

GREAT BEAR RAINFOREST (FOREST MANAGEMENT) ACT

[SBC 2016] CHAPTER 16

Assented to May 19, 2016

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Part 1 — Definitions and Interpretation

Definitions

1 In this Act:

"AAC adjustment period" means the period beginning on December 31, 2016 and ending on December 31, 2026;

"AAC determined by the chief forester" has the meaning set out in section 4;

"AAC partition specified by the Lieutenant Governor in Council" has the meaning set out in section 5;

"AAC specified by the Lieutenant Governor in Council" has the meaning set out in section 3;

"Crown land", in relation to a timber supply area, does not include Crown land in the following areas:

- (a) a tree farm licence area;
- (b) a community forest agreement area;
- (c) a first nations woodland licence area;
- (d) a woodlot licence area;

"GBR" means Great Bear Rainforest;

"GBR forest management area" means the area designated under section 6 [designation of GBR forest management area] as the forest management area for the Great Bear Rainforest;

"GBR part", in relation to a partial GBR timber supply area or partial GBR tree farm licence area, means the part of the area located in the GBR forest management area;

"GBR timber supply area" means a timber supply area located, in whole, in the GBR forest management area;

"GBR tree farm licence area" means a tree farm licence area located, in whole, in the GBR forest management area;

"new non-GBR timber supply area" means land outside the GBR forest management area that is designated under section 8 (1) (c) [adjustments to timber supply areas] as a timber supply area;

"non-GBR part", in relation to a partial GBR timber supply area or partial GBR tree farm licence area, means the part of the area located outside the GBR forest management area;

"north part", in relation to

- (a) the GBR forest management area,
 - (b) a GBR timber supply area or GBR tree farm licence area, or
 - (c) a partial GBR timber supply area or partial GBR tree farm licence area,
- means the part of the area located north of the southern boundary of the Mid Coast Timber Supply Area, as that timber supply area existed immediately before December 31, 2016;

"partial GBR timber supply area" means a timber supply area located, in part, in the GBR forest management area;

"partial GBR tree farm licence area" means a tree farm licence area located, in part, in the GBR forest management area;

"south part", in relation to

- (a) the GBR forest management area,
 - (b) a GBR timber supply area or GBR tree farm licence area, or
 - (c) a partial GBR timber supply area or partial GBR tree farm licence area,
- means the part of the area located south of the southern boundary of the Mid Coast Timber Supply Area, as that timber supply area existed immediately before December 31, 2016;

"special forest management area" means land in the GBR forest management area that is designated under section 50 [designation of special forest management areas] as a special forest management area.

General application of Forest Act to this Act

2 (1) If a word or expression used in this Act is defined in the Forest Act, the word or expression has the same meaning in this Act as in the Forest Act, unless the context indicates otherwise.

(2) If a licence, agreement or permit listed in section 12 [form of agreements] of the Forest Act is referred to in this Act, the licence, agreement or permit has the same meaning in this Act as in the Forest Act, unless the context indicates otherwise.

(3) The minister may delegate a power or duty under this Act and for this purpose, subject to subsection (4), section 1.1 [delegation] of the Forest Act applies, as if the power or duty of the minister under this Act were a power or duty of the minister under the Forest Act.

(4) In applying section 1.1 of the Forest Act for the purposes of subsection (3) of this section, section 1.1 is to be read as if

(a) the references to the Forest Act in that section were references to this Act, and

(b) the reference to "Subject to a regulation made under section 151 (2) (b.1)" in that section were a reference to "Subject to a regulation made under section 68 (a) [regulations respecting other matters] of this Act".

(5) For certainty, subject to and in accordance with this Act, the Forest Act applies in relation to the GBR forest management area.

AAC specified by the Lieutenant Governor in Council

3 (1) For the purposes of this Act, the AAC specified by the Lieutenant Governor in Council, if specified for

(a) a GBR timber supply area, is the allowable annual cut for the Crown land in the GBR timber supply area, as specified by regulation under section 9 (1) (a) [AAC for GBR timber supply areas and GBR tree farm licence areas],

(b) a GBR tree farm licence area, is the allowable annual cut for the GBR tree farm licence area, as specified by regulation under section 9 (1) (b),

(c) the north part of a GBR tree farm licence area, is the portion of the allowable annual cut for the GBR tree farm licence area that is allocated by regulation under section 9 (2) (a) to that north part of the GBR tree farm licence area,

(d) the south part of a GBR tree farm licence area, is the portion of the allowable annual cut for the GBR tree farm licence area that is allocated by regulation under section 9 (2) (b) to that south part of the GBR tree farm licence area,

(e) a new non-GBR timber supply area, is the allowable annual cut for the Crown land in the new non-GBR timber supply area, as specified by regulation under section 11 (1) [AAC for new non-GBR timber supply areas],

(f) the GBR part of a partial GBR timber supply area, is the allowable annual cut for the Crown land in that GBR part of the partial GBR timber supply area, as specified by regulation under section 13 (1) (a) [AAC for partial GBR timber supply areas and partial GBR tree farm licence areas],

(g) the GBR part of a partial GBR tree farm licence area, is the allowable annual cut for that GBR part of the partial GBR tree farm licence area, as specified by regulation under section 13 (1) (b),

(h) the non-GBR part of a partial GBR timber supply area, is the allowable annual cut for the Crown land in that non-GBR part of the partial GBR timber supply area, as specified by regulation under section 13 (2), and

(i) the non-GBR part of a partial GBR tree farm licence area, is the allowable annual cut for that non-GBR part of the partial GBR tree farm licence area, as specified by regulation under section 13 (3).

(2) An AAC specified by the Lieutenant Governor in Council by a regulation referred to in subsection (1) takes effect on the date the regulation takes effect.

AAC determined by the chief forester

4 (1) For the purposes of this Act, the AAC determined by the chief forester, if determined for

(a) a GBR timber supply area, is the allowable annual cut for the Crown land in the GBR timber supply area, as determined by the chief forester

(i) under section 8 (1) [allowable annual cut] of the Forest Act, and

(ii) in accordance with section 9 (3) (b) [AAC for GBR timber supply areas and GBR tree farm licence areas] of this Act,

(b) a GBR tree farm licence area, is the allowable annual cut for the GBR tree farm licence area, as determined by the chief forester

(i) under section 8 (1) of the Forest Act, and

- (ii) in accordance with section 9 (3) (b) of this Act,
 - (c) a new non-GBR timber supply area, is the allowable annual cut for the Crown land in the new non-GBR timber supply area, as determined by the chief forester
 - (i) under section 8 (1) of the Forest Act, and
 - (ii) in accordance with section 11 (2) [AAC for new non-GBR timber supply areas] of this Act,
 - (d) the non-GBR part of a partial GBR timber supply area, is the allowable annual cut for the Crown land in that non-GBR part of the partial GBR timber supply area, as determined by the chief forester
 - (i) under section 8 (1) of the Forest Act, and
 - (ii) in accordance with section 13 (4) (a) [AAC for partial GBR timber supply areas and partial GBR tree farm licence areas] of this Act,
 - (e) the non-GBR part of a partial GBR tree farm licence area, is the allowable annual cut for that non-GBR part of the partial GBR tree farm licence area, as determined by the chief forester
 - (i) under section 8 (1) of the Forest Act, and
 - (ii) in accordance with section 13 (4) (a) of this Act,
 - (f) a partial GBR timber supply area, is the allowable annual cut for the partial GBR timber supply area, as determined by the chief forester
 - (i) under section 8 (1) of the Forest Act, and
 - (ii) in accordance with section 13 (4) (c) of this Act, and
 - (g) a partial GBR tree farm licence area, is the allowable annual cut for the Crown land in the partial GBR tree farm licence area, as determined by the chief forester
 - (i) under section 8 (1) of the Forest Act, and
 - (ii) in accordance with section 13 (4) (c) of this Act.
- (2) An AAC determined by the chief forester takes effect on the date specified in the determination.
AAC partition specified by the Lieutenant Governor in Council
- 5 (1) In this section, "partition" has the same meaning as in section 20 [definition for Division 3 of Part 3].

- (2) For the purposes of this Act, an AAC partition specified by the Lieutenant Governor in Council, if specified in relation to the AAC specified by the Lieutenant Governor in Council for
- (a) a GBR timber supply area, is a partition of that allowable annual cut, as specified by regulation under section 21 (1) (a) [AAC partitions for GBR timber supply areas and GBR tree farm licence areas],
 - (b) a GBR tree farm licence area, is a partition of that allowable annual cut, as specified by regulation under section 21 (1) (b),
 - (c) the north part of a GBR tree farm licence area, is a partition of that allowable annual cut, as specified by regulation under section 21 (1) (c),
 - (d) the south part of a GBR tree farm licence area, is a partition of that allowable annual cut, as specified by regulation under section 21 (1) (d),
 - (e) a new-non GBR timber supply area, is a partition of that allowable annual cut, as specified by regulation under section 22 (1) [AAC partitions for new non-GBR timber supply areas],
 - (f) the GBR part of a partial GBR timber supply area, is a partition of that allowable annual cut, as specified by regulation under section 23 (1) (a) [AAC partitions for partial GBR timber supply areas and partial GBR tree farm licence areas],
 - (g) the GBR part of a partial GBR tree farm licence area, is a partition of that allowable annual cut, as specified by regulation under section 23 (1) (b),
 - (h) the non-GBR part of a partial GBR timber supply area, is a partition of that allowable annual cut, as specified by regulation under section 23 (2), and
 - (i) the non-GBR part of a partial GBR tree farm licence area, is a partition of that allowable annual cut, as specified by regulation under section 23 (3).
- (3) An AAC partition specified by the Lieutenant Governor in Council by a regulation referred to in subsection (2) takes effect on the date the regulation takes effect.
- Part 2 — Forest Management Area for the Great Bear Rainforest

Designation of GBR forest management area

- 6 (1) In this section, "official map" means the map deposited in the Media Vault, GeoBC, Victoria as Map of Great Bear Rainforest Forest Management Area, reference number 577.3409711 G786 2016.

(2) The area contained within the boundaries shown and described on the official map is designated as the forest management area for the Great Bear Rainforest.

Maximum AAC for GBR forest management area

7 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify a maximum allowable annual cut for the GBR forest management area.

(2) If a maximum allowable annual cut for the GBR forest management area is in effect on the date the AAC adjustment period ends, the maximum allowable annual cut ceases to have effect when the AAC adjustment period ends.

Adjustments to timber supply areas

8 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation do any or all of the following:

(a) in respect of a timber supply area that is a GBR timber supply area or a partial GBR timber supply area,
(i) divide the timber supply area into 2 or more other timber supply areas,
(ii) consolidate the timber supply area or a part of the timber supply area with all or part of one or more other GBR timber supply areas or partial GBR timber supply areas,
(iii) abolish the timber supply area or a part of the timber supply area, or
(iv) change the boundaries of the timber supply area;
(b) designate land in the GBR forest management area as a timber supply area;
(c) designate land outside the GBR forest management area as a timber supply area if, immediately before a division, consolidation, abolition or boundary change under paragraph (a), the land was in the non-GBR part of a partial GBR timber supply area.

(2) Land designated as a timber supply area under subsection (1) (b) or (c) is deemed to be land designated as a timber supply area under section 7 [timber supply areas] of the Forest Act.

(3) Despite subsection (2), the minister may not, until after the end of the AAC adjustment period, make a designation or order under section 7 of the Forest Act in relation to

(a) land in the GBR forest management area, or
(b) a GBR timber supply area or partial GBR timber supply area.

(4) For certainty, if land is designated as a new non-GBR timber supply area, the minister may, during or after the end of the AAC adjustment period, make a designation or order under section 7 (a) or (b) of the Forest Act in relation to the new non-GBR timber supply area.

(5) For certainty, a regulation under subsection (1) that divides, consolidates, abolishes or changes the boundaries of a timber supply area is not deemed to be an order made by the minister under section 7 (b) of the Forest Act.

Part 3 — Allowable Annual Cut for Timber Supply Areas and Tree Farm Licence Areas

Division 1 — Allowable Annual Cut

AAC for GBR timber supply areas and GBR tree farm licence areas

9 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify an allowable annual cut for any of the following:

(a) the Crown land in a GBR timber supply area;
(b) a GBR tree farm licence area.

(2) If the Lieutenant Governor in Council specifies an allowable annual cut for a GBR tree farm licence area located, in part, in the north part of the GBR forest management area, the Lieutenant Governor in Council may by regulation allocate that allowable annual cut between

(a) the north part of the GBR tree farm licence area, and
(b) the south part of the GBR tree farm licence area.

(3) In respect of an area that is a GBR timber supply area or GBR tree farm licence area, if an allowable annual cut is specified under subsection (1) for the area, the powers and duties of the chief forester under section 8 (1) [allowable annual cut] of the Forest Act are subject to the following:

(a) during the AAC adjustment period, the chief forester must not determine an allowable annual cut for that area;

(b) within 5 years after the end of the AAC adjustment period, the chief forester must determine an allowable annual cut for that area.

(4) Subsection (3) applies despite the following provisions of this Act:

(a) section 8 (2);

(b) section 16 (1) (a) and (b) [application of Forest Act to AACs specified under this Act].

AAC status — GBR timber supply areas and GBR tree farm licence areas

10 (1) If an allowable annual cut is specified under section 9 (1) for an area that is a GBR timber supply area or GBR tree farm licence area, the allowable annual cut for the area is, until the chief forester makes the determination referred to in subsection (2) of this section, the AAC specified by the Lieutenant Governor in Council for that area.

(2) When the chief forester, after the end of the AAC adjustment period, determines an allowable annual cut for the area referred to in subsection (1),

(a) the AAC specified by the Lieutenant Governor in Council for that area ceases to have effect, and

(b) the allowable annual cut for the area is the AAC determined by the chief forester for that area.

AAC for new non-GBR timber supply areas

11 (1) If and when the Lieutenant Governor in Council designates land as a new non-GBR timber supply area, the Lieutenant Governor in Council must also by regulation specify the first allowable annual cut for the Crown land in the new non-GBR timber supply area.

(2) If the first allowable annual cut is specified under subsection (1) for a new non-GBR timber supply area, subsequent allowable annual cuts for the Crown land in the area must be determined by the chief forester, under section 8 (1) [allowable annual cut] of the Forest Act, within the time periods required under that section.

AAC status — new non-GBR timber supply areas

12 (1) If an allowable annual cut is specified under section 11 (1) for a new non-GBR timber supply area, the allowable annual cut for the area is, until the chief forester makes the determination referred to subsection (2), the AAC specified by the Lieutenant Governor in Council for that area.

(2) When the chief forester, during or after the end of the AAC adjustment period, determines an allowable annual cut for the new non-GBR timber supply area,

(a) the AAC specified by the Lieutenant Governor in Council for the area ceases to have effect, and

(b) the allowable annual cut for the area is the AAC determined by the chief forester for that area.

AAC for partial GBR timber supply areas and partial GBR tree farm licence areas

13 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify an allowable annual cut for any of the following:

(a) the Crown land in the GBR part of a partial GBR timber supply area;

(b) the GBR part of a partial GBR tree farm licence area.

(2) If and when the first allowable annual cut is specified under subsection (1) (a) for the GBR part of a partial GBR timber supply area, the Lieutenant Governor in Council must also by regulation specify the allowable annual cut for the Crown land in the non-GBR part of the area.

(3) If and when the first allowable annual cut is specified under subsection (1) (b) for the GBR part of a partial GBR tree farm licence area, the Lieutenant Governor in Council must also by regulation specify the allowable annual cut for the non-GBR part of the area.

(4) In respect of an area that is a partial GBR timber supply area or partial GBR tree farm licence area, if an allowable annual cut is specified under subsection (1) for the GBR part of the area, the powers and duties of the chief forester under section 8 (1) [allowable annual cut] of the Forest Act are subject to the following:

(a) after the Lieutenant Governor in Council specifies the first allowable annual cut for the non-GBR part of that area, the chief forester may, during the AAC adjustment period, determine an allowable annual cut for that non-GBR part of that area;

(b) during the AAC adjustment period, the chief forester must not determine an allowable annual cut for that area, except to the extent permitted under paragraph (a) of this subsection;

(c) within 5 years after the end of the AAC adjustment period, the chief forester must determine an allowable annual cut for that area.

(5) In determining an allowable annual cut, if any, for the non-GBR part of an area that is a partial GBR timber supply area or partial GBR tree farm licence area, the chief forester

(a) may consider the AAC specified by the Lieutenant Governor in Council for the GBR part of the area, and

(b) in addition to considering the matters set out in section 8 (8) of the Forest Act in relation to the non-GBR part of the area, may also consider those matters as they relate to the whole area.

(6) The chief forester may exercise the powers under subsection (4) (a) despite the chief forester's duty, under section 8 (1) of the Forest Act, to determine an allowable annual cut for a whole timber supply area or tree farm licence area.

(7) Subsection (4) applies despite the following provisions of this Act:

- (a) section 8 (2) [adjustments to timber supply areas];
- (b) section 16 (1) (d) to (g) [application of Forest Act to AACs specified under this Act].

AAC status — partial GBR timber supply areas and partial GBR tree farm licence areas

14 (1) If an allowable annual cut is specified under section 13 (1) for the GBR part of an area that is a partial GBR timber supply area or partial GBR tree farm licence area, the allowable annual cut for the area is, until the chief forester makes the determination referred to in subsection (3) of this section, the aggregate of

- (a) the AAC specified by the Lieutenant Governor in Council for the GBR part of the area, and
 - (b) the allowable annual cut for the non-GBR part of the area, as described in subsection (2).
- (2) For the purposes of subsections (1) (b) and (3) (b),
- (a) the allowable annual cut for the non-GBR part of the area is, unless the chief forester makes the determination referred to in paragraph (b) of this subsection, the AAC specified by the Lieutenant Governor in Council for that non-GBR part of the area, and
 - (b) if the chief forester, during the AAC adjustment period, determines an allowable annual cut for that non-GBR part of the area,
 - (i) the AAC specified by the Lieutenant Governor in Council for that non-GBR part of the area ceases to have effect, and
 - (ii) the allowable annual cut for the non-GBR part of the area is the AAC determined by the chief forester for that non-GBR part of that area.
- (3) When the chief forester, after the end of the AAC adjustment period, determines an allowable annual cut for the area referred to in subsection (1),
- (a) the AAC specified by the Lieutenant Governor in Council for the GBR part of the area ceases to have effect,
 - (b) the allowable annual cut for the non-GBR part of the area, as described in subsection (2), ceases to have effect, and
 - (c) the allowable annual cut for the area is the AAC determined by the chief forester for that area.

Aggregate AAC must not exceed maximum AAC

15 The aggregate of the AACs specified by the Lieutenant Governor in Council for the following areas and parts of areas must not exceed the maximum allowable annual cut specified under section 7 (1) [maximum AAC for GBR forest management area] for the GBR forest management area:

- (a) each GBR timber supply area;
- (b) each GBR tree farm licence area;
- (c) the GBR part of each partial GBR timber supply area;
- (d) the GBR part of each partial GBR tree farm licence area.

Application of Forest Act to AACs specified under this Act

16 (1) The AAC specified by the Lieutenant Governor in Council for the following areas or parts of an area is deemed to be the allowable annual cut determined by the chief forester, under section 8 (1) [allowable annual cut] of the Forest Act, for that area or part of the area:

- (a) a GBR timber supply area;
- (b) a GBR tree farm licence area;
- (c) a new non-GBR timber supply area;
- (d) the GBR part of a partial GBR timber supply area;
- (e) the GBR part of a partial GBR tree farm licence area;
- (f) the non-GBR part of a partial GBR timber supply area;
- (g) the non-GBR part of a partial GBR tree farm licence area.

(2) For certainty, section 8 (8) of the Forest Act does not apply to the Lieutenant Governor in Council in specifying an allowable annual cut for an area or part of an area referred to in subsection (1) of this section.

Division 2 — Apportioning Cut

Apportioning cut in GBR areas

17 (1) In specifying the allowable annual cut under Division 1 [Allowable Annual Cut] for a GBR timber supply area, or for the GBR part of a partial GBR timber supply area, the Lieutenant Governor in Council may also by regulation specify the portions of that allowable annual cut that are to be made available to one or both of the following:

- (a) the minister, for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act;
 - (b) the timber sales manager, for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.
- (2) A regulation under subsection (1) may also identify the portions of the allowable annual cut that are to be made available specifically for the north part or the south part of
- (a) the GBR timber supply area, or
 - (b) the GBR part of the partial GBR timber supply area.
- (3) The minister may not, until after the end of the AAC adjustment period, exercise a power under section 10 (1) [apportioning cut] of the Forest Act in relation to an AAC specified by the Lieutenant Governor in Council for
- (a) a GBR timber supply area, or
 - (b) the GBR part of a partial GBR timber supply area.
- (4) Subsection (3) applies despite the following provisions of this Act:
- (a) section 8 (2) [adjustments to timber supply areas];
 - (b) section 16 (1) (a) and (d);
 - (c) section 19 [application of Forest Act to apportionments specified under this Act].
- (5) If an apportionment is specified under subsection (1) in relation to an AAC specified by the Lieutenant Governor in Council for a GBR timber supply area or the GBR part of a partial GBR timber supply area, the apportionment ceases to have effect on
- (a) the date on which the minister, after the end of the AAC adjustment period, exercises a power under section 10 (1) of the Forest Act in relation to the AAC specified by the Lieutenant Governor in Council for the GBR timber supply area or the GBR part of the partial GBR timber supply area, or
 - (b) if the minister does not exercise the power referred to in paragraph (a) of this subsection, the effective date of the AAC determined by the chief forester for that GBR timber supply area or partial GBR timber supply area.

Apportioning cut in non-GBR areas

18 (1) In specifying the allowable annual cut under Division 1 [Allowable Annual Cut] for a new non-GBR timber supply area, or for the non-GBR part of a partial GBR timber supply area, the Lieutenant Governor in Council may also by regulation specify the portions of that allowable annual cut that are to be made available to one or both of the following:

- (a) the minister, for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act;
 - (b) the timber sales manager, for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.
- (2) For certainty, during or after the end of the AAC adjustment period, and whether or not the Lieutenant Governor in Council has exercised a power under subsection (1), the minister may exercise a power under section 10 (1) [apportioning cut] of the Forest Act in relation to the AAC specified by the Lieutenant Governor in Council for
- (a) a new non-GBR timber supply area, or
 - (b) the non-GBR part of a partial GBR timber supply area.
- (3) If an apportionment is specified under subsection (1) in relation to an AAC specified by the Lieutenant Governor in Council for a new non-GBR timber supply area, the apportionment ceases to have effect on

(a) the date on which the minister, during or after the end of the AAC adjustment period, exercises a power under section 10 (1) of the Forest Act in relation to the AAC specified by the Lieutenant Governor in Council for the new non-GBR timber supply area, or

(b) if the minister does not exercise the power referred to in paragraph (a) of this subsection, the effective date of the AAC determined by the chief forester for that new non-GBR timber supply area.

(4) If an apportionment is specified under subsection (1) in relation to an AAC specified by the Lieutenant Governor in Council for the non-GBR part of a partial GBR timber supply area, the apportionment ceases to have effect on

(a) the date on which the minister, during or after the end of the AAC adjustment period, exercises a power under section 10 (1) of the Forest Act in relation to the AAC specified by the Lieutenant Governor in Council for that non-GBR part of the partial GBR timber supply area,

(b) if the minister does not exercise the power referred to in paragraph (a) of this subsection, the effective date of the AAC determined by the chief forester for that non-GBR part of the partial GBR timber supply area, or

(c) if the minister does not exercise the power referred to in paragraph (a) and the chief forester does not make the determination referred to in paragraph (b) of this subsection, the effective date of the AAC determined by the chief forester for the partial GBR timber supply area.

Application of Forest Act to apportionments specified under this Act

19 A portion of an allowable annual cut specified by the Lieutenant Governor in Council under section 17 [apportioning cut in GBR areas] or 18 is deemed to be a portion of an allowable annual cut specified by the minister under section 10 (1) [apportioning cut] of the Forest Act.

Division 3 — Allowable Annual Cut Partitions

Definition for Division 3 of Part 3

20 In this Division, "partition", in relation to the allowable annual cut for an area that is

(a) a GBR timber supply area, a new non-GBR timber supply area, a partial GBR timber supply area or the GBR part or non-GBR part of a partial GBR timber supply area, means to specify that portions of that allowable annual cut are attributable to one or more of the following:

(i) different types of timber or terrain in different parts of Crown land within the area or part of the area;

(ii) different areas of Crown land within the area or part of the area, and

(b) a GBR tree farm licence area, the north part or south part of a GBR tree farm licence area, a partial GBR tree farm licence area or the GBR part or non-GBR part of a partial GBR tree farm licence area, means to specify that portions of that allowable annual cut are attributable to one or more of the following:

(i) different types of timber or terrain in different parts of Crown land within the area or part of the area;

(ii) different areas of Crown land within the area or part of the area;

(iii) different types of timber or terrain in different parts of private land within the area or part of the area.

AAC partitions for GBR timber supply areas and GBR tree farm licence areas

21 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation partition the AAC specified by the Lieutenant Governor in Council for any of the following:

(a) a GBR timber supply area;

(b) a GBR tree farm licence area;

(c) the north part of a GBR tree farm licence area;

(d) the south part of a GBR tree farm licence area.

(2) The chief forester must not, until after the end of the AAC adjustment period, exercise a power under section 8 (5) [allowable annual cut] of the Forest Act in relation to the AAC specified by the Lieutenant Governor in Council for

(a) a GBR timber supply area, or

(b) a GBR tree farm licence area.

(3) Subsection (2) applies despite the following provisions of this Act:

(a) section 8 (2) [adjustments to timber supply areas];

(b) section 16 (1) (a) and (b) [application of Forest Act to AACs specified under this Act];

(c) section 25 [application of Forest Act to AAC partitions specified under this Act].

(4) An AAC partition specified by the Lieutenant Governor in Council in relation to an area or a part of an area referred to in subsection (1) ceases to have effect on

(a) the date on which the chief forester, after the end of the AAC adjustment period, partitions the AAC specified by the Lieutenant Governor in Council for the area, or

(b) if the chief forester, after the end of the AAC adjustment period, does not partition the AAC specified by the Lieutenant Governor in Council for the area, the effective date of the AAC determined by the chief forester for that area.

AAC partitions for new non-GBR timber supply areas

22 (1) If and when the Lieutenant Governor in Council, by regulation under section 11 (1) [AAC for new non-GBR timber supply areas], specifies the first allowable annual cut for a new non-GBR timber supply area, the Lieutenant Governor in Council may also by regulation partition that allowable annual cut.

(2) During or after the end of the AAC adjustment period, the chief forester may partition, under section 8 (5) [allowable annual cut] of the Forest Act, the AAC specified by the Lieutenant Governor in Council for a new non-GBR timber supply area.

(3) An AAC partition specified by the Lieutenant Governor in Council in relation to a new non-GBR timber supply area ceases to have effect on

(a) the date on which the chief forester, during or after the end of the AAC adjustment period, partitions the AAC specified by the Lieutenant Governor in Council for the area, or

(b) if the chief forester does not partition the AAC specified by the Lieutenant Governor in Council for the area, the effective date of the AAC determined by the chief forester for that area.

AAC partitions for partial GBR timber supply areas and partial GBR tree farm licence areas

23 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation partition the AAC specified by the Lieutenant Governor in Council for any of the following:

(a) the GBR part of a partial GBR timber supply area;

(b) the GBR part of a partial GBR tree farm licence area.

(2) If and when the Lieutenant Governor in Council, by regulation under section 13 (2) [AAC for partial GBR timber supply areas and partial GBR tree farm licence areas], specifies the first allowable annual cut for the non-GBR part of a partial GBR timber supply area, the Lieutenant Governor in Council may also by regulation partition that allowable annual cut.

(3) If and when the Lieutenant Governor in Council, by regulation under section 13 (3), specifies the first allowable annual cut for the non-GBR part of a partial GBR tree farm licence area, the Lieutenant Governor in Council may also by regulation partition that allowable annual cut.

(4) In respect of an area that is a partial GBR timber supply area or partial GBR tree farm licence area, the power of the chief forester, under section 8 (5) [allowable annual cut] of the Forest Act, to partition the allowable annual cut for the area is subject to the following:

(a) during the AAC adjustment period, the chief forester may partition

(i) the AAC specified by the Lieutenant Governor in Council for the non-GBR part of that area, or

(ii) the AAC determined by the chief forester for the non-GBR part of that area;

(b) during the AAC adjustment period, the chief forester must not exercise a power under section 8 (5) of the Forest Act in relation to an allowable annual cut for that area, except to the extent permitted under paragraph

(a) of this subsection;

(c) after the end of the AAC adjustment period, the chief forester may partition the aggregate of

(i) the AAC specified by the Lieutenant Governor in Council for the GBR part of that area, and

(ii) the allowable annual cut for the non-GBR part of that area, as described in section 14 (2) [AAC status — partial GBR timber supply areas and partial GBR tree farm licence areas] of this Act.

(5) Subsection (4) (b) applies despite the following provisions of this Act:

(a) section 8 (2) [adjustments to timber supply areas];

(b) section 16 (1) (d) to (g) [application of Forest Act to AACs specified under this Act];

(c) section 25 [application of Forest Act to AAC partitions specified under this Act].

(6) An AAC partition specified by the Lieutenant Governor in Council in relation to the GBR part of an area that is a partial GBR timber supply area or partial GBR tree farm licence area ceases to have effect on

(a) the date on which the chief forester, after the end of the AAC adjustment period, partitions the aggregate of the allowable annual cuts referred to in subsection (4) (c), or

(b) if the chief forester, after the end of the AAC adjustment period, does not partition the aggregate of the allowable annual cuts referred to in subsection (4) (c), the effective date of the AAC determined by the chief forester for the area.

(7) An AAC partition specified by the Lieutenant Governor in Council in relation to the non-GBR part of an area that is a partial GBR timber supply area or partial GBR tree farm licence area ceases to have effect on

(a) the date on which the chief forester, during the AAC adjustment period, partitions the AAC specified by the Lieutenant Governor in Council for that non-GBR part of the area,

(b) if the chief forester does not specify a partition referred to in paragraph (a), the effective date of the AAC determined by the chief forester for that non-GBR part of the area, or

(c) if the chief forester does not specify a partition referred to in paragraph (a) and does not determine an allowable annual cut referred to in paragraph (b), the effective date of the AAC determined by the chief forester for the area.

Duty of chief forester to advise minister

24 The chief forester must advise the minister if the chief forester considers that the AAC specified by the Lieutenant Governor in Council for

(a) a GBR timber supply area or GBR tree farm licence area should be partitioned under section 21 (1) [AAC partitions for GBR timber supply areas and GBR tree farm licence areas], or

(b) the GBR part of a partial GBR timber supply area or partial GBR tree farm licence area should be partitioned under section 23 (1).

Application of Forest Act to AAC partitions specified under this Act

25 An AAC partition specified by the Lieutenant Governor in Council in relation to the AAC specified by the Lieutenant Governor in Council for any of the following areas or parts of an area is deemed to be a partition specified by the chief forester, under section 8 (5) [allowable annual cut] of the Forest Act, in relation to the area or part of the area:

(a) a GBR timber supply area;

(b) a GBR tree farm licence area;

(c) the north part of a GBR tree farm licence area;

(d) the south part of a GBR tree farm licence area;

(e) a new non-GBR timber supply area;

(f) the GBR part of a partial GBR timber supply area;

(g) the GBR part of a partial GBR tree farm licence area;

(h) the non-GBR part of a partial GBR timber supply area;

(i) the non-GBR part of a partial GBR tree farm licence area.

Part 4 — Adjustments to Affected Forest Licences

Definitions for Part 4

26 (1) In this Part:

"affected forest licence" means a forest licence that is one of the following:

(a) a forest licence that, immediately before January 1, 2017, specified, as the area in which the holder of the licence may harvest Crown timber,

(i) a timber supply area located, in whole or in part, in the area referred to in section 6 [designation of GBR forest management area], or

(ii) a tree farm licence area located, in whole or in part, in the area referred to in section 6;

(b) a forest licence entered into after January 1, 2017 that specifies, as the area in which the holder of the licence may harvest Crown timber,

(i) a GBR timber supply area or partial GBR timber supply area, or

(ii) a GBR tree farm licence area or partial GBR tree farm licence area;

"exempt forest licence" means a forest licence that is one of the following:

(a) a forest licence that specifies an allowable annual cut of 10 000 m³ or less;

(b) a forest licence that is entered into under section 47.3 [direct award of specified licences] of the Forest Act with a first nation or a representative of a first nation;

(c) a forest licence that is a prescribed forest licence.

(2) For certainty,

(a) an affected forest licence includes a forest licence that is an affected forest licence as a result of deemed amendments made to that licence under section 30 [deemed amendments to affected forest licences], and

(b) an exempt forest licence includes a forest licence that is an exempt forest licence as a result of deemed amendments made to that licence under section 30.

Specification of AACs for affected forest licences and new forest licences

27 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify the allowable annual cut that may be harvested under any of the following:

(a) an affected forest licence, other than an exempt forest licence;

(b) a new forest licence that specifies a new non-GBR timber supply area as the area in which the holder of the licence may harvest Crown timber, if that licence is entered into with the holder of an affected forest licence in accordance with section 29 [direct award of new forest licences].

(2) An allowable annual cut specified by regulation under subsection (1) (a) for an affected forest licence, other than an affected forest licence to which subsection (3) applies,

(a) must be greater than 10 000 m³, and

(b) must not be greater than the allowable annual cut specified in the affected forest licence, as that licence read immediately before the coming into force of the regulation.

(3) If a regulation under section 28 (3) specifies that the holder of an affected forest licence may also harvest Crown timber in a new non-GBR timber supply area under a new forest licence, the aggregate of the allowable annual cuts specified under subsection (1) of this section for

(a) the affected forest licence, and

(b) the new forest licence

must not be greater than the allowable annual cut specified in the affected forest licence, as that licence read immediately before January 1, 2017.

Specification of harvesting areas for affected forest licences

28 (1) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify one of the following as the area in which the holder of an affected forest licence may harvest Crown timber under the affected forest licence:

(a) a GBR timber supply area;

(b) a GBR tree farm licence area;

(c) a new non-GBR timber supply area;

(d) a partial GBR timber supply area;

(e) a partial GBR tree farm licence area.

(2) During the AAC adjustment period, the Lieutenant Governor in Council, despite section 14 (1) (b.1) and (2) [content of forest licence] of the Forest Act, may by regulation require that timber harvesting under an affected forest licence be restricted to one or more of the following:

(a) a portion of an area specified under subsection (1) of this section;

(b) a type of timber;

(c) a type of terrain.

(3) During the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify that the holder of an affected forest licence for which an area is specified by regulation under subsection (1) (a) may also harvest Crown timber in a new non-GBR timber supply area under a new forest licence that may be entered into with the holder of the affected forest licence in accordance with section 29.

(4) A regulation may be made under subsection (3) only if,

(a) immediately before the coming into force of the regulation under subsection (1) (a), the affected forest licence specified a partial GBR timber supply area as the area in which timber may be harvested under that licence, and

(b) land in the non-GBR part of the partial GBR timber supply area referred to in paragraph (a) of this subsection is designated as a new non-GBR timber supply area.

Direct award of new forest licences

29 (1) If a regulation under section 28 (3) specifies that the holder of an affected forest licence may harvest Crown timber in a new non-GBR timber supply area, the minister may enter into a new forest licence, under section 13 [applications] of the Forest Act, with that holder of the affected forest licence.

- (2) The minister may exercise the power under subsection (1) despite
- (a) section 11 [rights to Crown timber] of the Forest Act, and
 - (b) the requirements set out in section 13 [applications] of the Forest Act.
- (3) The following apply in relation to a new forest licence entered into with the holder of an affected forest licence in accordance with this section:
- (a) the new forest licence must specify a term that expires on the expiry date of the affected forest licence;
 - (b) the new forest licence must specify, as the area in which the holder of the new forest licence may harvest Crown timber, the new non-GBR timber supply area specified for that licence by regulation under section 28 (3);
 - (c) the new forest licence must specify, as the allowable annual cut for the licence, the allowable annual cut specified for that licence by regulation under section 27 (1) (b) [specification of AACs for affected forest licences and new forest licences];
 - (d) if the affected forest licence is replaceable under section 15 [replacement] of the Forest Act,
 - (i) the new forest licence must be replaceable on the same terms and conditions as the affected forest licence, and
 - (ii) for the purpose of determining the obligations relating to replacement under the new forest licence, the new forest licence is deemed to have been issued at the same time as the affected forest licence;
 - (e) if a bonus bid was required for the affected forest licence,
 - (i) the new forest licence must require the same bonus bid as under the affected forest licence, and
 - (ii) the bonus bid required under subparagraph (i) is deemed to have been tendered for the new forest licence;
 - (f) in respect of the volume of timber harvested that, before the new forest licence is entered into, was charged to the affected forest licence, the minister must assign that volume or portions of that volume that the minister considers appropriate to one or both of the affected forest licence and the new forest licence;
 - (g) the first cut control period for the new forest licence is deemed to have begun on the same day as the current cut control period for the affected forest licence;
 - (h) subject to subsection (4), the new forest licence must include other terms and conditions that are required under section 14 (1) [content of forest licence] of the Forest Act to be included in that licence;
 - (i) the new forest licence may include other terms and conditions the minister considers appropriate.
- (4) The following provisions of the Forest Act do not apply to a new forest licence entered into in accordance with this section:
- (a) section 14 (1) (d) (iii), except to the extent, if any, required under subsection (3) (e) of this subsection;
 - (b) section 14 (2);
 - (c) section 26 (5) [minister may impose area restrictions].
- (5) In subsection (3) (g), "current cut control period" means the cut control period that applies to the affected forest licence at the time the new forest licence is entered into.
- Deemed amendments to affected forest licences
- 30 (1) If a regulation under section 27 (1) (a) [specification of AACs for affected forest licences and new forest licences] specifies an allowable annual cut for an affected forest licence,
- (a) the affected forest licence is deemed to be amended, on the date the regulation takes effect, to reflect the allowable annual cut specified in that regulation, and
 - (b) the regulation ceases to have effect if a different allowable annual cut is subsequently authorized under the Forest Act for that affected forest licence.
- (2) If a regulation under section 28 (1) [specification of harvesting areas for affected forest licences] specifies an area for an affected forest licence,
- (a) the affected forest licence is deemed to be amended, on the date the regulation takes effect, to reflect the area specified in that regulation, and
 - (b) the regulation ceases to have effect if a different area is subsequently specified under the Forest Act for that affected forest licence.
- (3) If a regulation under section 28 (2) imposes a restriction on timber harvesting under an affected forest licence,
- (a) the affected forest licence is deemed to be amended, on the date the regulation takes effect, to reflect the restriction imposed by that regulation, and

(b) the regulation ceases to have effect if that restriction is subsequently removed under the Forest Act in relation to that affected forest licence.

Restriction on minister's powers under sections 18 and 25 of Forest Act

31 Despite section 8 (2) [adjustments to timber supply areas], the minister may not, until after the end of the AAC adjustment period, exercise a power under the following sections of the Forest Act in relation to a GBR timber supply area or partial GBR timber supply area:

- (a) section 18 [transfer to other timber supply area];
- (b) section 25 [permanent transfer to adjacent timber supply area].

Application of section 63 of Forest Act

32 (1) Despite sections 8 (2) [adjustments to timber supply areas] and 16 (1) (a), (c), (d) and (f) [application of Forest Act to AACs specified under this Act], section 63 [proportionate reduction] of the Forest Act does not apply in relation to the AAC specified by the Lieutenant Governor in Council for any of the following:

- (a) a GBR timber supply area;
- (b) a new non-GBR timber supply area;
- (c) the GBR part of a partial GBR timber supply area;
- (d) the non-GBR part of a partial GBR timber supply area.

(2) In applying section 63 of the Forest Act in relation to an AAC determined by the chief forester for the non-GBR part of a partial GBR timber supply area, the references to "timber supply area" in that section are to be read as if they were references to "non-GBR part of a partial GBR timber supply area".

Part 5 — Partition Orders

Definitions for Part 5

33 (1) In this Part:

"affected forest licence", in relation to an AAC partition specified by the Lieutenant Governor in Council for a relevant timber supply area or relevant tree farm licence area, means a forest licence, other than an exempt forest licence, that

- (a) specifies, as the area in which the holder of the licence may harvest Crown timber, a timber supply area or tree farm licence area located, in whole or in part, in the partitioned area, and
- (b) does not require that timber harvesting under the licence be restricted to an area located, in whole, outside the partitioned area;

"affected tree farm licence", in relation to an AAC partition specified by the Lieutenant Governor in Council for a relevant tree farm licence area, means a tree farm licence that describes, as the tree farm licence area, an area located, in whole or in part, in the partitioned area;

"exempt forest licence" means

- (a) a forest licence that specifies an allowable annual cut of 10 000 m³ or less, or
- (b) a non-replaceable forest licence referred to in paragraph (b) of the definition of "exempted licence" in section 75.01 (1) of the Forest Act;

"partition order" means an order under section 34 (1) or (2);

"partitioned area", in relation to an AAC partition specified by the Lieutenant Governor in Council, means the area that is subject to the AAC partition specified by the Lieutenant Governor in Council;

"relevant timber supply area" means an area that is one of the following:

- (a) a GBR timber supply area;
- (b) a new non-GBR timber supply area;
- (c) the GBR part of a partial GBR timber supply area;
- (d) the non-GBR part of a partial GBR timber supply area;
- (e) part of an area referred to in paragraph (a), (b), (c) or (d);

"relevant tree farm licence area" means an area that is one of the following:

- (a) a GBR tree farm licence area;
- (b) the north part of a GBR tree farm licence area;
- (c) the south part of a GBR tree farm licence area;
- (d) the GBR part of a partial GBR tree farm licence area;
- (e) the non-GBR part of a partial GBR tree farm licence area;
- (f) part of an area referred to in paragraph (a), (b), (c), (d) or (e).

(2) For certainty,

- (a) an affected forest licence includes a forest licence that is an affected forest licence as a result of deemed amendments made to that licence under section 30 [deemed amendments to affected forest licences], and
- (b) an exempt forest licence includes a forest licence that is an exempt forest licence as a result of deemed amendments made to that licence under section 30.

Partition orders

34 (1) At any time while an AAC partition specified by the Lieutenant Governor in Council is in effect for a relevant timber supply area, the minister may by order, if the minister considers it necessary to ensure that the AAC partition specified by the Lieutenant Governor in Council is carried out, specify a limit on the harvested volume for an affected forest licence in respect of one or more of the following:

- (a) a type of timber or terrain in parts of Crown land within the partitioned area;
- (b) different areas of Crown land within the partitioned area.

(2) At any time while an AAC partition specified by the Lieutenant Governor in Council is in effect for a relevant tree farm licence area, the minister may by order, if the minister considers it necessary to ensure that the AAC partition specified by the Lieutenant Governor in Council is carried out, specify a limit on the harvested volume for any of the following:

(a) the affected tree farm licence, in respect of one or more of the following:

- (i) a type of timber or terrain in parts of Crown land within the partitioned area;
- (ii) different areas of Crown land within the partitioned area;
- (iii) a type of timber or terrain in different parts of private land within the partitioned area;

(b) an affected forest licence, in respect of one or more of the following:

- (i) a type of timber or terrain in parts of Crown land within the partitioned area;
- (ii) different areas of Crown land within the partitioned area.

(3) In making a partition order under subsection (1) or (2) (b), the minister may specify a limit that applies in relation to 2 or more affected forest licences held by the same person.

(4) For certainty, if the minister specifies one limit that applies to 2 or more affected forest licences held by the same person, the holder of those affected forest licences may harvest any portion, including all or nothing, of the harvested volume under any of the affected forest licences that are subject to the limit.

Contents and term of partition orders

35 (1) A partition order must specify the following:

- (a) the term of the order;
- (b) the AAC partition specified by the Lieutenant Governor in Council in respect of which the order is made;
- (c) in respect of each licence for which the order is made, the harvested volume limit that the holder of the licence may not exceed during the term of that order.

(2) Despite the term specified in a partition order, the partition order ceases to have effect when the AAC partition specified by the Lieutenant Governor in Council in respect of which the order is made ceases to have effect.

Application of Forest Act to partition orders

36 (1) A partition order that relates to an AAC partition specified by the Lieutenant Governor in Council for a relevant timber supply area is deemed to be an order made by the minister under section 75.02 (2) [partition order] of the Forest Act.

(2) A partition order that relates to an AAC partition specified by the Lieutenant Governor in Council for a relevant tree farm licence area is deemed to be an order made by the minister under section 75.02 (3) of the Forest Act.

(3) Despite section 25 [application of Forest Act to AAC partitions specified under this Act] and subsections (1) and (2) of this section,

- (a) the minister may not exercise a power under section 75.02 (2) or (3) of the Forest Act in relation to an AAC partition specified by the Lieutenant Governor in Council for a relevant timber supply area or a relevant tree farm licence area, and
- (b) the following provisions of the Forest Act and regulations under that Act do not apply in relation to a partition order:
 - (i) section 75.02 (4) and (5);
 - (ii) regulations under section 75.07 (1) (a) and (d) [regulation making powers].

Part 6 — Cut Control

Division 1 — Cut Control Options for North Part of GBR Forest Management Area

Definitions for Division 1 of Part 6

37 (1) In this Division:

"calendar year of delivery", in relation to a notice of termination or notice of extension, means the calendar year in which the notice of termination or notice of extension is delivered;

"current cut control period", in relation to an eligible forest licence, eligible tree farm licence or partially eligible tree farm licence, means the cut control period that applies to the licence at the time the holder of that licence delivers a notice of termination or notice of extension;

"eligible forest licence" means a forest licence that meets the following requirements:

- (a) the licence has a term of more than 5 years;
- (b) the licence
 - (i) specifies, as the area in which the holder of that licence may harvest Crown timber, a GBR timber supply area or GBR tree farm licence area located, in whole, in the north part of the GBR forest management area, or
 - (ii) requires that timber harvesting under that licence be restricted to an area located, in whole, in the north part of the GBR forest management area;

"eligible tree farm licence" means a tree farm licence that meets the following requirements:

- (a) the licence has a term of more than 5 years;
- (b) the licence describes, as the tree farm licence area, a GBR tree farm licence area;
- (c) the GBR tree farm licence area described in the licence is located, in whole, in the north part of the GBR forest management area;

"extend", in relation to a current cut control period, means to extend the cut control period by delivering a notice of extension;

"notice of extension" means a notice of extension under section 38 (5);

"notice of termination" means a notice of termination under section 38 (3);

"notional division period", in relation to a partially eligible tree farm licence, means the period described in section 41 (4) [notional division of partially eligible tree farm licences];

"notional tree farm licence for GBR north", in relation to a partially eligible tree farm licence, means the notional tree farm licence referred to in section 41 (1) (a) and described in section 41 (2);

"notional tree farm licence for GBR south", in relation to a partially eligible tree farm licence, means the notional tree farm licence referred to in section 41 (1) (b) and described in section 41 (3);

"partially eligible tree farm licence" means a tree farm licence that meets the following requirements:

- (a) the licence has a term of more than 5 years;
- (b) the licence describes, as the tree farm licence area, a GBR tree farm licence area;

(c) the GBR tree farm licence area described in the licence is located, in part, in the north part of the GBR forest management area;

(d) there is an AAC specified by the Lieutenant Governor in Council for the north part and for the south part of the GBR tree farm licence area described in the licence;

"terminate", in relation to a current cut control period, means to terminate the cut control period by delivering a notice of termination.

(2) For certainty, an eligible forest licence includes a forest licence that is an eligible forest licence as a result of deemed amendments made to that licence under section 30 [deemed amendments to affected forest licences].

Options to obtain longer cut control period

38 (1) The holder of an eligible forest licence or eligible tree farm licence may obtain a longer cut control period for the licence by doing one of the following:

(a) terminating under subsection (3) the current cut control period for that licence;

(b) extending under subsection (5) the current cut control period for that licence.

(2) The holder of a partially eligible tree farm licence may obtain a longer cut control period for the notional tree farm licence for GBR north by doing one of the following:

(a) terminating under subsection (3) the current cut control period for the partially eligible tree farm licence;

(b) extending under subsection (5) the current cut control period for the notional tree farm licence for GBR north.

(3) To terminate the current cut control period for the following licences, the holder of the licence must deliver a written notice of termination to the minister after January 1 and before June 30 of a calendar year ending before 2022:

(a) an eligible forest licence;

(b) an eligible tree farm licence;

(c) a partially eligible tree farm licence.

(4) The holder of a licence referred to in subsection (3) may terminate only one cut control period for the licence.

(5) To extend the current cut control period for the following licences, the holder of the licence must deliver a written notice of extension to the minister after January 1 and before June 30 of a calendar year ending before 2022:

(a) an eligible forest licence;

(b) an eligible tree farm licence;

(c) a notional tree farm licence for GBR north.

(6) The holder of a licence referred to in subsection (5)

(a) may extend a current cut control period only once, and

(b) may not extend more than one cut control period.

New or extended cut control periods for eligible forest licences and eligible tree farm licences

39 (1) If the holder of an eligible forest licence or eligible tree farm licence terminates the current cut control period for the licence,

(a) the termination takes effect on December 31 of the year immediately preceding the calendar year of delivery,

(b) a new cut control period begins for the licence on January 1 of the calendar year of delivery, and

(c) the new cut control period is the shorter of

(i) 10 years, and

(ii) the number of calendar years remaining in the AAC adjustment period.

(2) If the holder of an eligible forest licence or eligible tree farm licence extends the current cut control period for the licence, the extended current cut control period is the shorter of

(a) 10 years, beginning on January 1 of the calendar year in which that current cut control period began, and

(b) the number of calendar years in the period

(i) beginning on January 1 of the calendar year in which that current cut control period began, and

(ii) ending on the date the AAC adjustment period ends.

(3) Subsections (1) (c) and (2) apply despite

(a) section 40 (1) and (3), and

(b) sections 75.4 (5) and (6) [cut control period for major licences] and 75.5 (4) [cut control period for other licences] of the Forest Act.

Application of Forest Act to eligible forest licences and eligible tree farm licences

40 (1) If a current cut control period is terminated or extended for an eligible forest licence that meets both of the requirements set out in subsection (2), or if a current cut control period is terminated or extended for an eligible tree farm licence,

(a) the licence is, for certainty, a licence as defined in section 75.4 (1) [cut control period for major licences] of the Forest Act, and

(b) the cut control period determined under this Part for the licence is deemed to be a cut control period determined, for that licence, under section 75.4 of the Forest Act.

(2) Subsection (1) applies to an eligible forest licence if,

(a) immediately before the coming into force of this section, the licence specified an allowable annual cut greater than 10 000 m³, and

(b) the licence is not deemed under section 30 [deemed amendments to affected forest licences] to specify an allowable annual cut of 10 000 m³ or less.

(3) If a cut control period is terminated or extended for an eligible forest licence that meets one of the requirements set out in subsection (4),

(a) the licence is, for certainty, a forest licence as defined in section 75.5 (1) [cut control period for other licences] of the Forest Act, and

(b) the cut control period determined under this Part for the licence is deemed to be a cut control period determined, for that licence, under section 75.5 of the Forest Act.

(4) Subsection (3) applies to an eligible forest licence if,

(a) immediately before the coming into force of this section, the licence specified an allowable annual cut of 10 000 m³ or less, or

(b) the licence is deemed under section 30 to specify an allowable annual cut of 10 000 m³ or less.

Notional division of partially eligible tree farm licences

41 (1) If the holder of a partially eligible tree farm licence delivers a notice of termination or notice of extension, the licence is notionally divided, during the notional division period, into the following 2 licences:

(a) a notional tree farm licence for GBR north;

(b) a notional tree farm licence for GBR south.

(2) In respect of the notional tree farm licence for GBR north,

(a) the notional tree farm licence area is the area comprised of the north part of the GBR tree farm licence area described in the partially eligible tree farm licence, and

(b) the allowable annual cut for the notional tree farm licence area is the AAC specified by the Lieutenant Governor in Council for the north part of the GBR tree farm licence area described in the partially eligible tree farm licence.

(3) In respect of the notional tree farm licence for GBR south,

(a) the notional tree farm licence area is the area comprised of the south part of the GBR tree farm licence area described in the partially eligible tree farm licence, and

(b) the allowable annual cut for the notional tree farm licence area is the AAC specified by the Lieutenant Governor in Council for the south part of the GBR tree farm licence area described in the partially eligible tree farm licence.

(4) The notional division of a partially eligible tree farm licence under subsection (1) applies during the period

(a) beginning on January 1 of the calendar year in which the holder of the partially eligible GBR tree farm licence delivers a notice of termination or notice of extension, and

(b) ending on the date described in section 42 (4).

New or extended cut control periods for partially eligible tree farm licences

42 (1) If the holder of a partially eligible tree farm licence terminates the current cut control period for the licence,

(a) in respect of the notional tree farm licence for GBR north,

- (i) the termination takes effect on December 31 of the year immediately preceding the calendar year of delivery,
 - (ii) a new cut control period begins on January 1 of the calendar year of delivery, and
 - (iii) the new cut control period is the shorter of
 - (A) 10 years, and
 - (B) the number of calendar years remaining in the AAC adjustment period, and
 - (b) in respect of the notional tree farm licence for GBR south,
 - (i) the termination takes effect on December 31 of the year immediately preceding the calendar year of delivery,
 - (ii) a new cut control period begins on January 1 of the calendar year of delivery, and
 - (iii) subject to subsection (4), the new cut control period is 5 years.
 - (2) In respect of the new cut control period described in subsection (1) (a) and (b), if there is an excess volume of timber that is required under section 75.7 [carry forward of excess harvest volume] of the Forest Act to be treated as being timber harvested during that new cut control period, the minister must assign the excess volume or portions of that volume that the minister considers appropriate to one or both of
 - (a) the notional tree farm licence for GBR north, and
 - (b) the notional tree farm licence for GBR south.
 - (3) If the holder of a partially eligible tree farm licence extends the current cut control period for the notional tree farm licence for GBR north,
 - (a) the minister must assign the volume of timber harvested under the partially eligible tree farm licence or portions of that volume that the minister considers appropriate to one or both of
 - (i) the notional tree farm licence for GBR north, and
 - (ii) the notional tree farm licence for GBR south,
 - (b) in respect of the notional tree farm licence for GBR north, the extended current cut control period is the shorter of
 - (i) 10 years, beginning on January 1 of the calendar year in which that current cut control period began, and
 - (ii) the number of calendar years in the period
 - (A) beginning on January 1 of the calendar year in which that current cut control period began, and
 - (B) ending on the date the AAC adjustment period ends, and
 - (c) in respect of the notional tree farm licence for GBR south, the cut control period is, for certainty, the cut control period determined for that notional licence under section 75.4 [cut control period for major licences] of the Forest Act.
 - (4) On the date the new cut control period described in subsection (1) (a) (ii) and (iii), or the extended current cut control period described in subsection (3) (b), ends for the notional tree farm licence for GBR north,
 - (a) the cut control period for the notional tree farm licence for GBR south also ends, and
 - (b) the notional division of the partially eligible tree farm licence in accordance with section 41 ends in relation to
 - (i) the next cut control period for that licence, and
 - (ii) any subsequent cut control period for that licence.
 - (5) In respect of the next cut control period referred to in subsection (4) (b) (i), if there is an excess volume of timber harvested during the preceding cut control period for the notional tree farm licence for GBR north or the notional tree farm licence for GBR south, the excess volume for that notional licence
 - (a) must be treated under section 75.7 of the Forest Act as being timber harvested during that next cut control period for the partially eligible tree farm licence, and
 - (b) must not be offset by the unharvested volume, if any, relating to the preceding cut control period for the other notional licence.
 - (6) Subsections (1) (a) (iii), (3) (b) and (4) apply despite
 - (a) section 43 of this Act, and
 - (b) section 75.4 (5) and (6) [cut control period for major licences] of the Forest Act.
- Application of Forest Act to partially eligible tree farm licences
- 43 If a cut control period is terminated for a partially eligible tree farm licence or is extended for a notional tree farm licence for GBR north,
- (a) the partially eligible tree farm licence is, for certainty, a licence as defined in section 75.4 (1) [cut control period for major licences] of the Forest Act,

(b) during the notional division period, the notional tree farm licence for GBR north and the notional tree farm licence for GBR south are deemed to be licences as defined in section 75.4 (1) of the Forest Act, and

(c) during the notional division period, the cut control periods determined under this Part for the licence and the notional licences are deemed to be cut control periods determined, for that licence and those notional licences, under section 75.4 of the Forest Act.

Division 2 — Relief from Cut Control Penalties

Definitions for Division 2 of Part 6

44 In this Division:

"cut control limit" means a limit that is specified or referred to in any of the following provisions of the Forest Act:

(a) section 75.2 [limit on total cut for licences with a term of 5 years or less];

(b) section 75.41 [cut control limit for major licences];

(c) section 75.51 [cut control limit for other licences];

(d) section 75.9 [exemption from cut control limits];

"eligible penalty" means a penalty under one of the following provisions of the Forest Act:

(a) section 75.2;

(b) section 75.91 [penalty for exceeding cut control limits];

"GBR tree farm licence" means a tree farm licence that describes, as the tree farm licence area, a GBR tree farm licence area;

"partial GBR tree farm licence" means a tree farm licence that describes, as the tree farm licence area, a partial GBR tree farm licence area.

Penalty relief for forest licences

45 The minister may grant to the holder of a forest licence full or partial relief from an eligible penalty if the minister considers that one or more of the following contributed to the contravention of the cut control limit to which the eligible penalty relates:

(a) an allowable annual cut specified for the licence under section 27 (1) [specification of AACs for affected forest licences and new forest licences];

(b) a volume assigned to the licence under section 29 (3) (f) [direct award of new forest licences];

(c) an allowable annual cut reduction specified for the licence under section 55 [reductions to AAC of forest licences].

Penalty relief for GBR tree farm licences

46 The minister may grant to the holder of a GBR tree farm licence full or partial relief from an eligible penalty if the minister considers that one or more of the following contributed to the contravention of the cut control limit to which the eligible penalty relates:

(a) the AAC specified by the Lieutenant Governor in Council for the GBR tree farm licence area;

(b) a volume assigned to the licence under section 42 (2) or (3) [new or extended cut control periods for partially eligible tree farm licences];

(c) a deletion of Crown land from the GBR tree farm licence area under section 54 [deletion of Crown land from commercial licence areas].

Penalty relief for partial GBR tree farm licences

47 The minister may grant to the holder of a partial GBR tree farm licence full or partial relief from an eligible penalty if the minister considers that one or more of the following contributed to the contravention of the cut control limit to which the eligible penalty relates:

(a) the AAC specified by the Lieutenant Governor in Council for the GBR part of the partial GBR tree farm licence area;

- (b) the AAC specified by the Lieutenant Governor in Council for the non-GBR part of the partial GBR tree farm licence area;
- (c) the AAC determined by the chief forester for the non-GBR part of the partial GBR tree farm licence area;
- (d) a deletion of Crown land from the partial GBR tree farm licence area under section 54 [deletion of Crown land from commercial licence areas];
- (e) a volume assigned to the licence by regulation under section 65 [regulations adapting cut control for partial GBR tree farm licences].

Penalty relief for other licences in relation to special forest management areas

48 (1) In this section:

"commercial licence" means a commercial licence, as defined in section 49, other than a tree farm licence;

"commercial licence area" means the area of land that is described in or is subject to a commercial licence.

(2) The minister may grant to the holder of a commercial licence full or partial relief from an eligible penalty if the minister considers that a deletion of Crown land from the commercial licence area under section 54 [deletion of Crown land from commercial licence areas] contributed to the contravention of the cut control limit to which the eligible penalty relates.

Part 7 — Special Forest Management Areas

Division 1 — Definitions and Designation

Definitions for Part 7

49 In this Part:

"authorized official", in relation to a commercial licence, cutting permit or road permit, means an individual who is authorized under the Forest Act to enter into, issue or grant the licence or permit;

"commercial licence" means the following:

- (a) a Christmas tree permit;
- (b) a community forest agreement;
- (c) a community salvage licence;
- (d) a first nations woodland licence;
- (e) a timber licence;
- (f) a timber sale licence;
- (g) a tree farm licence;
- (h) a woodlot licence;

"commercial licence area" means the area of land that is described in or is subject to a commercial licence;

"timber licence area" means the area described in a timber licence;

"timber sale licence area" means the area described in a timber sale licence.

Designation of special forest management areas

50 During or after the end of the AAC adjustment period, the Lieutenant Governor in Council may by regulation designate land in the GBR forest management area as a special forest management area.

Division 2 — Prohibitions, Deletions and Reductions

Prohibition on new commercial licences and cutting permits

51 An authorized official must not enter into a commercial licence or issue a cutting permit that would allow a person to harvest Crown timber in a special forest management area.

Prohibition on new road permits

52 Despite section 115 [road permits and road use permits for timber harvesting] of the Forest Act, an authorized official may refuse to grant a road permit to construct or maintain a road in a special forest management area if the authorized official considers that construction or maintenance of the road would significantly impair the management and conservation of forest resources on Crown land in the special forest management area.

Prohibition on harvesting under existing cutting permits

53 (1) This section applies to a cutting permit if

(a) the cutting permit is issued before land is designated under section 50 [designation of special forest management areas] as a special forest management area, and

(b) the area that is subject to the cutting permit is located, in whole or in part, in the special forest management area.

(2) The minister may by order prohibit a person from harvesting Crown timber in a special forest management area under a cutting permit to which this section applies.

(3) A cutting permit that is subject to an order under subsection (2) is deemed to be amended to exclude the special forest management area from the area that is subject to the cutting permit.

(4) The minister must serve a copy of an order made under this section on the holder of the cutting permit to which the order relates, but the order is not invalid only because the order is not served.

(5) Section 140 [how notice or document may be served] of the Forest Act applies in relation to service of an order under subsection (4) of this section.

Deletion of Crown land from commercial licence areas

54 (1) In this section, "relevant commercial licence area", in relation to a special forest management area, means a commercial licence area or the part of a commercial licence area located in the special forest management area.

(2) On the effective date of a regulation under section 50 [designation of special forest management areas] that designates land as a special forest management area, all Crown land in each relevant commercial licence area is deleted from the commercial licence area.

(3) If a commercial licence area located, in whole, in a special forest management area is deleted under subsection (2), the minister may cancel the commercial licence.

Reductions to AAC of forest licences

55 During or after the end of the AAC adjustment period, the Lieutenant Governor in Council may by regulation specify the amount, if any, by which the Lieutenant Governor in Council considers the allowable annual cut of a forest licence is reduced as a result of the designation of land as a special forest management area.

Deemed amendments to Christmas tree permits and community salvage licences

56 Each Christmas tree permit and community salvage licence that is affected by a deletion under section 54 [deletion of Crown land from commercial licence areas] is deemed to be amended to reflect the deletion under that section.

Division 3 — Application of Forest Act and Compensation

Deletions to tree farm licence areas

57 (1) A deletion of Crown land from a tree farm licence area under section 54 [deletion of Crown land from commercial licence areas] is deemed to be a deletion made, for another purpose, by order of the minister under section 60.2 [other deletions of Crown land — tree farm licences] of the Forest Act.

(2) Despite subsection (1), in relation to a deletion to which that subsection applies,

(a) the definitions of "current allowable annual cut" and "original allowable annual cut" in section 60.6 (1) [compensation in respect of tree farm licence areas] of the Forest Act do not apply, and

(b) the following definitions are substituted:

"current allowable annual cut" means the allowable annual cut that is specified by regulation as the current allowable annual cut for the tree farm licence area;

"original allowable annual cut" means the allowable annual cut that is specified by regulation as the original allowable annual cut for the tree farm licence area.

(3) Despite subsection (1), in relation to a deletion to which that subsection applies, section 60.6 (4) of the Forest Act is to be read as if the reference to "in the opinion of the chief forester" were excluded.

Deletions to community forest agreement areas, first nations woodland licence areas and woodlot licence areas

58 (1) A deletion under section 54 [deletion of Crown land from commercial licence areas] of Crown land from

(a) a community forest agreement area is deemed to be a deletion made, for another purpose, by order of the minister under section 60.3 (a) [other deletions of Crown land — community forest agreements, first nations woodland licences, woodlot licences and timber licences] of the Forest Act,

(b) a first nations woodland licence area is deemed to be a deletion made, for another purpose, by order of the minister under section 60.3 (b) of the Forest Act, and

(c) a woodlot licence area is deemed to be a deletion made, for another purpose, by order of the minister under section 60.3 (c) of the Forest Act.

(2) Despite subsection (1), in relation to a deletion to which that subsection applies,

(a) the definitions of "current allowable annual cut" and "original allowable annual cut" in section 60.7

(1) [compensation in respect of community forest agreement, first nations woodland licence and woodlot licence areas] of the Forest Act do not apply, and

(b) the following definitions are substituted:

"current allowable annual cut" means the allowable annual cut that is specified by regulation as the current allowable annual cut for the community forest agreement area, first nations woodland licence area or woodlot licence area;

"original allowable annual cut" means the allowable annual cut that is specified by regulation as the original allowable annual cut for the community forest agreement area, first nations woodland licence area or woodlot licence area.

Deletions to timber licence areas and timber sale licence areas

59 (1) A deletion of Crown land from a timber licence area or timber sale licence area under section 54 [deletion of Crown land from commercial licence areas] is deemed to be a deletion made, for another purpose, by order of the minister under section 60.3 (d) [other deletions of Crown land — community forest agreements, first nations woodland licences, woodlot licences and timber licences] of the Forest Act.

(2) In applying the Forest Act in relation to a deletion to which subsection (1) applies,

(a) the references to "timber licence" in sections 60.51, 60.8, 60.91 (3), 60.92, 60.94 and 60.95 of the Forest Act are to be read as if they included references to "timber sale licence", and

(b) the references to "timber licence area" in sections 60.8 and 60.91 (3) of the Forest Act are to be read as if they included references to "timber sale licence area".

(3) For certainty, in relation to a timber sale licence area, a deletion to which subsection (1) applies is not deemed to be a reduction made under section 60.4 [reductions in allowable annual cut under forest licences and timber sale licences] of the Forest Act.

Reductions in AAC under forest licences

60 (1) A reduction specified for a forest licence under section 55 [reductions to AAC of forest licences] is deemed to be a reduction made, for another purpose, by order of the minister under section 60.4 (a) [reductions in allowable annual cut under forest licences and timber sale licences] of the Forest Act.

(2) Despite subsection (1), in relation to a reduction to which that subsection applies,

(a) the definitions of "current allowable annual cut" and "original allowable annual cut" in section 60.9

(1) [compensation in respect of forest licences or timber sale licences] of the Forest Act do not apply, and

(b) the following definitions are substituted:

"current allowable annual cut" means the allowable annual cut that is specified by regulation as the current allowable annual cut for the forest licence;

"original allowable annual cut" means the allowable annual cut that is specified by regulation as the original allowable annual cut for the forest licence.

Section 60.5 of Forest Act not applicable

61 Despite sections 57 (1) [deletions to tree farm licence areas], 58 (1) [deletions to community forest agreement areas, first nations woodland licence areas and woodlot licence areas], 59 [deletions to timber licence areas and timber sale licence areas] and 60 (1), section 60.5 [notice of an order under sections 60, 60.01 or 60.2 to 60.4] of the Forest Act does not apply in relation to either of the following:

- (a) an intended deletion under section 54 [deletion of Crown land from commercial licence areas] of this Act of Crown land from a tree farm licence area, community forest agreement area, first nations woodland licence area, woodlot licence area, timber licence area or timber sale licence area;
- (b) an intended reduction under section 55 [reductions to AAC of forest licences] of this Act of the allowable annual cut of a forest licence.

Part 8 — General

Conflicts with Forest Act and other enactments

62 (1) This Act, and the regulations and orders made under this Act, prevail to the extent of any conflict or inconsistency with the following:

- (a) the Forest Act, and enactments and agreements under that Act, except to the extent set out in subsections (2) and (3) of this section;
 - (b) the Forest and Range Practices Act and enactments under that Act;
 - (c) the Forest Practices Code of British Columbia Act and enactments under that Act;
 - (d) the Forestry Revitalization Act and enactments under that Act;
 - (e) an order made under section 93.4 [minister may establish Forest and Range Practices Act objectives by order] of the Land Act.
- (2) A designation or order made by the minister, after the end of the AAC adjustment period, under section 7 [timber supply areas] of the Forest Act prevails to the extent of any conflict or inconsistency with a regulation made under section 8 [adjustments to timber supply areas] of this Act.
- (3) Subject to subsection (4), Part 13 [Designated Areas] of the Forest Act, and the regulations and orders made under that Part, prevail to the extent of any conflict or inconsistency with this Act, and the regulations and orders made under this Act.
- (4) Despite sections 8 (2) and 16 (1) [application of Forest Act to AACs specified under this Act], the chief forester must not, during the AAC adjustment period, make a determination in accordance with section 173.1 (3) [effect of reduction on annual allowable cut determination] of the Forest Act in relation to
- (a) a GBR timber supply area,
 - (b) a GBR tree farm licence area,
 - (c) a partial GBR timber supply area, or
 - (d) a partial GBR tree farm licence area.

No compensation

63 (1) Except to the extent contemplated under Division 3 [Application of Forest Act and Compensation] of Part 7 [Special Forest Management Areas], and despite any enactment or law to the contrary, compensation and damages are not payable by the government in relation to any of the following matters:

- (a) the enactment of this Act or a regulation or order under this Act;
 - (b) the exercise or intended exercise of a power under this Act including, without limitation, the following:
 - (i) the power of the Lieutenant Governor in Council under Part 4 [Adjustments to Affected Forest Licences] to specify allowable annual cuts and harvesting areas for affected forest licences and to impose restrictions on timber harvesting under those licences;
 - (ii) the power of the Lieutenant Governor in Council under Part 7 to designate land as a special forest management area;
 - (iii) the power of the Lieutenant Governor in Council under section 66 [regulations respecting Forest and Range Practices Act] to make regulations.
- (2) A person has no right of action and must not commence or maintain an action or other proceeding

- (a) to claim compensation or damages from the government in relation to a matter referred to in subsection (1), or
 - (b) to obtain a declaration that compensation or damages is payable by the government in relation to a matter referred to in subsection (1).
- (3) The Expropriation Act does not apply in relation to a matter referred to in subsection (1) of this section.
- Section 5 of Offence Act
- 64 Section 5 [general offence] of the Offence Act does not apply to this Act or regulations or orders made under this Act.

Regulations adapting cut control for partial GBR tree farm licences

65 (1) In this section, "partial GBR tree farm licence" means a tree farm licence that meets the following requirements:

- (a) the licence describes, as the tree farm licence area, a partial GBR tree farm licence area;
 - (b) an allowable annual cut referred to in subsection (2) is specified or determined in relation to the partial GBR tree farm licence area described in the licence.
- (2) During the AAC adjustment period, the Lieutenant Governor in Council may make regulations the Lieutenant Governor in Council considers necessary for the purposes of adapting Division 3.1 [Cut Control] of Part 4 [General Tenure Provisions] of the Forest Act, and regulations under that Division, to take into account any or all of the following:
- (a) an AAC specified by the Lieutenant Governor in Council for the GBR part of a partial GBR tree farm licence area;
 - (b) an AAC specified by the Lieutenant Governor in Council for the non-GBR part of a partial GBR tree farm licence area;
 - (c) an AAC determined by the chief forester for the non-GBR part of a partial GBR tree farm licence area.
- (3) Without limiting subsection (2), the Lieutenant Governor in Council may by regulation do any or all of the following:
- (a) notionally divide a partial GBR tree farm licence into the following 2 licences:
 - (i) a notional licence for the GBR part of the partial GBR tree farm licence area;
 - (ii) a notional licence for the non-GBR part of the partial GBR tree farm licence area;
 - (b) authorize the minister to assign the volume of timber harvested under a partial GBR tree farm licence or portions of that volume that the minister considers appropriate to a notional licence referred to in paragraph (a);
 - (c) specify that a provision under Division 3.1 of Part 4 of the Forest Act does not apply in relation to
 - (i) a partial GBR tree farm licence, or
 - (ii) a notional licence referred to in paragraph (a) of this subsection;
 - (d) impose a condition, requirement, restriction or prohibition in relation to either of the following that is in addition to, or different from, a provision under Division 3.1 of Part 4 of the Forest Act:
 - (i) a partial GBR tree farm licence;
 - (ii) a notional licence referred to in paragraph (a) of this subsection;
 - (e) specify that a condition, requirement, restriction or prohibition imposed by a regulation under this section is deemed to be a condition, requirement, restriction or prohibition imposed under Division 3.1 of Part 4 of the Forest Act.

Regulations respecting Forest and Range Practices Act

66 (1) In this section:

"forest practice" has the same meaning as in section 1 of the Forest and Range Practices Act;

"operational plan" has the same meaning as in section 1 of the Forest and Range Practices Act.

(2) During or after the end of the AAC adjustment period and despite the Forest and Range Practices Act, the Lieutenant Governor in Council may by regulation do any of the following:

- (a) specify that a provision of the Forest and Range Practices Act, or an enactment under that Act, does not apply in relation to the GBR forest management area;
- (b) in relation to forest practices and operational plans respecting the GBR forest management area, impose standards, conditions, requirements, restrictions or prohibitions that are in addition to, or different

from, the standards, conditions, requirements, restrictions or prohibitions under the Forest and Range Practices Act;

(c) specify that a standard, condition, requirement, restriction or prohibition imposed by a regulation under this section is deemed to be a standard, condition, requirement, restriction or prohibition imposed under the Forest and Range Practices Act.

Restrictions on certain regulation-making powers

67 (1) This section applies to regulations under the following provisions:

- (a) section 7 (1) [maximum AAC for GBR forest management area];
- (b) section 8 (1) [adjustments to timber supply areas];
- (c) section 9 (1) and (2) [AAC for GBR timber supply areas and GBR tree farm licence areas];
- (d) section 11 (1) [AAC for new non-GBR timber supply areas];
- (e) section 13 (1), (2) and (3) [AAC for partial GBR timber supply areas and partial GBR tree farm licence areas];
- (f) section 17 (1) [apportioning cut in GBR areas];
- (g) section 18 (1) [apportioning cut in non-GBR areas];
- (h) section 21 (1) [AAC partitions for GBR timber supply areas and GBR tree farm licence areas];
- (i) section 22 (1) [AAC partitions for new non-GBR timber supply areas];
- (j) section 23 (1), (2) and (3) [AAC partitions for partial GBR timber supply areas and partial GBR tree farm licence areas];
- (k) paragraph (c) of the definition of "exempt forest licence" in section 26 (1) [definitions for Part 4];
- (l) section 27 (1) [specification of AACs for affected forest licences and new forest licences];
- (m) section 28 (1), (2) and (3) [specification of harvesting areas for affected forest licences];
- (n) section 65 [regulations adapting cut control for partial GBR tree farm licences].

(2) Regulations under a provision to which this section applies

(a) may be made or amended only during the AAC adjustment period, and

(b) may be repealed during or after the end of the AAC adjustment period.

Regulations respecting other matters

68 The Lieutenant Governor in Council may make regulations respecting any matter for which regulations are contemplated by the following provisions of this Act:

- (a) section 2 (4) (b) [general application of Forest Act to this Act];
- (b) paragraph (c) of the definition of "exempt forest licence" in section 26 (1) [definitions for Part 4];
- (c) section 57 (2) [deletions to tree farm licence areas];
- (d) section 58 (2) [deletions to community forest agreement areas, first nations woodland licence areas and woodlot licence areas];
- (e) section 60 (2) [reductions in AAC under forest licences].

General regulation-making authority

69 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 [powers to make regulations] of the Interpretation Act.

(2) The authority to make regulations under another provision of this Act does not limit subsection (1).

(3) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:

(a) delegate a matter to a person;

(b) confer a discretion on a person;

(c) make different regulations for different persons, places, things, circumstances or transactions, or classes of persons, places, things, circumstances or transactions;

(d) establish or define classes of persons, places, things, circumstances or transactions.

Transitional regulations — general

70 (1) Despite this or any other Act, the Lieutenant Governor in Council may make regulations as follows:

(a) respecting any matter that the Lieutenant Governor in Council considers is not provided for, or is not sufficiently provided for, in this Act;

(b) making provisions that the Lieutenant Governor in Council considers appropriate for the purpose of more effectively bringing this Act into operation;

(c) making provisions that the Lieutenant Governor in Council considers appropriate for the purpose of preventing, minimizing or otherwise addressing any transitional difficulties encountered in bringing this Act into effect and for that purpose the Lieutenant Governor in Council may disapply or vary any provision of this Act;

(d) resolving any errors, inconsistencies or ambiguities arising in this Act.

(2) A regulation under subsection (1) may be made retroactive to the date this section comes into force or a later date and, if made retroactive, is deemed to have come into force on the specified date.

(3) This section and any regulations made under this section are repealed on the date that is one year after the date this section comes into force.

Transitional regulations — substitution of actual dates

71 (1) The Lieutenant Governor in Council may by regulation amend the definition of "AAC adjustment period" in section 1 [definitions] by striking out "the date section 6 [designation of GBR forest management area] comes into force" and substituting the actual date that section comes into force.

(2) The Lieutenant Governor in Council may by regulation amend the following provisions of this Act by striking out "the coming into force of this section" and substituting the actual date the applicable section comes into force:

(a) the definitions of "north part" and "south part" in section 1;

(b) paragraphs (a) and (b) of the definition of "affected forest licence" in section 26 (1) [definitions for Part 4];

(c) section 27 (3) [specification of AACs for affected forest licences and new forest licences];

(d) section 40 (2) (a) and (4) (a) [application of Forest Act to eligible forest licences and eligible tree farm licences].

Commencement

72 This Act comes into force by regulation of the Lieutenant Governor in Council.

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