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Forest Practices Code of British Columbia Act

STRATEGIC PLANNING REGULATION

[includes amendments up to B.C. Reg. 348/97]

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Part 1 — Definitions

Definitions

1 In this regulation:

"Act" means the *Forest Practices Code of British Columbia Act*;

"biological diversity" means the diversity of plants, animals and other living organisms in all their forms and levels of organization and includes the diversity of genes, species, ecosystems, and the evolutionary and functional processes that link them;

"ministry" means the Ministry of Forests;

"newspaper" means a newspaper circulating in the area of a zone, unit, site or trail, or if no newspaper circulates in that area, then a newspaper that circulates nearest to that area and includes a newspaper that is free and one that does not have subscribers.

Part 2 — Strategic Planning and Objectives

Resource management zones and objectives: review and comment

2 (1) Before the ministers establish, vary or cancel a resource management zone or objective under section 3 of the Act, the regional manager must publish in the Gazette and in a newspaper a notice stating

(a) that a resource management zone or objective is proposed to be established, varied or cancelled under section 3 of the Act,

(b) the location of the resource management zone

(i) that is proposed to be established, varied or cancelled, or

(ii) to which the objective proposed to be established, varied or cancelled relates,

(c) that the following are available at the ministry regional office and district office:

(i) a copy of the proposed order establishing, varying or cancelling the resource management zone or objective;

(ii) in the case of a resource management zone, a copy of the proposed or established objectives for the zone;

(iii) a map showing the location and boundaries of the resource management zone

(A) that is proposed to be established, varied or cancelled, or

(B) to which the objective proposed to be established, varied or cancelled relates, and

(d) that comments on the proposal may be delivered to the ministry regional office or district office within 60 days of the date of the last publication of the notice in the Gazette or newspaper.

(2) Despite subsection (1) (d), if the order establishing, varying or cancelling the resource management zone or objective is to take effect, under section 3 (4), before the 60 day period referred to in subsection (1) (d) expires, the 60 day period is reduced to a period commensurate with the time that the order takes effect.

(3) If the 60 day period is reduced to less than 15 days under subsection (2), subsection (1) does not apply.

[am. B.C. Reg. 348/97, s. 1.]

Resource management zones and objectives: notice of an impending order

3 (1) When the ministers are establishing, varying or cancelling a resource management zone or objective under section 3 of the Act, the regional manager must publish in the Gazette and in a newspaper a notice stating

(a) that a resource management zone or objective is to be established, varied or cancelled under section 3 of the Act,

(b) the location of the resource management zone

(i) that is to be established, varied or cancelled, or

(ii) to which the objective to be established, varied or cancelled relates,

(c) that the following are available at the ministry regional office and district office:

(i) a copy of the order establishing, varying or cancelling the resource management zone or objective;

(ii) in the case of a resource management zone, a copy of the objectives for the zone;

(iii) a map showing the location and boundaries of the resource management zone

(A) that is to be established, varied or cancelled, or

(B) to which the objective to be established, varied or cancelled relates;

(iv) a summary of any revisions made to the resource management zone or objective as a result of the review and comment under section 2, and

(d) the date the order takes effect.

(2) If review and comment was not required under section 2 (2), the notice referred to in subsection (1) need not contain the summary referred to in subsection (1) (c) (iv).

(3) Despite subsection (1), the notice required by that subsection need not be published if the ministers are of the opinion that the establishment, variance or cancellation of the resource management zone or objective does not significantly affect the public.

(4) For the purposes of section 3 (6) (b) of the Act, an order establishing, varying or cancelling a resource management zone or objective may specify a date other than that set out in section 3 (6) (a) of the Act if the ministers are satisfied that doing so will adequately manage and conserve the forest resources of the resource management zone.

[am. B.C. Reg. 348/97, s. 2.]

Landscape units and objectives: review and comment

4 (1) Before establishing, varying or cancelling a landscape unit or objective under section 4 of the Act, the district manager must publish in a newspaper a notice stating

(a) that a landscape unit or objective is proposed to be established, varied or cancelled under section 4 of the Act,

(b) the location of the landscape unit

(i) that is proposed to be established, varied or cancelled, or

(ii) to which the objective proposed to be established, varied or cancelled relates,

(c) that the following are available at the ministry regional office and district office:

(i) a copy of the proposed order establishing, varying or cancelling the landscape unit or objective;

(ii) in the case of a landscape unit, a copy of the proposed or established objectives for the unit;

(iii) a map showing the location and boundaries of the landscape unit

(A) that is proposed to be established, varied or cancelled, or

(B) to which the objective proposed to be established, varied or cancelled relates, and

(d) that comments on the proposal may be delivered to the ministry regional office or district office within 60 days of the date of publication in the newspaper.

(2) Despite subsection (1) (d), if the order establishing, varying or cancelling the landscape unit or objective is to take effect, under section 6 (4), before the 60 day period referred to in subsection (1) (d) expires, the 60 day period is reduced to a period commensurate with the time that the order takes effect.

(3) If the 60 day period is reduced to less than 15 days under subsection (2), subsection (1) does not apply.

Landscape unit objectives for biological diversity

5 When establishing landscape unit objectives for the purposes of section 4 (3) of the Act, the district manager may address the following:

(a) retention of old growth;

(b) seral stage distribution;

(c) landscape connectivity;

- (d) stand structure;
- (e) species composition;
- (f) temporal and spatial distribution of cutblocks.

Landscape units and objectives: notice of an impending order

6 (1) When establishing, varying or cancelling a landscape unit or objective under section 4 of the Act, the district manager must publish in a newspaper a notice stating

- (a) that a landscape unit or objective is to be established, varied or cancelled under section 4 of the Act,
- (b) the location of the landscape unit
 - (i) that is to be established, varied or cancelled, or
 - (ii) to which the objective to be established, varied or cancelled relates,
- (c) that the following are available at the ministry regional office and district office:
 - (i) a copy of the order establishing, varying or cancelling the landscape unit or objective;
 - (ii) in the case of a landscape unit, a copy of the objectives for the unit;
 - (iii) a map showing the location and boundaries of the landscape unit
 - (A) that is to be established, varied or cancelled, or
 - (B) to which the objective to be established, varied or cancelled relates;
 - (iv) a summary of any revisions made to the landscape unit or objective as a result of the review and comment under section 4, and
- (d) the date the order takes effect.

(2) If review and comment was not required under section 4 (2), the notice referred to in subsection (1) need not contain the summary referred to in subsection (1) (c) (iv).

(3) Despite subsection (1), the notice required by that subsection need not be published if the district manager is of the opinion that the establishment, variance or cancellation of the landscape unit or objective does not significantly affect the public.

(4) For the purposes of section 4 (8) (b) of the Act, an order establishing, varying or cancelling a landscape unit or objective may specify a date other than that set out in section 4 (8) (a) of the Act if the district manager is satisfied that doing so will adequately manage and conserve the forest resources of the landscape unit.

[am. B.C. Reg. 348/97, s. 3.]

Sensitive areas and objectives: notice of an impending order

7 (1) When establishing, varying or cancelling a sensitive area or objective under section 5 of the Act, the district manager must publish in a newspaper a notice stating

- (a) that a sensitive area or objective is to be established, varied or cancelled under section 5 of the Act,
- (b) the location of the sensitive area
 - (i) that is to be established, varied or cancelled, or

(ii) to which the objective to be established, varied or cancelled relates,

(c) that the following are available at the ministry regional office and district office:

(i) a copy of the order establishing, varying or cancelling the sensitive area or objective;

(ii) in the case of a sensitive area, a copy of the objectives for the area;

(iii) a map showing the location and boundaries of the sensitive area

(A) that is to be established, varied or cancelled, or

(B) to which the objective to be established, varied or cancelled relates, and

(d) the date the order takes effect.

(2) For the purposes of section 5 (8) (b) of the Act, an order establishing, varying or cancelling a sensitive area or objective may specify a date other than that set out in section 5 (8) (a) of the Act if the district manager is satisfied that doing so will adequately manage and conserve the forest resources of the sensitive area.

[am. B.C. Reg. 348/97, s. 4.]

Interpretive forest sites, recreation sites, recreation trails and objectives: notice of an impending order

8 (1) When establishing, varying or cancelling an interpretive forest site, recreation site or recreation trail or objective under section 6 of the Act, the chief forester must publish in the Gazette and in a newspaper a notice stating

(a) that an interpretive forest site, recreation site or recreation trail or objective is to be established, varied or cancelled under section 6 of the Act,

(b) the location of the interpretive forest site, recreation site or recreation trail

(i) that is to be established, varied or cancelled, or

(ii) to which the objective to be established, varied or cancelled relates,

(c) that the following are available at the ministry regional office and district office:

(i) a copy of the order establishing, varying or cancelling the site, trail or objective;

(ii) in the case of an interpretive forest site, recreation site or recreation trail, a copy of the objectives for the site or trail;

(iii) a map showing the location and boundaries of the interpretive forest site, recreation site or recreation trail

(A) that is to be established, varied or cancelled, or

(B) to which the objective to be established, varied or cancelled relates, and

(d) the date the proposed order takes effect.

(2) Despite subsection (1), the notice required by that subsection need not be published if the chief forester is of the opinion that the establishment, variance, or cancellation of the interpretive forest site, recreation site or recreation trail or objective does not significantly affect the public.

(3) If the chief forester's authority to establish, vary or cancel an objective for an interpretive forest site, recreation site or recreation trail has been delegated to an employee of the Ministry of Forests under section 6 (5) of the Act, the employee may exercise the chief forester's functions under subsections (1) and (2) with respect to that objective to the extent permitted by the delegation.

[am. B.C. Reg. 348/97, s. 5.]

Publication in ministry annual report

9 If the requirement for a notice has been waived under section 3 (3), 6 (3) or 8 (2), the establishment, variance or cancellation of the zone, unit, site, trail or objective must be included in the ministry annual report for the year in which the establishment, variance or cancellation took place.

Part 3 — Standards

Authority to establish standards

10 For the purposes of section 8 of the Act, the chief forester is authorized to establish, vary or cancel standards for operational planning and forest practices respecting all of the following:

- (a) biological diversity;
- (b) forest practices in resource management zones, landscape units and sensitive areas;
- (c) timber quality standards for wood produced on areas that have been previously harvested;
- (d) soil conservation;
- (e) silvicultural systems;
- (f) roads to which the Act applies, including the location, survey, design, construction, maintenance and deactivation standards for various types of roads;
- (g) timber harvesting, including
 - (i) felling and bucking,
 - (ii) yarding and skidding,
 - (iii) area marking,
 - (iv) density, location, design, construction and rehabilitation of logging trails, landings and fireguards,
 - (v) debris disposal, and
 - (vi) utilization;
- (h) silviculture, including vegetation management, seed, seedlings and propagule transfer and silviculture surveys;
- (i) forest health;
- (j) botanical forest products;
- (k) range management, including range use, range development and weed control;
- (l) recreation, visual landscape and wilderness management, including recreation use and resource enhancement and protection;
- (m) fire use, prevention, control and suppression;
- (n) performance of surveys and assessments.

Publication of standards

11 (1) When establishing, varying or cancelling a standard under section 8 of the Act, the chief forester must publish in the Gazette a notice stating

- (a) that a standard is to be established, varied or cancelled under section 8 of the Act,
- (b) that a copy of the standard is available at the ministry regional office and district office, and
- (c) the date the standard takes effect.

(2) For the purposes of section 8 (4) (b) of the Act, an order establishing, varying or cancelling a standard may take effect at a time earlier than that set out in section 8 (4) (a) of the Act if the chief forester is of the opinion that the order should take effect at an earlier time so as to adequately manage and conserve the forest resources of British Columbia.

Availability of standards

12 The regional manager, with respect to a standard established or varied under section 8 of the Act, must make a copy of the standard available to the public on request.

[Provisions of the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, relevant to the enactment of this regulation: sections 198, 207 and 209]