



B.C. Reg. 68/2006
O.C. 216/2006

Deposited March 31, 2006

Forest Act
WOODLOT LICENCE REGULATION

[includes amendments up to B.C. Reg. 133/2011, July 21, 2011]

Contents

- 1 Definition
- Part 1 — Applications for Woodlot Licences and Evaluation**
 - 2 Applications for woodlot licences
 - 3 Definitions for section 4
 - 4 Evaluation of competing woodlot licence applications
 - 5 Tie-breaker
- Part 2 — Change in Boundary or Area**
 - 6 Minor change of boundary or area
 - 7 Repealed
 - 7.1 Increase in competitively awarded woodlot licence area for first nation
- Part 3**
 - 8–9 Repealed
- Part 4 — Surrender of Woodlot Licence**
 - 10 Surrender of woodlot licence
 - 11 Security for surrender of woodlot licence
 - 12 Refund of security
 - 13 Forfeiture of security for non-compliance with obligations

Definition

- 1 In this regulation, "**Act**" means the *Forest Act*.

Part 1 — Applications for Woodlot Licences and Evaluation

Applications for woodlot licences

- 2 (1) The prescribed requirements referred to in section 44 (3) (b) of the Act for a woodlot licence application made in response to an invitation under section 44 (2) of the Act are that the application must
 - (a) be in the form specified by the minister that the minister considers appropriate for the invitation,
 - (b) contain or be accompanied by a written tender, in a sealed container, of a bonus in a specified dollar amount payable to the government in addition to other amounts payable to the government under the Act and the regulations,

and

(c) contain or be accompanied by information specified by the minister that the minister considers necessary for

- (i) ascertaining the applicant's eligibility by reference to section 44 (2) of the Act, and
- (ii) evaluating the application, in comparison to the other competing applications, by reference to sections 3 to 5 of this regulation.

(2) If stipulated in an invitation under section 44 (2) of the Act for woodlot licence applications, an application in response to that invitation must contain or be accompanied by a certificate of an individual with professional qualifications specified in the advertisement which certificate provides written assurance, based on

- (a) the personal knowledge of the certifying individual, and
- (b) information from credible sources,

that confirms the validity and accuracy of information provided by the applicant about matters relevant to the application that are within the competence of the certifying individual.

[am. B.C. Reg. 133/2011, Sch. s. 32.]

Definitions for section 4

3 (1) In section 4:

"closing date" means the closing date stipulated in an invitation under section 44 (2) of the Act for woodlot licence applications;

"proposed private land of the applicant" means

- (a) private land, or
- (b) all or part of a reserve as defined in the *Indian Act* (Canada),
in British Columbia that

(c) is proposed for inclusion in a woodlot licence by a woodlot licence applicant under an application made in response to an invitation under section 44 (2) of the Act, and

(d) conforms to the requirements of the invitation;

"principal residence" in relation to a woodlot licence application made in response to an invitation under section 44 (2) of the Act, means

- (a) if the applicant is an individual, the usual place in which the individual makes his or her home, having done so for at least 6 months immediately preceding the closing date,
- (b) if the applicant is a corporation, the usual place in which an individual, if any, with voting shares in the corporation makes his or her home, having done so for at least 6 months immediately preceding the closing date,
- (c) if the applicant is a partnership, the usual place in which an individual partner, if any, makes his or her home, having done so for at least 6 months immediately preceding the closing date, or
- (d) if the applicant is a first nation, the principal office of the first nation.

- (2) For the purpose of a woodlot licence application referred to in section 4 (4), the distance factor for each area included in the proposed private land of the applicant is
- (a) 1.0 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is 50 km or less,
 - (b) 0.9 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 50 km but no more than 60 km,
 - (c) 0.8 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 60 km but no more than 70 km,
 - (d) 0.7 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 70 km but no more than 80 km,
 - (e) 0.6 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 80 km but no more than 90 km,
 - (f) 0.5 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 90 km but no more than 100 km,
 - (g) 0.4 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 100 km but no more than 110 km,
 - (h) 0.3 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 110 km but no more than 120 km,
 - (i) 0.2 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 120 km but no more than 130 km, or
 - (j) 0.1 if the shortest distance between the area and the Crown land to be described in the woodlot licence applied for is more than 130 km,

measured horizontally in a straight line.

Evaluation of competing woodlot licence applications

- 4** (1) Competing woodlot licence applications made in response to an invitation under section 44 (2) of the Act are to be evaluated under a point system in accordance with this section.
- (2) Subject to section 5, the woodlot licence application assigned the most points under this section is, for the purposes of section 44 of the Act, the best of those competing woodlot applications.
- (3) In evaluating each of the competing woodlot licence applications, the minister must assign to the application
- (a) either
 - (i) 50 points if the bonus tendered under the application is the highest of the bonuses tendered under all of the competing applications, or

- (ii) a lower number of points if the bonus tendered under the application was lower than the highest bonus, determined by
 - (A) dividing the amount of that lower bonus for the application by the amount of the highest bonus, and
 - (B) multiplying the result by 50,
 - (b) for the proximity of the applicant's principal residence to the Crown land to be described in the woodlot licence applied for,
 - (i) 25 points if that principal residence is 50 km or less from the Crown land,
 - (ii) 20 points if that principal residence is more than 50 km but no more than 100 km from the Crown land,
 - (iii) 15 points if that principal residence is more than 100 km but no more than 150 km from the Crown land,
 - (iv) 10 points if that principal residence is more than 150 km but no more than 200 km from the Crown land, or
 - (v) 5 points if that principal residence is more than 200 km from the Crown land, and
- measured by the means stipulated in the invitation for the woodlot licence under section 44 (2) of the Act, and
- (c) for each area included in the proposed private land of the applicant, the number of points calculated under subsection (4).
- (4) The number of points referred to in subsection (3) (c) that are to be assigned to a woodlot licence application is to be calculated as follows:
- (a) first, for each of the competing applications, ascertain, for each area included in the proposed private land of the applicant, the product of
 - (i) the distance factor for that area, and
 - (ii) the number of hectares contained in it;
 - (b) second, for each of the competing applications,
 - (i) if there is only one area included in the proposed private land of the applicant, note the amount of the product obtained under paragraph (a) for that area, and
 - (ii) if there are 2 or more areas included in the proposed private land of the applicant, note the amount of the sum of the products obtained under paragraph (a) for those areas;
 - (c) third, ascertain which of all of the amounts noted under paragraph (b) is the highest amount and assign
 - (i) 25 points to the competing woodlot licence application to which that highest amount is applicable, and
 - (ii) a lower number of points to each of the other competing woodlot licence applications to which an amount lower than that highest amount is applicable, determined by
 - (A) dividing the lower amount noted under paragraph (b) for that woodlot licence application by that highest amount, and
 - (B) multiplying the result by 25.

Tie-breaker

- 5** (1) If the points assigned to each of 2 or more of the competing applicants under section 4 are the same and the competing applicants are tied for the highest number of points,
- (a) the minister, by notice in writing, must notify each of those competing applicants, inviting the applicant to submit a written tender, in a sealed container, of a further bonus in a specified dollar amount payable to the government in addition to other amounts payable to the government under the Act and the regulations, and
 - (b) the application of the applicant submitting the highest bonus is the best, for the purposes of section 44 of the Act, among the competing applicants.
- (2) If 2 or more of the written tenders of a further bonus referred to in subsection (1) (a) contain the same bonus and are tied for the highest bonus among all of the competing applicants, the minister must carry out the procedure under subsection (1) until one of the applicants submits the highest bonus.

Part 2 — Change in Boundary or Area**Minor change of boundary or area**

- 6** (1) Under section 47.1 of the Act, the minister may change the boundary or the area of the Crown land portion of a woodlot licence area, if the change does not increase the area of that Crown land portion by more than 10% and the minister is satisfied that
- (a) any area to be added is close to the woodlot licence area,
 - (b) the woodlot licence holder's financial accounts with the government are up to date at the time of the change or arrangements satisfactory to the minister responsible for Provincial revenue have been made to bring those financial accounts up to date, and
 - (c) the change is appropriate, given the circumstances or conditions applicable to the Crown land.
- (2) One or more changes under subsection (1), whenever proposed, must not cause the original area of the woodlot licence to increase by more than 10%.

[am. B.C. Reg. 133/2011, Sch. s. 34.]

Repealed

- 7** Repealed. [B.C. Reg. 68/2006, s. 7 (3).]

Increase in competitively awarded woodlot licence area for first nation

- 7.1** Under section 47.1 of the Act, the minister may change the boundary or the area of the Crown land portion of a woodlot licence area, other than the boundary or area of a woodlot licence issued under section 47.3 (1) of the Act, if the minister is satisfied that
- (a) the increase is to implement or further an agreement between a first nation and the government respecting treaty-related measures, interim measures or economic measures,

- (b) the woodlot licence is held by
 - (i) a first nation, or
 - (ii) subject to section 47.3 of the Act, a representative of a first nation, and
- (c) after the increase the Crown land portion of the woodlot licence area will not exceed the area specified in section 45 (1) (b) (ii) of the Act.

[en. B.C. Reg. 338/2007; am. B.C. Reg. 133/2011, Sch. s. 35.]

Part 3

Repealed

8–9 Repealed. [B.C. Reg. 255/2007, s. (d).]

Part 4 — Surrender of Woodlot Licence

Surrender of woodlot licence

- 10** (1) The holder of a woodlot licence may apply in writing to the minister to surrender the licence.
- (2) An application to surrender a woodlot licence must
- (a) be in the form and manner, and
 - (b) include information, including information respecting the matters set out in subsection (3),
- required by the minister.
- (3) The minister must accept the application to surrender the woodlot licence if satisfied that
- (a) the licence holder has
 - (i) fulfilled the holder's obligation referred to in section 11 (1) (a) and (b), or
 - (ii) provided the security under section 11 (1) in respect of those obligations if required to do so,
 - (b) the licence holder has
 - (i) fulfilled the holder's obligation to establish a free growing stand under section 29 (3) or Part 11, Division 5, of the *Forest and Range Practices Act*,
 - (ii) provided security under section 1 (1) (a) of the Security for Forest and Range Practice Liabilities Regulation in respect of that obligation if required to do so, or
 - (iii) received the minister's approval to transfer the obligations referred to in subparagraph (i) to another person in accordance with section 29.1 of the *Forest and Range Practices Act*, and
 - (c) on the date the application to surrender the woodlot licence is accepted, all money

(i) required to be paid to the government under the circumstances set out in section 130 (1.1) of the Act, and

(ii) due and payable to the government under that section

in respect of the woodlot licence

(iii) has been paid, or

(iv) is the subject of an arrangement for payment approved by the revenue minister.

(4) If the minister accepts an application under subsection (3), the surrender of the woodlot licence is effective on the date agreed to by the minister and the applicant.

[en. B.C. Reg. 388/2008.]

Security for surrender of woodlot licence

11 (1) The minister may require the holder of a woodlot licence who has applied to surrender the licence under section 10 (1) to provide security for the performance of one or more of the following obligations if satisfied that the requirement is in the public interest, after considering the likelihood of, and the consequences of, the obligation not being met:

(a) the maintenance or deactivation of roads that were constructed or used under the licence or under an associated road permit, as required under the *Forest and Range Practices Act*;

(b) the abatement of any fire hazards in areas under the licence or under an associated road permit in which the licence holder carried out an industrial activity, as required under the *Wildfire Act*.

(2) The security required under subsection (1) may be provided in cash, by certified cheque or by other security acceptable to the minister.

[en. B.C. Reg. 388/2008.]

Refund of security

12 (1) If section 13 does not apply, the security provided under section 11 may be refunded

(a) in full, if the minister is satisfied that the obligation for which the security was obtained has been fulfilled, or

(b) in part, if the minister is satisfied that the obligation for which the security was obtained has been substantially fulfilled.

[en. B.C. Reg. 388/2008.]

Forfeiture of security for non-compliance with obligations

13 (1) The minister must realize a security provided under section 11 if satisfied that the person who provided the security did not fulfill the obligation for which the security was obtained.

(2) The minister must refund to the person who provided the security any surplus of funds remaining from the realization of the security under subsection (1), after payment of the amount of all direct and indirect costs the minister determines were reasonably incurred in carrying out the work to fulfill the obligation.

[en. B.C. Reg. 388/2008.]

Note: *this regulation supersedes B.C. Reg. 190/99.*

[Provisions relevant to the enactment of this regulation: *Forest Act*, R.S.B.C. 1996, c. 157, sections 44 (2), 44 (3) (b), 47.1 and 151].

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