

This Act is current to March 5, 2024

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

# FLATHEAD WATERSHED AREA CONSERVATION ACT

[SBC 2011] CHAPTER 20

*Assented to November 14, 2011*

## ***Contents***

[1 Definitions](#)

[2 Mining activity in the Flathead watershed area](#)

[3 Energy resource activity](#)

[4 Crown reserves under the \*Petroleum and Natural Gas Act\*](#)

[5 Coal and mineral reserves](#)

[6 Section 5 of the \*Offence Act\*](#)

[7 Power to make regulations](#)

[8 Flathead Watershed Area Order](#)

[9 Conflict with another enactment](#)

[10 Commencement](#)

## Definitions

1 In this Act:

"**coal land**" and "**coal land reserve**" have the same meanings as in the [Coal Act](#);

"**Crown Land**" means land, whether or not it is covered by water, that is owned by the government;

"**Flathead watershed area**" means all those parcels or tracts of land that on November 9, 2009, were situated in the Kootenay District and contained within the boundaries as shown on the official plan for the Flathead Watershed Area, deposited in the Media Vault, GeoBC, Victoria as Official Plan: Flathead Watershed Area, dated November 9, 2009;

"**free miner**" has the same meaning as in the [Mineral Tenure Act](#);

"**mine**" has the same meaning as in the [Mines Act](#);

"**mineral**" has the same meaning as in the [Mineral Tenure Act](#);

"**mineral title**" has the same meaning as in the [Mineral Tenure Act](#);

"**mining activity**" means any activity related to

(a) the exploration and development of a mineral, a placer mineral, coal, sand, gravel or rock, or

(b) the production of a mineral, a placer mineral, coal, sand, gravel or rock,

but does not include a quarry or a sand or gravel operation where the area of activity is 2 hectares or less and from which 20 000 tonnes or less of material is removed annually;

"**placer mineral**" has the same meaning as in the [Mineral Tenure Act](#).

## Mining activity in the Flathead watershed area

2 (1)The minister responsible for the administration of a section of the *Land Act* referred to in paragraphs (a) to (c) of this subsection must not, for or in relation to a mining activity in the Flathead watershed area,

(a)dispose of Crown land in the Flathead watershed area under section 11 of that Act,

(b)grant an option to purchase Crown land in the Flathead watershed area under section 38 of that Act, or

(c)issue a licence to occupy and use Crown land in the Flathead watershed area under section 39 of that Act.

(2)The minister responsible for the administration of the *Ministry of Lands, Parks and Housing Act* must not, for or in relation to a mining activity in the Flathead watershed area,

(a)dispose of Crown land in the Flathead watershed area under section 9 (1) (a) of that Act, or

(b)provide in an agreement for the disposition of Crown land in the Flathead watershed area under section 9 (1) (c) of that Act.

(3)The chief permitting officer and the minister under the *Mines Act* must not, for or in relation to a mining activity in the Flathead watershed area,

(a)issue or amend a permit under section 10 of that Act, or

(b)exempt any person under section 10 (2) of that Act from the requirement to obtain a permit under section 10 of that Act.

(4)The Lieutenant Governor in Council must not, for or in relation to a mining activity in the Flathead watershed area, exempt under section 10 (1.1) of the *Mines Act* any person, class of persons or ministry of the government from the requirement to hold a permit under section 10 of that Act.

### **Energy resource activity**

3 The British Columbia Energy Regulator must not issue a permit under section 25 of the *Energy Resource Activities Act* in relation to the exploration for and development and production of petroleum, natural gas or both in the Flathead watershed area.

### **Crown reserves under the *Petroleum and Natural Gas Act***

4 No dispositions of Crown reserves in the Flathead watershed area may be made under section 71 or 72 of the *Petroleum and Natural Gas Act*.

### **Coal and mineral reserves**

5 (1)Coal land in the Flathead watershed area is designated as a coal land reserve.

(2)The chief gold commissioner must not exercise the power under section 21 (3) of the *Coal Act* to cancel all or part of the coal land reserve established under this Act.

(3)A mineral reserve within the meaning of the *Mineral Tenure Act* is established on the land in the Flathead watershed area.

(4)A free miner must not register a mineral title in the mineral reserve established under subsection (3).

### **Section 5 of the *Offence Act***

6 Section 5 of the *Offence Act* does not apply to this Act.

### **Power to make regulations**

7 (1)The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2)Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a)defining a word or expression used but not defined in this Act;
- (b)providing for anything that the Lieutenant Governor in Council considers appropriate for the purpose of more effectively bringing this Act into operation.

### **Flathead Watershed Area Order**

8 The Flathead Watershed Area Order, Order in Council 89/2010, ceases to have effect on the date that this Act comes into force.

### **Conflict with another enactment**

9 If a provision of this Act is inconsistent or in conflict with a provision of another enactment, the provision of this Act prevails.

### **Commencement**

10 This Act comes into force on the date of Royal Assent.