

Forest Act

WOODLOT LICENCE REGULATION

[includes amendments up to B.C. Reg. 299/99]

Contents

- 1 Minor change of boundary or area
- 2 Major change of boundary or area
- 3 Criteria that must be considered by the district manager in respect of a timber processing facility
- 4 Timber processing facility production capacity
- 5 Requirements that must be met before a a timber processing facility may be authorized
- 6 Types of conditions in respect of a timber processing facility

Minor change of boundary or area

1 Under section 47.1 of the *Forest Act*, a district manager may change a boundary or area concerning the Crown land portion of a woodlot licence area, if the change does not increase the area of Crown land covered by the woodlot licence by more than 10% and the district manager is satisfied with respect to all of the following:

- (a) forest resource management will be improved;
- (b) the Crown land being added to the woodlot licence area is not subject to a conflicting claim or charge;
- (c) the area to be added is close to the boundary of the woodlot licence area;
- (d) the most reasonable route of access into the area to be added is through the existing woodlot licence area;
- (e) the financial accounts of the holder of the licence with the government have been kept up to date by the holder.

[en. B.C. Reg. 299/99, s. 2.]

Major change of boundary or area

2 Under section 47.1 of the *Forest Act*, a district manager may change a boundary or area, if section 1 of this regulation does not apply and the district manager is satisfied with respect to all of the following:

- (a) forest resource management will be improved;
- (b) the licence has been in effect at least 5 years;
- (c) the area to be added is close to the boundary of the woodlot licence area;
- (d) the financial accounts of the holder of the licence with the government have been kept up to date by the holder;
- (e) the Crown land being added to the woodlot licence area is not subject to a conflicting claim or charge;

(f) the holder of the licence has managed the woodlot licence area in substantial compliance with the licence for a period of at least 5 years immediately preceding the change.

[en. B.C. Reg. 299/99, s. 2.]

**Criteria that must be considered by the district manager
in respect of a timber processing facility**

3 Before the district manager

- (a) enters into a woodlot licence with a person, corporation or band that owns or leases, or controls a corporation that owns or leases, a timber processing facility in British Columbia,
- (b) offers a replacement woodlot licence under section 46 of the *Forest Act* to a person, corporation or band that owns or leases, or controls a corporation that owns or leases, a timber processing facility in British Columbia, or
- (c) permits the holder of a woodlot licence to own or lease, or control a corporation that owns or leases, a timber processing facility in British Columbia

the district manager must consider whether or not the timber processing facility would negatively impact the operation of

- (d) any timber processing facility in that forest district, or
- (e) any timber processing facility that the district manager is aware of in an adjacent forest district,

that is associated with a category 2 small business forest enterprise under the Small Business Forest Enterprise Regulation or operated by the holder of a major licence.

Timber processing facility production capacity

4 (1) For the purposes of section 46.1 (2) to (4) of the *Forest Act*, the production capacity of the timber processing facility must be less than

- (a) 10 000 board feet per day, or
- (b) a production capacity specified by the district manager.

(2) The district manager may only specify a production capacity under subsection (1) (b) that exceeds 10 000 board feet per day if the district manager is satisfied that the greater capacity

- (a) better meets the economic or social needs of a community or band, and
- (b) will not negatively impact the operation of
 - (i) any timber processing facility in that forest district, or
 - (ii) any timber processing facility that the district manager is aware of in an adjacent forest district,

that is associated with a category 2 small business forest enterprise under the Small Business Forest Enterprise Regulation or operated by the holder of a major licence.

(3) The production capacity referred to in subsection (1) (a) or (b) does not include production capacity for any of the following:

- (a) peeling of posts or rails;

- (b) chipping of whole wood;
- (c) manufacture of building logs;
- (d) remanufacturing of lumber or cants into some other product;
- (e) any similar activity, other than the manufacture of lumber or cants as the end product.

**Requirements that must be met before a
a timber processing facility may be authorized**

5 (1) For the purposes of section 46.1 (2) (a), (3) (a) and (4) (a) of the *Forest Act*, the person, corporation or band must be proposing a timber processing facility that the district manager considers would not negatively impact the operation of

- (a) any timber processing facility in that forest district, or
- (b) any timber processing facility that the district manager is aware of in an adjacent forest district,

that is associated with a category 2 small business forest enterprise under the Small Business Forest Enterprise Regulation or operated by the holder of a major licence.

(2) For the purposes of section 46.1 (2) (a), (3) (a) and (4) (a) of the *Forest Act*, if the person, corporation or band

(a) is the holder of an operational plan under which the person, corporation or band is to establish a free growing stand, the district manager must be satisfied that the person, corporation or band has carried out,

(i) for silvicultural systems other than single tree selection, a regime of silviculture treatments designed to achieve the target number of healthy, well spaced trees of the preferred and acceptable species per hectare specified in the plan or in Schedule A of the Woodlot Licence Forest Management Regulation, and

(ii) for a single tree selection silvicultural system, a regime of harvesting and silviculture treatments designed to achieve the target number of healthy, well spaced trees of the preferred and acceptable species per hectare, for at least one layer, specified in the plan or in Schedule A of the Woodlot Licence Forest Management Regulation, or

(b) is subject to a management plan, the district manager must be satisfied that the person, corporation or band is adequately complying with any commitments specified in the management plan, or

(c) is required to establish a free growing stand under section 9 (3) of the Woodlot Licence Forest Management Regulation, the district manager must be satisfied that the person corporation or band has carried out,

(i) for silvicultural systems other than single tree selection, a regime of silviculture treatments designed to achieve the target number of healthy, well spaced trees of the preferred and acceptable species per hectare required under that subsection, and

(ii) for a single tree selection silvicultural system, a regime of harvesting and silviculture treatments designed to achieve the target number of healthy, well spaced trees of the preferred and acceptable species per hectare, for at least one layer, required under that subsection.

Types of conditions in respect of a timber processing facility

6 For the purposes of section 46.1 (2) (b), (3) (b), (4) (b) and (5) (c) of the *Forest Act*, the district manager may impose conditions in a woodlot licence, including, without limitation, conditions related to the following:

- (a) the location of a timber processing facility;
- (b) the length of time that the timber processing facility may be situated at the location;
- (c) the management of waste.

Note: *this regulation replaces B.C. Reg. 476/95*

[Provisions of the *Forest Act*, R.S.B.C. 1996, c. 157, relevant to the enactment of this regulation: sections 46.1 and 47.1]