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Great Bear Rainforest (Forest Management) Act

GREAT BEAR RAINFOREST (FOREST MANAGEMENT) REGULATION

Note: Check the Cumulative Regulation Bulletin 2015 and 2016

for any non-consolidated amendments to this regulation that may be in effect.
[includes amendments up to B.C. Reg. 328/2016, January 1, 2017]

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Part 1 — Definitions and Interpretation	

Definitions

1 In this regulation:

"AAC" means allowable annual cut;

"Act" means the Great Bear Rainforest (Forest Management) Act;

"affected forest licence" has the same meaning as in section 26 (1) [definitions for Part 4] of the Act;

"GeoBC map" means a map deposited in the Media Vault, GeoBC, Victoria;

"TFL" means tree farm licence;

"TSA" means timber supply area.

[am. B.C. Reg. 328/2016, Sch. s. 2.]

Interpretation for tables in sections 8, 12 and 16

1.1 (1) In an item of a table in section 8 (2) [AACs for forest licences in GBR North TSA], 12 [AACs for forest licences in GBR South TSA] or 16 [AACs for forest licences in North Island TSA]:

"exempt forest licence" has the same meaning as in section 26 (1) of the Act;

"former TSA", in relation to a forest licence, means the TSA that was specified in the licence, as that licence read on December 31, 2016;

"licence holder", in relation to a forest licence, means the person that holds the licence as of January 1, 2017.

(2) In an item of a table referred to in subsection (1), an affected forest licence is identified by the following information:

- (a) in column 1, the licence number of the licence;
- (b) in column 2, the licence holder;
- (c) in column 3, the licence's former TSA.

[en. B.C. Reg. 328/2016, Sch. s. 3.]

Part 2 — Maximum AAC and Abolition of TSAs

Maximum AAC for GBR forest management area

2 The maximum AAC for the GBR forest management area is 2 500 000 m³.

Abolition of TSAs

3 The following TSAs are abolished:

- (a) the North Coast TSA;
- (b) the Mid Coast TSA;
- (c) the Kingcome TSA;
- (d) the Strathcona TSA.

[en. B.C. Reg. 328/2016, Sch. s. 5.]

Part 3 — GBR North TSA

Designation of GBR North TSA

4 The land contained within the boundaries shown and described on the GeoBC map with the map name Great Bear Rainforest North Timber Supply Area and map reference number 577.3409711 G786 TSA1 2016 is designated as the GBR North TSA.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AAC for GBR North TSA

5 The AAC for the Crown land in the GBR North TSA is 803 000 m³.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AAC partition for GBR North TSA

6 (1) The AAC of 803 000 m³ specified for the GBR North TSA is partitioned as follows:

- (a) 468 600 m³ is attributable to those areas of Crown land that
 - (i) are located within the North Island Central Coast Forest District established under the Forest Act, and
 - (ii) are not located within the Owikeno Lake basin;
 - (b) 113 200 m³ is attributable to western red cedar and yellow cedar located within the Coast Mountain Forest District established under the Forest Act.
- (2) For the purposes of subsection (1) (a) (ii), the Owikeno Lake basin is the area located within the boundaries shown and labelled as the Owikeno Lake basin on the map referred to in section 4 [designation of GBR North TSA].

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Apportionment of cut in GBR North TSA

7 In respect of the AAC of 803 000 m³ specified for the GBR North TSA,

- (a) 685 024 m³ is available to the minister for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act, and
- (b) 117 976 m³ is available to the timber sales manager for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AACs for forest licences in GBR North TSA

8 (1) For the purposes of paragraph (c) of the definition of "exempt forest licence" in section 26 (1) [definitions for Part 4] of the Act, the affected forest licences identified in items 8, 12 and 20 of the table in subsection (2) are prescribed.

(2) For an affected forest licence identified in the following table,

- (a) the GBR North TSA is the area in which Crown timber may be harvested under the licence, and
 (b) the AAC set out in column 4, opposite the licence's identification information in columns 1 to 3, is the AAC that may be harvested under that licence:

Item	Column 1	Column 2	Column 3	Column 4
Licence No.				
Licence Holder				
Former TSA				
AAC (m3)				
1	A71731	Gitga'at Forestry Inc.	North Coast	not specified
	(exempt forest licence)			
2	A93864	Gwa'nak Resources Ltd.	Mid Coast	not specified
	(exempt forest licence)			
3	A94046	Gwa'nak Resources Ltd.	Mid Coast	not specified
	(exempt forest licence)			
4	A16841	Interfor Corporation	North Coast	24 488
5	A16850	Interfor Corporation	Mid Coast	83 382
6	A82001	Interfor Corporation	Mid Coast	66 671
7	A82002	Interfor Corporation	Mid Coast	22 223
8	A94009	Kitasoo Forest Company Ltd.	North Coast	not specified
	(exempt forest licence)			
9	A94536	Kitasoo Forest Company Ltd.	Mid Coast	not specified
	(exempt forest licence)			
10	A83918	Kvamua Enterprises Limited Partnership	Mid Coast	not specified
	(exempt forest licence)			
11	A93776	Kvamua Forestry Services Ltd.	Mid Coast	not specified
	(exempt forest licence)			
12	A94010	Kvamua Forestry Services Ltd.	North Coast	not specified
	(exempt forest licence)			
13	A94515	Kvamua Forestry Services Ltd.	Mid Coast	not specified
	(exempt forest licence)			
14	A94516	Kvamua Forestry Services Ltd.	Mid Coast	not specified
	(exempt forest licence)			
15	A90762	Nanwakolas Forestry Limited Partnership	Mid Coast	not specified
	(exempt forest licence)			
16	A87259	Nuxalk Forestry Limited Partnership	Mid Coast	not specified
	(exempt forest licence)			
17	A16837	Sonora Logging Limited	North Coast	14 049
18	A16838	Sonora Logging Limited	North Coast	10 001
19	A16848	SWC Holdings Ltd.	Mid Coast	10 001
20	A16820	Triumph Timber Ltd.	North Coast	not specified
	(exempt forest licence)			
21	A16845	Western Forest Products Inc.	Mid Coast	136 029
22	A16847	Western Forest Products Inc.	Mid Coast	19 674

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 4 — GBR South TSA

Designation of GBR South TSA

9 The land contained within the boundaries shown and described on the GeoBC map with the map name Great Bear Rainforest South Timber Supply Area and map reference number 577.3409711 G786 TSA2 2016 is designated as the GBR South TSA.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AAC for GBR South TSA

10 The AAC for the Crown land in the GBR South TSA is 830 500 m3.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Apportionment of cut in GBR South TSA

11 In respect of the AAC of 830 500 m3 specified for the GBR South TSA,

(a) 608 445 m3 is available to the minister for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act, and

(b) 222 055 m3 is available to the timber sales manager for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AACs for forest licences in GBR South TSA

12 For an affected forest licence identified in the following table,

(a) the GBR South TSA is the area in which Crown timber may be harvested under the licence, and
(b) the AAC set out in column 4, opposite the licence's identification information in columns 1 to 3, is the AAC that may be harvested under that licence:

Item Column 1

Licence No. Column 2

Licence Holder Column 3

Former TSA Column 4

AAC (m3)

1	A92581	Da'naxda'xw Forestry Services Ltd.	Kingcome	not specified
(exempt forest licence)				
2	A93095	Gwa'nak Resources Ltd.	Kingcome	not specified
(exempt forest licence)				
3	A93096	Gwa'nak Resources Ltd.	Kingcome	not specified
(exempt forest licence)				
4	A94311	Gwa'nak Resources Ltd.	Kingcome	not specified
(exempt forest licence)				
5	A94047	Gwa'nak Resources Ltd.	Kingcome	not specified
(exempt forest licence)				
6	A90455	Homalco Forestry Limited Partnership	Strathcona	not specified
(exempt forest licence)				
7	A19232	Interfor Corporation	Strathcona	20 837
8	A19238	Interfor Corporation	Kingcome	167 395
9	A77806	Interfor Corporation	Kingcome	111 596
10	A77807	Interfor Corporation	Kingcome	95 034
11	A86955	Interfor Corporation	Strathcona	17 320
12	A90383	Kwiakah First Nation	Strathcona	not specified
(exempt forest licence)				
13	A19242	Mill & Timber Products Ltd.	Kingcome	40 029
14	A49542	Northwest Hardwoods Canada, Inc.	Kingcome	10 932
15	A92058	Qwe'Qwa'sot'em Forestry Ltd.	Kingcome	not specified
(exempt forest licence)				
16	A20913	Timberwest Forest Corp.	Strathcona	24 006
17	A29159	Timberwest Forest Corp.	Strathcona	21 412
18	A19244	Western Forest Products Inc.	Kingcome	14 065

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 5 — North Island TSA

Designation of North Island TSA

13 The land contained within the boundaries shown and described on the GeoBC map with the map name North Island Timber Supply Area and map reference number 577.3409711 G786 TSA3 2016 is designated as the North Island TSA.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AAC for North Island TSA

14 The AAC for the Crown land in the North Island TSA is 1 248 100 m3.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Apportionment of cut in North Island TSA

15 In respect of the AAC of 1 248 100 m3 specified for the North Island TSA,

(a) 885 510 m3 is available to the minister for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act, and

(b) 362 590 m3 is available to the timber sales manager for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AACs for forest licences in North Island TSA

16 For an affected forest licence identified in the following table,

(a) the North Island TSA is the area in which Crown timber may be harvested under the licence, and
 (b) the AAC set out in column 4, opposite the licence's identification information in columns 1 to 3, is the AAC that may be harvested under that licence:

Item Column 1

Licence No. Column 2

Licence Holder Column 3

Former TSA Column 4

AAC (m3)

1	A19236	Aat'u Forestry Limited Partnership	Strathcona	55 445
2	A84558	Ka:'yu:'k't'h'/Che:k:tl'es7et'h' First Nations	Strathcona	not specified
(exempt forest licence)				
3	A75083	Lions Gate Forest Products Ltd.	Kingcome	not specified
(exempt forest licence)				
4	A53745	Matchlee Limited Partnership	Strathcona	16 918
5	A90791	Nuchatlaht	Strathcona	not specified
(exempt forest licence)				
6	A74689	Raven Industries Ltd.	Strathcona	10 336
7	A19243	Richmond Plywood Corporation Limited	Kingcome	38 109
8	A91925	Tlowitsis Tribe	Strathcona	not specified
(exempt forest licence)				
9	A94321	Tlowitsis Tribe	Strathcona	not specified
(exempt forest licence)				
10	A19231	Western Forest Products Inc.	Strathcona	303 283
11	A90802	WWK Forestry Limited Partnership	Strathcona	not specified
(exempt forest licence)				
12	A91958	0898322 B.C. Ltd.	Strathcona	not specified
(exempt forest licence)				
13	A94482	0898322 B.C. Ltd.	Strathcona	not specified
(exempt forest licence)				

[en. B.C. Reg. 328/2016, Sch. s. 6.]

AACs for new forest licences in North Island TSA

17 (1) The holder of an affected forest licence identified in item 7, 8, 9, 10, 11, 17 or 18 of the table in section 12 [AACs for forest licences in GBR South TSA] may also harvest Crown timber in the North Island TSA under a new forest licence if the minister enters into the new forest licence with that holder in accordance with section 29 [direct award of new forest licences] of the Act.

(2) The AAC that may be harvested under a new forest licence referred to in subsection (1) is the AAC set out in column 2 of the following table, opposite the holder referred to in column 1 with whom the minister may enter into the new forest licence:

Item Column 1

Holder of New Forest Licence Column 2

AAC (m3) for New Forest Licence in North Island TSA

1	holder of licence no. A19232 identified in item 7 of the table in section 12	104 689
2	holder of licence no. A19238 identified in item 8 of the table in section 12	12 63 495
3	holder of licence no. A77806 identified in item 9 of the table in section 12	42 330
4	holder of licence no. A77807 identified in item 10 of the table in section 12	36 047
5	holder of licence no. A86955 identified in item 11 of the table in section 12	87 015
6	holder of licence no. A29159 identified in item 17 of the table in section 12	14 880
7	holder of licence no. A19244 identified in item 18 of the table in section 12	5 443

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 6 — Pacific TSA

AAC for Pacific TSA

18 The AAC for the Crown land in the Pacific TSA is

- (a) 62 400 m3 for the GBR part of the TSA, and
- (b) 1 279 700 m3 for the non-GBR part of the TSA.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Apportionment of cut in GBR part of Pacific TSA

19 In respect of the AAC of 62 400 m3 specified for the GBR part of the Pacific TSA,

- (a) 11 052 m3 is available to the minister for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act, and
- (b) 51 348 m3 is available to the timber sales manager for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Apportionment of cut in non-GBR part of Pacific TSA

20 In respect of the AAC of 1 279 700 m3 specified for the non-GBR part of the Pacific TSA,

- (a) 9 999 m3 is available to the minister for the purposes of granting under agreements referred to in section 12 (1) [form of agreements] of the Forest Act, and
- (b) 1 269 701 m3 is available to the timber sales manager for the purposes of granting under agreements referred to in section 12 (2) of the Forest Act.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 7 — TFL 25

AAC for TFL area for TFL 25

21 The AAC for the TFL area for TFL 25 is 234 300 m3.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Allocation of AAC for TFL area for TFL 25

22 The AAC of 234 300 m3 specified for the TFL area for TFL 25 is allocated as follows:

- (a) 152 300 m³ is allocated to the north part of that TFL area;
 - (b) 82 000 m³ is allocated to the south part of that TFL area.
- [en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 8 — TFL 39

Division 1 — AAC for TFL Area for TFL 39

AAC for TFL area for TFL 39

23 The AAC for the TFL area for TFL 39 is

- (a) 41 300 m³ for the GBR part of the TFL area, and
 - (b) 1 375 000 m³ for the non-GBR part of the TFL area.
- [en. B.C. Reg. 328/2016, Sch. s. 6.]

Partition of AAC for TFL area for TFL 39

24 (1) In this section, "management plan" means a management plan within the meaning of section 35.2 [management plan for tree farm licence] of the Forest Act.

(2) The AAC of 1 375 000 m³ specified for the non-GBR part of the TFL area for TFL 39 is partitioned in order to attribute 1 203 000 m³ to those areas of Crown land and private land that are identified as conventional harvesting areas in the map attached to the management plan for the TFL area, as that management plan read on January 1, 2017.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Division 2 — Adaption of Cut Control for TFL 39

Definitions for Division 2

25 In this Division:

"last cut control period", in relation to a notional licence, means the cut control period that ends when the AAC adjustment period ends;

"notional licence" means a notional licence established by section 27 [notional division of TFL 39].

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Application of Division 2

26 This Division applies in respect of TFL 39 in order to take into account the following:

- (a) the AAC specified by the Lieutenant Governor in Council for the GBR part of TFL area;
 - (b) the AAC specified by the Lieutenant Governor in Council for the non-GBR part of the TFL area;
 - (c) if determined, the AAC determined by the chief forester for the non-GBR part of TFL area.
- [en. B.C. Reg. 328/2016, Sch. s. 6.]

Notional division of TFL 39

27 (1) During the AAC adjustment period, TFL 39 is notionally divided into

- (a) a notional licence for the GBR part of the TFL area, and
 - (b) a notional licence for the non-GBR part of the TFL area.
- (2) A notional licence is deemed to be a licence as defined in section 75.4 (1) [cut control period for major licences] of the Forest Act.
- [en. B.C. Reg. 328/2016, Sch. s. 6.]

Cut control rules for TFL 39

28 (1) The first cut control period for a notional licence is deemed to have begun on the same day as the cut control period for TFL 39, as that cut control period existed immediately before January 1, 2017.

(2) Subject to subsections (1) and (3), the cut control periods for a notional licence are the cut control periods determined for the notional licence under section 75.4 [cut control period for major licences] of the Forest Act.

(3) The cut control period for a notional licence ends when the AAC adjustment period ends.
[en. B.C. Reg. 328/2016, Sch. s. 6.]

Assignment of timber harvested under TFL 39

29 During the AAC adjustment period, the minister may assign to a notional licence the volume of timber harvested under TFL 39 or portions of that volume that the minister considers appropriate.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Rules for excess volume harvested under TFL 39

30 If there is an excess volume of timber harvested during the last cut control period for a notional licence, the excess volume

(a) must be treated under section 75.7 [carry forward of excess harvest volume] of the Forest Act as being timber harvested during the next cut control period for TFL 39, and

(b) must not be offset by the unharvested volume, if any, relating to the last cut control period for the other notional licence.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 9 — TFL 45

AAC for TFL area for TFL 45

31 The AAC for the TFL area for TFL 45 is 140 000 m³.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Part 10 — TFL 47

Division 1 — AAC for TFL Area for TFL 47

AAC for TFL area for TFL 47

32 The AAC for the TFL area for TFL 47 is

(a) 388 500 m³ for the GBR part of the TFL area, and

(b) 241 500 m³ for the non-GBR part of the TFL area.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Division 2 — Adaption of Cut Control for TFL 47

Definitions for Division 2

33 In this Division:

"last cut control period", in relation to a notional licence, means the cut control period that ends when the AAC adjustment period ends;

"notional licence" means a notional licence established by section 35 [notional division of TFL 47].

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Application of Division 2

34 This Division applies in respect of TFL 47 in order to take into account the following:

- (a) the AAC specified by the Lieutenant Governor in Council for the GBR part of the TFL area;
 - (b) the AAC specified by the Lieutenant Governor in Council for the non-GBR part of the TFL area;
 - (c) if determined, the AAC determined by the chief forester for the non-GBR part of the TFL area.
- [en. B.C. Reg. 328/2016, Sch. s. 6.]

Notional division of TFL 47

35 (1) During the AAC adjustment period, TFL 47 is notionally divided into

- (a) a notional licence for the GBR part of the TFL area, and
 - (b) a notional licence for the non-GBR part of the TFL area.
- (2) A notional licence is deemed to be a licence as defined in section 75.4 (1) [cut control period for major licences] of the Forest Act.
- [en. B.C. Reg. 328/2016, Sch. s. 6.]

Cut control rules for TFL 47

36 (1) The first cut control period for a notional licence is deemed to have begun on the same day as the cut control period for TFL 47, as that cut control period existed immediately before January 1, 2017.

(2) Subject to subsections (1) and (3), the cut control periods for a notional licence are the cut control periods determined for the notional licence under section 75.4 [cut control period for major licences] of the Forest Act.

(3) The cut control period for a notional licence ends when the AAC adjustment period ends.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Assignment of timber harvested under TFL 47

37 During the AAC adjustment period, the minister may assign to a notional licence the volume of timber harvested under TFL 47 or portions of that volume that the minister considers appropriate.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

Rules for excess volume harvested under TFL 47

38 If there is an excess volume of timber harvested during the last cut control period for a notional licence, the excess volume

(a) must be treated under section 75.7 [carry forward of excess harvest volume] of the Forest Act as being timber harvested during the next cut control period for TFL 47, and

(b) must not be offset by the unharvested volume, if any, relating to the last cut control period for the other notional licence.

[en. B.C. Reg. 328/2016, Sch. s. 6.]

[Provisions relevant to the enactment of this regulation: Great Bear Rainforest (Forest Management) Act, S.B.C. 2016, c. 16, sections 7, 8, 9, 11, 13, 17, 18, 21, 23, 27, 28, 65, 68 and 69]

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