

Forest Practices Code of British Columbia Act

SILVICULTURE PRACTICES REGULATION

[includes amendments up to B.C. Reg. 232/2000]

Contents

Part 1 — Definitions and Interpretation

1 Definitions and interpretation

Part 2 — General

2 Authorization under section 96 of the Act

3 Repealed

4 Felling or modification of trees in a riparian reserve zone

5 Constraining slash and debris in and around aquatic environments

6 Restricted operation of machinery

7 General wildlife measures

Part 3 — Silviculture Treatments

Division 1 — Reforestation

8 Use of seed and vegetative material

9 Pesticides on seedlings and vegetative propagules

10 Use of livestock for site preparation or brush control

11 Reforestation requirements

12 Exemption from maximum density spacing requirement in a prescription

13 Spacing mandatory if maximum density exceeded

Division 2 — Forest Pesticides

14 Notification of pending pesticide application in community watershed

15 Application of a pesticide near a community water intake

16 Storage of forest pesticides in a community watershed

17 Pesticide restricted zone around all streams in a community watershed

18 Pesticide detection at a community water intake

Division 3 — Stand Management

19 Damage to crop trees prohibited

20 Pruning required before the end of the free growing assessment period in specified circumstances

21 Use of fertilizers

Division 4 — Forest Health

22 Insect behavior modifying treatments

Division 5 — Silviculture Surveys

23 Surveys required

24 Survey requirements for all surveys under section 23

25 Survey requirements for areas with regeneration objectives

26 Survey requirements for areas without regeneration objectives

27 Resurvey

Division 6 — Reports

28 Reporting requirement for the holder of a major licence

29 Compliance report required by the government

PART 4 — Protecting the Environment and Site Rehabilitation

30 Protecting the environment

31 Soil rehabilitation plan required

PART 5 — Offences

32 Offence

Forms B and C

Part 1 — Definitions and Interpretation

Definitions and interpretation

1 (1) Unless otherwise indicated, words and expressions not defined in this regulation have the meaning given to them in the Operational Planning Regulation.

(2) In this regulation:

"fisheries-sensitive zone" means a flooded depression, pond or swamp, that

(a) either perennially or seasonally contains water, and

(b) is seasonally occupied by a species of fish listed in the definition of "fish stream" in the Operational Planning Regulation,

but does not include a wetland or lake that has a riparian management area established under Part 8 of the Operational Planning Regulation or a stream;

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

(a) identified in an operational plan that applies to the area, as a known objective, feature or thing, or

(b) if there is no operational plan,

(i) contained in a higher level plan, or

(ii) otherwise identified or made available to a person by the district manager or designated environment official,

before the exemption of the operational plan;

"silviculture treatment" means a treatment

(a) carried out to create the post harvest stand structure or site conditions specified in a silviculture prescription,

(b) referred to in section 13 or 20, or

(c) under a stand management prescription.

(3) If there is a conflict between the *Workers Compensation Act* or a regulation made under that Act and this regulation, the *Workers Compensation Act* or the regulation made under that Act, prevails.

(4) References in this regulation to the district manager include references to a designated forest official authorized by the district manager unless the context indicates otherwise.

[am. B.C. Regs. 185/98, s. 1; 374/98, s. 1.]

Part 2 — General

Authorization under section 96 of the Act

2 For the purposes of section 96 (1) (g) of the Act, a person is authorized to cut, damage or destroy Crown timber in the course of carrying out activities under and in accordance with a silviculture prescription for a backlog area or a stand management prescription.

Section Repealed

3 Repealed. [B.C. Reg. 374/98, s. 2.]

Felling or modification of trees in a riparian reserve zone

4 (1) A person who carries out a silviculture treatment must not fell or modify trees in an area that is a riparian reserve zone unless

(a) the felling or modification has been approved, in writing, by the district manager in an operational plan for one or more of the following purposes:

- (i) undertaking recreational facility management;
- (ii) reducing windthrow potential by topping or pruning;
- (iii) removal of trees for approved stream crossings;
- (iv) removal of trees for the construction or modification of a road under an approved road layout and design;
- (v) removal of any tree that is hazardous to workers because of location or lean, physical damage, overhead hazards, deterioration of limbs, stems or root system or a combination of these;
- (vi) any other similar activity, or

(b) the felling or modification has been approved, in writing, by the district manager, with the agreement of a designated environment official in writing, for one or more of the following purposes:

- (i) sanitation treatments;
- (ii) managing fisheries values and wildlife values;
- (iii) any other similar activity.

(2) Subsection (1) applies to a riparian reserve zone whether or not the stream, wetland or lake to which the reserve zone relates has been identified or has received the correct riparian classification in an operational plan.

(3) For the purposes of subsection (2), a stream, wetland or lake is not shown with an incorrect riparian classification in an operational plan by reason only that the law that applied to the plan at the time it was approved or given effect is subsequently changed, unless an enactment specifically provides otherwise.

[am. B.C. Reg. 185/98, s. 2.]

Constraining slash and debris in and around aquatic environments

5 A person who carries out a silviculture treatment must not deposit a volume of slash or debris, capable of damaging fish habitat or reducing water quality, into any of the following:

- (a) a lake;
- (b) a wetland;
- (c) a fisheries-sensitive zone or a marine-sensitive zone;
- (d) a fish stream;
- (e) a stream in a community watershed;
- (f) a stream with known licensed domestic water supply intake downstream of the area being treated;
- (g) a stream that
 - (i) can transport the slash and debris into any of the areas listed in paragraphs (a) to (f), or
 - (ii) may be destabilized by the accumulated slash and debris, resulting in increased sediment deposition in the areas listed in paragraphs (a) to (f).

[am. B.C. Reg. 232/2000, Sch. 2, s. 1.]

Restricted operation of machinery

6 (1) A person who carries out a silviculture treatment must not permit tracks or wheels of ground based machinery within 5 m of a stream bank except in the following cases:

- (a) for carrying out fire fighting activities;
 - (b) in response to natural disasters;
 - (c) at stream crossings authorized by the district manager;
 - (d) if operations will be conducted in a manner that protects stream banks and minimizes damage to understory vegetation.
- (2) The district manager may exempt a person from the requirements of subsection (1) if
 - (a) the machinery is operated
 - (i) to construct or maintain a range development,
 - (ii) to construct or maintain a work or to carry out an activity within or adjacent to streams for the purpose of controlling soil erosion, protecting stream banks or managing fisheries or wildlife, or
 - (iii) for an activity similar to one described in subparagraphs (i) and (ii), or
 - (b) in the opinion of the district manager,
 - (i) no other practicable option exists for carrying out the silviculture treatment, or
 - (ii) operating the machinery more than 5 m from the stream bank will increase the risk of sediment delivery.
- (3) A person who carries out a silviculture treatment must not fuel or service machinery in a riparian management area of a stream or wetland or within 30 m of a lakeshore.
- (4) Subsection (3) does not apply on an approved landing or road, or to machinery that is any of the following:
 - (a) hand held;
 - (b) required for fire fighting;
 - (c) broken down and requires fuelling or servicing to be moved;

(d) authorized in a silviculture prescription or stand management prescription to be fuelled or serviced in the area;

(e) authorized by the district manager to be fuelled or serviced in the area.

General wildlife measures

7 A person who carries out a silviculture treatment in a known wildlife habitat area must carry it out in accordance with known general wildlife measures that are

(a) established for application within the wildlife habitat area, and

(b) made available to the person by the district manager or designated environment official at the time the wildlife habitat area is made known.

Part 3 — Silviculture Treatments

Division 1 — Reforestation

Use of seed and vegetative material

8 (1) In this section:

"seedlot" means a quantity of cones or seeds having the same species, source, quality and year of collection;

"source" means

(a) the geographic source of cones, seeds and vegetative material including the latitude, longitude and elevation of the source, or

(b) the name and licence number of the seed orchard, cutting orchard or production facility;

"vegetative lot" means a quantity of vegetative material or vegetative propagules having the same species, source and year of collection;

"vegetative material" means plant parts or tissues used to produce vegetative propagules through asexual means;

"vegetative propagule" means a plant that has been produced through asexual means.

(2) A person who is required to establish a free growing stand on an area under a silviculture prescription, who carries out planting, must

(a) use only seedlots or vegetative lots collected and registered in accordance with the Tree Cone, Seed and Vegetative Material Regulation,

(b) unless otherwise authorized by the district manager, use the best genetic quality source available,

(c) store tree seeds with the ministry, and

(d) keep a record of the registration numbers of the seedlots or vegetative lots used and the locations where they are planted.

(3) Without limiting subsection (2), if the person knows or should know of forest health concerns that affect the health of the species of trees that are required by the prescription, the person must use only naturally or genetically improved resistant seed sources, seedlings or vegetative propagules if they are available.

(4) Without limiting subsection (2) or (3), the person must not exceed the limits for seed or vegetative material transfer specified in the Ministry of Forests' publication, "Seed and Vegetative Material Guidebook", as amended from time to time, unless otherwise permitted by the district manager.

Pesticides on seedlings and vegetative propagules

9 A person who is required to establish a free growing stand on an area under a silviculture prescription must use only seedlings and vegetative propagules that indicate on their shipping containers whether or not the seedlings or vegetative propagules have been treated with pesticides.

Use of livestock for site preparation or brush control

10 A person who is required to establish a free growing stand on an area under a silviculture prescription, if using livestock for site preparation or brush control, must

(a) ensure that all necessary measures are taken to

(i) protect fish, wildlife and their habitat,

(ii) minimize conflict between livestock and animals that could prey on livestock,

(iii) protect irrigation and licensed domestic water supply intakes,

(iv) prevent transmission of disease from livestock to wildlife, and

(v) maintain the health of livestock,

(b) establish a buffer zone on the area if required to do so by a designated environment official and prevent livestock from entering the zone,

(c) not construct a livestock corral

(i) within a riparian management area, or

(ii) on a site that drains directly into a stream, lake or other watercourse bearing fish or used as a potable water source,

(d) notify a designated forest official and a designated environment official before the arrival of the livestock,

(e) use livestock only if they have been inspected and certified as required by the Minister of Agriculture and Food, and

(f) not use livestock within a community watershed to carry out site preparation or brush control within a riparian management area.

[am. B.C. Reg. 185/98, s. 3.]

Reforestation requirements

11 (1) A person who, after June 15, 1998, is required to establish a free growing stand on an area under a silviculture prescription approved or given effect on or after June 15, 1998, must do the following:

(a) retain a registered professional forester to specify a regime of silviculture treatments that can reasonably be expected to produce the target stocking levels specified in the silviculture prescription by the end of the free growing assessment period specified in the silviculture prescription;

(b) implement the regime of treatments referred to in paragraph (a);

(c) keep a written record that allows the district manager to determine whether the requirements of paragraph (a) and (b) have been met;

(d) provide the written record to the district manager promptly on request.

(2) A holder of a silviculture prescription is exempted from the requirements of section 70 (4) (d) of the Act and subsection (1) if the timber harvesting proposed for the area under the silviculture prescription is limited to intermediate cuttings, and there are no regeneration objectives specified in the silviculture prescription.

(3) Subsection (2) applies despite any silviculture prescription approved or given effect before June 15, 1998.

Exemption from maximum density spacing requirement in a prescription

12 (1) The government is exempted from the requirement under section 70 (2) of the Act to act in accordance with a silviculture prescription to the extent that the prescription contains a requirement for carrying out a spacing treatment before the end of the free growing assessment period to reduce the density of trees to a density specified in the prescription.

(2) A holder of a major licence is exempted from the requirement under section 70 (3) of the Act to act in accordance with a silviculture prescription to the extent that the prescription contains a requirement for carrying out a spacing treatment before the end of the free growing assessment period to reduce the density of trees to a density specified in the prescription.

(3) A person that has an approved silviculture prescription is exempted from the requirements of section 70 (4) (f) and section 70 (6) of the Act.

[am. B.C. Reg. 232/2000, Sch. 2, s. 2.]

Spacing mandatory if maximum density exceeded

13 (1) A person who is required to establish a free growing stand under a silviculture prescription must carry out a spacing treatment on the area under the prescription before the end of the free growing assessment period to reduce the number of coniferous trees per hectare to within the range limited by the maximum and minimum numbers specified in the prescription if

(a) the prescription for the area is approved on or after April 1, 1994, and

(b) before the end of the free growing period, the number of coniferous trees per hectare in that area exceeds 10 000 or another number specified by the regional manager under subsection (3).

(2) If a silviculture prescription for an area was approved before April 1, 1994, the person who is required to establish a free growing stand under the prescription must, if the density of lodgepole pine or drybelt Douglas-fir trees per hectare exceeds 10 000 or another number specified by the regional manager under subsection (3), carry out a spacing treatment on the area before the end of the free growing assessment period to reduce the number of trees,

(a) subject to paragraph (b), to the target number of healthy well spaced trees per hectare specified in the prescription, or

(b) to within the range limited by the maximum and minimum numbers specified by the district manager in a written notice, if the district manager is satisfied that a number other than the target number specified in the prescription is required to adequately manage and conserve the forest resources in the area.

(3) For the purposes of subsections (1) and (2), the regional manager may specify a number other than 10 000, if

(a) satisfied that a number other than 10 000 is necessary to ensure that forest resources are adequately managed and conserved in an area, and

(b) the chief forester has established policies and guidelines under subsection (6).

(4) The regional manager is not required to specify a number other than 10 000 under subsection (3).

(5) When specifying a number under subsection (3), the regional manager

(a) may specify different numbers for different areas and species, and

(b) must give written notice of the specification to a person before that person is bound by the specification.

(6) The chief forester may

(a) establish, vary or cancel policies and guidelines respecting

(i) the regional manager's specification of a number of trees per hectare other than 10 000, under subsection

(3),

(ii) the characteristics of trees that must be counted for the purpose of determining if the number of trees per hectare before a spacing treatment is required has been exceeded, and

(iii) any other matters related to stand density management, and

(b) make different policies and guidelines for different areas and species.

(7) The regional manager must follow policies and guidelines under subsection (6).

(8) The policies and guidelines under subsection (6) must be made available to the public, on request, at regional and district offices of the Ministry of Forests.

(9) For the purposes of determining if the number of trees per hectare before a spacing treatment is required has been exceeded, the following coniferous trees must be counted:

(a) a tree that is at least 20% of the median height of the preferred and acceptable well spaced trees in the survey plot;

(b) if the silvicultural system is single tree selection, a tree that is at least 1.3 m in height and less than 7.5 cm in diameter measured at a height of 1.3 m;

(c) a tree that meets criteria established by the chief forester under subsection (6).

[en. B.C. Reg. 468/98.]

Division 2 — Forest Pesticides

Notification of pending pesticide application in community watershed

14 Before applying a pesticide in a community watershed, a person who carries out a silviculture treatment must notify the holder of the water licence, or a representative of the holder, of the proposed application and provide the holder of the water licence or the representative with a copy of the pesticide use permit or pest management plan for the area.

Application of a pesticide near a community water intake

15 A person who carries out a silviculture treatment must not apply a pesticide in a community watershed, closer than 100 m upslope of a community water intake.

Storage of forest pesticides in a community watershed

16 A person who carries out a silviculture treatment must not store pesticide in a community watershed except in a permanent structure for a period exceeding

(a) 24 hours before the application, or

(b) 7 days beyond the conclusion of the application.

Pesticide restricted zone around all streams in a community watershed

17 When applying pesticides, other than biological pesticides, in a community watershed, a person who carries out a silviculture treatment must ensure that a 10 m pesticide free zone is maintained around all streams.

Pesticide detection at a community water intake

18 If a person who carries out a silviculture treatment detects a pesticide or a product of pesticide breakdown at a

community water intake, the person must not use a pesticide in the community watershed until the Minister of Health is satisfied that the person has taken all necessary measures to preserve the water quality.

Division 3 — Stand Management

Damage to crop trees prohibited

19 A person who carries out a spacing treatment or a pruning treatment must ensure that the crop trees are not damaged by the carrying out of the treatment.

Pruning required before the end of the free growing assessment period in specified circumstances

20 (1) A person who is required to establish a free growing stand on an area under a silviculture prescription and establishes western white pine on the net area to be reforested as crop trees must prune, before the end of the free growing assessment period, the western white pine that are crop trees to a height from the ground specified in a silviculture prescription for the area.

(2) If a person is required to establish a free growing stand on an area under a silviculture prescription and the minimum stocking requirements specified in the silviculture prescription for the area are

(a) at least 30% lower than the minimum stocking requirements specified for the applicable biogeoclimatic zone as set out in the Ministry of Forests' publication "Establishment to Free Growing Guidebook" as amended from time to time, and

(b) intended to achieve wildlife habitat management objectives specified in any operational plan that apply to the area

the person must prune, before the end of the free growing assessment period, all of the crop trees on the area to a height from the ground specified in a silviculture prescription for the area.

(3) Despite subsection (1) and (2), a person who carries out pruning under this section must leave at least 30% live crown.

(4) Despite subsection (1) or (2), a person does not have to carry out a pruning treatment if the district manager is of the opinion that pruning is not necessary to adequately manage and conserve the forest resources of the area.

(5) Without limiting subsection (4), a person does not have to carry out a pruning treatment under subsection (1) if the district manager is of the opinion that a seed source resistant to blister rust was used to establish the stand.

[am. B.C. Reg. 232/2000, Sch. 2, s. 3.]

Use of fertilizers

21 (1) A person who carries out a silviculture treatment and uses fertilizer must store, handle and apply the fertilizer in a manner that protects forest resources.

(2) A person who carries out a silviculture treatment and who applies fertilizer other than on spot areas in a community watershed must not

(a) apply fertilizer

(i) closer than 100 m upslope of a water intake, or

(ii) within 10 m of a perennial stream that is observable from the air, at the height the fertilizer will be applied, unless otherwise authorized by both the district manager and the Minister of Health, and

(b) cause

(i) nitrate nitrogen levels in a stream to exceed 10 ppm measured immediately below the area where the fertilizer is applied,

- (ii) chlorophyll levels to exceed
 - (A) 2 micrograms/litre in a lake, or
 - (B) 50 milligrams/square metre in a stream, or
- (iii) water quality to fall below any known water quality objectives.

[am. B.C. Reg. 232/2000, Sch. 2, s. 4.]

Division 4 — Forest Health

Insect behavior modifying treatments

22 (1) A person who uses trap trees or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge unless an alternate method of controlling the insect population is provided in an approved operational plan or approved in writing by the district manager.

(2) The district manager may exempt a person from complying with subsection (1), with or without conditions, if the district manager is satisfied that doing so will adequately manage and conserve forest resources.

(3) A person exempted under subsection (2) must comply with any condition imposed under that subsection.

[am. B.C. Reg. 185/98, s. 5.]

Division 5 — Silviculture Surveys

Surveys required

23 (1) Subject to section 11 (2), a person who is required to establish a free growing stand on an area under a silviculture prescription must carry out the following surveys:

(a) if required by the district manager, a survey of the nature and extent of

(i) the total area under the silviculture prescription that is occupied by permanent access structures, and

(ii) soil disturbance and temporary access structures within the net area to be reforested;

(b) a survey, on or before the regeneration date specified in the silviculture prescription, of the number of healthy well spaced trees per hectare;

(c) a survey, within the free growing assessment period, containing sufficient information to enable the district manager to determine if the stand meets the free growing standards specified in the prescription.

(2) Despite subsection (1), if a silviculture prescription meets the requirements of section 11 (2), the person who is required to establish a free growing stand on the area under the silviculture prescription does not have to carry out the survey specified in subsection (1) (b) and (c).

(3) More than 12 months after the completion of harvesting, a person exempted under subsection (2) must carry out a survey that meets the requirement of section 26.

(4) If the harvesting has not been completed before the date this section comes into force, subsection (2) applies, despite any silviculture prescription approved or given effect before that date.

Survey requirements for all surveys under section 23

24 A person who is required to carry out a survey under section 23 must

(a) carry it out to the satisfaction of the district manager,

(b) keep a written record that allows the district manager to determine whether the requirements of the silviculture

prescription have been met, and

(c) provide a report of the survey and written record to the district manager promptly on request.

Survey requirements for areas with regeneration objectives

25 A report of a free growing survey referred to in section 23 (1) (c) for an area under a silviculture prescription with regeneration objectives must contain the following information:

(a) the identification of the area under the silviculture prescription and, if the report is required of a holder of a major licence, the agreement and the name of the holder of the agreement;

(b) for the net area to be reforested

(i) the area,

(ii) the biogeoclimatic ecosystem classification,

(iii) the number of healthy, well spaced free growing acceptable and preferred trees per hectare,

(iv) the number of healthy, well spaced free growing preferred trees per hectare,

(v) the incidence of damage by forest health factors affecting trees,

(vi) the total number of countable coniferous trees per hectare for the purpose of determining compliance with the maximum number of coniferous trees allowed per hectare under the prescription,

(vii) the areas that are

(A) free growing,

(B) satisfactorily stocked, or

(C) not satisfactorily restocked, and

(viii) the inventory label and silviculture label, including species component, age, height, density and site index.

[am. B.C. Reg. 185/98, s. 6.]

Survey requirements for areas without regeneration objectives

26 (1) In addition to the requirements of section 24, a report of a survey for an area under a silviculture prescription without regeneration objectives must confirm the following information:

(a) the identification of the area under the silviculture prescription and, if the report is required of a holder of a major licence, the agreement and the name of the holder of the agreement;

(b) for the net area to be reforested

(i) the area,

(ii) the biogeoclimatic ecosystem classification,

(iii) the incidence of damage by forest health factors affecting trees,

(iv) the inventory label, including species component, age, height, density, basal area and site index, and

(v) the number of acceptable and preferred trees per hectare.

(2) Subsection (1) applies despite any silviculture prescription approved or given effect before the coming into force of this section.

Resurvey

27 (1) A district manager who is not satisfied with a survey carried out under section 23 (1), may notify the person responsible for the survey

- (a) that another survey must be carried out at the time and in the manner set out in the notice, and
- (b) of the reason why another survey is required.

(2) A person who receives a notice under subsection (1) must comply with the requirements of the notice.

Division 6 — Reports

Reporting requirement for the holder of a major licence

28 (1) A holder of a major licence who is required to establish a free growing stand on an area under a silviculture prescription must submit each year to the district manager the following reports:

(a) on or before July 31 and January 31, a report in Forms B and C, describing the timber harvesting for the area, together with an accurate map of the area, if all timber harvesting for the area was completed more than 4 weeks before the date of the report and has not previously been reported;

(b) on or before July 31, 2000, and in subsequent years on or before May 31, a report in Form B describing the silviculture treatments completed in the area for the preceding year ending March 31;

(c) on or before July 31, 2000, and in subsequent years on or before May 31, after the completion of the report of the survey carried out under section 23 (1) (b) or (c) or (3) in the preceding year ending March 31, a report in Form C with an accurate map showing the silviculture treatments applied and a map notation that includes a description of the forest cover by species, height, age, density and site index;

(d) after the completion of the report of the survey carried out under section 23 (1) (c) or (3), a statement, signed and sealed by a professional forester, that the area under the silviculture prescription has achieved free growing in accordance with the silviculture prescription.

(2) A holder of a major licence who carries out a silviculture treatment specified in a stand management prescription referred to in section 24 (2) of the Act must prepare a report that

(a) contains a summary of the silviculture treatments performed on the free growing stand on the area during the period beginning 4 weeks before the last report and ending 4 weeks before the prescribed date under subsection (3), and

(b) specifies whether the silviculture treatment was carried out to fulfill the requirements of a management plan or an agreement under the *Forest Act*.

(3) A person required to prepare a report under subsection (2) must ensure that the report

(a) is signed and sealed by a professional forester, and

(b) is submitted each year to the district manager on or before July 31 and January 31.

(4) The chief forester may specify the form and content of a report under subsection (1) (d) or (2).

[am. B.C. Reg. 232/2000, Sch. 2, s. 5.]

Compliance report required by the government

29 (1) If the government is required to establish a free growing stand

(a) the district manager

- (i) must keep accurate records of silviculture treatments, and
 - (ii) on or before July 31 each year must submit a compliance report for the preceding year ending March 31 to the regional manager, and
- (b) the regional manager on or before August 31 each year must submit a compliance report to the chief forester.
- (2) The compliance report must state the extent of compliance
- (a) with the total limits specified in a prescription for
 - (i) the amount of area that may be occupied by permanent access structures, and
 - (ii) the amount of soil disturbance in the net area to be reforested, and
 - (b) with section 70 (4) (d) and (e) of the Act for silviculture prescriptions if the regeneration date occurred, or the free growing assessment period ended, during the preceding year ending March 31.
- (3) Without limiting subsection (2), the compliance report must contain for each area under a prescription identified in that subsection as not being in compliance, the actions that will be taken to bring the area into compliance with the requirements of the prescription.
- (4) Compliance for the purposes of subsection (2) (a) must be determined as soon as site conditions allow after the end of any timber harvesting and any site preparation activities.

Part 4 — Protecting the Environment and Site Rehabilitation

Protecting the environment

- 30** (1) For the purposes of section 45 (3) (b) of the Act, "**inordinate soil disturbance**" means soil disturbance that
- (a) results in the district manager requiring rehabilitation of soil under section 48 (1) of the Act, or
 - (b) exceeds the soil disturbance limit specified in a silviculture prescription.

- (2) For the purposes of section 45 (3) (c) of the Act, "**significant damage**" means any damage to a lake, stream or other watercourse that results from the deposit of a petroleum product or a fluid used to service logging equipment.

Soil rehabilitation plan required

- 31** (1) A person who is required to rehabilitate a disturbed portion of an area under section 46 (4) or 47 (5) of the Act must
- (a) obtain the district manager's approval of the soil rehabilitation plan for the area to be treated, and
 - (b) carry out the rehabilitation in accordance with the approved soil rehabilitation plan.
- (2) The district manager may approve a soil rehabilitation plan if, in the district manager's opinion, it
- (a) restores the disturbed portion of the area to a level of productivity that is acceptable to the district manager,
 - (b) reduces surface soil erosion in the area, and
 - (c) reasonably mitigates the impact of the forest practice that made the rehabilitation necessary on forest resources that are identified
 - (i) in higher level plans or operational plans, or
 - (ii) by the district manager, if the forest practice was exempted from the requirement of a logging plan or silviculture prescription.

[am. B.C. Regs. 374/98, s. 3; 232/2000, Sch. 2, s. 6.]

Part 5 — Offences

Offence

32 (1) A holder of an agreement under the *Forest Act* who contravenes section 3, 4, 5, 6, 9, 15, 17, 18, or 21 (2) commits an offence.

(2) A person who commits an offence is liable, on conviction, to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months or to both.

[am. B.C. Reg. 185/98, s. 7.]

Form B

[en. B.C. Reg. 232/2000, Sch. 2, s. 7.]

Form C

[en. B.C. Reg. 232/2000, Sch. 2, s. 7.]

Note: this regulation replaces B.C. Reg. 179/95

[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 198, 199, 203, 204, 208, 210 and 211.1]