

B.C. Reg. 107/98
O.C. 426/98

Deposited April 2, 1998
effective June 15, 1998

Forest Practices Code of British Columbia Act

OPERATIONAL PLANNING REGULATION

[includes amendments up to B.C. Reg. 319/2000]

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Part 1 — Interpretation

Definitions

1 (1) In this regulation:

"Act" means the *Forest Practices Code of British Columbia Act*;

"active flood plain" means the level area, with alluvial soils, adjacent to streams that is flooded by stream water on a periodic basis and is at the same elevation as areas showing evidence of

(a) flood channels free of terrestrial vegetation,

(b) recently rafted debris or fluvial sediments newly deposited on the surface of the forest floor or suspended on trees or vegetation, or

(c) recent scarring of trees by material moved by flood waters;

"adjacent" means an area contiguous to, or in close proximity to,

- (a) a road or proposed road,
- (b) a cutblock, or
- (c) an area under a stand management prescription

that due to its location could directly impact on, or be impacted by, a forest practice carried out within the area of the road, cutblock or prescription;

"age class" means trees within 20 year age increments up to age 140, then a single class for trees between 141 and 250 years of age and then a single class for trees greater than 250 years of age;

"biogeoclimatic ecosystem classification" means a hierarchical classification system of ecosystems that

- (a) integrates regional, local and chronological factors, and
- (b) combines climatic, vegetation and site factors;

"biological diversity" means the diversity of plants, animals and other living organisms in all their forms and levels of organization and includes the diversity of genes, species, ecosystems and the evolutionary and functional processes that link them;

"Cariboo forest region" has the same meaning as in the Forest Regions Regulation, B.C. Reg. 558/78;

"clearcut" means a silvicultural system that

- (a) removes the entire stand of trees in a single harvesting operation from an area that is
 - (i) one ha or greater, and
 - (ii) at least 2 tree heights in width, and
- (b) is designed to manage the area as an even-aged stand;

"clearcut with reserves" means a variation of clearcutting in which trees are retained, either uniformly or in small groups, for purposes other than regeneration;

"Coast" means that geographic area contained in

- (a) the Vancouver forest region, and
- (b) the following portions of the Prince Rupert forest region:
 - (i) the North Coast forest district;
 - (ii) the Kalum forest district;

"community watershed" means a community watershed as defined in section 41 (8) of the Act;

"consistent" means not in material conflict;

"even-aged stand" means a stand of trees consisting of one or two age classes;

"expedited major salvage operation" means any harvesting of timber that

- (a) is
 - (i) dead, infested with pests or otherwise damaged, or that is required to be harvested to facilitate the

removal of the dead, infested or damaged timber, or

(ii) required as part of a sanitation treatment,

(b) is of a total volume exceeding 2 000 m³, excluding the volume harvested from any road clearing width if the road is required to facilitate the removal of timber referred to in paragraph (a), and

(c) must be expedited to prevent

(i) the spread of insects, or

(ii) a significant reduction in the economic value of the timber due to a deterioration in the quality of the timber;

"fish stream" means a stream that

(a) is frequented by any of the following species:

(i) anadromous salmonids;

(ii) rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike;

(iii) identified threatened or endangered fish classified under section 71;

(iv) regionally important fish classified under section 71, or

(b) has a slope gradient, determined in accordance with the Ministry of Forests' publication "Fish-stream Identification Guidebook", as amended from time to time, of less than 20%,

(i) unless the stream has been identified in a fish inventory carried out in accordance with the Ministry of Forests' publication "Fish-stream Identification Guidebook", as amended from time to time, as not containing any of the species of fish specified in paragraph (a), or

(ii) unless

(A) the stream is located upstream of a known barrier to fish passage, identified on a fish and fish habitat inventory map,

(B) all reaches upstream of the barrier are simultaneously dry at any time during the year, and

(C) no perennial fish habitats exist upstream of the barrier;

"forest ecosystem network" means an area

(a) established under a higher level plan, or

(b) approved by the district manager and an employee of the Ministry of Environment, Lands and Parks before June 15, 1995,

for the purpose of maintaining or restoring the natural connectivity within an area, but a forest ecosystem network established under paragraph (b) expires on June 15, 2003;

"forest health factors" means biotic and abiotic influences on the forest that are usually a naturally occurring component of forest ecosystems;

"general wildlife measure" means a general wildlife measure established under section 70;

"greened-up" means greened-up under section 68;

"group selection" means a silvicultural system that

- (a) removes trees to create openings in a stand less than twice the height of mature trees in the stand, and
- (b) is designed to manage the area as an uneven-aged stand;

"gully" means an area containing a stream where

- (a) the overall stream gradient is at least 25%, and
- (b) a reach of that stream, greater than 100 m long, has
 - (i) a side wall greater than 3 m,
 - (ii) a side slope greater than 50%, and
 - (iii) a stream channel gradient greater than 20%;

"identified wildlife" means a species classified as identified wildlife under section 70;

"indicators of potential slope instability" means the indicators of potential slope instability as determined in accordance with procedures set out in the Ministry of Forests' publication, "Mapping and Assessing Terrain Stability Guidebook", as amended from time to time;

"Interior" means that geographic area within British Columbia that is not the Coast;

"Kamloops forest region" has the same meaning as in the Forest Regions Regulation, B.C. Reg. 558/78;

"known" means, when used to describe a feature, objective or other thing referred to in this regulation as "known", a feature, objective or other thing that is

- (a) contained in a higher level plan, or
- (b) otherwise made available by the district manager or designated environment official at least 4 months before the operational plan is submitted for approval;

"lake class" means a designation, made by the district manager, for lakes with a riparian class of L1 that indicates the width of a lakeshore management zone and the practices that are appropriate within that zone;

"lakeshore management area" means an area

- (a) established adjacent to a lake with a riparian class of L1, and
- (b) consisting of
 - (i) a riparian reserve zone determined in accordance with Part 8, and
 - (ii) a lakeshore management zone;

"lakeshore management zone" means that portion of the lakeshore management area established by the district manager around a lake

- (a) that is outside of any riparian reserve zone, if the lake has a class of L1 under Part 8, or
- (b) that is located adjacent to the lake, if the lake has no riparian reserve zone;

"likelihood of landslides" means a likelihood of landslides as determined in accordance with procedures set out in the Ministry of Forests' publication, "Mapping and Assessing Terrain Stability Guidebook", as amended from time to time;

"marine-sensitive zones" means herring spawning areas, shellfish beds, marsh areas, aquaculture sites, juvenile salmonid rearing areas and adult salmon holding areas;

"minor salvage operation" means any harvesting of

(a) timber that

(i) is dead, infested with pests or otherwise damaged or that is required to be harvested to facilitate the removal of the dead, infested or damaged timber, or

(ii) is required as part of a sanitation treatment, and

is of a total volume not exceeding 2 000 m³, excluding the volume harvested from any road clearing width, if the road is required to facilitate the removal of timber referred to in subparagraph (i) or (ii), or

(b) special forest products;

"Nelson forest region" has the same meaning as in the Forest Regions Regulation, B.C. Reg. 558/78;

"newspaper" means a newspaper circulating in the area of a plan or prescription, or if no newspaper circulates in that area, then a newspaper that circulates nearest to that area and includes a newspaper that is free and one that does not have subscribers;

"old growth management area" means an area established under a higher level plan which contains or is managed to replace structural old growth attributes;

"partial cutting" means a silvicultural system in which only selected trees are harvested and includes

(a) seed tree,

(b) shelterwood,

(c) single tree selection,

(d) group selection,

(e) retention system, and

(f) clearcutting with reserves;

"patch cutting" means a silvicultural system that creates openings less than one ha in size and is designed to manage each opening as a distinct even-aged opening;

"permanent access structure" means

(a) a road, landing, pit or quarry that is

(i) reasonably required to be used, or to provide access for, timber harvesting or other forest management activities, and whose continuous or periodic use will continue for a long enough time to prevent the production of a commercial crop of trees, on the area of the road, landing, pit or quarry, that will be harvestable concurrently with the crop in adjacent areas, or

(ii) either constructed through soil or rock that is not suitable, or that contains component materials such as ballast that are not suitable, for use in carrying out the soil rehabilitation treatments necessary to grow a commercial crop of trees, unless the structure has been identified in an operational plan as a temporary access structure, and

(b) an excavated or bladed trail, or other logging trail, whose continuous or periodic use will continue for a long enough time to prevent the production of a commercial crop of trees, on the area of the trail, that will be harvestable concurrently with the crop in adjacent areas;

"person", unless the context indicates otherwise, means the following for the purposes of:

- (a) Part 3, a person who is required to prepare a forest development plan under section 18 or 19 of the Act;
- (b) Part 4, a person who is required to prepare a logging plan under section 21 of the Act;
- (c) Part 5, a person who is required to prepare a silviculture prescription under section 22 or 23 of the Act;
- (d) Part 6, a person who is required to prepare a stand management prescription under section 24 of the Act;
- (e) Part 7, a person who is required to prepare a range use plan under section 27 of the Act;

"preferred and acceptable" means preferred and acceptable in the opinion of the district manager;

"Prince George forest region" has the same meaning as in the Forest Regions Regulation, B.C. Reg. 558/78;

"Prince Rupert forest region" has the same meaning as in the Forest Regions Regulation, B.C. Reg. 558/78;

"qualified registered professional" means, with respect to an activity for which this regulation requires a qualified registered professional, a person who

- (a) has appropriate education and experience to carry out the activity, and
- (b) is a member of, or licensed by, a regulatory body in British Columbia that has the legislated authority to regulate its members or licensees performing the activity;

"reach" has the meaning defined in the Ministry of Forests' publication, "Fish-stream Identification Guidebook", as amended from time to time;

"reconnaissance terrain stability map" means a map produced from aerial photographs, with few or no ground checks, that identifies unstable and potentially unstable terrain;

"resource agencies" means any government agency, ministry or department having jurisdiction over a resource that may be affected by any activity or operation proposed under a higher level plan or operational plan;

"retention system" means a silvicultural system that is designed to

- (a) retain individual trees or groups of trees to maintain structural diversity over the area of the cutblock for at least one rotation, and
- (b) leave more than half the total area of the cutblock within one tree height from the base of a tree or group of trees, whether or not the tree or group of trees is inside the cutblock;

"riparian class" means the riparian class determined under Part 8;

"riparian management area" means an area of a width determined in accordance with Part 8 that

- (a) is adjacent to a stream or wetland or a lake with a riparian class of L2, L3 or L4, and
- (b) consists of a riparian management zone and, depending on the riparian class of the stream, wetland or lake, a riparian reserve zone;

"riparian management zone" means that portion of the riparian management area that is outside of any riparian reserve zone or if there is no riparian reserve zone, that area located adjacent to a stream, wetland or lake of a width determined in accordance with Part 8;

"riparian reserve zone" means that portion, if any, of the riparian management area or lakeshore management

area located adjacent to a stream, wetland or lake of a width determined in accordance with Part 8;

"risk of sediment delivery to streams" means the risk of sediment delivery to streams as determined in accordance with the Ministry of Forests' publication, "Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook", as amended from time to time;

"sanitation treatment" means tree removal or modification operations designed to reduce damage caused by forest pests and to prevent their spread;

"scenic area" means any visually sensitive area or scenic landscape identified through a visual landscape inventory or planning process carried out or approved by the district manager;

"seed tree" means a silvicultural system in which selected trees are left standing after the initial harvest to provide a seed source for natural regeneration;

"shelterwood" means a silvicultural system in which trees are removed in a series of cuts designed to achieve a new even-aged stand under the shelter of remaining trees;

"single tree selection" means a silvicultural system in which age classes are created or maintained by the removal, uniformly throughout the stand, of individual trees of all size classes;

"snow course" means permanent sample sites established or approved by the government for the purposes of measuring the water content of the snow pack on a given area;

"soil compaction hazard" means the soil compaction hazard as determined in accordance with procedures set out in the Ministry of Forests' publication, "Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook", as amended from time to time;

"soil displacement hazard" means a soil displacement hazard as determined in accordance with procedures set out in the Ministry of Forests' publication, "Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook", as amended from time to time;

"soil erosion hazard" means the soil erosion hazard as determined in accordance with procedures set out in the Ministry of Forests' publication, "Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook" as amended from time to time;

"soil erosion potential" means the result of an interpretation of terrain maps that ranks the potential for soil erosion in accordance with procedures set out in the Ministry of Forests' publication, "Mapping and Assessing Terrain Stability Guidebook", as amended from time to time;

"species at risk" means

- (a) any wildlife species that, in the opinion of the Deputy Minister of Environment, Lands and Parks, or a person authorized by that deputy minister, is threatened, endangered, sensitive, or vulnerable,
- (b) any threatened and endangered plants or plant communities identified by the Deputy Minister of Environment, Lands and Parks, or a person authorized by that deputy minister, as requiring protection, and
- (c) regionally important wildlife as determined by the Deputy Minister of Environment, Lands and Parks or a person authorized by that deputy minister;

"stream" means any reach, flowing on a perennial or seasonal basis having a continuous channel bed, whether or not the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, if the channel bed

- (a) is scoured by water, or
- (b) contains observable deposits of mineral alluvium;

"temporary access structure" means

- (a) an excavated or bladed trail,
- (b) a main skid trail, backspar trail, corduroyed trail or similar structure that is identified in a silviculture prescription or logging plan as a temporary access structure, or
- (c) a road, landing, pit or quarry that is identified in an operational plan as a temporary access structure;

"terrain stability field assessment" means an on-site assessment by a qualified registered professional, of either the potential impact of timber harvesting, or the construction of excavated or bladed trails, on terrain stability, carried out in accordance with procedures set out in the Ministry of Forests' publication, "Mapping and Assessing Terrain Stability Guidebook", as amended from time to time;

"terrain stability hazard map" means a detailed map of terrain stability hazards produced at a terrain survey intensity level B or C, in accordance with procedures set out in the Ministry of Forests' publication, "Mapping and Assessing Terrain Stability Guidebook", as amended from time to time;

"threatened or endangered fish" means a fish species that in the opinion of the Deputy Minister of Environment, Lands and Parks, or a person authorized by that deputy minister, is threatened or endangered;

"uneven-aged stand" means a stand of trees consisting of 3 or more age classes;

"ungulate winter range" means an area that is identified as being necessary for the winter survival of an ungulate species by any of the following:

- (a) a higher level plan;
- (b) the chief forester and Deputy Minister of Environment, Lands and Parks under section 69;
- (c) a wildlife management plan or strategy approved before October 15, 1998

(i) by

(A) the district manager or regional manager, and

(B) the designated environment official,

(ii) by the chief forester, or

(iii) by the ministers,

but a wildlife management plan or strategy approved under this paragraph expires on October 15, 2003, unless

(iv) modified under paragraphs (a) or (b), or

(v) confirmed before that date under section 69;

"unstable or potentially unstable terrain" means an area identified on a reconnaissance terrain stability map as an area that has unstable or potentially unstable terrain;

"Vancouver forest region" has the same meaning as in the Forest Regions Regulation, B.C. Reg. 558/78;

"visual quality objective" means a resource management objective established by the district manager or contained in a higher level plan that reflects the desired level of visual quality based on the physical characteristics and social concern for the area;

"watershed assessment" means an assessment of the cumulative impact that proposed activities and developments would have on stream flows, suspended sediment, landslide and stream channel stability within

the watershed;

"wetland" means a swamp, marsh or other similar area that supports natural vegetation that is distinct from adjacent upland areas;

"wildlife habitat area" means a wildlife habitat area established under section 70;

"wildlife habitat feature" means

- (a) a significant mineral lick or wallow,
- (b) an active nest of a bald eagle, osprey or great blue heron, or
- (c) any other localized feature agreed to by the district manager and a designated environment official;

"wildlife tree" means a tree or group of trees that are identified in an operational plan to provide present or future wildlife habitat.

(2) In the Act and regulations:

"compacted area" means an area of soil that

- (a) is greater than 100 m² in area and greater than 5 m wide,
- (b) has a moderate, high or very high soil compaction hazard or the assessment of its soil compaction hazard was not done in accordance with section 39 (3) (a) (ii),
- (c) has been compacted by equipment traveling over it, and
- (d) has one or more of the following attributes:
 - (i) altered soil structure or increased density relative to the surrounding undisturbed soil;
 - (ii) soil puddling;
 - (iii) compacted deposits of forest floor, fine slash, and woody debris overlaying or crushed into the mineral soil;

"corduroyed trail" means logs and woody debris placed side-by-side to form a surface greater than 2 m in length capable of supporting equipment traffic;

"dispersed disturbance" means areas of soil occupied by dispersed trails, gouges and scalps;

"excavated or bladed trail" means a constructed trail that has

- (a) an excavated or bladed width greater than 1.5 m, and
- (b) a mineral soil cutbank height greater than 30 cm;

"resource feature" means a resource feature as defined in section 51 (1) of the Act and includes the following features:

- (a) wildlife habitat features;
- (b) streams, wetlands and lakes;
- (c) government approved experimental projects, growth and yield plots, operational trials and research installations;
- (d) recreation facilities;

- (e) snow courses;
- (f) domestic water supply intakes and related water supply infrastructures;
- (g) marine-sensitive zones.

(3) The following definitions apply for the purposes of subsection (2):

"dispersed trail" means an area that is not a compacted area but that, due to equipment traffic on the soil, has the following attributes:

- (a) impressions or ruts in the soil that are at least
 - (i) 30 cm wide, 2 m long and a minimum of 15 cm deep where depth is measured from the surface of the undisturbed forest floor to the deepest point in the cross-section over the entire length of 2 m, or
 - (ii) if the area has a high or very high soil compaction hazard or the assessment of the soil compaction hazard has not been done in accordance with section 39 (3) (a) (ii), 30 cm wide, 2 m long and a minimum of 5 cm deep where depth is measured from the surface of the undisturbed mineral soil to the deepest point in the cross-section over the entire length of 2 m;
- (b) on an area of soil at least 1 m x 2 m that has a moderate, high or very high soil compaction hazard or the assessment of the soil compaction hazard has not been done in accordance with section 39 (3) (a) (ii)
 - (i) altered soil structure or increased density relative to the surrounding undisturbed soil,
 - (ii) soil puddling, or
 - (iii) compacted deposits of forest floor, fine slash, and woody debris overlaying or crushed into the mineral soil;

"gouge" means an excavation into the mineral soil that is

- (a) deeper than 30 cm,
- (b) deeper than 5 cm where it covers
 - (i) at least 80% of a 1.8 m x 1.8 m area, or
 - (ii) an area of at least 1 m x 3 m, or
- (c) to the depth of the underlying bedrock;

"scalp" means an area in which the forest floor has been removed from

- (a) over 80% of a 3 m x 3 m area, or
- (b) over 80% of a 1.8 m x 1.8 m area if the area
 - (i) has a moderate or high likelihood of landslides,
 - (ii) has a very high soil displacement hazard,
 - (iii) has a very high soil compaction hazard or soil erosion hazard, or
 - (iv) has not been assessed for hazards relating to soil compaction, soil erosion or soil displacement in accordance with section 39 (3) (a) (ii).

(4) Distances referred to

- (a) in Parts 1 to 7, are horizontal distances, and
- (b) in Part 8, are slope distances.

[am. B.C. Regs. 184/98, Sch. 2, s. 1; 373/98, s. 1; 467/98, s. 1; 73/99, s. 1.]

Part 2 — Administration

Joint approval

2 (1) For the purposes of section 41 (6) of the Act, the approval of both the district manager and a designated environment official is required for a forest development plan or amendment that relates to an area of a type specified in a higher level plan as requiring joint approval.

(2) Without limiting subsection (1), the district manager and a designated environment official may jointly approve all or any part of a forest development plan or amendment if the district manager and a designated environment official agree that the joint approval is appropriate in the circumstances.

Effective term and period of forest development plans

3 (1) In this section:

"period" means the 5 years required to be covered by a forest development plan under section 10 of the Act as modified by subsection (3);

"term" means the time from the date a forest development plan takes effect until it expires.

(2) Subject to an extension under sections 18 and 19 of the Act, the term of a forest development plan is

- (a) one year unless the district manager approves a longer term not exceeding 2 years, or
- (b) 5 years if the plan is prepared, with the district manager's consent, by a holder of a timber sale licence that is not a major licence and that provides for cutting permits.

(3) A period of a forest development plan may be reduced with the consent of the district manager, and for an area referred to in section 41 (6) of the Act, the district manager and the designated environment official, if the district manager and the designated environment official, as the case may be, are satisfied that

- (a) there is insufficient time to prepare a forest development plan that covers a period of 5 years because the agreement to which the forest development plan relates was entered into shortly before the commencement of the harvesting season for the area under the proposed plan,
- (b) a significant portion of the plan is for the harvesting of blowdown or timber damaged by insects or fire and the exact location of the damaged timber cannot be determined,
- (c) there is insufficient timber available to provide operational activities for the required period, or
- (d) the 5 year period cannot be met for a reason that is beyond the control of the person required to prepare the forest development plan.

[am. B.C. Reg. 184/98, Sch. 2, s. 2.]

Notice of extension of a forest development plan

4 If a person that is responsible for preparing a forest development plan receives an extension of the plan under sections 18 and 19 of the Act, the person must publish in a newspaper a statement, approved by the district manager, specifying

- (a) the agreement in respect of which the forest development plan was prepared,
- (b) the term of the current forest development plan, and
- (c) the period of extension received.

Best information available

5 Subject to any requirement to use known information, a person required to prepare an operational plan must, when preparing the plan, use the most comprehensive and accurate information available to the person.

Site-specific variation within plans

6 A person required to prepare an operational plan must, when preparing the plan, provide detail for site-specific areas within the area under the plan if characteristics of that area result in

- (a) different operations being proposed,
- (b) similar operations being subject to different constraints, or
- (c) different operations being subject to different constraints.

District manager may require referral of operational plans

7 (1) By notice in writing, the district manager may require a person that submits for approval an operational plan or amendment to refer the proposed plan or amendment for the period required in the notice to

- (a) the resource agencies specified in the notice by the district manager,
- (b) any government agency that is identified in the notice by the district manager, and
- (c) any person that may be materially affected by the proposed operational plan or amendment, and that is specified in the notice by the district manager.

(2) A person that receives a notice under subsection (1) must

- (a) comply with the requirements of the notice,
- (b) review all written comments received during the referral period, and
- (c) make any revisions to the proposed plan or amendment that the person considers appropriate.

(3) A person that receives a notice under subsection (1) must submit to the district manager with the proposed plan or amendment

- (a) a copy of each written comment received under subsection (2) in respect of the proposed plan or amendment, and
- (b) a summary of all revisions made to the proposed plan or amendment under subsection (2).

(4) If an operational plan is referred to a resource agency, the agency may request that the person who received the notice under subsection (1) send one or more of the assessments that are related to the operational plan to the resource agency within a reasonable time required in the notice, and the person must comply with the request.

(5) The person required to make an operational plan available under subsection (1) (b) or (c) must make the

assessments that are related to the plan, other than an archaeological impact assessment, available for review at their place of business nearest to the area under the plan, or at another location specified by the district manager.

[am. B.C. Reg. 184/98, Sch. 2, s. 3.]

Part 3 — Forest Development Plans

Division 1 — Scope and General Content for Forest Development Plans

Application

8 The requirements of this Part apply only to a forest development plan, cutblock or road referred to in sections 18 or 19 of the Act.

Area under forest development plans

9 (1) A person must ensure that a forest development plan addresses an area sufficient in size to include all areas affected by the timber harvesting and road construction or modification operations proposed under the plan.

(2) If the district manager determines that the area under a proposed forest development plan does not meet the requirements of subsection (1), the district manager may, in a notice given to the person, specify the area that the plan must address.

(3) A person who receives a notice under subsection (2) must comply with the notice.

(4) A notice under subsection (2) must set out the person's right to a review and appeal under subsection (5) and include the title and address of the review official to whom a request for a review may be made.

(5) A person who receives a notice under subsection (2) may request a review and appeal of the district manager's determination and Division 4 of Part 6 of the Act applies to that review and appeal.

Signature required for forest development plans

10 A forest development plan must contain the signature of the person required to prepare the plan or a person who has authority to sign the plan on that person's behalf.

Maximum cutblock size

11 (1) The maximum size of a cutblock must not exceed

(a) 40 ha for the following areas:

(i) Vancouver forest region;

(ii) Nelson forest region;

(iii) Kamloops forest region, and

(b) 60 ha for the following areas:

(i) Cariboo forest region;

(ii) Prince Rupert forest region;

(iii) Prince George forest region.

(2) The maximum size for a cutblock specified under subsection (1) does not apply to a cutblock located within an area covered by a higher level plan if

(a) the higher level plan specifies that cutblocks may be larger, or

(b) the higher level plan specifies conditions that must be met in order for larger cutblock sizes to be approved, and the district manager, or for areas referred to in section 41 (6) of the Act the district manager and the designated environment official, are satisfied that the conditions are met.

(3) Despite subsection (1), the district manager, or for areas referred to in section 41 (6) of the Act the district manager and designated environment official, may

(a) refuse to approve a forest development plan that includes a cutblock that meets the requirements of that subsection if the district manager, or the district manager and the designated environment official, as the case may be, are of the opinion that a cutblock smaller than that specified in subsection (1) is required

(i) for hydrological reasons,

(ii) to manage wildlife values,

(iii) to manage recreation or scenic values, or

(iv) for other similar reasons, or

(b) approve a forest development plan that includes a cutblock that is larger than that specified in subsection (1)

(i) if

(A) harvesting is being carried out to recover timber that was damaged by fire, insects, wind or other similar events and, wherever possible, the cutblock incorporates structural characteristics of natural disturbance, or

(B) the silvicultural system proposed for the area

(I) is other than clearcut or seed tree, and

(II) retains 40% or more of the pre-harvest basal area, or

(ii) if the district manager, or the district manager and the designated environment official, as the case may be, are of the opinion that the larger cutblock is designed to be consistent with the structural characteristics and the temporal and spatial distribution of natural openings.

Division 2 — Mapping and Assessments

Terrain mapping in community watersheds

12 (1) A person must not submit for approval, and the district manager must not give effect to, a forest development plan that proposes timber harvesting or road construction or modification operations, on an area within a community watershed, unless a terrain stability hazard map and soil erosion potential map for that part of the forest development plan that is within the community watershed has been completed.

(2) Subsection (1) applies

(a) on or after June 15, 2000, if the area became a community watershed under section 41 (8) (a) of the Act, or

(b) if the area is designated as a community watershed under section 41 (10) of the Act, on or after

(i) the date specified in the designation which must be less than 5 years from the date of the designation, or

(ii) 5 years from the date of the designation, if no date is specified.

(3) The mapping referred to in subsection (1) must have been carried out by a qualified registered professional.

[am. B.C. Regs. 184/98, Sch. 2, s. 4; 467/98, s. 2.]

Forest health assessment required before review of forest development plans

13 Before making a forest development plan available for review under section 27, a person must

(a) record and evaluate the occurrence of detected forest health factors currently causing damage or which may potentially cause damage in the area under the plan, and

(b) conduct a forest health assessment, if required by the district manager, to determine the nature and extent of the forest health factors.

Watershed assessments required before review of forest development plans

14 (1) Subject to subsections (3), (4) and (5), before making a forest development plan available for review under section 27, a person must have carried out a watershed assessment within the previous 3 years of the submission date for the following areas under the plan:

(a) a community watershed;

(b) a watershed that has significant downstream fisheries values or licensed domestic water users and significant watershed sensitivity as determined by the district manager and a designated environment official;

(c) a watershed for which the district manager determines an assessment is necessary.

(2) A watershed assessment under subsection (1) must be carried out in accordance with

(a) the Ministry of Forests' publication titled, "Coastal Watershed Assessment Procedure Guidebook", as amended from time to time, for areas on the Coast, and in accordance with the Ministry of Forests' publication titled, "Interior Watershed Assessment Procedure Guidebook", as amended from time to time, for areas in the Interior, or

(b) any other procedure approved by the district manager if the district manager, or for an area referred to in section 41 (6) of the Act the district manager and the designated environment official, are satisfied that this procedure will produce similar results to those intended by the guidebook.

(3) Before December 15, 1998, subsection (1) does not apply to a person proposing to carry out timber harvesting or road construction or modification operations in a community watershed, unless the district manager, with the agreement of a designated environment official, notifies the person that a watershed assessment is required.

(4) The district manager, in a notice given to a person, may, for a period of time specified in the notice, relieve the person of the requirements of subsection (1) if the person proposing to carry out timber harvesting or road construction or modification operations satisfies the district manager, or for an area referred to in section 41 (6) of the Act the district manager and the designated environment official, that

(a) the volume of timber proposed for harvesting or the amount of proposed road construction or modification would not affect the watershed in a significant way, or

(b) the person is unable to carry out the requirements of subsection (1) because

- (i) before December 1, 1998 the district manager, or his or her staff, notified the person that it would be reasonable to refrain from doing a watershed assessment until the guidebook, referred to in subsection (2), was amended, and the amended guidebook was not made available in time for the person to reasonably be expected to comply with subsection (1),
- (ii) the results and recommendations of a watershed assessment have not been provided to the person in time for the person to reasonably be expected to comply with subsection (1), or
- (iii) the person is prevented from carrying out the requirements of subsection (1) for a reason that is similar to those referred to in subparagraphs (i) and (ii).

(5) The district manager, in a notice given to a person, may require the person to carry out a new watershed assessment before making the forest development plan available for review under section 27 if, since the date on which the most recent watershed assessment was carried out,

(a) there has been a significant amount of terrain instability within the watershed, or

(b) the extent of timber harvesting or road construction or modification operations within the watershed has been significantly greater than was considered in the assessments because of expedited major salvage or emergency harvesting operations.

(6) Information required by this section is not part of the forest development plan.

(7) Subsection (4) (b) does not apply after December 15, 2000.

[am. B.C. Reg. 467/98, s. 3.]

Riparian assessment required for areas of joint approval

15 Before making a forest development plan available for review under section 27, a person must carry out a riparian assessment to identify the riparian class of those streams, wetlands and lakes that are located in an area referred to in section 41 (6) of the Act and that

(a) are shown on a reconnaissance fish and fish habitat inventory map, forest cover map or a terrain resource inventory map, and

(b) either

(i) are in or adjacent to a proposed cutblock, or

(ii) could directly impact on or be impacted by proposed road construction or by the proposed replacement of a bridge or major culvert.

[am. B.C. Reg. 232/2000, Sch. 1, s. 1.]

Terrain stability field assessment required for areas of joint approval

16 (1) Before a cutting permit may be applied for, in respect of a cutblock in an area referred to in section 41 (6) of the Act, a terrain stability field assessment for the cutblock must be completed if the cutblock is located in an area identified in the forest development plan as having any of the following characteristics:

(a) a moderate or high likelihood of landslides;

(b) unstable or potentially unstable terrain;

(c) a slope gradient greater than 60%;

(d) an area identified by the district manager or designated environment official as requiring a terrain stability field assessment.

(2) The assessment under subsection (1) is not required if

(a) all the following conditions are met:

(i) the cutblock is in an area identified in the forest development plan as having a moderate likelihood of landslides;

(ii) the area is located in the Interior;

(iii) the proposed timber harvesting method is cable or aerial;

(iv) if the cutblock is located in a community watershed, the cutblock will not be clearcut;

(v) no excavated or bladed trail will be constructed, or

(b) the assessment has been carried out for the purpose of locating a road and the assessment included the area to be harvested.

(3) The assessment under subsection (1) is not required for an amendment to a forest development plan that relates to areas with a moderate likelihood of landslides, or potentially unstable terrain, if the proposed harvesting is for the purposes of

(a) an emergency operation under section 27 (6), or

(b) an expedited major salvage operation if the district manager and the designated environment official agree that there is insufficient time to carry out the assessment before making the forest development plan available for review under section 27 (4) and meet the objectives of the operation.

(4) Information required by this section is not part of the forest development plan.

[am. B.C. Regs. 184/98, Sch. 2, s. 5; 467/98, s. 4.]

Terrain stability field assessment required in areas not referred to in section 16

17 (1) A terrain stability field assessment must be completed before a cutting permit may be applied for, if the cutblock is located in an area other than an area referred to in section 16, and if the area is identified in the forest development plan as having

(a) a high likelihood of landslides,

(b) unstable terrain, or

(c) a slope gradient greater than 60%.

(2) Information required by this section is not part of the forest development plan.

[am. B.C. Reg. 184/98, Sch. 2, s. 6.]

Division 3 — Map and Information Requirements for all Forest Development Plans

Map and information requirements for all forest development plans

18 (1) A person must ensure that a forest development plan includes the following information for the area under the plan:

- (a) forest cover;
- (b) the topography of the area, and the location of those streams, wetlands and lakes that are shown on forest cover maps or fish and fish habitat inventory maps or terrain resource inventory maps;
- (c) for terrain stability
 - (i) one of the following:
 - (A) areas mapped on terrain stability hazard maps as having a moderate or high likelihood of landslides;
 - (B) if no terrain stability hazard mapping has been done, areas identified on reconnaissance terrain stability maps as having unstable or potentially unstable terrain;
 - (C) if no terrain stability hazard mapping or reconnaissance terrain stability mapping has been carried out, areas with a slope gradient greater than 60%, and
 - (ii) any areas identified by the district manager as having unstable or potentially unstable terrain;
- (d) if required by the district manager, the operability line;
- (e) the following known items:
 - (i) protected areas;
 - (ii) designated areas under Part 13 of the *Forest Act*;
 - (iii) wilderness areas;
 - (iv) sensitive areas established in accordance with the Act;
 - (v) wildlife habitat areas, but the location of the wildlife habitat area must not be shown if the district manager or designated environment official makes it known that the location of the wildlife habitat area is not to be included in operational plans, in which case only the name of the identified wildlife protected by the wildlife habitat area must be included;
 - (vi) forest ecosystem networks;
 - (vii) old growth management areas;
 - (viii) scenic areas;
 - (ix) ungulate winter ranges;
 - (x) community watersheds;
 - (xi) community water supply intakes and related water supply infrastructures;
 - (xii) fish streams;
 - (xiii) riparian class of streams, wetlands and lakes;
 - (xiv) lake class;
- (f) the following public utilities on Crown land:

- (i) transmission lines;
 - (ii) gas and oil pipelines;
 - (iii) railways;
- (g) if mapping is required under section 12, the location of areas within a community watershed that have a high or very high soil erosion potential;
- (h) the approximate location of
- (i) construction of a road, including construction of a bridge or major culvert that is part of the road, if the road is a proposed forest service road or is proposed to be authorized by a road permit,
 - (ii) proposed replacement or addition of a bridge or major culvert, if the bridge or major culvert is part of a forest service road or a road authorized by a road permit,
 - (iii) construction of a bridge or major culvert proposed to be authorized by a cutting permit, or timber sale licence that does not provide for cutting permits, and
 - (iv) replacement or addition of a bridge or major culvert authorized by a cutting permit or timber sale licence that does not provide for cutting permits, and
- the year the work is proposed to take place if the timing is critical to the management of non-timber forest resources, and the riparian class of streams, wetlands and lakes that could directly impact on or be impacted by the proposed construction or replacement, if a riparian assessment is required under section 15;
- (i) the location of a road that has been included on the most recently approved forest development plan, and whether the assessments under sections 4 and 5 of the Forest Road Regulation have been completed for the road;
- (j) the forest operations for which road construction or modification is required, for operations other than harvesting;
- (k) for any proposed bridges, whether the bridge will be a temporary or permanent bridge, as defined in the Forest Road Regulation;
- (l) with respect to an existing road that both provides access to the area, and is required by the Act to be maintained by the person, the following information:
- (i) its approximate location;
 - (ii) whether it is a forest service road or is under a road permit;
 - (iii) whether it is intended to be for seasonal use only;
 - (iv) a description or map of how it links up with a public road system, processing plant or log dump;
- (m) a list or map notation indicating the roads that must be maintained by the person under
- (i) section 63 (1) of the Act, because the person has a road permit for the road,
 - (ii) section 63 (5) or (7) of the Act because the district manager requires the person to maintain the road, or
 - (iii) section 63 (6) of the Act because the person is the government;
- (n) the following road deactivation operations that have been, or are to be, conducted by the person on the area under the plan:

- (i) roads that were permanently deactivated during the previous year;
- (ii) roads that are currently deactivated to a temporary or semi-permanent level;
- (iii) roads that are to be deactivated in the first 3 years of the plan and the year the work is proposed to take place if the timing is critical to the management of non-timber forest resources;
- (iv) the level of deactivation of roads referred to in subparagraph (iii);
- (v) the types of vehicle usage, if any, that are proposed to be accommodated on the roads referred to in subparagraph (iii) after deactivation;
- (o) the known location of roads that are proposed by other persons;
- (p) the known location of temporary or permanent barriers to vehicle access;
- (q) the approximate location of cutblocks proposed to achieve category A status if the proposed forest development plan is approved;
- (r) the location of a cutblock that has been included as an approved category A cutblock on the most recently approved forest development plan, and for the cutblock
 - (i) whether the assessments under sections 16, 17 and 37 have been completed, and
 - (ii) whether a cutting permit has been approved;
- (s) the location of cutblocks that have been harvested, but are not yet greened-up and that are adjacent to cutblocks referred to in paragraph (q) or (r);
- (t) if significant risks to forest resources are recorded or disclosed by the forest health assessment required under section 13, measures to reduce those risks, that do not, themselves, cause new or significantly increased risks;
- (u) the general objectives respecting the target levels of retention for coarse woody debris and wildlife trees;
- (v) the general objectives for riparian management zones, including the range of basal area retention by riparian class;
- (w) the known objectives for known ungulate winter ranges;
- (x) for community watersheds, the known water quality objectives;
- (y) a statement
 - (i) that the forest development plan is consistent with the results and recommendations of a watershed assessment required under section 14, or
 - (ii) if the forest development plan is inconsistent with the results and recommendations of the watershed assessment, that explains the reason for the inconsistency and the reason the person believes it should be approved in spite of the inconsistency.

(2) Despite subsection (1) a person is not required to include the information specified in that subsection for an area within a forest development plan where only minor salvage operations will be carried out, unless the district manager, by written notice, requires some or all of that information, in which case the person must comply with the requirements in that notice.

[am. B.C. Regs. 184/98, Sch. 2, ss. 7 and 8; 467/98, s. 5; 232/2000, Sch. 1, ss. 2 and 3.]

Division 4 — Forest Development Plan Contents for Categories of Cutblocks

Category I cutblocks and roads for information purposes only

19 (1) A cutblock that does not meet the requirements of category A, under section 20, may be shown on a forest development plan only as a category I cutblock, and a category I cutblock is for information purposes only, and is deemed not to be part of the forest development plan.

(2) A road may be shown as a category I road on a forest development plan for information purposes only, and a category I road is deemed not to be part of the forest development plan.

Category A cutblocks

20 (1) A cutblock may be shown as a proposed category A cutblock on a proposed forest development plan only if the proposed plan meets the following requirements:

(a) the plan includes, in the form of a map, for areas that are within or adjacent to the cutblock, the location of the following items, if the items may be impacted directly or indirectly by the cutblock:

(i) known resource features other than wildlife habitat features, domestic water supply intakes and archaeological sites,

(ii) known private property, and

(iii) known licensed domestic water supply intakes and related water supply infrastructure;

(b) the plan describes for the cutblock the following:

(i) the year of harvest, if timing is critical to the management of non-timber forest resources;

(ii) the location of any area of water that will be used as a helicopter or balloon log drop area;

(iii) whether or not the cutblock will be clearcut;

(iv) measures, if any, proposed to achieve higher level plan objectives;

(v) measures, if any, for the management of known ungulate winter ranges;

(vi) whether the cutblock will be harvested by cable, aerial or ground based harvesting methods or a combination of those methods;

(vii) the riparian class of streams, wetlands and lakes determined by the riparian assessment under section 15.

(2) A cutblock may be shown as an approved category A cutblock on a proposed forest development plan, if

(a) the cutblock was included as an approved category A cutblock on the most recently approved forest development plan, and

(b) the information required under subsection (1) for the cutblock in that most recently approved plan is carried forward, without being updated, in the proposed plan.

(3) In addition to the requirements of section 19 (1) of the Act, if a terrain stability field assessment is required for a cutblock under section 16 or 17, the holder of an agreement is eligible to apply for a cutting permit only if the cutblock is included as a category A cutblock in an approved forest development plan that includes a statement that

(a) the cutblock is consistent with the assessment's results and recommendations,

(b) the cutblock complies with sections 7 (2), 8 (3) and 8 (4) of the Timber Harvesting Practices Regulation, and

(c) either

(i) if the cutblock is

(A) within a community watershed, it complies with section 7 (3) (a) of the Timber Harvesting Practices Regulation, or

(B) outside a community watershed, it complies with section 8 (2) (a) of the Timber Harvesting Practices Regulation, or

(ii) if the requirements of subparagraph (i) have not been met, the reason the requirements have not been met and the reason the person believes the forest development plan should be approved in spite of the failure to meet the requirement of subparagraph (i).

[am. B.C. Regs. 184/98, Sch. 2, s. 9; 467/98, s. 6.]

Limited protection for cutblocks and roads

21 (1) After a cutblock has been included as part of an approved forest development plan as a category A cutblock, or a road has been included as part of an approved forest development plan, the district manager, or for an area referred to in section 41 (6) of the Act the district manager and the designated environment official, may refuse to approve a subsequently proposed forest development plan on the grounds that the part of the subsequently proposed forest development plan that is the cutblock or road fails to meet the requirements of sections 10 (1) (d) and 41 of the Act, only if any of the following occurs in the period referred to in subsection (3):

(a) an enactment is made or amended or a higher level plan is established or varied, and

(i) the enactment or higher level plan applies to the cutblock or road, and

(ii) the district manager, or the district manager and the designated environment official, as the case may be, are satisfied that the proposed cutblock or road makes the forest development plan inconsistent with that enactment or higher level plan;

(b) a wildlife habitat area is established over any area of the proposed forest development plan, and the chief forester and Deputy Minister of Environment, Lands and Parks have specified that the cutblock cannot be harvested as planned or the road cannot be located, constructed, modified or deactivated as planned;

(c) a community watershed that includes the area under the proposed forest development plan is designated, and the designation specifies that the cutblock cannot be harvested as planned or the road cannot be located, constructed, modified or deactivated as planned;

(d) catastrophic damage or destruction of timber occurs in the vicinity of the cutblock, as a result of which harvesting the cutblock, as planned, no longer adequately manages and conserves the forest resources;

(e) a watershed assessment is completed for an area under the forest development plan, and

(i) the assessment reveals a condition that negatively affects the watershed,

(ii) either there was no previous watershed assessment, or there was a previous watershed assessment, but it did not reveal the condition, and

(iii) the recommendations in the current assessment specify that the cutblock should not be harvested as planned or the road should not be located, constructed, modified or deactivated as planned;

(f) the timber harvesting or other operation for which the road was to provide access will not be proceeding.

(2) Subsection (1) applies despite sections 10 (1) (d) and 41 of the Act.

(3) The period referred to in subsection (1) is the period from 4 months before the forest development plan that is in effect was submitted for approval until 4 months before the proposed forest development plan is submitted for approval.

(4) Despite subsection (1), even if a cutblock has been included as a category A cutblock in a previously approved forest development plan, the district manager, or for an area referred to in section 41 (6) of the Act the district manager or the designated environment official, may refuse to approve the plan on the grounds that the part of the plan that is the cutblock fails to meet the requirements of section 41 of the Act, if

(a) a terrain stability field assessment is completed and the statement referred to in section 20 (3) has been submitted with the proposed forest development plan, and

(b) the district manager, or the designated environment official, as the case may be, is satisfied, on the basis of the assessment's results or recommendations, or on the basis of the statement, that the cutblock cannot be harvested as planned.

[am. B.C. Reg. 467/98, s. 7

Protection for cutblocks and roads

22 (1) Despite sections 10 (1) (d) and 41 of the Act, neither the district manager nor the designated environment official may refuse to approve a forest development plan on the grounds that the part of the forest development plan that is a cutblock fails to meet the requirements of sections 10 (1) (d) or 41 of the Act if

(a) a cutting permit has been issued for the cutblock, or

(b) the cutblock has been included as part of an approved forest development plan with the assessments required by sections 16, 17 and 37 shown as completed.

(2) Neither the district manager nor the designated environment official may refuse to approve a forest development plan on the grounds that the part of the forest development plan that is a road fails to meet the requirements of sections 10 (1) (d) or 41 of the Act if

(a) a road permit has been issued for the road, or

(b) the road has been included as part of an approved forest development plan with the assessments required by sections 4 and 5 of the Forest Road Regulation shown as completed.

Transition

23 (1) This section applies despite any other provision of this regulation.

(2) A cutblock is deemed to be a category A cutblock if

(a) it is included as part of a forest development plan that is

(i) in effect immediately before October 15, 1998, or

(ii) submitted for the approval of, or prepared by, the district manager before October 15, 1998 and approved, or put into effect, by the district manager on or after that date, and

(b) before the next forest development plan containing the cutblock is approved under section 41 of the Act,

(i) the cutblock has a cutting permit,

(ii) the cutblock has a silviculture prescription or exemption from the requirement for a silviculture prescription, or

(iii) a silviculture prescription for the cutblock, that meets the requirements of section 18 (1) (t) to (x), is submitted for the approval of, or prepared by, the district manager.

(3) A road that is included as part of an approved forest development plan at the date this subsection comes into force is deemed to be a road to which section 22 applies.

[am. B.C. Regs. 184/98, Sch. 2, s. 10; 373/98, s. 2.]

Division 5 — Notice, Review and Comment

Application of this division

24 This division does not apply to a forest development plan or amendment to which section 43 of the Act applies.

Notice

25 Before a person submits a forest development plan or amendment for approval, or a district manager puts into effect a forest development plan or amendment, the person or the district manager, as the case may be, must publish a notice, in a form acceptable to the district manager, in a newspaper stating that the forest development plan is available for public review and comment.

Submitting forest development plan and assessments

26 (1) A person, other than the district manager, required to publish a notice under section 25, must submit to the district manager a copy of the forest development plan or amendment in the form that will be made available for review under section 27

(a) at substantially the same time as a person first publishes the notice referred to in section 25, or

(b) at any other time agreed to by the district manager and the holder of the agreement.

(2) On the request of the district manager, or for an area referred to in section 41 (6) of the Act the district manager or the designated environment official, a person who is responsible for a forest development plan must submit to the district manager or to the district manager and the designated environment official, as the case may be, a copy of any assessment required under sections 13 to 17.

Review

27 (1) A person required to publish a notice under section 25 must provide an opportunity to review a proposed forest development plan or amendment to members of the public interested in or affected by operations under the proposed plan or amendment in accordance with this division.

(2) If an assessment required under sections 13 to 17 has been completed, the person required to provide an opportunity for review of the forest development plan or amendment must, on the request of a person conducting a review of the plan under this section, make the assessment available for viewing to that person to assist their review of the plan.

(3) The person required to provide a viewing of an assessment under subsection (2) must make it available at their place of business nearest to the area under the plan or at another location specified by the district manager.

(4) Subject to subsections (5) and (6), the opportunity for a review under subsection (1) must be for

(a) a period of 60 days from the date of the first publication referred to in section 25, except for a forest development plan or amendment referred to in paragraph (b), or

(b) a period of at least 10 days from the date of the first publication referred to in section 25, if the entire forest development plan or amendment relates to an expedited major salvage operation.

(5) Despite subsection (4) (a) the district manager, or for an area referred to in section 41 (6) of the Act the district manager or the designated environment official, may, by notice in writing given before the expiry of the 60 day period under subsection (4) (a) to a person required to provide a review under this section, extend the period for review under subsection 4 (a), and, with respect to the extension, is not required to provide an opportunity to be heard or to give reasons.

(6) A person has no obligation to provide an opportunity for review of an amendment to a forest development plan relating to an operation concerning which the district manager or, for an area referred to in section 41 (6) of the Act, the district manager or the designated environment official is satisfied

(a) that the reason for the operation is to address an emergency under section 42 of the Act, and

(b) there is insufficient time to provide for review and comment for a period of at least 10 days,

and, with respect to this decision, the district manager is not required to provide an opportunity to be heard or to give reasons.

(7) If under subsection (6) no review is provided, the person responsible for preparing the amendment to the forest development plan must publish, in an issue of a newspaper, a notice of the exemption and approval, including a statement containing the following information:

(a) the amendment to the forest development plan has been approved or given effect without having been made available for review and comment;

(b) the reasons why implementation of the amendment must proceed without review and comment;

(c) the date on which the operations are authorized to begin;

(d) the number of days, which must be a minimum of 5 clear days, between the date of first publication and the date operations are to begin.

(8) An opportunity for review provided to an interested or affected person under subsection (1) will be adequate only if, in the opinion of the district manager, or in an area referred to in section 41 (6) of the Act the district manager or the designated environment official, the opportunity is commensurate with the nature and extent of that person's interest in the area under the plan and any right that person may have to use the area under the plan.

Comments

28 A person who reviews a forest development plan or amendment under this division may submit comments in writing during the period allowed for review under section 27 to the person who publishes a notice under section 25.

Scope of review and comment

29 (1) A person required to publish a notice under section 25 must consider all comments received during the period for review under section 27 in relation to proposed category A cutblocks and proposed road construction, modification and deactivation and make any revisions to the proposed plan or amendment that the person considers appropriate.

(2) Despite subsection (1), neither the person required to publish a notice under section 25 nor the district manager is required to consider or address a comment with respect to

- (a) a cutblock that is included as part of the most recently approved forest development plan as a category A cutblock, unless the comment is related to an assessment required under sections 16 and 17 that was not completed for the cutblock before the approval of that plan, or
- (b) a road that has been included as part of a previously approved forest development plan.

Submitting a proposed forest development plan and comments

30 A person that submits a forest development plan or amendment for approval must submit with the proposed forest development plan or amendment

- (a) a copy of the notices that were published under section 25 in respect of the proposed forest development plan or amendment,
- (b) a copy of each written comment received in respect of the proposed forest development plan or amendment, and
- (c) a summary of all revisions made to the proposed forest development plan or amendment under section 29 (1).

Part 4 — Logging Plans

Scope of logging plans

31 A person must ensure that a logging plan provides sufficient detail to permit adequate assessment by the district manager of the proposed timber harvesting and road construction or modification operations to be carried out under the plan.

Logging plan map

32 A person must ensure that a logging plan contains a map of the area under the plan illustrating the topography and

- (a) the location of all of the following:
 - (i) cutblock boundaries;
 - (ii) permanent access structures;
 - (iii) temporary access structures other than excavated and bladed trails, main skid trails, backspars trails, or corduroyed trails;
 - (iv) known wildlife habitat areas, but the location of the wildlife habitat area must not be shown if the district manager or designated environment official makes it known that the location of the wildlife habitat area is not to be included in operational plans;
 - (v) streams, wetlands and lakes;
 - (vi) gullies;
 - (vii) bridges, culverts and stream crossings;
 - (viii) gravel pits;

- (ix) pipelines and power lines;
 - (x) known resource features other than domestic water supply intakes;
 - (xi) known licensed domestic water supply intakes and related water supply infrastructures that are within or adjacent to the proposed cutblock;
 - (xii) known community water supply intakes and related water supply infrastructures that are within or adjacent to the proposed cutblock, and
- (b) the approximate location of
- (i) mappable reserves including wildlife trees and wildlife tree patches, and
 - (ii) excavated or bladed trails, main skid trails, backspar trails and corduroyed trails.

[am. B.C. Reg. 232/2000, Sch. 1, s. 4.]

Logging plan content

33 A person must ensure that a logging plan describes all of the following:

- (a) with respect to temporary access structures,
 - (i) measures to ensure that the total area occupied by these structures is minimized,
 - (ii) the construction and rehabilitation methods, and
 - (iii) the drainage control measures that will be implemented, throughout all phases of the proposed operations, to control soil erosion for the period from initial construction of those structures until their rehabilitation;
- (b) with respect to each stream and wetland that is in or adjacent to the proposed cutblock,
 - (i) the riparian class,
 - (ii) the width of the riparian reserve zone, and
 - (iii) the width of the riparian management zone;
- (c) with respect to each lake that is in or adjacent to the proposed cutblock,
 - (i) the riparian class and, where applicable, the known lake class,
 - (ii) the width of the riparian reserve zone, and
 - (iii) where applicable, the width of the lakeshore management zone or the riparian management zone;
- (d) the direction of yarding and skidding;
- (e) the timing of any in-stream operations;
- (f) the type of harvesting equipment to be used in areas proposed for harvesting;
- (g) the harvesting methods to be used in areas proposed for harvesting, including
 - (i) if harvesting is proposed for areas adjacent to streams and wetlands, measures for
 - (A) felling, yarding and debris management, and

(B) protecting the streambank and minimizing damage to the understory, and

(ii) if the area adjacent to a road is proposed to be used for decking, processing or loading logs, the width of the area that will be used for those purposes and the measures for debris disposal;

(h) any seasonal site conditions or constraints that limit the timing of harvesting operations;

(i) for community watersheds, the known water quality objectives.

[am. B.C. Reg. 184/98, Sch. 2, s. 9.]

Exemptions

34 The district manager may exempt a holder of a road permit, licence to cut or cutting permit under a master licence to cut from the requirements of section 32 or 33, if the district manager determines that the requirement is not necessary to adequately manage and conserve the forest resources in and adjacent to the area under the logging plan.

Signature of holder

35 The logging plan must contain the signature of the person who is required to prepare it, or a person who has authority to sign on behalf of that person.

Review and comment

36 (1) By notice in writing, the district manager may require a person that submits a logging plan or amendment for approval to make the proposed logging plan or amendment available for review and comment in accordance with the notice.

(2) A notice under subsection (1) may specify requirements related to review and comment that the person submitting the logging plan must meet, including, without limitation, the period for review and the requirements for dealing with comments.

Part 5 — Silviculture Prescriptions

Division 1 — Scope and Content

Information that must be available before a silviculture prescription may be approved

37 (1) Subject to subsections (4) and (5), a person preparing a silviculture prescription must carry out the following assessments and make available, upon request, to the district manager the following information:

(a) if the cutblock is in a known scenic area, a visual impact assessment that demonstrates that the timber harvesting operations are consistent with the established visual quality objectives for that area;

(b) a terrain stability field assessment for the cutblock if

(i) no terrain stability field assessment has been carried out for a cutblock located in an area referred to in section 41 (6) of the Act because, under section 16 (3) of this regulation, no assessment was required for the forest development plan,

(ii) the cutblock is located in an area that is not referred to in section 41 (6) of the Act and that has been identified in the forest development plan as having a moderate likelihood of landslides, or potentially unstable terrain,

(iii) the cutblock has been identified by the district manager as requiring a terrain stability field

assessment, or

(iv) indicators of potential slope instability in the cutblock are identified while carrying out field work for the purposes of section 39 (3) (a) (iii);

(c) an assessment of a gully in a cutblock located on the Coast, carried out in accordance with the Ministry of Forests' publication titled, "Gully Assessment Procedure Guidebook", as amended from time to time, if a person is proposing to carry out timber harvesting in the gully;

(d) a pest incidence survey, if required by the district manager, to determine the nature and extent of the forest health factors in the cutblock;

(e) an archaeological impact assessment that meets the requirements of the minister responsible for the *Heritage Conservation Act* if the district manager is satisfied that the assessment is necessary to adequately manage and conserve archaeological sites in the area;

(f) a riparian assessment to

(i) determine the riparian class of streams, wetlands and lakes, and

(ii) identify fish streams in community watersheds

that are in or adjacent to the area under the prescription.

(2) Despite subsection (1) (b), the terrain stability field assessment is not required if the cutblock is shown on a forest development plan as being located on an area having a moderate likelihood of landslides, and

(a) all the following conditions are met:

(i) the area is located in the Interior;

(ii) the proposed timber harvesting method is cable or aerial;

(iii) no excavated or bladed trail will be constructed, or

(b) the assessment has been carried out for the purpose of locating a road and the assessment included the area to be harvested.

(3) Information required by this section is not part of the silviculture prescription.

(4) For a minor salvage operation or an expedited major salvage operation, a visual impact assessment is not required unless requested by the district manager in writing.

(5) For an emergency harvesting operation, no assessments are required unless the district manager requests in writing that a terrain stability field assessment be carried out, in which case the person responsible for the silviculture prescription must comply with the request.

[am. B.C. Reg. 184/98, Sch. 2, s. 11.]

Assessment results

38 A silviculture prescription must contain a statement that, with respect to an assessment referred to under section 37 or the information referred to under section 39 (3) (a),

(a) procedures required by this regulation have been followed for any assessment that is required under section 37 or that is required to provide information referred to under section 39 (3) (a),

(b) the silviculture prescription is consistent with the results or recommendations of any assessment required under section 37, and

(c) the proposed silviculture prescription complies with section 7 (4), 8 (3) and 8 (4) of the Timber Harvesting Practices Regulation, with respect to the prohibition against constructing excavated or bladed trails.

Content of prescriptions

39 (1) In this section:

"all layers" means the mature layer, the pole layer, the regeneration layer and the sapling layer;

"mature layer" means the layer of trees that have a stem diameter of 12.5 cm or greater measured at a height of 1.3 m;

"pole layer" means a layer of trees that have a stem diameter greater than or equal to 7.5 cm, but less than 12.5 cm, measured at a height of 1.3 m;

"regeneration layer" means the layer of trees that is less than 1.3 m in height;

"sapling layer" means the layer of trees that have a stem diameter of less than 7.5 cm measured at a height of 1.3 m;

"stocking requirements" means all of the following:

(a) for clearcutting, patch cutting and group selection, group shelterwood, group seed tree, retention system and clearcutting with group reserves, all of the following:

(i) the preferred and acceptable species of trees;

(ii) the minimum allowable horizontal distance between trees of the preferred and acceptable species required for the trees to be considered to be well spaced;

(iii) the target number of healthy, well spaced trees of the preferred and acceptable species per hectare;

(iv) the minimum number of healthy, well spaced trees of the preferred and acceptable species required per hectare;

(v) the minimum number of healthy, well spaced trees of the preferred species required per hectare;

(vi) the maximum number of coniferous trees allowed per hectare in a free growing stand;

(vii) the maximum and minimum number of healthy, coniferous trees allowed per hectare in a free growing stand after a spacing treatment has been carried out under section 13 of the Silviculture Practices Regulation;

(viii) the required standards that must be met by a healthy, well spaced tree of a preferred or acceptable species in a free growing stand, including

(A) the minimum height, and

(B) the height of the tree relative to competing vegetation within a radius of one m of the tree trunk;

(ix) the minimum pruning height that must be met by a crop tree at the end of the free growing assessment period if

(A) control of white pine blister rust is necessary to achieve a healthy free growing stand by the end of the free growing assessment period, or

(B) stand densities required to achieve wildlife habitat management objectives approved for the area in the forest development plan that applies to the area under the prescription are at least 30% lower than the minimum stocking levels set out in the Ministry of Forests' publication "Establishment to Free Growing Guidebook", as amended from time to time;

(b) for commercial thinning, harvesting of poles, sanitation treatments and other intermediate cuttings that do not have regeneration objectives,

(i) the preferred and acceptable species of trees,

(ii) the stand structure and composition goals, including the planned residual basal area or density per hectare, and

(iii) the species and function of any trees that will be left standing to satisfy non-timber resource objectives;

(c) for even-aged partial cutting not described in paragraph (a),

(i) all of the requirements referred to in paragraph (a), and

(ii) the stand structure and composition goals, including the planned residual basal area or density per hectare;

(d) for single tree selection, all of the following:

(i) for all layers, the preferred and acceptable species of trees;

(ii) for the regeneration, sapling and pole layers, the minimum allowable horizontal distance between trees of the preferred and acceptable species required for the trees to be considered to be well spaced;

(iii) for all layers, the target number of healthy and well spaced trees of the preferred and acceptable species per hectare;

(iv) for all layers, the minimum number of healthy, well spaced trees of the preferred and acceptable species required per hectare;

(v) for all layers, the minimum number of healthy, well spaced trees of the preferred species required per hectare;

(vi) for the sapling layer, the maximum number of coniferous trees allowed per hectare in a free growing stand;

(vii) for the sapling layer, the maximum and minimum number of coniferous trees allowed per hectare in a free growing stand after a spacing treatment has been carried out under section 13 of the Silviculture Practices Regulation;

(viii) the planned residual basal area per hectare;

(ix) the approximate number of trees by diameter class;

(x) for the required standards that must be met by a healthy, well spaced tree of a preferred or acceptable species at free growing, including

(A) the minimum height for the regeneration, and

(B) the height of the tree relative to competing vegetation within a radius of one metre of the tree trunk for the regeneration.

(2) A person must ensure, for the area under the silviculture prescription, that the silviculture prescription

describes the location of the following:

- (a) areas from which timber is to be harvested;
- (b) areas where timber was destroyed or damaged;
- (c) for a contravention of section 96 of the Act, the area from which timber was cut, removed, damaged or destroyed in contravention of that section;
- (d) mappable reserves, including wildlife tree patches and riparian reserve zones.

(3) A person must ensure, for the area under the silviculture prescription, that the prescription does the following:

- (a) specifies
 - (i) the biogeoclimatic ecosystem classification,
 - (ii) for any area identified in a forest development plan that will be harvested using a harvest method other than cable or aerial, the hazards for soil compaction, soil erosion and soil displacement,
 - (iii) any indicators of potential slope instability, if a terrain stability field assessment has not been carried out,
 - (iv) if temporary access structures are being proposed, the depth to unfavourable subsoil, the type of unfavourable subsoil, and
 - (v) if an excavated or bladed trail is being proposed in a community watershed, the risk of sediment delivery to streams;
- (b) if the pest incidence survey carried out under section 37 (1) (d) identifies significant forest health risks, specifies measures to reduce those risks;
- (c) describes the silvicultural system to be used, including the species and function of any trees to be left standing;
- (d) without limiting paragraph (c), for group selection silvicultural systems, contains a description of the range and approximate average size of openings;
- (e) describes any critical site conditions that affect the timing of operations and the manner in which they affect them;
- (f) describes the total area under the prescription, including areas of rock, water, swamp, reserves and any other area whether or not it is capable of growing a stand of trees;
- (g) describes the net area to be reforested;
- (h) sets out the maximum proportion, if any, of the total area referred to in paragraph (f) that may be occupied by permanent access structures;
- (i) sets out the maximum proportion, if any, of the net area to be reforested that may be occupied by soil disturbance;
- (j) sets out the maximum extent to which the soil disturbance limits specified in paragraph (i) may be temporarily exceeded to construct temporary access structures;
- (k) identifies
 - (i) those portions of the cutblock where excavated or bladed trails may be constructed,

(ii) the maximum and average height of cutbanks, for excavated or bladed trails, and

(iii) the equipment to be used for trail construction if other than an excavator;

(l) the maximum time to complete rehabilitation of temporary access structures, measured from completion of timber harvesting;

(m) describes

(i) the volume and range of piece sizes of coarse woody debris, if any, necessary or required to accommodate any objectives for coarse woody debris established in a forest development plan and that are applicable to the area under the prescription,

(ii) the site conditions that must exist, if any, after a harvest or site treatment to accommodate forest resources identified in the forest development plan or, in the absence of a forest development plan, in any higher level plan that applies to the area,

(iii) the site conditions that must exist, if any, after a harvest or site treatment to accommodate

(A) known non-timber forest resources on or adjacent to the area under the prescription that were not referenced in subparagraph (ii), and

(B) resource features identified in the forest development plan or silviculture prescription, and

(iv) actions, if any, that are necessary to adequately manage and conserve archaeological sites;

(n) indicates if livestock grazing is proposed to be carried out as a vegetation management treatment on the area under the prescription;

(o) contains the stocking requirements;

(p) contains the regeneration date;

(q) contains the free growing assessment period;

(r) if the prescription is for the holder of a major licence, contains the signature of the holder or a person who has authority to sign the prescription on behalf of the holder.

(4) A person must ensure, for the area under a silviculture prescription and the area adjacent to that area, that the prescription describes or contains all of the following:

(a) a map that illustrates the following items:

(i) the total area under the prescription outlined in subsection (3) (f);

(ii) all streams, wetlands, lakes, and

(A) their riparian class, and

(B) if they are streams in a community watershed, whether they are fish streams;

(iii) a known forest ecosystem network;

(iv) a wildlife habitat area that is identified as known in the forest development plan in which the cutblock is proposed to achieve category A status, or in the forest development plan in which the part of the forest development plan that is the cutblock, is amended, but the location of the wildlife habitat area must not be shown if the district manager or designated environment official makes it known that the location of the wildlife habitat area is not to be included in operational plans;

(v) sensitive areas;

- (vi) known resource features, other than domestic water supply intakes;
- (vii) known licensed domestic water supply intakes and related water supply infrastructure;
- (viii) known community water supply intakes and related water supply infrastructure;
- (ix) known temperature sensitive streams;
- (x) the approximate location of permanent access structures other than gravel or rock pits;
- (xi) the approximate location of gravel pits and rock pits, if they are proposed for construction within 20 m of the top of a gully sidewall or the outer edge of a riparian management area;
- (xii) the approximate location of temporary roads and landings;
- (xiii) the biogeoclimatic ecosystem classification;
- (xiv) the approximate location of a gully
 - (A) located on the Coast if the gully is identified in a gully assessment as requiring special management to address the concerns referred to in subsection (6), or
 - (B) located in the Interior if the gully requires special management to address the concerns referred to in subsection (6);
- (xv) the approximate location and type of stream crossings;

(b) for each stream and wetland

- (i) the riparian reserve zone, a description of the purpose and extent of any removal or modification of trees that the person proposes to carry out in the riparian reserve zone and any related forest practices that the person proposes to carry out in this zone, and
- (ii) the riparian management zone and a description of the residual basal area or stems per hectare to be retained;

(c) for each lake in and adjacent to the area,

- (i) where applicable, the known lake class,
- (ii) the information required in paragraph (b) (i) and (ii), and
- (iii) the lakeshore management zone and the residual basal area or stems per hectare to be retained.

(5) If harvesting is proposed for areas that are within a riparian management area or lakeshore management area, a person must ensure that the silviculture prescription

- (a) states whether falling or yarding across streams will be undertaken and, if falling or yarding across streams will be undertaken, describes the measures for debris management, and
- (b) describes the measures for
 - (i) protecting stream banks, if the stream has no riparian reserve zone, and
 - (ii) maintaining shade over known temperature sensitive streams.

(6) If harvesting is proposed for a gully on the Coast that is within the area under the silviculture prescription, a person must ensure that the silviculture prescription describes the measures consistent with the gully assessment referred to in section 37 (1) for

- (a) debris management,
- (b) protecting gully banks, minimizing damage to the understory and addressing sediment and debris transport potential, and
- (c) felling and yarding across gullies, if proposed.

(7) A silviculture prescription prepared under sections 22 (1) (b) or (c), 22 (4) to (6) or 23 of the Act need not meet the following requirements:

- (a) if trees will not be harvested on the area under the silviculture prescription and the silviculture prescription states that mechanical site preparation will not be used, the requirements of subsection (3) (a) (ii) to (iv), (c) to (e), (h) to (l), 4 (a) (ix) to (xii), (xiv) and (xv), and
- (b) if trees will not be harvested on the area under the silviculture prescription, the requirements of subsection (3) (a) (iii) and (iv), (c), (d), (h) and (j) to (l) and 4 (a) (ix) to (xii) and (xiv).

(8) A silviculture prescription prepared for commercial thinning, harvesting of poles, sanitation treatments and other intermediate cuttings without regeneration objectives,

- (a) need not meet the requirements of subsection (3) (c), (n), (p) and (q), and
- (b) must specify that the silviculture prescription only covers commercial thinning, harvesting of poles, sanitation treatments or other intermediate cuttings without regeneration objectives.

[am. B.C. Regs. 184/98, Sch. 2, ss. 8 and 9; 373/98, ss. 3 and 4; 467/98, s. 8; 73/99, s. 2; 232/2000, Sch. 1, s. 5.]

Exemption from silviculture prescription may be subject to conditions

40 If the district manager exempts a person from the requirement for a silviculture prescription under section 30 of the Act,

- (a) the district manager may place conditions on the person, and
- (b) the person must comply with the conditions.

Division 2 — Specific Development Requirements

Species selection

41 When proposing the species composition for the purposes of section 39 (3) (o), a person must, unless otherwise specified in a higher level plan, select a mix of species that is ecologically suited to the area, if a mix of species was present on the area before the timber was harvested.

Division 3 — Silviculture Prescriptions for Non-Replaceable Licences

Criteria for determining costs of silviculture prescription

42 (1) In this section, "**value index**" means the same as in the policies and procedures approved under section 105 (1) of the *Forest Act*.

(2) In determining the costs of carrying out a silviculture prescription under section 71 (3) (c) of the Act, the district manager must use any criteria respecting silviculture cost estimates that are used in the policies and procedures approved under section 105 (1) of the *Forest Act* for the purpose of determining the value index of a timber stand.

(3) In determining directly and indirectly associated costs under section 71 (3) (c) of the Act, the district

manager must include costs incurred by government in contracting out work associated with

- (a) carrying out the silviculture prescription, and
- (b) determining the costs of carrying out the silviculture prescription, including the cost of administering contracts for work associated with carrying out the silviculture prescription.

Prescribed date of prescription

43 For the purposes of section 71 (1) (a) of the Act, the prescribed date is November 1, 1994.

Additional requirements to be a holder of a prescription under section 71 of the Act

44 (1) In this section:

"affiliate" means the same as in section 53 of the *Forest Act*;

"associated with" means being associated with another person in a business activity whether by partnership, joint venture, contract or otherwise, and, without limitation, includes the contractual relationship between a person and a holder of a licence referred to in subsection (2) by which the person is contractually obliged to supply, directly or indirectly, some or all of the timber harvested in the area to which the prescription applies to

- (a) the holder of the licence,
- (b) a corporation with which the holder of the licence is affiliated, or
- (c) a timber processing facility that is, directly or indirectly, owned or controlled by the holder of the licence or by an affiliate of the holder of the licence;

"control", with respect to a corporation, means the same as "control of a corporation" in section 53 of the *Forest Act*;

"timber processing facility" means a facility that processes timber, wood residue or both.

(2) In addition to the requirements set out in section 71 (1) (a) of the Act, a holder of a prescription means a person

- (a) who does not hold a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³, and
- (b) unless the minister is satisfied that it is in the public interest that this paragraph not apply, who
 - (i) does not hold shares of any type in a corporation that holds
 - (A) a replaceable tree farm licence or forest licence, or
 - (B) a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³,
 - (ii) is not affiliated with a corporation that holds shares of any type in
 - (A) a replaceable tree farm licence or forest licence, or
 - (B) a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³, and
 - (iii) is not, in any way associated with a holder of

(A) a replaceable tree farm licence or forest licence, or

(B) a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³.

Requirements that must be met before the government can assume responsibility for a prescription

45 A district manager may only assume responsibility for a prescription under section 71 (3) of the Act if the following requirements are met:

- (a) the holder of the prescription has requested that the government assume responsibility for any other silviculture prescriptions approved in respect of the licence that the district manager has determined should be assumed;
- (b) the holder of the prescription that is the subject of the request under section 71 of the Act agrees in writing that if the district manager determines that a silviculture prescription approved in the future in respect of the licence (referred to below as the "future silviculture prescription") should be assumed, the holder will request that the government assume responsibility for the future silviculture prescription;
- (c) with respect to the first prescription under a licence that the holder will be requesting the district manager to assume, except for a prescription submitted for approval before May 15, 1996, the holder of the prescription notifies the district manager at the time the prescription is submitted for approval that the holder will be requesting the district manager to assume the prescription.

District manager may require amendment of prescriptions approved prior to May 15, 1996

46 (1) A district manager may request the holder of a prescription approved before May 15, 1996, to prepare and obtain the district manager's approval of an amendment to that prescription respecting any matters identified by the district manager if the holder is requesting that the Crown assume the prescription.

(2) In determining the costs of carrying out a prescription referred to in subsection (1), the district manager must determine the cost of carrying out the prescription with the approved amendment.

Review and comment

47 (1) By notice in writing, the district manager may require a person that submits a silviculture prescription or amendment for approval to make the proposed silviculture prescription or amendment available for review and comment in accordance with the notice.

(2) A notice under subsection (1) may specify requirements related to review and comment that the person submitting the silviculture prescription must meet, including, without limitation, the period for review and the requirements for dealing with comments.

(3) If an assessment required under sections 15 to 17 or 37, other than an archaeological impact assessment, has been completed, the person required to provide an opportunity for review of the silviculture prescription or amendment must, on the request of a person conducting a review of the silviculture prescription under this section, make the assessment available for viewing to that person to assist their review of the silviculture prescription.

(4) The person required to provide a viewing of an assessment under subsection (3) must make it available at their place of business nearest to the area under the silviculture prescription or at another location specified by the district manager.

(5) A person who reviews a silviculture prescription may submit comments in writing during the period allowed for review under subsection (2).

Part 6 — Stand Management Prescriptions

Definitions

48 In this Part:

"area identifier" means a distinctive identification for specific geographical locations including,

- (a) an opening number,
- (b) timber mark and cutblock number, or
- (c) other identification method approved by the district manager;

"special area" means a contiguous area of up to one ha, or 5%, of a treatment area, whichever is larger, where the treatments or treatment standards vary from those of the rest of the treatment area;

"standards unit" means one or more areas of uniform treatments and treatment standards covered by the same stand management prescription;

"total treatment area" means the total of all treatment areas;

"treatment" means a silviculture treatment on a free growing stand including spacing, pruning, fertilization or other silviculture treatment approved by the district manager;

"treatment area" means one or more areas of a standards unit that are proposed for treatment and have the same area identifier, and includes special areas located in the treatment area, but does not include any of the following:

- (a) an area occupied by permanent access structures;
- (b) an area of rock, wetland or other area that in its natural state is not capable of supporting a free growing stand of trees;
- (c) an area of non-commercial forest cover except and to the extent that it is specifically identified in the stand management prescription as an area for treatment;
- (d) an area indicated in a stand management prescription on a map as a reserve area where the treatment of a free growing stand is not proposed;

"treatment standards" means those treatment requirements specified in the stand management prescription;

"well spaced tree" means trees that meet the minimum allowable horizontal distance specified in the stand management prescription.

Treatments and objectives for treatments

49 (1) For the purposes of section 24 (2.1) of the Act, the treatments may be one or more of the following:

- (a) spacing;
- (b) pruning;
- (c) fertilization;

(d) other silviculture treatment approved by the district manager.

(2) For the purposes of section 24 (2.1) of the Act, the objectives for the treatments must be to restore, maintain or enhance

(a) the health, vigour or value of the stand of trees, or

(b) other forest resource values.

Content of stand management prescriptions

50 (1) A person preparing a stand management prescription must ensure that the prescription meets the requirements of this section.

(2) A stand management prescription must

(a) specify the objectives proposed for each standards unit,

(b) contain a map illustrating

(i) for the area under the prescription

(A) the location and area identifier of the treatment areas and approximate location of special areas, and

(B) the standards unit associated with each treatment area, and

(ii) for the area under and adjacent to the prescription, the following items:

(A) streams, other than those that are riparian class S6, and the riparian class, riparian reserve zone and riparian management zone of those streams;

(B) lakes and their known lake class and any associated riparian reserve zone, riparian management zone, and lakeshore management zone;

(C) wetlands and the riparian class, riparian reserve zone and riparian management zone for those wetlands;

(D) the approximate location of mappable reserve areas, including wildlife tree patches;

(E) known wildlife habitat areas, but the location of the wildlife habitat area must not be shown if the district manager or designated environment official makes it known that the location of the wildlife habitat area is not to be included in operational plans;

(F) known resource features, other than domestic water supply intakes;

(G) known licensed domestic water supply intakes and related water supply infrastructures;

(H) known community water supply intakes and related water supply infrastructures, and

(c) specify the size of each treatment area and the total treatment area.

(3) A stand management prescription must, for each standards unit, specify all of the following:

(a) the biogeoclimatic ecosystem classification;

(b) the post-treatment site conditions and the proposed strategies, if any, to be taken to mitigate impacts on non-timber forest resources on or adjacent to the area under the prescription;

- (c) the proposed strategies, if any, to be taken to address the management objectives for riparian class S6 streams;
- (d) if the treatment will be completed more than 3 years from the date of the stand management prescription's approval, the earliest and latest year for the period during which the treatment will be completed;
- (e) the occurrence of forest health factors that are currently causing damage and the strategies, if any, to mitigate the impact of identified factors;
- (f) the current stand condition including tree species, height, age, density, site index;
- (g) if mechanized stand tending treatments are proposed,
 - (i) the hazards for soil compaction, for each treatment area,
 - (ii) the maximum proportion of each treatment area that may be occupied by soil disturbance caused by the mechanized stand tending treatments, and
 - (iii) if trail building is associated with the mechanized stand tending treatment,
 - (A) the hazards for soil erosion, and soil displacement, for each treatment area, and
 - (B) for an area with a slope gradient greater than 60%, the likelihood of landslides, for each treatment area;
- (h) if the proposed treatment is spacing,
 - (i) the preferred and acceptable tree species to be retained,
 - (ii) the target number of preferred and acceptable well spaced trees per hectare to be retained,
 - (iii) the minimum number of preferred trees per hectare to be retained,
 - (iv) the minimum inter-tree distance,
 - (v) the minimum number of preferred and acceptable well spaced trees per hectare to be retained,
 - (vi) the maximum number of trees per hectare to be retained, and
 - (vii) any selection criteria for trees or vegetation that are to be retained;
- (i) if the proposed treatment is pruning,
 - (i) the preferred and acceptable tree species to be pruned,
 - (ii) the target number of preferred and acceptable well spaced trees per hectare to be pruned,
 - (iii) the minimum number of preferred well spaced trees per hectare to be pruned,
 - (iv) the minimum inter-tree distance between trees to be pruned,
 - (v) the minimum number of preferred and acceptable well spaced trees per hectare to be pruned, and
 - (vi) for each crop tree, the minimum post-treatment live crown;
- (j) if the proposed treatment is fertilization,
 - (i) the type of fertilizer,

- (ii) the rate of application,
- (iii) the method of application,
- (iv) the season the proposed treatment is to be carried out, and
- (v) if in a community watershed, the known water quality objectives.

(4) Without limiting subsection (3), a stand management prescription must, for each special area within a standards unit, specify how matters referred to in subsection (3) (g) to (j) vary from the rest of the standards unit.

(5) A stand management prescription must, if the prescription is for the holder of a major licence, contain the signature of the holder or a person who has authority to sign the prescription on behalf of the holder.

[am. B.C. Regs. 373/98, s. 5; 232/200, Sch. 1, s. 4.]

Review and comment

51 (1) By notice in writing, the district manager may require a person that submits a stand management prescription or amendment for approval to make the proposed stand management prescription or amendment available for review and comment in accordance with the notice.

(2) A notice under subsection (1) may specify requirements related to review and comment that the person submitting the stand management prescription must meet, including, without limitation, the period for review and the requirements for dealing with comments.

Part 7 — Range Use Plans

Division 1 — Definitions

Definitions

52 In this Part:

"key area" means land subject to a *Range Act* agreement that is a monitoring site for grazing identified by the district manager under section 52.2 (c);

"properly functioning condition" means the ability of a stream, river, wetland or lake, and its riparian area, to

- (a) withstand normal peak flood events without experiencing accelerated soil loss, channel movement or bank movement,
- (b) filter runoff, and
- (c) store and safely release water;

"range readiness criteria" means criteria that indicate when the range is ready for grazing or harvesting based on a combination of soil moisture conditions and the phenological stage of plants;

"riparian area" means an area of land that

- (a) is adjacent to a stream, river, lake or wetland, and
- (b) contains vegetation that, due to the presence of water, is distinctly different from the vegetation of adjacent upland areas;

"stubble height" means the height of plants remaining after harvesting or grazing.

[en. B.C. Reg. 319/2000, Sch. 1.]

Division 2 — Information Supplied by District Manager

Information respecting a range use plan — general

52.1 The district manager must give, to a person preparing a range use plan, a map that contains the following information:

- (a) *Range Act* agreement boundaries;
- (b) community watershed boundaries;
- (c) known wildlife habitat areas, but the location of a wildlife habitat area must not be shown if the district manager or designated environment official is satisfied that showing it would threaten identified wildlife;
- (d) known ungulate winter ranges impacted by the grazing, hay cutting or related activities;
- (e) known resource features or sensitive areas, if the district manager determines that there is a significant potential for the grazing, hay cutting or related activity to negatively affect the resource features or sensitive areas under the plan;
- (f) the intended harvest area, if any;
- (g) a range development that is a structure, excavation or constructed livestock trail.

[en. B.C. Reg. 319/2000, Sch. 1.]

Information respecting a range use plan — grazing

52.2 The district manager must give the following information to a person preparing a range use plan for grazing:

- (a) strategies for
 - (i) known ungulate winter range, if range use activity impacts on that ungulate winter range, and
 - (ii) known biological diversity objectives;
- (b) strategies to
 - (i) address known resource features or sensitive areas, if the district manager determines that there is a significant potential for livestock to negatively affect the resource feature or sensitive area under the plan, and
 - (ii) achieve or maintain properly functioning condition in riparian areas;
- (c) location of key areas to be used as a monitoring site, and for those areas
 - (i) average stubble height for plant species specified by the district manager,
 - (ii) range readiness criteria, and
 - (iii) browse use levels, expressed in terms of the maximum percentage of stems utilized;
- (d) for areas that the district manager determines have been, or may be, negatively affected in a significant way by livestock,
 - (i) a description of the current plant communities and the desired plant communities, and

- (ii) strategies to achieve or maintain desired plant communities;
- (e) known water quality objectives, including what they are and to what area they apply;
- (f) additional strategies the district manager believes are necessary to adequately manage and conserve the forest resources of the area that is subject to the range use plan.

[en. B.C. Reg. 319/2000, Sch. 1.]

Information respecting a range use plan — hay cutting

52.3 The district manager must give, to the person developing a range use plan for hay cutting,

- (a) a description of desired plant communities and strategies to achieve or maintain them, and
- (b) range readiness criteria or other factors to determine the time of harvest.

[en. B.C. Reg. 319/2000, Sch. 1.]

Information respecting a range use plan prepared by the district manager

52.4 If the district manager prepares a range use plan under section 27 (3) of the *Forest Practices Code of British Columbia Act*, for the holder of an agreement under the *Range Act*, or amends a plan prepared under section 27 (3), the district manager must give the holder a copy of it.

[en. B.C. Reg. 319/2000, Sch. 1.]

District manager may change information

52.5 The district manager may change information given under this Division by giving notice of the change to the holder of the *Range Act* agreement to which the range use plan relates.

[en. B.C. Reg. 319/2000, Sch. 1.]

Division 2.1 — Range Use Plan Content

General content

53 A person who prepares a range use plan must ensure that the range use plan includes

- (a) maps, schedules and other information for the range land under the plan sufficient to permit adequate assessment, by the district manager and resource agencies, of the area's forest resources and proposed range practices to be carried out on the range land under the plan,
- (b) for a plan prepared under section 27 (1) of the *Forest Practices Code of British Columbia Act*, the signature of the holder of the agreement under the *Range Act* or a person who has authority to sign the plan on behalf of the holder, and
- (c) an expiry date.

[en. B.C. Reg. 319/2000, Sch. 1.]

Grazing content

53.1 In addition to the requirements of section 53, a person who prepares a range use plan for grazing must ensure

that the plan includes all the following:

- (a) a map given by the district manager under section 52.1;
- (b) measures to address strategies supplied by the district manager under section 52.2;
- (c) measures to minimize damage to trees that are not free growing;
- (d) a grazing schedule that includes, for each area of use, all of the following:
 - (i) total animal unit months as defined in the *Range Act*;
 - (ii) livestock class;
 - (iii) livestock number;
 - (iv) period of use;
- (e) for key areas, the information given by the district manager under section 52.2;
- (f) measures to address water quality objectives given under section 52.2.

[en. B.C. Reg. 319/2000, Sch. 1.]

Hay cutting content

53.2 In addition to the requirements of section 53, a person who prepares a range use plan for hay cutting must ensure that the plan includes all the following:

- (a) a map given by the district manager under section 52.1;
- (b) measures to address strategies supplied by the district manager under section 52.3, to achieve or maintain desired plant communities for the area to be harvested;
- (c) an average stubble height for the area to be harvested;
- (d) a date for the intended commencement of harvesting;
- (e) range readiness criteria or other factors that determine timing of harvest, given by the district manager under section 52.3.

[en. B.C. Reg. 319/2000, Sch. 1.]

Limited content for unfenced grazing land

54 A range use plan must include, for any unfenced grazing land under the plan, only a grazing schedule, and the number and class of livestock that will graze there.

[en. B.C. Reg. 319/2000, Sch. 1.]

Division 2.2 — Amendment of Range Use Plan to Protect Forest Resources

District manager must require amendment to range use plan

54.1 (1) If the district manager is satisfied that a range use plan is inconsistent with the objectives, strategies or measures associated with any of the matters set out in subsection (2), the district manager must by notice given to the holder of the range use plan require an amendment of the range use plan to make it consistent, and the holder must comply with the requirement.

(2) The matters referred to in subsection (1) are any of the following if they occur after the approval of the range use plan and affect range practices in the area under the plan:

- (a) the establishment of a higher level plan;
- (b) the designation or amendment of a community watershed;
- (c) the establishment or amendment of water quality objectives;
- (d) the designation or amendment of an ungulate winter range;
- (e) the establishment or amendment of ungulate winter range objectives;
- (f) the establishment of a wildlife habitat area or a general wildlife measure;
- (g) information given under sections 52.1 to 52.4 is changed under section 52.5.

[en. B.C. Reg. 319/2000, Sch. 1.]

Section Repealed

55 Repealed

[en. B.C. Reg. 319/2000, Sch. 1]

Division 3 — Notice, Review and Comment

Notice

56 (1) A person who prepares a range use plan or an amendment to a range use plan must, before the plan or amendment is approved or put into effect, publish a notice, in a form acceptable to the district manager, in a newspaper.

(2) This section does not apply to a range use plan or amendment to which section 43 or 44 of the Act applies.

Submitting a proposed plan before review and comment

57 (1) A holder of an agreement under the *Range Act* that is required to publish a notice under section 56 must submit to the district manager a copy of the range use plan or amendment in the form that will be made available for review and comment under section 58

- (a) at substantially the same time as the first publication referred to in section 56, or
- (b) at any other time agreed to by the district manager and the holder of the agreement.

(2) A district manager may not approve a range use plan that is submitted under subsection (1) until the requirements of section 58 have been met.

Review and comment

58 (1) A person that publishes a notice under section 56 must provide, for a period of at least 60 days from the date of the first publication referred to in section 56, an opportunity for review and comment to persons interested in or affected by operations under the range use plan or amendment.

(2) Despite subsection (1), the district manager may, with respect to a range use plan or amendment, reduce the

period of time for review and comment to at least 30 days from the date of the first publication referred to in section 56, if the district manager determines that the shorter period would provide adequate opportunity for review and comment by persons interested in or affected by operations under the range use plan or amendment.

(3) An opportunity for review and comment provided to an interested or affected person under subsection (1) will only be adequate for the purposes of that subsection if, in the opinion of the district manager, the opportunity is commensurate with the nature and extent of that person's interest in the area under the range use plan and any right that person may have to use the area under the range use plan.

(4) A person required to publish a notice under section 56 must review all comments received during the period for public comment set out in the notice, and make any revisions to the proposed range use plan or amendment that the person considers appropriate.

Part 8 — Riparian Management Areas

Division 1 — Streams

Riparian classes of streams

59 (1) Streams in community watersheds and fish streams have the following riparian classes:

Stream Width (m)	Riparian Class
>20	S1
>5≤20	S2
1.5≤5	S3
<1.5	S4

(2) Streams outside of community watersheds that are not fish streams have the following riparian classes:

Stream Width (m)	Riparian Class
>3	S5
≤3	S6

Minimum widths of riparian reserve zones and riparian management zones

60 (1) For each riparian class referred to in section 59, the minimum riparian reserve zone width and riparian management zone width on each side of the stream are as follows:

Riparian Class	Riparian Reserve Zone (m)	Riparian Management Zone (m)	Riparian Management Area (m)
S1	50	20	70
S2	30	20	50
S3	20	20	40
S4	0	30	30
S5	0	30	30
S6	0	20	20

(2) Despite subsection (1), if a stream has, on average, over a one km length,

- (a) a channel width of 100 m or greater, and
- (b) an active flood plain width of 100 m or greater

then the stream has no riparian reserve zone, but does have a riparian management zone of 100 m or the width of the active flood plain, whichever is greater.

(3) Despite subsection (1), for any stream the district manager, with the agreement of a designated environment official, may vary the width of the riparian reserve zone or riparian management zone referred to in that subsection.

(4) Despite subsection (2), for a stream referred to in that subsection, the district manager, with the agreement of a designated environment official, may

(a) require a riparian reserve zone, and

(b) specify the width of that zone.

(5) The riparian reserve zone extends the widths specified in subsection (1), (3) or (4) from the edge of the stream channel bank.

(6) The riparian management zone extends from

(a) the outer edge of the riparian reserve zone, or

(b) if there is no riparian reserve zone, the edge of the stream channel bank

to the top of the inner gorge of the stream or to the greater of

(c) the widths specified in subsection (1), (3) or (4), and

(d) the outer edge of any

(i) active flood plain, or

(ii) wetland that is less than one ha in size and is within the widths of the riparian management area specified in subsection (1), (3) or (4).

Division 2 — Wetlands

Riparian classes of wetlands

61 A wetland has a riparian class of one of the following:

(a) W1 if it is greater than 5 ha in size;

(b) W2 if it is between one and 5 ha in size and in the following biogeoclimatic zones and subzones:

(i) Ponderosa Pine;

(ii) Bunch Grass;

(iii) Interior Douglas-fir, very dry hot, very dry warm or very dry mild;

(iv) Coastal Douglas-fir;

(v) Coastal Western Hemlock very dry maritime, dry maritime or dry subarctic;

(c) W3 if it is between one ha and 5 ha in size and is in a biogeoclimatic zone or subzone other than those referred to in paragraph (b);

(d) W4 if it is

- (i) between 0.25 and one ha in size and is in a zone or subzone referred to in paragraph (b) (i), (ii) or (iii), or
- (ii) between 0.5 ha and one ha in size and is in a zone or subzone referred to in paragraph (b) (iv) or (v);
- (e) W5 if the area consists of 2 or more individual wetlands with overlapping riparian management areas and the combined size of the wetlands is 5 ha or larger.

Minimum widths of riparian reserve zones and riparian management zones for wetlands

62 (1) For each riparian class referred to in section 61, the minimum reserve zone and riparian management zone width is the following:

Riparian Class	Riparian Reserve Zone (m)	Riparian Management Zone (m)	Riparian Management Area (m)
W1	10	40	50
W2	10	20	30
W3	0	30	30
W4	0	30	30
W5	10	40	50

- (2) Despite subsection (1), upland terrain within a bog dominated or muskeg dominated wetland larger than 1 000 ha in boreal, subboreal or hypermaritime climates has no riparian reserve zone or riparian management zone.
- (3) Despite subsection (1), for any wetland or portion of a wetland, the district manager, with the agreement of a designated environment official, may vary the widths referred to in that subsection.
- (4) Despite subsection (2), for a wetland referred to in that subsection or a portion of that wetland, the district manager, with the agreement of a designated environment official, may
- (a) require a riparian reserve zone or a riparian management zone, and
 - (b) specify the widths of those zones.
- (5) The riparian reserve zone extends the widths specified in subsection (1), (3) or (4) from the edge of the wetland.
- (6) The riparian management zone extends the widths specified in subsection (1), (3) or (4) from
- (a) the outer edge of the riparian reserve zone, or
 - (b) if there is no riparian reserve zone, the edge of the wetland.

Division 3 — Lakes

Riparian classes of lakes

63 A lake has a riparian class of one of the following:

- (a) L1 if it is
 - (i) greater than 5 ha in size, or
 - (ii) designated by the district manager;

- (b) L2 if it is between one ha and 5 ha in size and is in the following biogeoclimatic zones and subzones:
- (i) Ponderosa Pine;
 - (ii) Bunch Grass;
 - (iii) Interior Douglas-fir, very dry hot, very dry warm or very dry mild;
 - (iv) Coastal Douglas-fir;
 - (v) Coastal Western Hemlock very dry maritime, dry maritime or dry subarctic;
- (c) L3 if it is between one ha and 5 ha in size and is in a biogeoclimatic zone or subzone other than those referred to in paragraph (b);
- (d) L4 if it is
- (i) between 0.25 and one ha in size and is in a zone or subzone referred to in paragraph (b) (i), (ii) or (iii), or
 - (ii) between 0.5 and one ha in size and is in a zone or subzone referred to in paragraph (b) (iv) or (v).

Minimum widths of riparian reserve zones and riparian management zones for lakes

- 64** (1) A lake with a riparian class of L1 has a riparian reserve zone width of 10 m, unless otherwise specified by the district manager, and a lakeshore management zone of a width established by the district manager.
- (2) A lake with a riparian class other than L1 has the following minimum riparian reserve zone and riparian management zone widths:

Riparian Class	Riparian Reserve Zone (m)	Riparian Management Zone (m)	Riparian Management Area (m)
L2	10	20	30
L3	0	30	30
L4	0	30	30

- (3) Despite subsections (1) and (2), a lake greater than 1 000 ha has no riparian reserve zone.
- (4) Despite subsections (1) and (2), for any lake or portion of a lake, the district manager, with the agreement of a designated environment official, may vary the widths referred to in those subsections.
- (5) Despite subsection (3), for a lake referred to in that subsection or a portion of that lake, the district manager, with the agreement of a designated environment official, may
- (a) require a riparian reserve zone, and
 - (b) specify the width of that zone.
- (6) The riparian reserve zone extends the widths specified in subsection (1), (2), (4) or (5) from the edge of
- (a) the natural boundary of the lake, or
 - (b) the wetland that is contiguous to the lake if the wetland is up to 5 ha in size.
- (7) The riparian management zone extends from
- (a) the outer edge of the riparian reserve zone, or

- (b) if there is no riparian reserve zone, the edge of the wetland.

Part 9 — Community Watersheds

Community watershed designation: review and comment

65 Before establishing, varying or cancelling a community watershed designation under section 41 of the Act, the regional manager must publish in a newspaper a notice containing all of the following information:

- (a) that a community watershed is proposed to be established, varied or cancelled under section 41 of the Act;
- (b) the location of the community watershed that is proposed to be established, varied or cancelled;
- (c) that the following are available at the ministry regional office and district office:
 - (i) a copy of the proposed order establishing, varying or cancelling the community watershed designation;
 - (ii) a map showing the location and boundaries of the community watershed that is proposed to be established, varied or cancelled;
- (d) that comments on the proposal may be delivered to the ministry regional office or district office within 60 days of the date of publication in the newspaper.

Community watershed designation: notice of an impending order

66 When establishing, varying or cancelling a community watershed designation under section 41 of the Act, the regional manager must publish in a newspaper a notice containing all of the following information:

- (a) that a community watershed is to be established, varied or cancelled under section 41 of the Act;
- (b) the location of the community watershed that is to be established, varied or cancelled;
- (c) that the following are available at the ministry regional office and district office:
 - (i) a copy of the order establishing, varying or cancelling the community watershed designation;
 - (ii) a map showing the location and boundaries of the community watershed that is to be established, varied or cancelled;
- (d) the date the order takes effect.

Part 10 — Green-up, Ungulate Winter Range and Identified Wildlife

Definitions

67 In this Part:

"adequately stocked" means having

- (a) on the Coast, 800 or more trees per ha, and
- (b) in the Interior, 1 000 or more trees per ha,

that are a commercially valuable species and at least 1.3 m in height;

"cutblock" means a cutblock as defined in the Act, except that the licence, forest development plan or permit referred to in that definition means the most recently approved licence, plan or permit for the area, whether or not it has expired;

"net area" means, with respect to a cutblock,

(a) the net area to be reforested as identified in the most recent silviculture prescription for the cutblock, whether or not the silviculture prescription has expired, or

(b) if no silviculture prescription identifies a net area to be reforested for the cutblock, the area of the cutblock excluding all of the following:

(i) any area occupied by permanent access structures;

(ii) any area of rock, wetland or other area that in its natural state is incapable of growing commercially valuable trees;

(iii) any contiguous area within the cutblock of more than 4 ha that is composed of non-commercial forest cover;

(iv) any area reserved from harvesting because of wildlife trees or riparian reserve zones;

[en. B.C. Reg. 467/98, s. 9.]

Greened-up

68 (1) When exercising a discretion under subsection (3) or (5) to (8), the district manager

(a) may exercise the discretion with respect to a cutblock or all or part of the forest district, and

(b) must give written notice of the applicable requirement or variation to any agreement holder who may be affected.

(2) When exercising a discretion under subsection (3) (a) or (6), the district manager must be satisfied that

(a) any increase in green-up requirements is necessary to adequately manage and conserve hydrological, wildlife, recreational and scenic values, and

(b) any decrease in green-up requirements will adequately manage and conserve these values.

(3) A cutblock is greened-up if the following portion or percentage of the cutblock meets the requirements of subsections (4) to (8):

(a) 75% of its net area, or another percentage of its net area specified by the district manager, or

(b) another portion of the cutblock specified by the district manager, that is

(i) adjacent to the cutblock proposed for harvest, and

(ii) sufficient in size to adequately manage and conserve the forest resources.

(4) If a higher level plan specifies a requirement that is different than a requirement referred to in this section, the requirement specified in the higher level plan prevails to the extent of the difference.

(5) If no higher level plan specifies a green-up requirement that applies to the cutblock, the cutblock is greened-up if it is

(a) adequately stocked and the average height of those trees that are

(i) the tallest tree in each 0.01 ha plot included in a representative sample, and

(ii) a commercially valuable species or other species acceptable to the district manager

is at least 3 m or another height specified under subsection (8), or

(b) not adequately stocked, and

(i) the average height of those trees that are

(A) the tallest tree in each 0.01 ha plot included in a representative sample, and

(B) a commercially valuable species or other species acceptable to the district manager

is at least 3.5 m or another height specified under subsection (8), and

(ii) either

(A) the cutblock is stocked with at least 500 trees per ha for the Coast or 700 trees per ha for the Interior, that are a commercially valuable species and at least 1.3 m in height, or

(B) the person proposing to harvest areas adjacent to the cutblock satisfies the district manager that the cutblock is stocked with a sufficient number of trees per ha of a species that will result in adequate management and conservation of hydrological, wildlife, recreational and scenic values.

(6) In addition to the requirements under subsection (5), if the district manager has specified that a number of trees per ha of at least 3 m in height is required for a cutblock to be greened-up, the cutblock must have at least that number to be greened-up.

(7) For the purpose of subsection (5), the district manager may specify that a species is excluded from being counted for the purpose of determining the average height of the tallest trees, if the district manager determines that the species

(a) if deciduous, does not result in adequate management and conservation of hydrological, wildlife, recreational or scenic values, or

(b) may be subject to removal or modification.

(8) The district manager may vary an average height requirement referred to in subsection (5)

(a) to a height that is less than 3 m, if the district manager and designated environment official are satisfied that the reduced height will adequately manage and conserve the forest resources, or

(b) to a height that is greater than 3 m, if the district manager is satisfied that a greater height is necessary to adequately manage and conserve hydrological, wildlife, recreational and scenic values.

[en. B.C. Reg. 467/98, s. 10.]

Ungulate winter range

69 (1) The chief forester and the Deputy Minister of Environment, Lands and Parks may, by written order, establish an ungulate winter range by identifying in the order

(a) an area of land that is necessary for the winter survival of an ungulate species, and

(b) objectives for the management of that area.

(2) An ungulate winter range that is identified in a wildlife management plan or strategy approved before October 15, 1998 ceases to be an ungulate winter range on October 15, 2003 unless confirmed before that date

by the chief forester and Deputy Minister of Environment, Lands and Parks.

(3) If an ungulate winter range identified in a wildlife management plan or strategy under paragraph (c) of the definition of "ungulate winter range" has no objectives specified for the management of the winter range, the district manager and designated environment official may, by written order, establish objectives for the winter range.

[am. B.C. Reg. 184/98, Sch. 2, s. 15.]

Identified wildlife and general wildlife measures

70 (1) The Deputy Minister of Environment, Lands and Parks, or a person authorized by the Deputy Minister of Environment, and the chief forester, acting jointly, may, by written order,

- (a) classify a species at risk as identified wildlife, if they agree that the species needs to be managed through a higher level plan, wildlife habitat area or general wildlife measure,
- (b) establish a mapped area of land as a wildlife habitat area, if satisfied that the mapped area is necessary to meet the habitat requirements of identified wildlife,
- (c) establish a management practice, that applies inside wildlife habitat areas, as a general wildlife measure, if satisfied that the management practice is necessary to maintain the identified wildlife within those areas, and
- (d) establish a management practice, that applies within a specified ecosystem unit as a general wildlife measure, if satisfied that the management practice is necessary to maintain a specified habitat.

(2) The classification of a species at risk as identified wildlife, and the establishment of a general wildlife measure and a wildlife habitat area, may be varied or cancelled by a written order signed by both

- (a) the Deputy Minister of Environment, Lands and Parks or a person authorized by the Deputy Minister of Environment, and
- (b) the chief forester.

(3) An order made under subsection (1) or (2) is effective when a notice that the order has been made and the locations where the details of the order may be obtained are published in the Gazette.

(3.1) An order establishing a wildlife habitat area under subsection (1) may provide that the location of the area is not to be published under subsection (3), in which case subsection (3) does not require the location to be published.

(3.2) If an order provides that the location of a wildlife habitat area is not to be published, no person may disclose the location of the wildlife habitat area, except in terms that are not precise enough to allow a person to find the area, to anyone other than a person who needs to know the location in order to administer or comply with an enactment of British Columbia or Canada, or a law, or for purposes of protecting or studying the wildlife protected by the wildlife habitat area.

(4) An order made under subsection (1) (c) or (d) may delegate the authority to vary some or all management practices in the order to the district manager in the Ministry of Forests and the regional fish and wildlife manager in the Ministry of Environment, Lands and Parks, acting jointly.

(5) A delegation under subsection (4) may

- (a) confer a discretion on the district manager and regional fish and wildlife manager, and
- (b) provide differently for different persons, places or transactions.

[am. B.C. Regs. 73/99, s. 3; 232/2000, Sch. 1, s. 7.]

Regionally important and identified threatened or endangered fish

71 (1) The Deputy Minister of Environment, Lands and Parks, or a person authorized by the Deputy Minister, and the chief forester, may, by written order classify a species of fish as identified threatened or endangered fish for the purposes of the definition of "fish stream" in section 1.

(2) The Deputy Minister of Environment, Lands and Parks, or a person authorized by the Deputy Minister, and the district manager, may, by written order classify a species of fish as regionally important fish for the purposes of the definition of "fish stream" in section 1.

(3) An order made under subsection (1) or (2) is effective when a notice that the order has been made and the locations where the details of the order may be obtained are published in the Gazette.

Part 11

Repealed. [B.C. Reg. 325/98, s. (b) (iii).]

***Note:** this regulation replaces B.C. Reg. 174/95*

[Provisions of the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, relevant to the enactment of this regulation: sections 10, 12, 39, 198, 203, 204, 208 to 215, 217.1 and 243]