

B.C. Reg. 200/2010
O.C. 435/2010

Deposited June 25, 2010
effective October 4, 2010*

This consolidation is current to August 29, 2023.
See the [Cumulative B.C. Regulations Bulletin 2023](#)
for amendments effective after August 29, 2023.

[Link to Point in Time](#)

Oil and Gas Activities Act

ENVIRONMENTAL PROTECTION AND MANAGEMENT REGULATION

[includes amendments up to B.C. Reg. 41/2016, February 29, 2016]

Contents

Part 1 — Definitions and Application

[1 Definitions](#)

[2 Application](#)

[3 Measuring distances](#)

Part 2 — Permit Considerations and Directions

Division 1 — Government's Environmental Objectives

[4 Water](#)

[5 Riparian values](#)

[6 Wildlife and wildlife habitat](#)

[7 Old-growth management areas, resource features, cultural heritage resources](#)

Division 2 — Criterion for Amendments and Extensions

[8 Criterion](#)

Part 3 — Environmental Protection and Management Requirements

Division 0.1 — Application

[8.1 Master licence to cut](#)

Division 1 — Operating Areas

[9 Water quality](#)

[10 Aquifers](#)

[11 Crossings of streams, wetlands and lakes](#)

[12 No deleterious materials into streams, wetlands or lakes](#)

[13 Operations within wetlands](#)

[14 Natural range barriers](#)

[15 Invasive plants](#)

[16 Forest health](#)

[17 Conserving soil](#)

[18 Seismic lines](#)

[19 Areas to be restored](#)

Division 2 — Adjacent Areas

[20 Water quality](#)

Division 3 — Exemptions

[21 Exemptions by commission](#)

Part 4 — Classification, Identification and Establishment

Division 1 — Riparian Classification

[22 Stream riparian classes](#)

[23 Wetland riparian classes](#)

[24 Lake riparian classes](#)

Division 2 — Identification and Establishment

[25 Resource features identified](#)

[26 Wildlife habitat features identified](#)

[27 Fisheries sensitive watersheds established](#)

[28 Temperature sensitive streams](#)

[29 Categories of species of wildlife established](#)

[30 Wildlife habitat areas established](#)

[31 Ungulate winter ranges established](#)

[32 Old-growth management areas established](#)

[33 Invasive plants identified](#)

[34 Aquifers and groundwater recharge areas identified](#)

[35 Designated watersheds established](#)

[36 Review and comment](#)

[37 Notice and consultation](#)

[38 Orders take effect](#)

Division 3 — Delegation

[39 Ministers may delegate](#)

Part 1 — Definitions and Application

Definitions

1 (1)In this regulation:

"Act" means the *Oil and Gas Activities Act*;

"biogeoclimatic subzone" means a biogeoclimatic subzone as described in the Ministry of Forests and Range publication, Biogeoclimatic Ecosystem Classification Codes and Names, as amended from time to time;

"biogeoclimatic zone" means a biogeoclimatic zone as described in the Ministry of Forests and Range publication, Biogeoclimatic Ecosystem Classification Codes and Names, as amended from time to time;

"crossing" used in relation to a wetland or lake, includes crossing a portion of the wetland or lake to provide access to an operating area within the wetland or lake;

"deep groundwater" has the same meaning as in section 51 of the Water Sustainability Regulation;

"enclosed upland" means a contiguous area, wholly contained within a wetland, that supports a drier biogeoclimatic plant community or forest than does the wetland;

"facility area" means an area within which a person carrying out an oil and gas activity has located or intends to locate one or more facilities;

"fish habitat" means wildlife habitat in or about a fish stream, including but not limited to spawning grounds and nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly to survive and carry out their life processes;

"fish stream" means a stream that

(a) is frequented by any of the following species of fish:

(i) anadromous salmonids;

(ii) rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike;

(iii) a species identified as a species at risk by an order under section 29 (a);

(iv) a species identified as regionally important wildlife by an order under section 29 (b), or

(b) has a slope gradient of less than 20%, unless the watercourse

(i) does not contain any of the species of fish referred to in paragraph (a),

- (ii) is located upstream of a natural barrier to fish passage and all reaches upstream of the barrier are simultaneously dry at any time during the year, or
- (iii) is located upstream of a natural barrier to fish passage and no perennial fish habitat exists upstream of the barrier;

"groundwater capture zone" means an area of land that

- (a) contributes groundwater to a water supply well that is part of a water supply system under the [Drinking Water Protection Act](#), and
- (b) is identified as a groundwater capture zone
 - (i) in the Integrated Land and Resource Registry, maintained under section 7.2 of the [Land Act](#), or
 - (ii) in the Land and Resource Data Warehouse maintained by the minister responsible for the [Land Act](#);

"identified aquifer" means an aquifer identified in an order under section 34 (a);

"identified groundwater recharge area" means a groundwater recharge area identified in an order under section 34 (b);

"natural range barrier" means a river, rock face or any other naturally occurring feature that stops or significantly impedes livestock movement to and from an adjacent area that is identified as a natural range barrier

- (i) in the Integrated Land and Resource Registry, maintained under section 7.2 of the [Land Act](#), or
- (ii) in the Land and Resource Data Warehouse maintained by the minister responsible for the [Land Act](#);

"oil and gas activity", in sections 9 and 20, does not include the diversion and use of water from a water source well unless the activity is the diversion and use of deep groundwater under the [Water Sustainability Act](#);

"oil and gas road" has the same meaning as in the Oil and Gas Road Regulation;

"pipeline corridor" means the area identified in a permit within which a pipeline may be constructed;

"riparian management area" means an area that consists of a riparian management zone and a riparian reserve zone;

"road right of way" has the same meaning as in the Oil and Gas Road Regulation;

"seismic line" means the area within which the trees are removed or the vegetation is modified for the purposes of carrying out geophysical exploration, and includes any associated access trails and equipment staging areas;

"stream channel" means the bed of a stream and the banks of a stream, whether above or below the natural boundary and whether usually containing water or not, including all side channels;

"water supply well" has the same meaning as in section 1 (1) of the Groundwater Protection Regulation, but does not include a water source well;

"waterworks" means a water supply intake, water storage reservoir, whether natural or manmade, water diversion structure or water supply system, if the intake, reservoir, structure or system

(a) is either

(i) licensed or the subject of an approval for short-term use under the [Water Sustainability Act](#), or

(ii) a domestic water system, as defined in the [Drinking Water Protection Act](#), and

(b) is identified

(i) in the Integrated Land and Resource Registry, maintained under section 7.2 of the [Land Act](#), or

(ii) in the Land and Resource Data Warehouse maintained by the minister responsible for the [Land Act](#);

"well site" means an area within which a person carrying out an oil and gas activity has located or intends to locate one or more wells and facilities;

"wildlife tree" means a tree or group of trees that is identified in the Resource Silviculture Updates and Land Status Tracking System maintained by the minister responsible for the [Forest Act](#) as a wildlife tree or as being in a wildlife tree retention area;

"wildlife tree retention area" has the same meaning as in section 1 (1) of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004.

(2) In the Act and this regulation:

"aquifer" means

(a) a geological formation,

(b) a group of geological formations, or

(c) a part of one or more geological formations that contains water with up to 4 000 milligrams per litre of total dissolved solids and is capable of storing, transmitting and yielding that water;

"biodiversity" means the biological diversity of plants, animals and other living organisms in all their forms and levels of organization, including the biological diversity of genes, species and ecosystems;

"cultural heritage resource" means an object, a site or the location of a traditional societal practice that

(a) for non-treaty areas,

(i) is of historical, cultural or archaeological significance to an aboriginal people,

(ii) is the focus of a traditional use by an aboriginal people that is of continuing importance to that people, and

(iii) is not regulated under the [Heritage Conservation Act](#), and

(b) for treaty areas

(i) is subject to a treaty right, and

(ii) is not regulated under the [Heritage Conservation Act](#);

"designated watershed" means a designated watershed established in an order under section 35;

"fisheries sensitive watershed" means a fisheries sensitive watershed established in an order under section 27;

"invasive plant" means a species of plant identified in an order under section 33;

"resource feature" means a resource feature identified under section 25;

"stream" means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and that

(a) has a continuous channel bed that is 100 m or more in length, or

(b) flows directly into

(i) a fish stream or a fish-bearing lake or wetland, or

(ii) a waterworks;

"temperature sensitive stream" means a temperature sensitive stream identified in an order under section 28;

"ungulate winter range" means an ungulate winter range established in an order under section 31;

"wetland" means a swamp, marsh, bog, fen or other similar area that supports natural vegetation that is distinct from adjacent upland areas or enclosed uplands;

"wildlife" means

- (a) vertebrates that are mammals, birds, fish, reptiles or amphibians,
- (b) invertebrates,
- (c) plants, and
- (d) lichens

and includes all stages of development of the vertebrates, invertebrates, plants or lichens;

"wildlife habitat" means the physical and biological components and characteristics of the environment, including air, soil, water, food and cover, on which wildlife depend directly or indirectly to survive and carry out their life processes;

"wildlife habitat area" means a wildlife habitat area established in an order under section 30;

"wildlife habitat feature" means a wildlife habitat feature identified in an order under section 26.

[am. B.C. Regs. 136/2013, Sch. s. 1; 214/2014, s. 1 (a); 41/2016, s. 10.]

Application

2 This regulation applies only to Crown land and does not apply to subsurface oil and gas activities associated with an operating area.

Measuring distances

3 In this regulation, a reference to distance is a reference to the slope distance.

Part 2 — Permit Considerations and Directions

Division 1 — Government's Environmental Objectives

Water

4 (1) In this section, "**well site**" does not include the site of a water source well unless the water source well is being used under the *Water Sustainability Act* for the diversion of deep groundwater.

(2) The following objectives with respect to water quality, quantity and timing of flow are prescribed for the purposes of the definition of "government's environmental objectives" in section 1 (2) of the Act:

(a) that well sites, facility areas, road right of way and pipeline corridors not be located within

(i) 100 m of where water is diverted by a waterworks or stored in a water storage reservoir, or

(ii) 100 m of where water is diverted by a water supply well or the groundwater capture zone for the water supply well, whichever is greater,

unless

(iii) any adverse effects on the waterworks, water supply well, water storage reservoir or groundwater capture zone can be effectively mitigated, or

(iv) the person proposing to locate the operating area is the holder of the authorization for the waterworks, water supply well or water storage reservoir;

(b) that operating areas not be located

(i) within an identified groundwater recharge area,

(ii) within a designated watershed, or

(iii) on top of an identified aquifer

unless the operating area will not have a material adverse effect on the quality and quantity of water and the natural timing of water flow.

[am. B.C. Regs. 136/2013, Sch. s. 2; 214/2014, s. 1 (b); 41/2016, s. 11.]

Riparian values

5 The following objectives with respect to riparian values are prescribed for the purposes of the definition of "government's environmental objectives" in section 1 (2) of the Act:

(a) that operating areas not be located within any of the following:

(i) a stream, except to facilitate the crossing of the stream;

(ii) a lake, except to facilitate

(A) the crossing of the lake, or

- (B)geophysical exploration on lakes that are frozen to the bottom;
- (iii)a wetland with a riparian class of W2, except to facilitate the crossing of the wetland;
- (iv)an enclosed upland within a wetland, unless
 - (A)the wetland has a riparian class of W1 or W3,
 - (B)the enclosed upland is greater than 5 ha, and
 - (C)it is not practicable to locate the operating area elsewhere;
- (v)a riparian reserve zone except to facilitate a crossing of the applicable stream, wetland or lake;
- (vi)except to facilitate a crossing, a riparian management zone, unless an operating area will not have a material adverse effect on the ability of the riparian management zone to
 - (A)conserve the fish habitat, wildlife habitat, biodiversity and the water values of the riparian management zone, and
 - (B)protect the riparian reserve zone, if any, and
- (b)that sufficient streamside trees and understory vegetation be retained to prevent the temperature of a temperature sensitive stream from increasing or decreasing to an extent that would have a material adverse impact on the fish in the stream.

Wildlife and wildlife habitat

6 The following objectives with respect to wildlife and wildlife habitat are prescribed for the purposes of the definition of "government's environmental objectives" in section 1 (2) of the Act:

- (a)that operating areas not be located within any of the following:
 - (i)a wildlife habitat area, unless an operating area will not have a material adverse effect on the ability of the wildlife habitat within the wildlife habitat area to provide for the survival, within the wildlife habitat area, of the wildlife species for which the wildlife habitat area was established;
 - (ii)an ungulate winter range, unless an operating area will not have a material adverse effect on the ability of the wildlife habitat within the ungulate winter range to provide for the survival, within the ungulate winter range, of the

ungulate species for which the ungulate winter range was established;

(iii) a fisheries sensitive watershed, unless an operating area will not have a material adverse effect on the ability of the fisheries sensitive watershed to protect downstream fisheries and watershed values,

(b) that oil and gas activities on an operating area outside of a wildlife habitat area be carried out at a time and in a manner that does not result in physical disturbance to high priority wildlife or their habitat, including disturbance during sensitive seasons and critical life-cycle stages,

(c) that no portion of an operating area be within a wildlife tree retention area, and

(d) that oil and gas activities not damage or render ineffective a wildlife habitat feature.

Old-growth management areas, resource features, cultural heritage resources

7 For the purposes of the definition of "government's environmental objectives" in section 1 (2) of the Act, the following objectives are prescribed:

(a) that operating areas not be located within an old-growth management area unless it will not have a material adverse effect on the old seral stage forest representation within that area;

(b) that oil and gas activities not damage or render ineffective a resource feature;

(c) that oil and gas activities conserve or, if necessary, protect cultural heritage resources.

[am. B.C. Reg. 136/2013, Sch. s. 3.]

Division 2 — Criterion for Amendments and Extensions

Criterion

8 In deciding whether to amend a permit under section 31 (7) of the Act or grant an extension under section 32 (5) of the Act, the commission must consider whether the amendment or extension, as applicable, is consistent with the government's environmental objectives set out in Division 1 of this Part.

Part 3 — Environmental Protection and Management Requirements

Division 0.1 — Application

Master licence to cut

8.1 This Part also applies to a holder of a master licence to cut, as defined in section 47.4 (1) of the *Forest Act*, as though harvesting timber under the master licence to cut is, for the purposes of sections 9 to 17 and 19 to 21 of this regulation, carrying out an oil and gas activity.

[en. B.C. Reg. 148/2012, s. (b).]

Division 1 — Operating Areas

Water quality

9 (1) Subject to subsection (2), a person who is carrying out an oil and gas activity on an operating area that contains a waterworks or water supply well must ensure that the oil and gas activity does not cause a material adverse effect on the quality, quantity or flow of the water to the waterworks or water supply well.

(2) A person is not prohibited from carrying out an oil and gas activity under subsection (1) if

(a) it is not practicable to comply with subsection (1),

(b) the adverse effect is minimized, and

(c) the person

(i) gives notice to the owner or user of the waterworks or water supply well at least 72 hours before adversely affecting the water supply, and

(ii) for the period in which the water supply will be adversely affected, provides the owner or user of the waterworks or water supply well with an alternate supply of water of equal or better quality.

Aquifers

10 A person carrying out an oil and gas activity on an operating area on top of an aquifer must ensure that the activity does not cause a material adverse effect on the quality, quantity or natural timing of flow of water in the aquifer.

Crossings of streams, wetlands and lakes

11 A person who carries out an oil and gas activity on an operating area must, for each crossing of a stream, wetland and lake, ensure all of the following:

(a) the crossing is constructed and maintained at times and in a manner that is unlikely to harm fish or destroy, damage or harmfully alter fish habitat;

- (b)the crossing does not
 - (i)prevent the movement of fish, nor
 - (ii)impede the movement of fish to the extent that it is harmful to the survival of the fish;
- (c)the side of the stream, wetland or lake is protected at the crossing;
- (d)any disturbance to the stream channel and stream bank, wetland, or lake bottom, as applicable, is mitigated.

No deleterious materials into streams, wetlands or lakes

12 A person who carries out an oil and gas activity on an operating area must ensure that the oil and gas activity does not result in any deleterious materials being deposited into a stream, wetland or lake.

Operations within wetlands

13 A person carrying out an oil and gas activity in a wetland must, to the extent practicable, maintain natural flow of water in the wetland.

Natural range barriers

14 If a person carrying out an oil and gas activity on an operating area causes the removal or the rendering ineffective of a natural range barrier, the person must, before livestock is turned out on the area, or, if turnout has occurred, as soon as practicable, construct a replacement barrier that is at least as effective as the one removed or rendered ineffective was before the removal or rendering ineffective.

Invasive plants

15 A person carrying out an oil and gas activity on an operating area must

- (a)make reasonable efforts to ensure that seed, plant parts or propagules of an invasive plant are not transported into the area while carrying out the oil and gas activities,
- (b)to prevent invasive plants from becoming established, revegetate areas disturbed by the oil and gas activity using seed of ecologically suitable species as soon as practicable after the disturbance, and
- (c)if on a well site or a facility area, ensure that invasive plants do not become established on the wellsite or facility area.

Forest health

16 A person carrying out an oil and gas activity on an operating area that is occupied by insects harmful to forest health must not create conditions for the spread of the insects.

Conserving soil

17 A person carrying out an oil and gas activity that disturbs the surface of an operating area must

- (a) not cause the soil of the area to become unstable, and
- (b) minimize any alteration to the natural surface drainage patterns on the area.

Seismic lines

18 (1) A person constructing a seismic line on an enclosed upland must, to the extent practicable, construct a cut line that

- (a) is a maximum of 3.0 metres in width,
- (b) avoids large standing trees, and
- (c) leaves the soil and ground cover generally undisturbed.

(2) A person constructing a seismic line within a riparian reserve zone must

- (a) construct a cut line as described in subsection (1), and
- (b) to the extent practicable, retain forest cover and mature trees.

(3) A person constructing a seismic line must not damage or render ineffective a wildlife habitat feature or a resource feature.

Areas to be restored

19 (1) A person who carried out an oil and gas activity on an operating area and who no longer intends to do so must, as soon as practicable, restore the operating area by doing the following:

- (a) de-compacting any soils compacted by the oil and gas activity;
- (b) redistributing any retrievable surface soils that were removed from the operating area during construction so that the soil structure is restored, to the extent practicable, to its condition before the oil and gas activity was begun;
- (c) if the natural surface drainage pattern was altered by the carrying out of the oil and gas activity, restoring, to the extent practicable, the drainage pattern to its condition before the alteration;
- (d) re-vegetating any exposed soil on the operating area using seed or vegetative propagules of an ecologically suitable species that

(i) promote the restoration of the wildlife habitat that existed on the area before the oil and gas activity was begun, and

(ii) stabilize the soil if it is highly susceptible to erosion;

(e) removing any structure that was constructed to cross a stream, wetland or lake and ensuring that the site of the structure is in a stable condition;

(f) stabilizing any cut slopes or fill slopes in well sites and facility areas;

(g) re-contouring bladed areas or excavations in pipeline corridors and seismic lines.

(2) Sections 9 to 18 and 20 apply to a person restoring an operating area under subsection (1) of this section as though the person were carrying out an oil and gas activity on the operating area.

(3) Subsection (1) (a) and (b) does not apply to an operating area that is a road right of way.

[am. B.C. Reg. 136/2013, Sch. s. 4.]

Division 2 — Adjacent Areas

Water quality

20 (1) Subject to subsection (2), a person who is carrying out an oil and gas activity on an operating area must ensure that the oil and gas activity does not cause a material adverse effect on the quality, quantity or timing of flow of water to a waterworks or a water supply well located on an adjacent area.

(2) A person is not prohibited from carrying out an oil and gas activity under subsection (1) if

(a) it is not practicable to comply with subsection (1),

(b) the adverse effect is minimized, and

(c) the person

(i) gives notice to the owner or user of the waterworks or water supply well at least 72 hours before adversely affecting the water supply, and

(ii) for the period in which the water supply will be adversely affected, provides the owner or user of the waterworks or water supply well with an alternate supply of water of equal or better quality.

Division 3 — Exemptions

Exemptions by commission

21 The commission may exempt a person or a class of persons from one or more of the requirements of Divisions 1 and 2 of this Part if satisfied that, in the circumstances, it is not reasonably practicable for the person to comply with the requirement.

Part 4 — Classification, Identification and Establishment

Division 1 — Riparian Classification

Stream riparian classes

22 (1) In this section, "**active flood plain**" means the level area with alluvial soils, adjacent to streams, that is flooded by stream water on a periodic basis and is at the same elevation as areas showing evidence of

- (a) flood channels free of terrestrial vegetation,
- (b) rafted debris or fluvial sediments, recently deposited on the surface of the forest floor or suspended on trees or vegetation, or
- (c) recent scarring of trees by material moved by flood waters.

(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;
- (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.

(4) Subject to subsection (5), for each riparian class of stream, the minimum riparian management area width, riparian reserve zone width and riparian management zone width, on each side of the stream, are as follows:

Item	Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
1	S1-A	100	50	50

2	S1-B	70	50	20
3	S2	50	30	20
4	S3	40	20	20
5	S4	30	0	30
6	S5	30	0	30
7	S6	20	0	20

(5) If the width of the active flood plain of a stream exceeds the specified width for the riparian management zone, the width of the riparian management zone is the outer edge of the active flood plain.

(6) The riparian reserve zone for a stream begins at the edge of the stream channel bank and extends to the width described in subsection (4).

(7) The riparian management zone for a stream begins at

- (a) the outer edge of the riparian reserve zone, or
- (b) if there is no riparian reserve zone, the edge of the stream channel bank,

and extends to the width described in subsection (4).

Wetland riparian classes

23 (1) Wetlands have the following riparian classes:

- (a) W1, if the wetland is greater than 5 ha in size but is not a wetland with a riparian class of W3;
- (b) W2, if the wetland is not less than 0.25 ha but not more than 5 ha in size;
- (c) W3, if the wetland is greater than 1000 ha in size and located in the BWBSmw1 or BWBSmw2 biogeoclimatic subzone.

(2) For each riparian class of wetland, the minimum riparian management area width, riparian reserve zone width and riparian management zone width for the wetland are as follows:

Item	Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
1	W1	50	10	40
2	W2	30	10	20
3	W3	0	0	0

(3) The riparian management area for a wetland begins at the edge of the wetland and extends to the width described in subsection (2).

(4) The size of a wetland includes any enclosed upland area encompassed by the wetland.

(5)For greater certainty, the edge of a wetland, referred to in subsection (3), does not include the boundary between the wetland and any enclosed upland referred to in subsection (4).

Lake riparian classes

24 (1)Lakes have the following riparian classes:

- (a)L1-A, if the lake is 1 000 ha or greater in size;
- (b)L1-B, if the lake is greater than 5 ha but less than 1 000 ha in size;
- (c)L2, if the lake is not less than 1 ha and not more than 5 ha in size and is located in a biogeoclimatic zones or subzone that is
 - (i)Ponderosa Pine,
 - (ii)Bunch Grass,
 - (iii)Interior Douglas-fir, very dry hot, very dry warm or very dry mild,
 - (iv)Coastal Douglas-fir, or
 - (v)Coastal Western Hemlock, very dry maritime, dry maritime or dry submaritime;
- (d)L3, if the lake is not less than 1 ha and not more than 5 ha in size and is in a biogeoclimatic zone or subzone other than one referred to in paragraph (c);
- (e)L4, if the lake is
 - (i)not less than 0.25 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (c) (i), (ii) or (iii), or
 - (ii)not less than 0.5 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (c) (iv) or (v).

(2)For each riparian class of lake, the minimum riparian management area width, riparian reserve zone width and riparian management zone width are as follows:

Item	Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
1	L1-A	70	50	20
2	L1-B	40	20	20
3	L2	30	10	20
4	L3	30	0	30
5	L4	30	0	30

(3)The riparian reserve zone for a lake begins at the edge of the lake and extends to the width described in subsection (2).

(4)The riparian management zone for a lake begins at

(a)the outer edge of the riparian reserve zone, or

(b)if there is no riparian reserve zone, the edge of the lake,

and extends to the width described in subsection (2).

Division 2 — Identification and Establishment

Resource features identified

25 Each of the following is a resource feature:

(a)a surface or subsurface element of a karst system;

(b)a range development as defined under the *Forest and Range Practices Act*;

(c)Crown land used for research or experimental purposes;

(d)a permanent sample site used as a snow course by or on behalf of the federal or Provincial government for the purpose of measuring the water content of the snow pack on a given area;

(e)an interpretative forest site, a recreation site or a recreation trail established or continued under the *Forest and Range Practices Act*;

(f)a trail or other recreation facility that is authorized under the *Forest and Range Practices Act*;

(g)a recreation feature identified under the *Forest and Range Practices Act*.

Wildlife habitat features identified

26 (1)The minister responsible for administering the *Wildlife Act*, by order, may identify any or all of the following as a wildlife habitat feature:

(a)a fisheries sensitive feature;

(b)a marine sensitive feature;

(c)a significant mineral lick or wallow;

(d)a nest of

(i)a bald eagle,

(ii)an osprey,

(iii)a great blue heron, or

(iv)a category of species at risk that is limited to birds;

(e)any other localized feature that the minister responsible for the *Wildlife Act* considers to be a wildlife habitat feature.

(2) Identification of a wildlife habitat feature under subsection (1) may be by category or type and may be restricted to a specified geographic location.

Fisheries sensitive watersheds established

27 The minister responsible for administering the *Wildlife Act*, by order, may establish a fisheries sensitive watershed in a watershed that has significant downstream fisheries values, significant fisheries values and significant watershed sensitivity if satisfied that the area requires special management to protect fish by

(a) conserving

(i) the natural hydrological conditions, natural stream bed dynamics and stream channel integrity, and

(ii) the quality, quantity and timing of water flow, or

(b) preventing cumulative hydrological effects that would have a material adverse effect on fish.

Temperature sensitive streams

28 The minister responsible for the *Wildlife Act*, by order, may identify a portion of a fish stream as a temperature sensitive stream if satisfied that trees are required adjacent to the stream to manage the temperature of the designated portion for the protection of fish.

Categories of species of wildlife established

29 The minister responsible for administering the *Wildlife Act*, by order, may do any or all of the following:

(a) establish one or more categories identifying species of wildlife as species at risk;

(b) establish one or more categories identifying species of wildlife as regionally important wildlife;

(c) establish one or more categories identifying ungulate species for which an ungulate winter range may be established.

Wildlife habitat areas established

30 The minister responsible for administering the *Wildlife Act*, by order, may establish an area as a wildlife habitat area, if satisfied that the area is necessary to meet the habitat requirements of a category of species at risk or regionally important wildlife.

Ungulate winter ranges established

31 The minister responsible for administering the *Wildlife Act*, by order, may establish an area as an ungulate winter range, if satisfied that the area contains habitat necessary to meet the habitat requirements of a category of ungulate species.

Old-growth management areas established

32 The minister responsible for administering the *Land Act* by order may establish one or more areas as an old-growth management area for the purpose of providing old seral stage forest representation.

Invasive plants identified

33 The minister responsible for administering the *Land Act*, by order, may establish one or more species of plants as invasive plants.

Aquifers and groundwater recharge areas identified

34 The minister responsible for administering the *Water Sustainability Act*, by order, may identify

- (a) an aquifer, and
- (b) a groundwater recharge area.

[am. B.C. Reg. 41/2016, s. 12.]

Designated watersheds established

35 The minister responsible for administering the *Water Sustainability Act*, by order, may establish a watershed or a portion of a watershed, including a community watershed or a portion of a community watershed, as a designated watershed, if the minister is satisfied that the watershed or portion of the watershed requires special management to protect

- (a) the quality or quantity of water, or
- (b) the timing of flow of water.

[am. B.C. Reg. 41/2016, s. 12.]

Review and comment

36 (1) Subject to subsection (2), a minister, before making an order under sections 26, 29 or 33, must provide an opportunity for review and comment to organizations that the minister considers representative of holders of leases and licences entered into under the *Petroleum and Natural Gas Act* that may be affected by the order.

(2) Subsection (1) does not apply to the following:

- (a)an order under section 26 identifying a wildlife habitat feature if, before the coming into force of this section, the wildlife habitat feature was identified in an order under the Government Actions Regulation, B.C. Reg. 582/2004;
- (b)an order under section 29 establishing a species category if, before the coming into force of this section, the species category had been established as a species category by an order under the Government Actions Regulation, B.C. Reg. 582/2004;
- (c)an order under section 33 identifying a species of plant as an invasive plant if, before the coming into force of this section, the species of plant was identified as an invasive plant in Schedule A of the Weed Control Regulation, B.C. Reg. 66/85.

Notice and consultation

37 (1)Subject to subsection (2), a minister, before making an order under any of sections 27, 28, 30 to 32, 34 or 35 must

- (a)provide notice of the proposed order to
 - (i)organizations that the minister considers representative of persons who
 - (A)conduct geophysical exploration, or
 - (B)construct pipelines but who do not hold an associated drilling licence or lease,
 - that will be affected by the order, and
 - (ii)holders of leases or drilling licences under the *Petroleum and Natural Gas Act* that will be affected by the order, and
- (b)consult with persons referred to in paragraph (a) if the order may have a material adverse effect on that person.

(2)Subsection (1) does not apply to the following:

- (a)an order under section 27 establishing a fisheries sensitive watershed if, before the coming into force of this section, the fisheries sensitive watershed was identified under the Government Actions Regulation, B.C. Reg. 582/2004;
- (b)an order under section 28 identifying a stream as a temperature sensitive stream if, before the coming into force of this section, the temperature sensitive stream was identified under the Government Actions Regulation, B.C. Reg. 582/2004;

(c)an order under section 30 establishing a wildlife habitat area if, before the coming into force of this section, the wildlife habitat area was

(i)continued under section 180 (b) of the *Forest and Range Practices Act*, or

(ii)designated under the Government Actions Regulation, B.C. Reg. 582/2004;

(d)an order under section 31 establishing an ungulate winter range if, before the coming into force of this section, the ungulate winter range was

(i)continued under section 180 (a) of the *Forest and Range Practices Act*, or

(ii)designated under the Government Actions Regulation, B.C. Reg. 582/2004;

(e)an order under section 32 establishing an old-growth management area if, before the coming into force of this section, the area is spatially defined and subject to a spatial old-growth management objective that is

(i)continued under section 93.8 of the *Land Act*, or

(ii)established under the Land Use Objectives Regulation, B.C. Reg. 357/2005;

(f)an order under section 35 establishing a watershed or portion of a watershed as a designated watershed that is a community watershed if, before the coming into force of this section, the community watershed was

(i)established under section 41 (8) to (13) of the *Forest Practices Code of British Columbia Act*,

(ii)continued under section 180 (e) of the *Forest and Range Practices Act*, or

(iii)designated under the Government Actions Regulation, B.C. Reg. 582/2004.

Orders take effect

38 An order made under section 26 to 35

(a)comes into force on the date that notice of the order is published in the Gazette, and

(b)does not apply to

- (i) oil and gas activities permitted by a permit issued before the order comes into force, or
- (ii) an application for a permit under section 25, 31 or 32 of the Act if the application was submitted to the commission before the order comes into force.

Division 3 — Delegation

Ministers may delegate

39 (1) Each of the ministers responsible for administering the *Wildlife Act*, the *Water Sustainability Act* and the *Land Act*, respectively, may, in writing, do one or more of the following:

(a) delegate a power or duty of that minister under Division 2 to one or more of the following:

- (i) another minister;
- (ii) a person or class of persons employed under the *Public Service Act*;
- (iii) an official;

(b) vary or revoke a delegation.

(2) A delegation under subsection (1) may be made generally or in relation to one or more of the following:

- (a) particular circumstances;
- (b) particular periods;
- (c) particular geographic areas;
- (d) particular persons or classes of persons.

[am. B.C. Reg. 41/2016, s. 13.]

*. see B.C. Reg 274/2010, s. (d)

[Provisions relevant to the enactment of this regulation: *Oil and Gas Activities Act*, S.B.C. 2008, c. 36, sections 94, 103 and 104]