notice.

 Am
Dec. 12/03

(2) Without limiting subsection (1), a qualified registered professional must

- (a) prepare a prescription for deactivation work to reduce the likelihood of landslides in terrain described in section 5 (b), and
- (b) if specified in the prescription, sign and seal a statement that the deactivation work was carried out in general conformance with the prescription.

(3) A person who deactivates a road in a community watershed must notify water licensees or their representatives of the start date of deactivation work at least 48 hours before the start of deactivation work.

[am. B.C.Reg. 292/2003, Sch. C; 466/2003, Sch. C.]

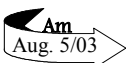
Amendment of deactivation prescription

16. A person who deactivates a road under section 64 of the Act must not amend a prescription prepared in accordance with section 15 (2) unless the change is agreed to by a person authorized in that section to prepare such prescriptions.

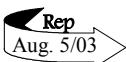
Hazard warning

17. Before commencement of road deactivation activities, the person who is required to deactivate the road under section 64 of the Act must erect a sign at a location or locations, containing information

- (a) sufficient to warn users of the road of the hazards that may be expected during deactivation work, if the road is open to motor vehicle traffic, and
- (b) upon completion of deactivation work, sufficient to warn potential users of the road that the road is deactivated.

 Am
Aug. 5/03

[am. B.C.Reg. 292/2003, Sch. C.]

 Rep
Aug. 5/03

18. *Repealed.* [B.C. Reg. 292/2003, Sch. C]

PART 6 – Records and Reporting

Records that must be retained

19. A person who is required to make a record and a person who is required to ensure that a record is made must keep the record or a copy of it for 7 years, or if another period of retention is specified under a provision of this regulation, that other specified period.

Notice required for construction and modification

20. (1) In this section, “**commencement**” means initial commencement or recommencement after an inactive period of 3 months or more.

(2) A holder of an agreement under the *Forest Act* must notify the district manager, in accordance with subsection (3), before commencement of road construction or modification to relocate a road.

(3) A notice under subsection (2) must specify:

(a) the location, including any administrative identifier that pertains to the location;

(b) the holder of the agreement under the *Forest Act*;

(c) the name of the holder’s representative who is responsible for conducting the road construction or modification;

(d) the projected date for commencement.

(4) The district manager may exempt a holder of an agreement under the *Forest Act*, conditionally or unconditionally, from the requirements of subsection (2).

(5) A holder of an agreement under the *Forest Act* who is exempted under subsection (4) must comply with any conditions specified in the exemption.

[en. B.C.Reg. 466/2003, Sch. C.]

NOTE: This regulation replaces B.C. Reg. 106/98.

[Provisions of the *Forest Practices Code of British Columbia Act*, RSBC 1996, c. 159, relevant to the enactment of this regulation: sections 198, 199 and 203]

