



OBTAINING INFORMATION FROM GOVERNMENT

When negotiating with a licensee, or dealing with government, it is imperative to be well informed. There are two valuable government resources available to contractors to assist with obtaining information when managing their business.

The Harvest Billing System (HBS) is a public record of all provincial harvest from both Crown and private sources driven from the provincial log scaling system. The HBS contains licence-specific data on harvest volume, species, grade, waste and a variety of related data points. Data can be summed by cutting permit, licence and region, and generate reports to be emailed to the user in real time.

It can be a key source of data when a contractor is working for a small tenure or BC Timber Sale holders and believes that they have not been appropriately paid for the volume they have delivered.

Another application is for the contractor who wants to place a lien on timber under the *Forestry Service Providers Protection Act*. In this case, the scale site data in the HBS can be helpful to identify volume harvested by location.

Be aware, however, that the HBS system data is not infallible. It is of little use when dealing with cruise-based sales, because the system does not keep track of harvest volumes under this form of permit; only the cruised volume is reported.

Additionally, all timber harvesting agreements that specify or provide for an Allowable Annual Cut (AAC) are regulated by the *Forest Act* and the Cut Control Regulation. However, the Cut Control Regulation allows transfer of a portion of the volume of timber harvested under a licence to another licence under certain conditions.

As a result, the HBS data itself may not provide correct harvest volumes for a specific cut control period which is not useful for specific monitoring of Bill 13 contracted volumes. An alternative data source for contractors is seen in the *Cut Control Administration Guide* whereby, “the volume of timber harvested is

attributed to an agreement (tenure) by way of yearly cut control statements.” These cut control statements are the final (and legal) determination of annual harvest volumes attributable to a licence, as confirmed by government and are the definitive document for a Bill 13 contractor to reconcile their volume of work against.

Cut control letters include reconciled timber volume reported by scale; wasted or damaged; harvested under road permits; cut, damaged or destroyed by the holder of the agreement; carried forward from the preceding cut control period; volume attributed from another licence; and volume adjustments, if applicable.

Unfortunately, cut control letters are not provided to anyone other than the tenure holder as a result of Section 142.93 of the *Forest Act*.

This can be a very impeding situation for contractors in that their contracts are tied to harvest volumes attributable to a licence, but the legal confirmation of the specific annual volume attributable to the licence is only available to the licensee. In circumstances where this information is not shared, the contractor can be left in the dark.

This issue was clearly identified in one of the 13 resulting recommendations in the Contractor Sustainability Review,

which states, Bill 13 contractors are to be provided with Annual Cut Control letters so they can determine if they have obtained their full cutting rights for the year and the five-year cut control period.

The second valuable government resource available to contractors is the *Freedom of Information (FOI) Act*. Individuals can request information online from various ministries, such as data concerning wildfires (including photos) and historical AAC values, or determine what a licensee might owe the government in stumpage, or for a waste assessment.

Typically, there is no charge for a FOI request, although there are circumstances when a fee is applied, and information can take approximately six to 10 weeks to be received. As with the cut control letters, any data requested that may be considered confidential between the government and a specific licensee may be redacted prior to providing the information.

I encourage contractors to utilize these tools if they require information that the government is able to provide and where they are not able to due to privacy concerns.▲

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