

B.C. Reg. 385/81
O.C. 1991/81

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Forest Act

CREDIT TO STUMPAGE REGULATION

[includes amendments up to B.C. Reg. 81/87]

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Interpretation

1 (1) In this regulation:

"basic silviculture" means surveying, planting, direct seeding, brushing and weeding and site preparation for regeneration;

"expense" means an expense that is approved or ascertained under section 110 of the *Forest Act*;

"logging access road" means a road that

- (a) is part of a route approved by the regional manager,
- (b) is built on Crown land, for the extraction of Crown timber, by the holder of an agreement entered into under Part 3 of the *Forest Act*, and
- (c) will be retained on a continuing basis for the utilization and management of Crown forests, for the development of other Crown resources and for availing public access.

(2) In sections 2 and 3, **"unit"** means a tree farm licence area or timber supply area.

[am. B.C. Reg. 295/82.]

Prescribed area

2 Where a person incurs an expense by

- (a) constructing a logging access road that develops a unit,
- (b) applying reforestation or other silvicultural treatment in a unit, or
- (c) carrying out another responsibility in a unit,

the prescribed area referred to in section 110 (2) of the Act is that unit.

Section Spent

2.1 Spent.

Exception, where cutting redirected

3 (1) Notwithstanding section 2, where, in order to salvage windthrown, dead, damaged or diseased timber, the regional manager requests a person who has incurred an expense to

- (a) curtail or suspend cutting in the unit in respect of which he incurred the expense, and
- (b) cut in another unit,

then the prescribed area referred to in section 110 (2) of the Act includes that other unit, but only during the period specified in the request of the regional manager and while the person continues to comply with the request.

(2) Where subsection (1) applies,

- (a) the part of the expense proportionate to the extent that the person who incurred it complies with the request of the regional manager by continuing to cut in the unit in respect of which the expense was incurred shall be applied as a credit against stumpage payable by the person in respect of timber harvested in that unit, and
- (b) the other part of the expense shall be applied as a credit against stumpage payable by the person in respect of timber harvested in the other unit specified in the request of the regional manager.

(3) This section does not apply to an area to which section 5 or 6 applies.

Exception, where a p.s.y.u. is not wholly within one t.s.a.

4 Notwithstanding section 2, but subject to section 2.1, where a person incurs an expense under an agreement authorizing harvesting in a public sustained yield unit that forms part of 2 or more timber supply areas, the prescribed area referred to in section 110 (2) of the Act is the timber supply area or areas in which timber is harvested under the agreement.

[en. B.C. Reg. 36/82; am. B.C. Reg. 295/82.]

Exception, Vancouver forest region and the coastal portion of the Prince Rupert forest region

5 Notwithstanding section 2 but subject to section 2.1, where an expense is incurred in the Vancouver forest region or the portion of the Prince Rupert forest region west of the Cascade Mountains, the prescribed area referred to in section 110 (2) of the Act is the portion of the Province west of the Cascade Mountains.

[en. B.C. Reg. 312/85.]

Section Repealed

6 Repealed. [B.C. Reg. 312/85.]

Exception, forest nursery or seed orchard

7 Where a person incurs an expense referred to in section 110 (1) of the Act, the prescribed area referred to in section 110 (1) of the Act is the Province.

[Provisions of the *Forest Act*, R.S.B.C. 1996, c. 157, relevant to the enactment of this regulation: sections 110 and 151]