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Forest Act

Allowable Annual Cut Partition Regulation

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Definitions

1 In this regulation:

"Act" means the Forest Act;

"minister's order" means an order of the minister under section 75.02 of the Act.

Base-level allowable annual cut

2 The base-level allowable annual cut that is prescribed for the purposes of Division 3.01 of Part 4 of the Act is 10 001 m³ a year.

Exempted licences

3 For the purposes of paragraph (b) of the definition of "exempted licence" in section 75.01 (1) of the Act, a non-replaceable forest licence is an exempted licence if

(a) the licence is in a timber supply area or tree farm licence area to which a minister's order applies, and

(b) the licence meets one or more of the following conditions:

(i) there are not more than 5 years remaining in the term of the licence on the date the minister's order is made;

(ii) the licence restricts timber harvesting to one or more of the following, as applicable:

(A) a type of timber or terrain in a part of Crown land within the timber supply area or tree farm licence area;

(B) an area of Crown land within the timber supply area or tree farm licence area;

(C) a type of timber or terrain in a part of private land within the tree farm licence area.

Downward adjustments for timber volumes reported by scale

4 For the purposes of the definition of "harvested volume" in section 75.01 (1) of the Act, the timber volumes described in the definition of "timber volumes" in section 75.01 (2) (a) of the Act are adjusted downward by 100% for the following grades of timber:

(a) grade code Z listed in the Schedule of Coast Timber Grades to the Scaling Regulation;

(b) the grade codes listed in the Schedule of Interior Timber Grades to the Scaling Regulation, other than grade codes 1, 2 and 4.

Harvested volume limit for licences in TSA

5 For the purposes of section 75.02 (2) and (4) of the Act, the harvested volume limit for a forest licence in the timber supply area is determined by the following formula:

$$\text{HVL} = (\text{AAC of forest licence}) \times (\text{AAC partition}) \times (\# \text{ of years of MO})$$

(AAC of TSA)

where

HVL = the harvested volume limit for the forest licence;

AAC of forest licence = the allowable annual cut authorized in the forest licence;

AAC of TSA = the allowable annual cut determined under section 8 (1) of the Act for the timber supply area;

AAC partition = the allowable annual cut partition;

of years of MO = the term of the minister's order, expressed as a number of years in that order.

Harvested volume limit for licences in TFL area

6 For the purposes of section 75.02 (3) and (4) of the Act, the harvested volume limit for a tree farm licence or a forest licence in the tree farm licence area is determined by the following formula:

$$\text{HVL} = (\text{AAC of TFL or}$$

$$\text{AAC of forest licence}) \times (\text{AAC partition}) \times (\# \text{ of years of MO})$$

(AAC of TFL area)

where

HVL = the harvested volume limit for the tree farm licence or for the forest licence, as applicable;

AAC of TFL = the allowable annual cut available to the holder of the tree farm licence;

AAC of forest licence = the allowable annual cut authorized in the forest licence;

AAC of TFL area = the allowable annual cut determined under section 8 (1) of the Act for the tree farm licence area;

AAC partition = the allowable annual cut partition;

of years of MO = the term of the minister's order, expressed as a number of years in that order.

Increase or waiver of harvested volume limit

7 For the purposes of section 75.03 of the Act, the minister may increase or waive the harvested volume limit that is specified for a licence in the minister's order if the minister is satisfied that the reasons for the increase or waiver meet one or more of the following criteria:

(a) the increase or waiver is requested by a first nation with respect to a licence entered into with that first nation under section 47.3 (1) (a) of the Act and the minister's order does not meet the objectives contemplated under the agreement referred to in that section between the first nation and the government;

(b) it is necessary or desirable for the holder of the licence to exceed or be free of the harvested volume limit because the timber is in danger, as a result of forest health factors, of being significantly reduced in value, lost or destroyed;

(c) compliance with the minister's order is inconsistent with a notice given by the regional manager, in accordance with the terms of the licence, restricting the holder of the licence from applying for cutting permits for areas of Crown land that meet the requirements set out in the regional manager's notice.

Penalty rate

8 (1) In this section, "average stumpage rate" means the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber.

(2) For the purposes of section 75.05 (2) (b) of the Act, the prescribed rate is

(a) the average stumpage rate, for that portion of the volume that exceeds the harvested volume limit by 10% or less, and

(b) twice the average stumpage rate, for that portion of the volume that exceeds the harvested volume limit by more than 10%.

[Provisions relevant to the enactment of this regulation: Forest Act, R.S.B.C. 1996, c. 157, sections 75.07 and 151]