

B.C. Reg. 14/2004  
O.C. 17/2004

Deposited January 23, 2004  
effective January 31, 2004

This consolidation is current to March 5, 2024.  
See “Amendments Not in Force” and the  
[Cumulative B.C. Regulations Bulletin 2024](#) for  
amendments effective after March 5, 2024.

[Link to consolidated regulation \(PDF\)](#)

[Link to Point in Time](#)

*Forest and Range Practices Act*

## **FOREST PLANNING AND PRACTICES REGULATION**

[Last amended July 15, 2023 by B.C. Reg. 158/2023 and includes amendments by B.C. Reg.  
163/2023]

*Contents*

### [Part 1 — Interpretation](#)

#### [1 Definitions](#)

##### [1.1 Categories of visually altered forest landscape](#)

##### [1.2 Activities and categories of persons prescribed for forest practices](#)

#### [2 Application and interpretation](#)

#### [3 Damage to the environment](#)

[4 Authorization to cut](#)

[4.01 Removing Crown timber to protect a community from wildfire](#)

## **Part 2 — Forest Stewardship Plans**

### **Division 1 — Content (Objectives)**

[4.1 Application of this Division to forest stewardship plans](#)

[5 Objectives set by government for soils](#)

[6 Objectives set by government for timber](#)

[7 Objectives set by government for wildlife](#)

[8 Objectives set by government for water, fish, wildlife and biodiversity within riparian areas](#)

[8.1 Objectives set by government for fish habitat in fisheries sensitive watersheds](#)

[8.2 Objectives set by government for water in community watersheds](#)

[9 Objectives set by government for wildlife and biodiversity — landscape level](#)

[9.1 Objectives set by government for wildlife and biodiversity — stand level](#)

[9.2 Objectives set by government for visual quality](#)

[10 Objectives set by government for cultural heritage resources](#)

[11 Repealed](#)

[12 Specifying results or strategies](#)

[12.1 Exemptions — when undertaking given for compliance with specified regulations](#)

[12.2 Conditional exemption — section 35 or 36](#)

[12.2.1 Conditional exemption — section 43.1 \(1\)](#)

[12.3 Conditional exemption — from one or more of sections 47 to 53](#)

[12.3.1 Conditional exemption — section 55, 56 or 57](#)

[12.3.2 Conditional exemption — section 59, 60 or 61](#)

[12.4 Conditional exemption — section 64 or 65](#)

[12.5 Conditional exemption — section 66 or 67](#)

[13 Repealed](#)

**[Division 2 — Content \(General\)](#)**

[14 Identifying forest development units](#)

[15 Repealed](#)

[16 Stocking standards](#)

[17 Invasive plants](#)

[18 Natural range barriers](#)

**[Division 2.1 — Miscellaneous](#)**

[19 Cumulative effect of multiple forest stewardship plans](#)

[19.1 Limited content forest stewardship plans](#)

[19.2 When forest stewardship plan not required](#)

### **Division 3 — Public Review and Comment**

20 Providing notice

21 Review and comment

22 Responding to review and comment

### **Division 4 — Approvals and Extensions**

22.1 Repealed

23 Deemed approval

24 Requiring additional information

25 Consistency of results and strategies with established objectives

25.1 Consistency of intended results and strategies with objectives

26 Minister's consideration of stocking standards

27 Balancing objectives

[27.1 Approval in emergency cases](#)

[28 Extending term](#)

## **Division 5 — Amendments**

[28.1 Mandatory amendments](#)

[29 Amendments that require approval](#)

[30 Amendments that do not require approval](#)

[31 Amendment wrongly made](#)

[32 Exemption from review and comment process for mandatory amendments](#)

[32.1 Criteria for when section 8 of the Act does not apply](#)

[32.2 Repealed](#)

## **Division 6 — Exemptions**

[32.3 Exemptions under section 4 \(1\) \(e\) of the Act](#)

[32.4 Exemptions under section 4 \(2\) of the Act](#)

### **Part 3 — Site Plans**

[33 When site plans not required](#)

[34 Content of site plans](#)

### **Part 4 — Practice Requirements**

#### **Division 1 — Soils**

[35 Soil disturbance limits](#)

[36 Permanent access structure limits](#)

[37 Landslides](#)

[38 Gully processes](#)

[39 Natural surface drainage patterns](#)

[40 Revegetation](#)

## Division 2 — Timber and Forest Health

41 Modification of insect behaviour

42 Use of livestock

43 Use of seed

43.1 Secondary structure retention in mountain pine beetle affected stands

43.2 Chief forester may designate timber supply areas or tree farm licence areas

44 Free growing stands generally

45 Free growing stands collectively across cutblocks

45.1 Exemption respecting free growing stand for certain forestry licences to cut

45.2 Exemption respecting free growing stand for certain timber sale licences

46 Free growing stand — forestry licence to cut

46.1 Repealed



[46.11 Free growing stand requirement applies to each hectare](#)

[46.2 Requirements if free growing stand cannot be established](#)

### **Division 3 — Riparian Areas**

[47 Stream riparian classes](#)

[48 Wetland riparian classes](#)

[49 Lake riparian classes](#)

[50 Restrictions in a riparian management area](#)

[51 Restrictions in a riparian reserve zone](#)

[52 Restrictions in a riparian management zone](#)

[53 Temperature sensitive streams](#)

[54 Fan destabilization](#)

[55 Stream crossings](#)

[56 Fish passage](#)

[57 Protection of fish and fish habitat](#)

[58 Use of livestock in riparian areas](#)

#### **Division 4 — Watersheds**

[59 Protecting water quality](#)

[60 Licensed waterworks](#)

[61 Excavated or bladed trails](#)

[62 Roads in a community watershed](#)

[63 Use of fertilizers](#)

#### **Division 5 — Biodiversity**

[64 Maximum cutblock size](#)

[65 Harvesting adjacent to another cutblock](#)

[66 Wildlife tree retention](#)

[67 Restriction on harvesting](#)

[68 Coarse woody debris](#)

**Division 6 — General Wildlife Measures, General Ecological Community Measures and Resource Features**

[69 General wildlife measures and general ecological community measures](#)

[70 Resource features and wildlife habitat features](#)

**Part 5 — Roads**

[70.1 Authority to construct, maintain or deactivate a road](#)

[71 Application of sections in this Part](#)

[72 Roads and associated structures](#)

[73 Design of bridges](#)

[74 Peak flow](#)

[75 Structural defects](#)

[76 Culvert fabrication](#)

[77 Retaining information](#)

[78 Clearing widths](#)

[79 Road maintenance](#)

[79.1 Exemptions from section 22.1 of the Act](#)

[79.2 Road use under a forestry licence to cut](#)

[79.21 Fibre recovery tenure holders — exemption from section 22.1 of the Act](#)

[79.3 Restricting road access to protect a community from wildfire](#)

[80 Repealed](#)

[80.1 Exemption from requirement to give notice of use](#)

[81 Wilderness roads](#)

[82 Road deactivation](#)

[83 Hazard warning](#)

[84 Notice — road in community watershed](#)

## **Part 6 — Notifying and Reporting to Government**

[85 Notification of timber harvesting or road construction](#)

[86 Annual reports](#)

[86.1 Exemptions respecting the annual reports](#)

[86.2 Annual report requirements inapplicable to certain agreements](#)

[87 Site specific standards](#)

[88 Silviculture treatment records](#)

## **Part 7 — Exemptions and Relief from or Funding of Obligations**

### **Division 1 — Exemptions**

[89 Repealed](#)

[90 Limited exemption from compliance](#)

[91 Minister may grant exemptions](#)

[92 Exemptions by minister responsible for \*Wildlife Act\*](#)

[92.1 Exemptions resulting from an established objective](#)

## **Division 2 — Relief from or Funding of Obligations**

[93 Repealed](#)

[94 Transfer of obligation to establish free growing stand](#)

[95 Government assumption of obligation to establish free growing stand](#)

[96 Relief or funding](#)

[97 Declarations of agreement holders and others as to fulfillment of obligations](#)

[97.1 Declaration regarding free growing stand obligations met to the extent practicable](#)

## **Part 8 — Offences**

[98-99 Repealed](#)

[100 Repealed](#)

[101 Repealed](#)

[102 Offences generally](#)

[103 Offences respecting alternative results or strategies](#)

[104 Repealed](#)

## **Part 9**

[105-106 Repealed](#)

### **Part 9.1 — Miscellaneous**

[106.1 Process respecting orders and exemptions](#)

[106.2 Requirements specific to timber sale licences](#)

[106.3 Requirements for multiple holders of forest stewardship plan](#)

**[Part 10 — Transition](#)**

[107 Repealed](#)

[107.1-107.2 Repealed](#)

[107.3 Application of Code to certain forest development plans](#)

[108 Code exemptions continue](#)

[109 Repealed](#)

[110 Assessments under section 196 \(1\) of the Act](#)

[110.1 Obligation to establish a free growing stand for pulpwood agreements](#)

[111 Amalgamating obligations to establish a free growing stand](#)

[112 Reporting requirements for roads](#)

[113 Repealed](#)



[114 Road deactivation by holders of timber sale licences](#)

[115 Objectives set by government](#)

[116 Area to which section 196 \(1\) of the Act applies](#)

## [Schedule 1](#)

## [Schedule 2](#)

# Part 1 — Interpretation

## Definitions

1 (1) In this regulation:

"**access structure**" means a road, landing, pit, quarry, excavated or bladed trail or other logging trail;

"**Act**" means the *Forest and Range Practices Act*;

"**agreement holder**" means a holder of an agreement under the *Forest Act*, other than a woodlot licence;

"**altered forest landscape**" means forest landscape that

- (a) is viewable from a significant public viewpoint,
- (b) contains cutblocks or roads, and
- (c) is in one of the categories prescribed under section 1.1;

"**authorized in respect of a road**" means

- (a) a district manager, timber sales manager or other government employee or agent who is authorized by the minister to construct, maintain or deactivate a forest service road,
- (a.1) a person who

- (i) is the holder of a road use permit for a forest service road, and
- (ii) receives an order from the minister under section 79 (4),
- (b) an agreement holder who is authorized to construct, maintain or deactivate a road under a road permit, cutting permit or an agreement that does not provide for cutting permits, and
- (c) a person, other than a woodlot licence holder, who is authorized to construct, maintain or deactivate a road under a special use permit or within a Provincial forest under an Act other than
  - (i) the *Transportation Act*, *Land Act* or *Local Government Act*, or
  - (ii) the *Coal Act*, *Mineral Tenure Act*, *Mines Act* or *Mining Right of Way Act*, if the road is located within the boundaries of a claim, lease, permit or other authorization granted or issued under the applicable Act;

**"authorized person"** means a person who is any of the following:

- (a) an agreement holder;
- (b) a person described in paragraph (a), (a.1) or (c) of the definition of "authorized in respect of a road";
- (c) a person who holds a special use permit that authorizes the person to manage or use Crown land for silviculture treatments or wildlife habitat enhancement;

**"basal area"** means

- (a) for the purposes of stocking standards, the cross-sectional area per hectare of the crop trees, and
- (b) for the purposes of retention of basal area in a riparian management zone, the cross-sectional area per hectare of standing trees, whether living or dead;

**"biodiversity"** means the biological diversity of plants, animals and other living organisms in all their forms and levels of organization, including the biological diversity of genes, species and ecosystems;

**"biogeoclimatic zone"** or **"biogeoclimatic subzone"** means a biogeoclimatic zone or biogeoclimatic subzone as described in the Ministry of Forests and Range's publication *Biogeoclimatic Ecosystem Classification Codes and Names*, as amended from time to time;

**"clearing width"** means an area within a road right of way that is cleared of standing trees for the purpose of constructing or maintaining a road;

**"Coast"** means an area of British Columbia located in the South Coast Forest Region, West Coast Forest Region or Coast Mountains Forest District, as established by the Administrative Boundaries Regulation;

**"commencement date"** means

- (a) the date on which timber harvesting, other than on road rights of way or landings, begins on a cutblock, or
- (b) in the case of timber harvesting carried out in contravention of section 52 (1) [*unauthorized timber harvesting*] of the Act, the date a determination under section 71 [*administrative penalties*] of the Act takes effect, without any further opportunity for review or appeal in respect of the contravention;

**"community watershed"** means a community watershed

- (a) established under section 41 (8) to (13) [*approval of plans by the district manager or designated environment official*] of the *Forest Practices Code of British Columbia Act*,
- (b) continued under section 180 (e) [*grandparenting specified designations*] of the Act, or
- (c) designated under the Government Actions Regulation;

**"declared area"** means an area that has been identified under section 14 (4);

**"delivered wood costs"** means the costs associated with accessing and harvesting timber and delivering it to a timber processing facility;

**"direct tributary"** means a portion of a tributary stream that

- (a) is a minimum of 100 m in length, and
- (b) has the same stream order as the most downstream reach of the tributary;

**"established objective"** means

- (a) an objective continued under section 181 of the Act,
- (b) an objective described in Division 1 of Part 2,
- (c) a land use objective, and
- (d) an objective established under the Government Actions Regulation;

**"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;

**"fan destabilization"** means one or more of the following that occur beyond the naturally occurring range of variability:

- (a) an increase in the depth of a channel within an alluvial or colluvial fan;
- (b) water and sediment that overflows the banks of a channel within an alluvial or colluvial fan and spreads out across the surface of the fan;
- (c) the creation of a new channel within an alluvial or colluvial fan;

**"fibre recovery tenure holder"** means a person that holds

- (a) a forestry licence to cut entered into under section 47.6 (2.11) of the *Forest Act*, or
- (b) a fibre supply licence to cut entered into under section 47.3 (1) or 47.71 (6) of the *Forest Act*;

**"fish stream"** means a watercourse that

- (a) is frequented by any of the following species of fish:
  - (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) a species identified as a species at risk;
  - (iv) a species identified as regionally important wildlife, or
- (b) has a slope gradient of less than 20%, unless the watercourse
  - (i) does not contain any of the species of fish referred to in paragraph (a),
  - (ii) is located upstream of a barrier to fish passage and all reaches upstream of the barrier are simultaneously dry at any time during the year, or
  - (iii) is located upstream of a barrier to fish passage and no perennial fish habitat exists upstream of the barrier;

**"fisheries sensitive feature"** means any of the following:

- (a) the littoral zone of a lake;
- (b) a freshwater area where the water is less than 10 m deep;
- (c) a flooded depression, pond or swamp that is not a stream, wetland or lake, but
  - (i) either perennially or seasonally contains water, and
  - (ii) is seasonally occupied by a species of fish referred to in paragraph (a) of the definition of "fish stream";

**"fisheries sensitive watershed"** means an area of land identified under the Government Actions Regulation;

**"fisheries sensitive watershed objective"** means an objective

- (a) continued under section 181 [*grandparenting objectives*] of the Act in respect of
  - (i) an area with significant downstream fisheries values continued under section 180 (f) [*grandparenting specified designations*] of the Act, or
  - (ii) an area with significant watershed sensitivity continued under section 180 (g) of the Act, or
- (b) established under the Government Actions Regulation;

**"forest cover inventory"** means a survey of trees and tree-related matters in an area that includes information required by the minister;

**"forest development unit"** means an area identified in a forest stewardship plan

- (a) where forest development may occur during the term of the plan, and
- (b) within which, during the term of the plan, timber to be harvested or roads to be constructed are entirely located;

**"forest health factors"** means biotic and abiotic influences on a forest that have an adverse effect on the health of trees and other plants;

**"free growing date"** means the end of the period, following the commencement date, by which a free growing stand being established on the net area to be reforested must conform to stocking standards set in respect of the free growing stand;

**"free growing height"** means the minimum height that a crop tree must attain before it forms part of a free growing stand;

**"general ecological community measure"** means a general measure in relation to ecological communities established under section 9.1 of the Government Actions Regulation;

**"general wildlife measure"** means a general wildlife measure

(a) continued under section 182 [*general wildlife measures*] of the Act, or

(b) established under the Government Actions Regulation;

**"gully process"** means

(a) a rapid erosion of sediment that creates a channel or increases the depth of an existing channel, or

(b) a debris flood;

**"harvest"**, in relation to timber, means to fell or remove timber, other than under a silviculture treatment, including to

(a) yard, deck or load timber,

(b) process timber on site,

(c) pile or dispose of logging debris,

(d) construct excavated or bladed trails or other logging trails,

(e) rehabilitate an area referred to in section 35, and

(f) carry out sanitation treatments associated with operations referred to in paragraphs (a) to (e);

**"industrial user"** means a person referred to in section 22.1 [*industrial use of a road*] of the Act;

**"Interior"** means an area of British Columbia, other than the Coast;

**"lakeshore management zone"** means a lakeshore management zone established under the Government Actions Regulation;

**"land use objective"** means an objective referred to in paragraph (b) of the definition of "objectives set by government" in section 1 [*definitions*] of the Act;

**"landing"** means an area of land that has been modified by equipment to make it suitable as a site for gathering logs before they are transported, and that is located within a cutblock or the clearing width of a road identified in a road permit;

**"licensed waterworks"** means a water supply intake or a water storage and delivery infrastructure that is licensed under the *Water Sustainability Act* or authorized under an operating permit issued under the *Drinking Water Protection Act*;

**"major culvert"** means a stream culvert that

(a) is one of the following:

- (i) a pipe having a diameter of 2 000 mm or greater;
- (ii) a pipe arch having a span greater than 2 130 mm;
- (iii) an open bottom arch having a span greater than 2 130 mm, or

(b) has a maximum design discharge of 6 m<sup>3</sup> per second or greater;

**"marine sensitive feature"** means any of the following:

(a) herring spawning areas, shellfish beds, saltwater marsh areas, aquaculture sites, juvenile salmonid rearing areas and adult salmon holding areas;

(b) the littoral zone of a marine or estuary system;

(c) a marine area where the water is less than 10 m deep;

**"minor tenure"** means

(a) a free use permit,

(b) a Christmas tree permit,

(c) an occupant licence to cut, or

(d) a forestry licence to cut that is not a major licence and limits

(i) the area from which timber may be harvested to 1 ha or less, and

(ii) the volume of timber to be harvested to 2 000 m<sup>3</sup> or less;

**"newspaper"** means a newspaper circulating in the area covered by the matter being advertised, 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 that is subject to old growth management objectives established under section 3 [*resource management zones and objectives*] or 4 [*landscape units and objectives*] of the *Forest Practices Code of British Columbia Act*;

**"permanent access structure"** means an access structure in a cutblock that

(a)at the time of its construction, is reasonably expected to provide access for timber harvesting and other activities that are not wholly contained in the cutblock, or

(b)is constructed on or through, or contains, materials unsuitable for the establishment of a commercial crop of trees and is not an excavated or bladed trail,

but does not include an area that contained an access structure before rehabilitation of the area under section 36;

**"primary forest activity"** means one or more of the following:

(a)timber harvesting;

(b)silviculture treatments;

(b.1)wildlife habitat enhancement;

(c)road construction, maintenance and deactivation;

**"regeneration date"** means the end of the period, following the commencement date, by which a stand being established on the net area to be reforested must conform to stocking standards set in respect of regeneration;

**"regionally important wildlife"** means a species of wildlife identified within a category established under the Government Actions Regulation;

**"resource feature"** means

(a)an interpretive forest site, a recreation site or a recreation trail,  
or

(b)a resource feature identified under the Government Actions Regulation;

**"riparian class"** means the riparian class of a stream, wetland or lake as determined under Division 3 [*Riparian Areas*] of Part 4 [*Practice Requirements*];

**"riparian management area"** means an area described under Division 3 [*Riparian Areas*] of Part 4 [*Practice Requirements*], that consists of a riparian management zone and a riparian reserve zone;

**"riparian management zone"** means an area described under Division 3 [*Riparian Areas*] of Part 4 [*Practice Requirements*], that

(a)is a portion of the riparian management area, and

(b)is established to



- (i) conserve the fish, wildlife habitat, biodiversity and the water values of the riparian management zone, and
- (ii) protect the riparian reserve zone, if any, within the riparian management area;

**"riparian reserve zone"** means an area described under Division 3 [*Riparian Areas*] of Part 4 [*Practice Requirements*], that

- (a) is a portion of a riparian management area, and
- (b) is established to protect fish, wildlife habitat, biodiversity and the water values of the riparian reserve zone;

**"road"** means all or part of a road that is

- (a) a forest service road,
- (b) authorized under a road permit, a cutting permit, an agreement under the *Forest Act* that does not provide for cutting permits, or a special use permit, or
- (c) located within a Provincial forest and authorized under an Act or its regulations, other than
  - (i) the *Community Charter, Transportation Act, Land Act* or *Local Government Act*, or
  - (ii) the *Coal Act, Mineral Tenure Act, Mines Act* or *Mining Right of Way Act*, if the road is located within the boundaries of a claim, lease, permit or other authorization granted or issued under the applicable Act or regulation,

and includes any of a tote road, pit, quarry, landing or waste area that is located within the road's clearing width, that is used in conjunction with the road;

**"road prism"** means an area consisting of the road surface and any cut slope and road fill;

**"scenic area"** means a scenic area

- (a) continued under section 180 (c) [*grandparenting specified designations*] of the Act, or
- (b) established under the Government Actions Regulation;

**"silviculture treatment"** includes

- (a) site preparation for the purposes of reforestation,
- (b) planting trees,
- (c) brushing, including grazing for the purposes of brushing,

- (d)juvenile spacing,
- (e)fertilization,
- (f)pruning,
- (g)sanitation treatments associated with a silviculture treatment,
- and
- (h)pest management treatments, other than sanitation treatments;

**"soil disturbance"** means disturbance to the soil in the net area to be reforested in a cutblock because of

- (a)temporary access structures,
- (b)gouges, ruts and scalps, or
- (c)compacted areas,

but does not include the effect on the soil of rehabilitating an area in accordance with section 35;

**"species at risk"** means a species identified within a category established under the Government Actions Regulation;

**"specified ungulate species"** means an ungulate species identified within a category established under the Government Actions Regulation;

**"standards unit"** means one or more parts of a cutblock for which part or parts there is only one of each of the following:

- (a)soil disturbance limit;
- (b)regeneration date;
- (c)stocking standard;
- (d)free growing date;
- (e)free growing height for each species that contributes to establishing a free growing stand on the cutblock;

**"stocking standards"** means the stocking standards that apply when

- (a)establishing a free growing stand, or
- (b)meeting the requirements of section 44 (4) [*free growing stands generally*];

**"stream"** means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and that

- (a) has a continuous channel bed that is 100 m or more in length, or
- (b) flows directly into
  - (i) a fish stream or a fish-bearing lake or wetland, or
  - (ii) a licensed waterworks;

**"temporary access structure"** means an access structure that

- (a) is in a cutblock, and
- (b) does not conform to the criteria described in paragraph (a) or (b) of the definition of "permanent access structure"

and does not include a pit or quarry;

**"temperature sensitive stream"** means a fish stream designated as a temperature sensitive stream under the Government Actions Regulation;

**"ungulate winter range"** means an ungulate winter range

- (a) continued under section 180 (a) [*grandparenting specified designations*] of the Act, or
- (b) established under the Government Actions Regulation;

**"ungulate winter range objective"** means an objective for ungulate winter range

- (a) continued under section 181 [*grandparenting objectives*] of the Act, or
- (b) established under the Government Actions Regulation;

**"visual quality objective"** means

- (a) an objective continued, in respect of a scenic area, under section 181 of the Act,
- (b) an objective established for a scenic area under the Government Actions Regulation, or
- (c) a visual quality class continued, for a scenic area, under section 17 of the Government Actions Regulation;

**"water quality objective"** means a water quality objective for a community watershed

- (a) continued under section 181 [*grandparenting objectives*] of the Act, or
- (b) established under the Government Actions Regulation;

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

**"wildlife habitat area"** means a wildlife habitat area

- (a) continued under section 180 (b) [*grandparenting specified designations*] of the Act, or
- (b) established under the Government Actions Regulation;

**"wildlife habitat area objective"** means an objective for a wildlife habitat area

- (a) continued under section 181 [*grandparenting objectives*] of the Act, or
- (b) established under the Government Actions Regulation;

**"wildlife habitat feature"** means a wildlife habitat feature identified under the Government Actions Regulation;

**"wildlife tree retention area"** means an area occupied by wildlife trees that is located

- (a) in a cutblock,
- (b) in an area that is contiguous to a cutblock, or
- (c) in an area that is sufficiently close to the cutblock that the wildlife trees could directly impact on, or be directly impacted by, a forest practice carried out in the cutblock;

**"wildlife trees"** means a tree or group of trees that

- (a) provide wildlife habitat, and
- (b) assist in the conservation of stand level biodiversity;

**"written"** or **"in writing"** includes written messages transmitted electronically.

(2) In the Act and this regulation:

**"net area to be reforested"** means the portion of a cutblock that remains after the following have been excluded:

- (a) areas occupied by permanent access structures;
- (b) contiguous areas that
  - (i) in their natural state, are not capable of supporting a stand of trees in order to meet the stocking standards for un-excluded areas, and

- (ii) are at least 0.1 ha in size and 10 m wide or are identified under section 86;
- (c) contiguous areas of non-commercial forest cover that
  - (i) are present on the cutblock at the commencement of timber harvesting, and
  - (ii) are at least 0.1 ha in size and 10 m wide or are identified under section 86;
- (d) wildlife tree retention areas;
- (e) riparian reserve zones;
- (f) areas reserved for purposes other than timber harvesting;

**"result"** means a description of

- (a) measurable or verifiable outcomes in respect of a particular established objective, and
- (b) the situations or circumstances that determine where in a forest development unit the outcomes under paragraph (a) will be applied;

**"strategy"** means a description of

- (a) measurable or verifiable steps or practices that will be carried out in respect of a particular established objective, and
- (b) the situations or circumstances that determine where in a forest development unit the steps or practices will be applied;

(3) Section 177 (2) and (3) of the Act and the definitions of "Code", "Code Regulation", "effective date" and "site level plan" in section 177 (1) of the Act apply for the purposes of this regulation.

(4) In sections 12.21, 43.1, 43.2, and section 1.1 in Schedule 1 of this regulation:

**"adequate stocking density"** means a stand of trees comprised of

- (a) at least 700 trees per ha that are
  - (i) at least 1.6 m apart from each other, and
  - (ii) 6 m or greater in height, or
- (b) at least 900 trees per ha that are
  - (i) at least 1.6 m apart from each other, and
  - (ii) 4 m or greater in height;

**"suitable secondary structure"** means the saplings, poles, sub-canopy and canopy trees within a stand of trees that are

- (a) likely to survive an attack from mountain pine beetle,

(b) a species of tree

(i) specified in a forest stewardship plan applicable to the area, or

(ii) if there is no forest stewardship plan applicable to the area, specified as a preferred or acceptable species in the publication of the Ministry of Forests and Range, Reference Guide for Forest Development Plan Stocking Standards, as amended from time to time,

for the purposes of establishing a free growing stand on the site series, and

(c) of sufficiently good form, health and vigor to provide merchantable trees for future harvesting;

**"targeted pine leading stand"** means a stand of trees that has all of the following attributes:

(a) is depicted on a government-endorsed forest cover map that indicates lodgepole pine is the leading tree species;

(b) is at least 5 ha in size with an adequate stocking density of suitable secondary structure;

(c) is located in

(i) a timber supply area or tree farm licence area designated by the chief forester in an order made under section 43.2 (1) (a), or

(ii) an area within

(A) the 100 Mile House timber supply area, the Kamloops timber supply area, the Lakes timber supply area, the Merritt timber supply area, the Prince George timber supply area, the Quesnel timber supply area, the Williams Lake timber supply area or the Okanagan timber supply area, or

(B) Tree Farm Licence 18, 35, 42, 48, 49, 52 or 53

unless the timber supply area or tree farm licence area is designated by the chief forester in an order made under section 43.2 (1) (b) as an area which may not contain a targeted pine leading stand.

[am. B.C. Regs. 546/2004, App. s. 11; 580/2004, s. 1; 62/2005, s. 1; 182/2008, s. 1; 240/2009, ss. (a) and (b); 4/2010, s. 3; 269/2010,

Sch., s. 6; 157/2012, Sch 4, s. 1; 137/2014, Sch. 4, s. 1; 41/2016, s. 15; 124/2018, s. (b); 262/2018, Sch. 2, s. 1; 64/2021, ss. 3, 4 and 8; 163/2023, Sch. 2, s. 1.]

## **Categories of visually altered forest landscape**

**1.1** For the purposes of paragraph (c) of the definition of "altered forest landscape" in section 1, the following categories are prescribed, each according to the extent of alteration resulting from the size, shape and location of cutblocks and roads:

(a)*preservation*: consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is

- (i) very small in scale, and
- (ii) not easily distinguishable from the pre-harvest landscape;

(b)*retention*: consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is

- (i) difficult to see,
- (ii) small in scale, and
- (iii) natural in appearance;

(c)*partial retention*: consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint, is

- (i) easy to see,
- (ii) small to medium in scale, and
- (iii) natural and not rectilinear or geometric in shape;

(d)*modification*: consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint,

- (i) is very easy to see, and
- (ii) is
  - (A) large in scale and natural in its appearance, or
  - (B) small to medium in scale but with some angular characteristics;

(e)*maximum modification*: consisting of an altered forest landscape in which the alteration, when assessed from a significant public viewpoint,

- (i) is very easy to see, and
- (ii) is
  - (A) very large in scale,
  - (B) rectilinear and geometric in shape, or

(C)both.

[en. B.C. Reg. 580/2004, s. 2.]

### **Activities and categories of persons prescribed for forest practices**

**1.2** (1)The following activities are prescribed for the purposes of the definition of "forest practice" in section 1 (1) of the Act:

- (a)timber harvesting, road construction, road maintenance, road use, road deactivation, silviculture treatments, botanical forest product collecting and fire use, control and suppression;
- (b)an activity carried out under an agreement under the *Forest Act*, a special use permit or a road use permit;
- (c)an activity related to an activity described in paragraph (a) or (b).

(2)The following categories of persons are prescribed for the purposes of paragraph (c) of the definition of "forest practice" in section 1 (1) of the Act:

- (a)contractors, employees and agents of a holder of an agreement under the *Forest Act* or the *Range Act*;
- (b)persons with an obligation to establish a free growing stand in accordance with an agreement made under section 29.1 of the Act;
- (c)a holder of a special use permit that authorizes the holder to manage or use Crown land for silviculture treatments or wildlife habitat enhancement.

[en. B.C. Reg. 266/2007, s. 1; am. B.C. Reg. 262/2018, Sch. 2, s. 2.]

### **Application and interpretation**

**2** (1)This regulation does not apply in respect of a person who is authorized to carry out a forest practice that is

- (a)funded under a vote as defined in section 1 of the *Financial Administration Act*, and
- (b)administered under the Forest Investment Account, under the *Financial Administration Act*

unless the funding is provided as set out in section 96 of this regulation.

(2)In this regulation, a reference to distance in respect to riparian management areas, riparian management zones and riparian reserve zones, and in Division 4 of Part 4, is a reference to the slope distance.

(3)A person is exempt from

- (a)a requirement of Parts 4 and 5 of this regulation, or



(b)an obligation under section 21, 29, 47 or 48 of the Act

as necessary to allow the person to conform to the *Workers Compensation Act* and the regulations under that Act.

(4)Until June 1, 2005, Parts 2 and 3 of this regulation and the standards and objectives made under Parts 2 and 3 apply immediately, despite section 16 (2) of the Act, to a forest stewardship plan.

[en. B.C. Reg. 580/2004, s. 3.]

### **Damage to the environment**

**3** (1)For the purpose of section 46 (1) and (1.1) [*protection of the environment*] of the Act, "**damage**" means any of the following that adversely alters an ecosystem:

- (a)a landslide;
- (b)a gully process on the Coast;
- (c)a fan destabilization on the Coast;
- (d)soil disturbance;
- (e)the deposit into a stream, wetland or lake of
  - (i)a petroleum product,
  - (ii)a fluid used to service industrial equipment, or
  - (iii)any other similar harmful substance;
- (f)a debris torrent that enters a fish stream;
- (g)changes to soil.

(2)A person who is carrying out fire control or suppression in accordance with an enactment is exempt from section 46 of the Act.

[am. B.C. Reg. 266/2007, s. 2.]

### **Authorization to cut**

**4** (1)The following enactments are prescribed enactments for the purposes of section 52 (1) (e) (ii) [*unauthorized timber harvesting*] of the Act:

- (a)this regulation;
- (b)the *Mineral Tenure Act*, for the purpose of locating a claim.

(1.1)An agreement holder and the timber sales manager may cut, damage or destroy Crown timber as necessary for the purpose of carrying out silviculture treatments, stand tending treatments or forest health treatments.

(2)A free miner under the *Mineral Tenure Act* may cut, damage or destroy Crown timber before the free miner requires a permit under section 10 [*permits*] of the *Mines Act* if Crown timber is cut, damaged or destroyed only

(a) by hand held tools, and

(b) for the purpose of mineral exploration.

(2.1) A land surveyor may cut, damage or destroy Crown timber as necessary in the course of carrying out duties as a land surveyor.

(3) Except for minor clearing of brush and downed trees, subsection (2) does not permit cutting, damaging or destroying Crown timber beyond the minimum necessary for the safety of persons carrying out the activities.

[am. B.C. Regs. 580/2004, s. 4; 320/2006, s. 1.]

### **Removing Crown timber to protect a community from wildfire**

**4.01** The minister may exempt a person from section 52 (3) of the Act if the minister is satisfied that the Crown timber to be removed

(a) is non-merchantable timber,

(b) is to be removed for the purpose of protecting a community from wildfire, and

(c) will not be sold to others.

[en. B.C. Reg. 224/2006, s. 1.]

## **Part 2 — Forest Stewardship Plans**

### **Division 1 — Content (Objectives)**

#### **Application of this Division to forest stewardship plans**

**4.1** The objectives prescribed under sections 5 to 10 of this regulation are objectives set by government referred to in section 5 (1) (b) (i) of the Act and are applicable only to forest stewardship plans.

[en. B.C. Reg. 580/2004, s. 5.]

#### **Objectives set by government for soils**

**5** The objective set by government for soils is to conserve the productivity and the hydrologic function of soils.

[am. B.C. Reg. 36/2023, s. 1.]

#### **Objectives set by government for timber**

**6** The objectives set by government for timber are to

(a) maintain or enhance an economically valuable supply of commercial timber from British Columbia's forests,

(b)ensure that delivered wood costs, generally, after taking into account the effect on them of the relevant provisions of this regulation and of the Act, are competitive in relation to equivalent costs in relation to regulated primary forest activities in other jurisdictions, and

(c)ensure that the provisions of this regulation and of the Act that pertain to primary forest activities do not unduly constrain the ability of a holder of an agreement under the *Forest Act* to exercise the holder's rights under the agreement.

[am. B.C. Reg. 580/2004, s. 6.]

### **Objectives set by government for wildlife**

7 (1)The objective set by government for wildlife is to conserve sufficient wildlife habitat in terms of amount of area, distribution of areas and attributes of those areas, for

- (a)the survival of species at risk,
- (b)the survival of regionally important wildlife, and
- (c)the winter survival of specified ungulate species.

(2)A person required to prepare a forest stewardship plan must specify a result or strategy in respect of the objective stated under subsection (1) only if the minister responsible for the *Wildlife Act* gives notice to the person of the applicable

- (a)species referred to in subsection (1), and
- (b)indicators of the amount, distribution and attributes of wildlife habitat described in subsection (1).

(3)If satisfied that the objective set out in subsection (1) is addressed, in whole or in part, by an objective in relation to a wildlife habitat area or an ungulate winter range, a general wildlife measure, or a wildlife habitat feature, the minister responsible for the *Wildlife Act* must exempt a person from the obligation to specify a result or strategy in relation to the objective set out in subsection (1) to the extent that the objective is already addressed.

(4)On or after December 31, 2004, a notice described in subsection (2) must be given at least 4 months before the forest stewardship plan is submitted for approval.

[am. B.C. Regs. 580/2004, s. 7; 36/2023, s. 1.]

### **Objectives set by government for water, fish, wildlife and biodiversity within riparian areas**

8 The objective set by government for water, fish, wildlife and biodiversity within riparian areas is to conserve, at the landscape level, the water quality, fish habitat, wildlife habitat and biodiversity associated with those riparian areas.

[am. B.C. Reg. 36/2023, s. 1.]

### **Objectives set by government for fish habitat in fisheries sensitive watersheds**

**8.1** (1) In this section, "**fisheries sensitive watershed**" means an area identified in Schedule 2 of this regulation

(a) with significant downstream fisheries values continued under section 180 (f) of the Act and significant watershed sensitivity continued under section 180 (g) of the Act, and

(b) for which there is no fisheries sensitive watershed objective.

(2) Until December 31, 2005 the objective set by government for fish habitat in fisheries sensitive watersheds is to prevent to the extent described in subsection (3) the cumulative hydrological effects of primary forest activities in the fisheries sensitive watershed from resulting in a material adverse impact on the habitat of the fish species for which the fisheries sensitive watershed was established.

(3) Repealed. [B.C. Reg. 36/2023, s. 2.]

(4) If satisfied that the objective set out in subsection (2) is not required to provide special management, the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective.

(5) If satisfied that the objective set out in subsection (2) is addressed, in whole or in part, by an enactment, the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective set out in subsection (2) to the extent that the objective is already addressed.

[en. B.C. Reg. 62/2005, s. 2.; am. B.C. Reg. 36/2023, s. 2.]

### **Objectives set by government for water in community watersheds**

**8.2** (1) In this section, "**community watershed**" means a community watershed

(a) that is continued under section 180 (e) of the Act, and

(b) for which a water quality objective has not been

(i) continued under section 181 of the Act, or

(ii) established under the Government Actions Regulation.

(2) The objective set by government for water being diverted for human consumption through a licensed waterworks in a community watershed is to prevent to the extent described in subsection (3) the cumulative hydrological effects of primary forest activities within the community watershed from resulting in

(a) a material adverse impact on the quantity of water or the timing of the flow of the water to the waterworks, or

(b) the water from the waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under

(i) an enactment, or

(ii) the licence pertaining to the waterworks.

(3) Repealed. [B.C. Reg. 36/2023, s. 2.]

(4) If satisfied that the objective set out in subsection (2) is not required to provide special management the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective.

(5) If satisfied that the objective set out in subsection (2) is addressed, in whole or in part, by an enactment, the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective set out in subsection (2) to the extent that the objective is already addressed.

[en. B.C. Reg. 62/2005, s. 2; am. B.C. Regs. 240/2009, s. (c);  
36/2023, s. 2.]

### **Objectives set by government for wildlife and biodiversity — landscape level**

9 The objective set by government for wildlife and biodiversity at the landscape level is, to the extent practicable, to design areas on which timber harvesting is to be carried out that resemble, both spatially and temporally, the patterns of natural disturbance that occur within the landscape.

[en. B.C. Reg. 580/2004, s. 8; am. B.C. Reg. 36/2023, s. 3.]

### **Objectives set by government for wildlife and biodiversity — stand level**

9.1 The objective set by government for wildlife and biodiversity at the stand level is to retain wildlife trees.

[en. B.C. Reg. 580/2004, s. 8; am. B.C. Reg. 36/2023, s. 4.]

## Objectives set by government for visual quality

9.2 (1) In this section:

"**scenic area**" means an area of land established as a scenic area under the *Forest Practices Code of British Columbia Act* on or before October 24, 2002 and continued as a scenic area under section 180 (c) of the Act;

"**visual sensitivity class**" means a visual sensitivity class established on or before October 24, 2002, particulars of which are publicly available in the Land and Resource Data Warehouse maintained by the minister responsible for the *Land Act*.

(2) The objective set by government in relation to visual quality for a scenic area, that

(a) was established on or before October 24, 2002, and

(b) for which there is no visual quality objective

is to ensure that the altered forest landscape for the scenic area

(c) in visual sensitivity class 1 is in either the preservation or retention category,

(d) in visual sensitivity class 2 is in either the retention or partial retention category,

(e) in visual sensitivity class 3 is in either the partial retention or modification category,

(f) in visual sensitivity class 4 is in either the partial retention or modification category, and

(g) in visual sensitivity class 5 is in either the modification or maximum modification category.

[en. B.C. Reg. 580/2004, s. 9.]

## Objectives set by government for cultural heritage resources

10 The objective set by government for cultural heritage resources is to conserve, or, if necessary, protect cultural heritage resources that are

(a) the focus of a traditional use by an aboriginal people that is of continuing importance to that people, and

(b) not regulated under the *Heritage Conservation Act*.

## Repealed

11 Repealed. [B.C. Reg. 580/2004, s. 10.]

## Specifying results or strategies

**12** (1) A person who prepares a forest stewardship plan under section 5 (1) (b) of the Act, may consider the factors set out in Schedule 1 when specifying results or strategies for established objectives.

(2) After December 31, 2004, for a forest stewardship plan or amendment to one, it is sufficient compliance with the objectives referred to in section 5 (1) (b) (ii) of the Act if the plan or amendment when submitted to the minister for approval conforms to those objectives as they were in effect 4 months before the date of the submission.

(3) Despite section 12.1 (2) and (6), a person who prepares a forest stewardship plan must specify in it, for the objective set out in section 8, a result or strategy that addresses retention of trees in a riparian management zone.

(4) If a land use objective conflicts with an objective described in this Division, a person who prepares a forest stewardship plan is exempt from specifying a result or strategy in relation to the objective described in this Division, to the extent that doing so would conflict with the land use objective.

(5) If 2 or more established objectives are applicable to

- (a) a common area, and
- (b) the same or a similar subject matter,

the minister may exempt a person who is required to prepare a forest stewardship plan from the requirement to specify a result or strategy for all but one of the established objectives.

(6) In making an exemption under subsection (5), the minister must do so in accordance with the following descending order of priority:

- (a) an objective established under the Government Actions Regulation;
- (b) an objective described in Division 1 of this Part;
- (c) a land use objective.

(7) If the minister determines that it is not practicable, given the circumstances or conditions applicable to a particular area, for the person otherwise required to do so, to specify a result or strategy consistent with an established objective for that area, the minister must exempt the person from that requirement in relation to that area.

(8) A person who is required to prepare a forest stewardship plan is exempt from the requirement to prepare results or strategies for an objective set by government for timber.

## **Exemptions — when undertaking given for compliance with specified regulations**

**12.1** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for soils set out in section 5 of this regulation if the person

(a) prepares the plan, including in it an undertaking that the person will comply with sections 35 and 36 of this regulation, during the term of the plan, and

(b) receives the minister's approval to the plan.

(2) An agreement holder who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for water, fish, wildlife and biodiversity set out in section 8 of this regulation if the person

(a) prepares the plan, including in it an undertaking that the person will comply with sections 47 to 51, 52 (2) and 53 of this regulation, during the term of the plan, and

(b) receives the minister's approval to the plan.

(3) An agreement holder who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for wildlife and biodiversity at the landscape level set out in section 9 of this regulation if the person

(a) prepares the plan, including in it an undertaking that the person will comply with sections 64 and 65 of this regulation, during the term of the plan, and

(b) receives the minister's approval to the plan.

(4) An agreement holder who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for wildlife and biodiversity at the stand level set out in section 9.1 of this regulation if the person

(a) prepares the plan, including in it an undertaking that the person will comply with sections 66 and 67 of this regulation, during the term of the plan, and

(b) receives the minister's approval to the plan.

(5) A timber sales manager who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act



that the plan specify intended results or strategies in relation to the objective for soils set out in section 5 of this regulation if the timber sales manager

- (a) prepares the plan, including in it an undertaking that the timber sales manager will notify each holder of a timber sale licence entered into or a road permit granted during the term of the plan that sections 35 and 36 of this regulation apply to the holder, and
- (b) receives the minister's approval to the plan.

(6) A timber sales manager who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for water, fish, wildlife and biodiversity set out in section 8 of this regulation if the timber sales manager

- (a) prepares the plan, including in it an undertaking that the timber sales manager will
  - (i) comply with sections 47 to 51, 52 (2) and 53 of this regulation for primary forest activities carried out by the timber sales manager during the term of the plan, and
  - (ii) notify each holder of a timber sale licence or road permit to which the plan relates that sections 47 to 51, 52 (2) and 53 of this regulation apply to the holder's primary forest activities carried out during the term of the plan, and
- (b) receives the minister's approval to the plan.

(7) A timber sales manager who is required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for wildlife and biodiversity at the landscape level set out in section 9 of this regulation if the timber sales manager

- (a) prepares the plan, including in it an undertaking that the timber sales manager will notify each holder of a timber sale licence or road permit to which the plan relates that sections 64 and 65 of this regulation apply to the holder's primary forest activities carried out during the term of the plan, and
- (b) receives the minister's approval to the plan.

(8) A timber sales manager required to prepare a forest stewardship plan is exempt for that plan from the requirement under section 5 of the Act that the plan specify intended results or strategies in relation to the objective for wildlife and biodiversity at the stand level set out in section 9.1 of this regulation if the timber sales manager

- (a) prepares the plan, including in it an undertaking that the timber sales manager will notify each holder of a timber sale licence or road permit to which the plan relates that sections 66 and 67 of this regulation apply to the holder's primary forest activities carried out during the term of the plan, and
- (b) receives the minister's approval to the plan.

[en. B.C. Reg. 580/2004, s. 12; am. B.C. Regs. 223/2006, s. 1; 321/2006, ss. 2 and 3; 240/2009, s. (d).]

### **Conditional exemption — section 35 or 36**

- 12.2** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 35 if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for soils that is set out in section 5, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (2) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 36 if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for soils that is set out in section 5, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (3) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 35 if the timber sales manager
- (a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for soils that is set out in section 5, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (4) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 36 if the timber sales manager
- (a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for soils that is set out in section 5, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.

**Conditional exemption — section 43.1 (1)**

**12.21** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 43.1 (1) if the agreement holder

- (a) prepares and submits to the minister a proposed forest stewardship plan which includes intended results or strategies relating to the objectives set by government for timber in section 6 that address the retention of suitable secondary structure, and
- (b) receives the minister's approval of the plan.

(2) A holder of a timber sale licence to which a forest stewardship plan relates and a timber sales manager are exempt from section 43.1 (1) if the timber sales manager

- (a) prepares and submits to the minister a proposed forest stewardship plan which includes intended results or strategies relating to the objectives set by government for timber in section 6 that address the retention of suitable secondary structure, and
- (b) receives the minister's approval of the plan.

**Conditional exemption — from one or more of sections 47 to 53**

**12.3** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 47 (4) to (6) if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(2) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 48 (3) to (5) if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(3) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 49 (2) and (3) if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(4) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 50 (1) if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(5) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 51 (1) or (3) if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(6) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 52 (2) if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(7) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 53 if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(7.1) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 47 (4) to (6) if the timber sales manager

- (a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the

objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(8) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 48 (3) to (5) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(9) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 49 (2) and (3) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(10) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 50 (1) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(11) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 51 (1) or (3) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section

8, in relation to the areas of primary forest activity under the plan,  
and

(b) receives the minister's approval to the plan.

(12) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 52 (2) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan,  
and

(b) receives the minister's approval to the plan.

(13) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 53 if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water, fish, wildlife and biodiversity set out in section 8, in relation to the areas of primary forest activity under the plan,  
and

(b) receives the minister's approval to the plan.

[en. B.C. Reg. 580/2004, s. 12; am. B.C. Regs. 321/2006, ss. 2 and 5;  
240/2009, s. (e).]

### **Conditional exemption — section 55, 56 or 57**

**12.31** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 55 as it pertains to cumulative hydrological effects on fish habitat in a fisheries sensitive watershed if the person

(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(2) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 56 as it pertains to cumulative hydrological effects on fish habitat in a fisheries sensitive watershed if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(3) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 57 as it pertains to cumulative hydrological effects on fish habitat in a fisheries sensitive watershed if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(4) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 55 as it pertains to cumulative hydrological effects on fish habitat in a fisheries sensitive watershed if the timber sales manager

- (a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(5) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 56 as it pertains to cumulative hydrological effects on fish habitat in a fisheries sensitive watershed if the timber sales manager

- (a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
- (b) receives the minister's approval to the plan.

(6) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 57 as it pertains to cumulative hydrological effects on fish habitat in a fisheries sensitive watershed if the timber sales manager

- (a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for fish

habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and  
(b) receives the minister's approval to the plan.

[en. B.C. Reg. 62/2005, s. 5; am B.C. Reg. 321/2006, ss. 2 and 6.]

**Conditional exemption — section 59, 60 or 61**

**12.32** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 59 as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the person

(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(2) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 60 (2) as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the person

(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(3) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 61 as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the person

(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(4) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 59 as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the



objective for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and  
(b) receives the minister's approval to the plan.

(5) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates and a timber sales manager are exempt from section 60 (2) as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the timber sales manager  
(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and  
(b) receives the minister's approval to the plan.

(6) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 61 as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the timber sales manager  
(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and  
(b) receives the minister's approval to the plan.

[en. B.C. Reg. 62/2005, s. 5; am. B.C. Reg. 321/2006, ss. 2 and 7.]

### **Conditional exemption — section 64 or 65**

**12.4** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 64 (1) if the person  
(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for wildlife and biodiversity at the landscape level set out in section 9, in relation to the areas of primary forest activity under the plan, and  
(b) receives the minister's approval to the plan.

(2) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 65 (2) if the person  
(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for wildlife and biodiversity at the landscape level set out in section 9, in relation to the areas of primary forest activity under the plan, and  
(b) receives the minister's approval to the plan.

(3) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 64 (1) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for wildlife and biodiversity at the landscape level set out in section 9, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(4) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 65 (2) if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for wildlife and biodiversity at the landscape level set out in section 9, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

[en. B.C. Reg. 580/2004, s. 12; am. B.C. Reg. 321/2006, ss. 2 and 8.]

### **Conditional exemption — section 66 or 67**

**12.5** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 66 if the person

(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for wildlife and biodiversity at the stand level set out in section 9.1, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(2) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 67 if the person

(a) prepares and submits to the minister the proposed plan, including an intended result or strategy for wildlife and biodiversity at the stand level set out in section 9.1, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(3) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 66 if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for wildlife and biodiversity at the stand level set out in section 9.1, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

(4) A holder of a timber sale licence or road permit to which a proposed forest stewardship plan relates is exempt from section 67 if the timber sales manager

(a) prepares and submits to the minister the proposed forest stewardship plan, including an intended result or strategy for the objective for wildlife and biodiversity at the stand level set out in section 9.1, in relation to the areas of primary forest activity under the plan, and

(b) receives the minister's approval to the plan.

[en. B.C. Reg. 580/2004, s. 12; am. B.C. Reg. 321/2006, ss. 2 and 9.]

## **Repealed**

**13** Repealed. [B.C. Reg. 580/2004, s. 12.1.]

## **Division 2 — Content (General)**

### **Identifying forest development units**

**14** (1) A person required to prepare a forest stewardship plan may specify in the plan or an amendment to it,

(a) a new forest development unit,

(b) a forest development unit that is in effect on the date of the submission of the forest stewardship plan to the minister,

(c) an area to which section 196 (1) or (2) of the Act is applicable that is in a forest development unit referred to in paragraph (a) or (b) of this subsection,

(d) an area to which section 197 (4) or (7) of the Act is applicable that is in a forest development unit referred to in paragraph (a) or (b) of this subsection, or

(e) cutblocks to which section 197 (5) of the Act is applicable that is in a forest development unit referred to in paragraph (a) or (b) of this subsection.

(2) A person required to prepare a forest stewardship plan must ensure that the plan identifies for the forest development units specified under subsection (1) those things described in subsection (3) that

(a)are in the forest development unit, and

(b)are in effect

(i)on the date the plan or amendment to it is submitted for approval, if the plan is submitted on or before December 31, 2005, or

(ii)4 months before the date the plan or amendment to it, as the case may be, is submitted for approval, if the plan or amendment to it is submitted after December 31, 2005.

(3)The things that under subsection (2) are to be identified in a forest stewardship plan referred to in that subsection are each

(a)ungulate winter range,

(b)wildlife habitat area,

(c)fisheries sensitive watershed,

(d)lakeshore management zone, including specifying the width of the zone, if the zone is identified on a map accompanying the establishment of the lakeshore management zone,

(e)scenic area,

(f)lake identified as an L1 lake under section 49 (1) (b) (ii) if the lake has been identified on a map accompanying the identification,

(g)community watershed,

(h)old growth management area,

(i)area in which commercial timber harvesting is prohibited by another enactment,

(j)cutting permit and road permit held by the agreement holder if that is the person required to prepare the plan, and

(k)road permit or timber sale licence granted or entered into by the timber sales manager if the timber sales manager is the person required to prepare the plan.

(4)A person who prepares a forest stewardship plan may identify an area as a declared area if, on the date that the area is identified,

(a)the area is in a forest development unit in effect, and

(b)all activities and evaluations that are necessary in relation to inclusion of cutblocks and roads in the area have been completed.

[en. B.C. Reg. 580/2004, s. 13; am. B.C. Regs. 62/2005, s. 6;  
64/2021, s. 2.]

## Repealed

15 Repealed. [B.C. Reg. 580/2004, s. 14.]

## Stocking standards

**16** (1) A person required to prepare a forest stewardship plan must ensure that the plan specifies the situations or circumstances that determine when section 44 (1) [*free growing stands generally*] or section 45 [*free growing stands collectively across cutblocks*] will apply to an area.

(2) In specifying a stocking standard under this section, a person who prepares a forest stewardship plan may consider the factors set out in section 6 [*factors relating to stocking standards*] of Schedule 1.

(3) A person required to prepare a forest stewardship plan must ensure that the plan specifies, for each of the situations or circumstances specified under subsection (1) where

(a) section 44 (1) (a) will apply, the regeneration date and stocking standards,

(b) section 44 (1) (b) will apply, the free growing height and stocking standards,

(c) section 45 (1) will apply, the regeneration date and the stocking standards, and

(d) section 45 (2) will apply, the free growing date and the stocking standards, as approved by the chief forester.

(4) A person required to prepare a forest stewardship plan must ensure that the plan specifies stocking standards for areas referred to in section 44 (4), and the situations or circumstances that determine when the stocking standards will be applied.

(5) A holder of a major licence that is a forestry licence to cut entered into under section 24.8 of the *Forest Act* or converted into a forestry licence to cut under section 24.9 of the *Forest Act* is exempt from this section.

[am. B.C. Regs. 62/2005, s. 3; 102/2005, s. 1.]

## Invasive plants

**17** For the purpose of section 47 [*invasive plants*] of the Act, a person who prepares a forest stewardship plan must specify measures in the plan to prevent the introduction or spread of species of plants that are invasive plants under the Invasive Plants Regulation, if the introduction or spread is likely to be the result of the person's forest practices.

[am. B.C. Reg. 580/2004, s. 15.]

## Natural range barriers

**18** For the purpose of section 48 [*natural range barriers*] of the Act, a person who prepares a forest stewardship plan must specify measures to mitigate the effect of removing or rendering ineffective natural range barriers.

## **Division 2.1 — Miscellaneous**

### **Cumulative effect of multiple forest stewardship plans**

**19** For the purpose of section 9 [*proportional objectives*] of the Act, the minister may establish targets referred to in that section, if, where there are likely to be multiple forest stewardship plans within an area,

- (a) one or more holders of a forest stewardship plan may be unduly constrained in the specifying of results or strategies in the holder's plan unless targets are established under section 9 of the Act, and
- (b) the holders of a forest stewardship plan within the area are unable to reach an agreement that would remove the constraints referred to in paragraph (a).

(c)-(d) Repealed. [B.C. Reg. 163/2023, Sch. 2, s. 2 (b).]

[am. B.C. Regs. 321/2006, s. 10; 163/2023, Sch. 2, s. 2.]

### **Limited content forest stewardship plans**

**19.1** The minister may exempt the holder of

- (a) a forestry licence to cut that is a major licence, or
- (b) Repealed. [B.C. Reg. 158/2023, Sch. 2, s. 1.]

from one or more of the requirements of Divisions 1 and 2 if the minister is satisfied that the exemption is appropriate, given the nature and extent of the timber harvesting proposed by the holder.

[en. B.C. Reg. 580/2004, s. 17; am. B.C. Regs. 106/2009, s. 1 (a); 158/2023, Sch. 2, s. 1.]

### **When forest stewardship plan not required**

**19.2** For the purpose of section 4 (2) of the Act, the holder of a forestry licence to cut entered into under section 47.3 (1) (a) of the *Forest Act* is not required to prepare a forest stewardship plan under section 3 (1) of the Act if timber harvesting under the licence is restricted to an area which is subject to a contract that

- (a) provides for the preparation of the area for reforestation,
- (b) is funded under a vote as defined in section 1 of the *Financial Administration Act*, and
- (c) is administered under the Forests for Tomorrow Program.

### **Division 3 — Public Review and Comment**

#### **Providing notice**

**20** (1) Before a person submits to the minister for approval a forest stewardship plan or an amendment to one, the person must publish a notice at least once in a newspaper, and may publish the notice more frequently, stating

(a) that the plan or amendment is publicly available for review and for written comment at the person's place of business or at another place specified in the notice,

(b) persons may attend at that place during business hours to review the plan or amendment, and

(c) the address of the person proposing the plan or amendment to which address persons may submit written comments about the plan by mail or in person.

(2) For the purposes of subsection (1), the period during which persons have the opportunity to review a forest stewardship plan or an amendment to one begins on the date the notice is first published and ends

(a) 60 days after that date, if no greater or lesser number of days is determined under paragraph (b) or (c) and paragraph (d) is inapplicable,

(b) a greater number of days after that date that the minister may determine if paragraph (d) is inapplicable and the minister considers that the greater number of days is necessary to provide an adequate opportunity for review and comment under section 21,

(c) a lesser number of days that the minister may determine if paragraph (d) is inapplicable and the minister considers that the lesser number of days will provide an adequate opportunity for review and comment under section 21, or

(d) 10 days after that date if all or a substantial part of the timber to which the plan pertains

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

(ii) must be harvested expeditiously to prevent

(A) the spread of pests, or

(B) a significant reduction in the economic value of the timber due to a deterioration in the quality of the timber.

(3) The minister by order may grant an exemption to a person who proposes a forest stewardship plan or an amendment to one from the requirement to publish a notice under subsection (1).

(4) If the minister makes an order under subsection (3) and the forest stewardship plan or amendment is approved, the person exempted under the order must publish in a newspaper a notice specifying

(a) that the forest stewardship plan or the amendment has been approved without having been made publicly available for review and comment, and

(b) the date on which operations under the plan have been authorized to begin.

(5) Despite subsection (1), a person who proposes an amendment to a forest stewardship plan in respect of section 16 is not required to publish a notice in a newspaper.

(6) Despite subsection (1), a person who prepares and submits to the minister an amendment to a forest stewardship plan under section 12.21 (1) or (2) is not required to publish a notice in a newspaper.

[en. B.C. Reg. 580/2004, s. 18; am. B.C. Regs. 182/2008, s. 3;  
64/2021, s. 2.]

## **Review and comment**

**21** (1) A person who publishes a notice under section 20 (1), during the applicable period referred to in section 20 (2),

(a) if required by the minister, must refer a copy of the forest stewardship plan, or a portion of the plan, to

(i) any agency of government, or

(ii) any agency of the Government of Canada,

(b) must provide a person who is interested in the plan with an opportunity to review the plan during normal business hours at the place of business of the person who published the notice or other venue specified in the notice under section 20 (1),

(c) must provide a person whose rights may be affected by the plan with an opportunity to review the plan in a manner that is commensurate with the nature and extent to which the person's rights may be affected,



(c.1) must refer a copy of the plan to a timber sales manager who may be affected by the plan, and

(d) must make reasonable efforts to meet with First Nation groups affected by the plan to discuss the plan.

(2) A person given the opportunity to review or discuss the plan under subsection (1) may submit written comments in respect of the plan during the period and to the address specified in the notice under section 20 (1).

[en. B.C. Reg. 580/2004, s. 18; am. B.C. Reg. 321/2006, s. 11.]

### **Responding to review and comment**

**22** (1) A person who publishes a notice under section 20 (1)

(a) must consider any written comments received under section 21 that are

(i) relevant to the plan, or

(ii) in the case of an amendment, relevant to the amendment, and

(b) is not required to consider comments in respect of

(i) areas described in section 14 (1) (b), (c) or (d), (3) (j) or (k) or (4), or

(ii) results and strategies that relate to the areas referred to in subparagraph (i).

(2) A person who submits a forest stewardship plan to the minister for approval must submit with the proposed plan

(a) a copy of the notice published under section 20,

(b) a copy of each written comment received under section 21,

(c) a description of any changes made to the plan as a result of the comments received under section 21, and

(d) a description of the efforts made to comply with the requirements of section 21 (1) (d).

[am. B.C. Regs. 580/2004, s. 19; 223/2006, s. 2.]

## **Division 4 — Approvals and Extensions**

### **Repealed**

**22.1** Repealed. [B.C. Reg. 163/2023, Sch. 2, s. 3.]

### **Deemed approval**

**23** (1) Each of the following is prescribed as being one of the prescribed requirements referred to in section 7 (1) (b) of the Act in relation to an area referred to in that provision:

- (a) the area is identified in the plan as a declared area;
- (b) the area is the subject of a cutting permit, road permit or timber sale licence with a term that begins after the date of submission of the plan to the minister;
- (c) the area is one to which section 196 (1) of the Act applies.

(2) Until December 31, 2005, for the purposes of section 7 (1.1) (a) (iii) of the Act the following objectives are prescribed as specified other objectives, in relation to a forest development unit referred to in section 7 (1.1) of the Act:

- (a) an objective established under section 56 (3) of the Act for an interpretive forest site, recreation site or recreation trail;
- (b) a wildlife habitat area objective;
- (c) an ungulate winter range objective;
- (d) a lakeshore management zone objective;
- (e) a water quality objective;
- (f) a fisheries sensitive watershed objective;
- (g) a visual quality objective.

(3) Effective January 1, 2006, for the purposes of section 7 (1.1) (a) (iii) of the Act the following objectives are prescribed as specified other objectives in relation to a forest development unit referred to in section 7 (1.1) of the Act:

- (a) a water quality objective;
- (b) a fisheries sensitive watershed objective;
- (c) a wildlife habitat area objective.

[en. B.C. Reg. 580/2004, s. 21.]

### **Requiring additional information**

**24** (1) If, in specifying a result or strategy for an objective, a person satisfies the minister that the person addressed all of the factors contained in Schedule 1 to which the result or strategy relates, the minister must not require the person to address other factors.

(2) The minister may request information under section 16 (2.1) [*approval of forest stewardship plan or amendment*] of the Act in respect of a result or strategy if the information is

- (a) relevant to the factors in Schedule 1 that were addressed, if any,
- (b) relevant to any factor that the person addressed that is not a factor listed in Schedule 1, and

(c) either available to the person or in the control or possession of the person.

[am. B.C. Reg. 62/2005, s. 3.]

### **Consistency of results and strategies with established objectives**

**25** (1) An intended result or strategy is not inconsistent with an established objective only because it

(a) is capable of producing a condition outside the range of natural variation characteristic of a season, an area or a forest resource,

(b) proposes an innovative means of addressing the established objective, or

(c) is based on a factor other than one specified in Schedule 1.

(2) On application by a person required to prepare a forest stewardship plan, the minister responsible for the *Land Act* may exempt the person from the requirement that an intended result or strategy specified in the plan, in relation to an objective that was

(a) established or continued under section 3 or 4 of the *Forest Practices Code of British Columbia Act*, and

(b) in effect on January 31, 2004,

be consistent with the objective, if the minister determines that requiring the result or strategy to be consistent with the objective would

(c) have a material adverse impact on the delivered wood costs of a holder of an agreement under the *Forest Act* to which the plan applies, and

(d) unduly constrain the ability of a holder referred to in paragraph (c) to exercise the holder's rights under the agreement, and

the material adverse impact and undue constraint outweigh the benefits to the public that would be achieved by requiring the result or strategy to be consistent with the objective.

(3) In making a determination under section 16 of the Act in respect of a forest stewardship plan or an amendment to a forest stewardship plan, the minister responsible for the *Forest Act* must consider any exemption granted by the minister responsible for the *Land Act* under subsection (2) of this section.

[en. B.C. Reg. 580/2004, s. 22; am. B.C. Reg. 62/2005, s. 3.]

### **Consistency of intended results and strategies with objectives**

**25.1** (1) For the purpose of section 5 (1.1) of the Act, each intended result or strategy in a forest stewardship plan must be consistent with the established objectives to the extent practicable, to take into account the circumstances or conditions applicable to that area or that part.

(2) If an established objective is comprised of measurable or verifiable steps, processes or outcomes, an intended result or strategy that

(a) is specified in a forest stewardship plan for that objective,

(b) restates the same measurable or verifiable steps, practices or outcomes, and

(c) describes the circumstances in which those measurable or verifiable steps, practices or outcomes are to be achieved or carried out,

is to be considered to be consistent with objectives set by government and with the other established objectives to the extent practicable, as described in subsection (1) of this section.

[en. B.C. Reg. 580/2004, s. 23.]

### **Minister's consideration of stocking standards**

**26** (1) If, in specifying stocking standards under section 16, a person satisfies the minister that the person addressed only those factors contained in section 6 of Schedule 1, the minister must not require the person to address other factors.

(2) The minister may request information under section 16 (2.1) of the Act in respect of stocking standards if the information is

(a) relevant to the factors in section 6 of Schedule 1 that were addressed, if any,

(b) relevant to any factor that the person addressed that is not a factor listed in section 6 of Schedule 1, and

(c) either available to the person or in the control or possession of the person.

(3) The minister must approve the regeneration date, free growing height and stocking standards referred to in section 16 (3) if the minister is satisfied that

(a) the regeneration date and the standards will result in the area being stocked with ecologically suitable species that address immediate and long-term forest health issues on the area, to a density or to a basal area that, in either case,

(i) is consistent with maintaining or enhancing an economically valuable supply of commercial timber from British Columbia's forests, and

(ii) is consistent with the timber supply analysis and forest management assumptions that apply to the area covered by the plan on the date that the plan is submitted for approval, and

(b) the free growing height is of sufficient height to demonstrate that the tree is adapted to the site, and is growing well and can reasonably be expected to continue to do so.

(4) The minister must approve the stocking standards referred to in section 16

(4) if the minister is satisfied that the standards will result in the area being stocked with ecologically suitable species that address immediate and long-term forest health issues on the area, to a density or to a basal area that, in either case, is consistent with

(a) maintaining or enhancing an economically valuable supply of commercial timber from British Columbia's forests, and

(b) the timber supply analysis and forest management assumptions that apply to the area covered by the plan on the date that the plan is submitted for approval.

(5) The minister may approve the stocking standards referred to in section 16

(3) or (4), even though they do not conform to subsection (3) or (4) of this section, if the minister is satisfied that the regeneration date and stocking standards are reasonable, having regard to the future timber supply for the area.

[en. B.C. Reg. 580/2004, s. 24; am. B.C. Reg. 62/2005, s. 3.]

### **Balancing objectives**

**27** The minister may balance established objectives, results, strategies or other plan content when making a determination under section 16 [*approval of forest stewardship plan or amendment*] of the Act.

[am. B.C. Reg. 163/2023, Sch. 2, s. 4.]

### **Approval in emergency cases**

**27.1** For the purpose of section 17 of the Act, the prescribed circumstances are those described in that section.

[en. B.C. Reg. 580/2004, s. 25.]

## **Extending term**

**28** For the purpose of section 6 (2) [*term of forest stewardship plan*] of the Act, the minister may extend the term of a forest stewardship plan if

- (a) the holder of the plan requests an extension, and
- (b) the minister is satisfied that the forest development units and the results and strategies in the plan
  - (i) continue to be consistent with established objectives, or
  - (ii) will be amended so as to be consistent with established objectives.

## **Division 5 — Amendments**

### **Mandatory amendments**

**28.1** (1) For the purposes of section 8 (1) (a) (ii) of the Act, the holder of a forest stewardship plan must propose and submit, for approval by the minister and in accordance with that section, an amendment to the plan if a forest development unit included in the plan is affected by the establishment, variation or cancellation of any of the following:

- (a) a lakeshore management zone objective;
- (b) a water quality objective;
- (c) a wildlife habitat area objective;
- (d) an ungulate winter range objective;
- (e) a fisheries sensitive watershed objective.

(2) For the purposes of section 8 (1) (b) (i) of the Act, the holder of a forest stewardship plan must propose and submit, for approval by the minister and in accordance with that section, an amendment to the plan if a forest development unit included in the plan is affected by the designation of a temperature sensitive stream under section 15 of the Government Actions Regulation.

(3) For the purposes of section 8 (4) (b) of the Act, an amendment required under subsection (2) of this section must be submitted within 1 year after the date on which the temperature sensitive stream is designated.

[en. B.C. Reg. 163/2023, Sch. 2, s. 5.]

### **Amendments that require approval**

**29** The following are the prescribed circumstances, referred to in section 20 (1) of the Act, in which an approval is required to amend a forest stewardship plan, despite a determination under that provision:

- (a) the addition of a new forest development unit;
- (b) a material change to an existing forest development unit;

- (c) an intended result or strategy described in section 12.2 to 12.5 of this regulation;
- (d) a result or strategy in respect of which a remediation order under section 74 of the Act is outstanding;
- (e) a change to the regeneration date, free growing date, free growing height or stocking standards that apply to an area in a manner that would be a significant departure from that originally approved in the plan;
- (f) a matter referred to in section 8 (1) or (2) of the Act.

[en. B.C. Reg. 580/2004, s. 26; am. B.C. Reg. 163/2023, Sch. 2, s. 6.]

### **Amendments that do not require approval**

**30** (1) For the purpose of section 20 (1) (b) of the Act, a proposed amendment to a forest stewardship plan to identify a declared area does not require approval of the minister.

(2) An amendment under section 20 (1) of the Act that does not require the approval of the minister takes effect on the date a copy of it is provided to the district manager in accordance with section 20 (2) of the Act.

[en. B.C. Reg. 580/2004, s. 26.]

### **Amendment wrongly made**

**31** (1) Under section 20 (3) of the Act, if after giving the holder of a forest stewardship plan who made a determination under section 20 (1) of the Act an opportunity to be heard, the minister determines that the holder's determination was wrongly made, the minister may

- (a) declare the amendment that was the subject of the holder's determination to be without effect, and
- (b) if the minister considers it appropriate, require the holder to suspend operations that are not authorized in the absence of the amendment.

(2) The holder of a forest stewardship plan referred to in subsection (1) does not contravene the Act or this regulation by carrying out, before the minister makes a determination under subsection (1), operations that are not authorized in the absence of the amendment if

- (a) the minister is satisfied, or
- (b) the holder establishes that the holder had reason to believe

that the amendment would have been approved under section 16 (1) of the Act, had the amendment been properly submitted for approval.

[en. B.C. Reg. 580/2004, s. 26.]

### **Exemption from review and comment process for mandatory amendments**

**32** The minister may exempt a holder of a forest stewardship plan from a requirement of Division 3 pertaining to an amendment under section 8 (1) or (2) of the Act, if the minister is satisfied that the requirement is not practicable, given the circumstances or conditions applicable to a particular area.

[en. B.C. Reg. 580/2004, s. 26; am. B.C. Reg. 163/2023, Sch. 2, s. 6.]

### **Criteria for when section 8 of the Act does not apply**

**32.1** The prescribed criteria with which a portion of the area to which a forest stewardship plan applies must conform under section 19 (2) (c) of the Act, so that section 8 of the Act will not apply, are that the portion is

- (a) a declared area, or
- (b) Repealed. [B.C. Reg. 163/2023, Sch. 2, s. 7 (b).]
- (c) an area for which a forestry licence to cut is issued under a pulpwood agreement.

[en. B.C. Reg. 580/2004, s. 27; am. B.C. Reg. 163/2023, Sch. 2, s. 7.]

### **Repealed**

**32.2** Repealed. [B.C. Reg. 163/2023, Sch. 2, s. 8.]

## **Division 6 — Exemptions**

### **Exemptions under section 4 (1) (e) of the Act**

**32.3** The following are prescribed purposes under section 4 (1) (e) of the Act:

- (a) timber harvesting or road construction incidental to one or more primary forest activities, if the timber harvested outside the forest development unit does not exceed 50 m<sup>3</sup>;
- (b) timber harvesting or road construction related to a research installation that is approved by the government.

[en. B.C. Reg. 580/2004, s. 28.]

### **Exemptions under section 4 (2) of the Act**

**32.4** The following are prescribed circumstances under section 4 (2) (b) of the Act:



- (a) the timber harvesting or road construction is needed in relation to a research installation approved by the minister;
- (b) timber harvesting or road construction is needed in support of activities authorized or required under an enactment other than the *Forest Act*.

[en. B.C. Reg. 580/2004, s. 28.]

## Part 3 — Site Plans

### When site plans not required

**33** (1) For section 10 (1) of the Act, the prescribed circumstances, in which the holder of a forest stewardship plan need not prepare a site plan in accordance with section 10 (1) (a) of the Act, are

- (a) that timber harvesting
  - (i) must proceed expeditiously to eliminate a safety hazard,
  - (ii) is needed to facilitate the collection of seed, leaving an opening not greater than 1 ha, or
  - (iii) is limited to a volume of timber of 50 m<sup>3</sup> or less,
- (b) the holder is exempt under section 44 (3) of this regulation, or
- (c) Repealed. [B.C. Reg. 158/2023, Sch. 2, s. 1.]

(2) For section 10 (1) of the Act, a prescribed circumstance, in which the holder of a forest stewardship plan need not prepare a site plan in accordance with section 10 (1) (b) of the Act, is that timber harvesting associated with a road referred to in that provision is limited to removal of timber to improve safety for road users by

- (a) eliminating a safety hazard,
- (b) improving visibility, or
- (c) increasing the number of pullouts or the size of existing pullouts.

[en. B.C. Reg. 580/2004, s. 29; am. B.C. Reg. 158/2023, Sch. 2, s. 1.]

### Content of site plans

**34** (1) A person who prepares a site plan for an area referred to in section 29 (1) or (2) [*free growing stands*] of the Act must ensure that the plan identifies

- (a) the standards units for the area, and
- (b) the stocking standards and soil disturbance limits that apply to those standards units.

(2) A holder of a site plan must retain the plan until the holder

- (a) has met the requirements in respect of the area to which the plan relates, or
- (b) has been relieved under section 108 [*government may fund extra expense or waive obligations*] of the Act of the requirements in respect of the area to which the plan relates.

## Part 4 — Practice Requirements

### Division 1 — Soils

#### Soil disturbance limits

35 (1) In this section:

**"first agreement holder"** means an agreement holder that is not a fibre recovery tenure holder;

**"roadside work area"** means the area adjacent to a road where one or both of the following are carried out:

- (a) decking, processing or loading timber;
- (b) piling or disposing of logging debris;

**"sensitive soils"** means soils that, because of their slope gradient, texture class, moisture regime, or organic matter content have the following risk of displacement, surface erosion or compaction:

- (a) for the Interior, a very high hazard;
- (b) for the Coast, a high or very high hazard.

(2) Repealed. [B.C. Reg. 580/2004, s. 30 (a).]

(3) An agreement holder other than a holder of a minor tenure or a fibre supply licence to cut, which holder is carrying out timber harvesting, must not cause the amount of soil disturbance on the net area to be reforested to exceed the following limits:

- (a) if the standards unit is predominantly comprised of sensitive soils, 5% of the area covered by the standards unit, excluding any area covered by a roadside work area;
- (b) if the standards unit is not predominantly comprised of sensitive soils, 10% of the area covered by the standards unit, excluding any area covered by a roadside work area;
- (c) 25% of the area covered by a roadside work area.

(4) An agreement holder may cause soil disturbance that exceeds the limits specified in subsection (3) if the holder

(a) is removing infected stumps or salvaging windthrow and the additional disturbance is the minimum necessary, or

(b) is constructing a temporary access structure and both of the following apply:

(i) the limit set out in subsection (3) (a) or (b), as applicable, is not exceeded by more than 5% of the area covered by the standards unit, excluding the area covered by a roadside work area;

(ii) before the regeneration date, a sufficient amount of the area within the standards unit is rehabilitated such that the agreement holder is in compliance with the limits set out in subsection (3).

(4.1) Despite subsections (3) and (4), if a first agreement holder is authorized to carry out timber harvesting in an area and a fibre recovery tenure holder is authorized to carry out timber harvesting in an area that overlaps with the area of the first agreement holder, the agreement holders must not cause the cumulative amount of soil disturbance from all primary forest activities carried out on the area of overlap to exceed 25% of that area.

(4.2) Subsection (4.1) does not apply in respect of any area of overlap occupied by a permanent access structure.

(5) The minister may require an agreement holder to rehabilitate an area of compacted soil if all of the following apply:

(a) the area of compacted soil

(i) was created by activities of the holder,

(ii) is within the net area to be reforested, and

(iii) is a minimum of 1 ha in size;

(b) the holder has not exceeded the limits described in subsection (3) or the holders have not exceeded the limit described in subsection (4.1), as applicable;

(c) rehabilitation would, in the opinion of the minister,

(i) materially improve the productivity and the hydrologic function of the soil within the area, and

(ii) not create an unacceptable risk of further damage or harm to, or impairment of, forest resource values related to one or more of the subjects listed in section 149 (1) of the Act.

(6) An agreement holder who rehabilitates an area under subsection (4) or (5) must

- (a) remove or redistribute woody materials that are exposed on the surface of the area and are concentrating subsurface moisture, to the extent necessary to limit the concentration of subsurface moisture on the area,
- (b) de-compact compacted soils, and
- (c) return displaced surface soils, retrievable side-cast and berm materials.

(7) If an agreement holder rehabilitates an area under subsection (4) or (5) and erosion of exposed soil from the area would cause sediment to enter a stream, wetland or lake, or a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act, the agreement holder, unless placing debris or revegetation would not materially reduce the likelihood of erosion, must

- (a) place woody debris on the exposed soils, or
- (b) revegetate the exposed mineral soils.

[am. B.C. Regs. 580/2004, s. 30; 157/2012, Sch. 4, s. 2.]

### **Permanent access structure limits**

**36** (1) An agreement holder must ensure that the area in a cutblock that is occupied by permanent access structures built by the holder or used by the holder does not exceed 7% of the cutblock, unless

- (a) there is no other practicable option on that cutblock, having regard to
  - (i) the size, topography and engineering constraints of the cutblock,
  - (ii) in the case of a road, the safety of road users, or
  - (iii) the requirement in selection harvesting systems for excavated or bladed trails or other logging trails, or
- (b) additional permanent access structures are necessary to provide access beyond the cutblock.

(2) If an agreement holder exceeds the limit for permanent access structures described in subsection (1) for either of the reasons set out in that subsection, the holder must ensure that the limit is exceeded as little as practicable.

(3) An agreement holder may rehabilitate an area occupied by permanent access structures in accordance with the results or strategies specified in the forest stewardship plan or by

(a) removing or redistributing woody materials that are exposed on the surface of the area and are concentrating subsurface moisture, as necessary to limit the concentration of subsurface moisture on the area,

(b) de-compacting compacted soils, and

(c) returning displaced surface soils, retrievable side-cast and berm materials.

(4) If an agreement holder rehabilitates an area under subsection (3) (a) and erosion of exposed soil from the area would cause sediment to enter a stream, wetland or lake, or a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act, the agreement holder, unless placing debris or revegetation would not materially reduce the likelihood of erosion, must

(a) place woody debris on the exposed soils, or

(b) revegetate the exposed mineral soils.

[en. B.C. Reg. 580/2004, s. 31.]

## **Landslides**

**37** An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not cause a landslide that has a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act.

[en. B.C. Reg. 580/2004, s. 31.]

## **Gully processes**

**38** An authorized person who carries out a primary forest activity on the Coast must ensure that the primary forest activity does not cause a gully process that has a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act.

[en. B.C. Reg. 580/2004, s. 31.]

## **Natural surface drainage patterns**

**39** (1) If an authorized person constructs a road, a temporary access structure or a permanent access structure on an area, the person must maintain natural surface drainage patterns on the area both during and after construction.

(2) Despite subsection (1), if it is not practicable for an authorized person to maintain natural surface drainage patterns during the construction of a road, a temporary access structure or permanent access structure, the person must

ensure that the altered surface drainage pattern is compatible with the original natural surface drainage pattern by the earlier of

- (a) the end of the construction, and
- (b) the next freshet.

[en. B.C. Reg. 580/2004, s. 31; am. B.C. Reg. 102/2005, s. 2.]

### **Revegetation**

**40** An authorized person who constructs or deactivates a road must ensure that soil exposed by the construction or deactivation is revegetated within two years after the construction or deactivation is completed if it is reasonably foreseeable that

- (a) the erosion of the soil would cause
  - (i) sediment to enter a stream, wetland or lake, or
  - (ii) a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act, and
- (b) revegetation would materially reduce the likelihood of erosion.

[en. B.C. Reg. 580/2004, s. 31.]

## **Division 2 — Timber and Forest Health**

### **Modification of insect behaviour**

**41** An agreement holder or a timber sales manager who uses trap trees or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge.

[en. B.C. Reg. 580/2004, s. 32.]

### **Use of livestock**

**42** If a person required to establish a free growing stand uses livestock for site preparation or brush control, the person must ensure that all necessary measures are taken to

- (a) control the location and movement of the livestock to minimize conflict with wildlife that could prey on the livestock,
- (b) prevent the transmission of disease from the livestock to wildlife, and
- (c) maintain the health of the livestock.

[en. B.C. Reg. 580/2004, s. 32.]

### **Use of seed**

**43** (1) In this section, "**transfer**" means the process by which seed is selected and used, based on the origin of the seed and its genetic suitability for the site on which trees grown from the seed are to be planted.

(2) The chief forester may make standards for matters referred to in section 169 (1) (a) (i) to (v) [*chief forester standards for forest practices*] of the Act if the chief forester considers such standards to be necessary or appropriate for the purpose of regulating the use, registration, storage, selection or transfer of seed to be used in the establishment of free growing stands.

(3) The chief forester may authorize a person to exercise a discretion of the chief forester described in subsection (5), (6) or (7).

(4) Unless an alternative is approved under subsection (6), a person who plants trees while establishing a free growing stand must use only seed registered, stored, selected and transferred in accordance with the standards, if any, established by the chief forester.

(5) A person referred to in subsection (4) may submit to the chief forester for approval an alternative to any standard established by the chief forester under subsection (2).

(6) The chief forester may approve an alternative submitted under subsection (5) if the chief forester considers that the alternative is consistent with achieving the intent of the standard.

(7) If the chief forester approves an alternative submitted under subsection (5), the person who submitted the alternative

(a) is exempt from the requirement of subsection (4) for which the alternative has been approved, and

(b) must comply with the alternative.

(8) A person who is required to establish a free growing stand must keep a record of the registration numbers of the seed that is used, if any, and a map of the location where the trees grown from the seed are planted.

### **Secondary structure retention in mountain pine beetle affected stands**

**43.1** (1) A holder of a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence must not carry out timber harvesting in a targeted pine leading stand, unless

(a) it is necessary to fell or modify a tree that is a safety hazard and there is no other practicable option for addressing the safety hazard,

(b)the harvesting is necessary to construct a road in the targeted pine leading stand and there is no other practicable option for locating the road, or

(c)at the conclusion of timber harvesting, the holder retains an adequate stocking density of suitable secondary structure.

(2)Despite subsection (1), a holder of a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence may harvest timber in a targeted pine leading stand without retaining an adequate stocking density of suitable secondary structure if

(a)the timber in the stand is subject to a significant risk of blowdown,

(b)at the time of harvesting, at least 30% of the pine trees in the stand contain live mountain pine beetles,

(c)harvesting the timber is necessary to protect a community, or other area agreed to by the minister prior to harvesting, from wildfire, or

(d)harvesting the timber is necessary to facilitate collection of tree seed and the resulting opening does not exceed 1 ha.

(3)Without limiting the stocking standards applicable under section 29 (1) or (2) of the Act or section 46 of this regulation, if a person referred to in subsection (1) (c) carries out harvesting in a targeted pine leading stand that creates an obligation to establish a free growing stand, each tree of suitable secondary structure retained in the stand is considered to be a tree of a preferred species for the purpose of establishing a free growing stand on the area where the adequate stocking density of suitable secondary structure was retained.

(4)This section does not apply to

(a)an occupant licence to cut or a master licence to cut that provides for cutting permits,

(b)a forestry licence to cut entered into by a timber sales manager,

(c)a road permit,

(d)a community forest agreement,

(e)an area that is subject to

(i)a cutting permit that has been issued,

(ii)a timber sale licence that has been advertised or entered into, or



(iii) a forestry licence to cut that does not provide for cutting permits which has been entered into by the regional manager or district manager,

before this section comes into force,

(f) an area that is subject to a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence if the timber cruising or field layout for the cutting permit, forestry licence to cut or timber sale licence has been completed before this section comes into force,

(g) a cutblock, if the cutblock has been specified in a forest stewardship plan as an area to which section 196 (1) (a) of the Act applies, or

(h) an area depicted on a government-endorsed forest cover map which indicates that lodgepole pine is the leading tree species if a timber cruise of the timber on the area, or other process agreed to by the minister prior to harvesting, shows that lodgepole pine is not the leading tree species.

[en. B.C. Reg. 182/2008, s. 4.]

### **Chief forester may designate timber supply areas or tree farm licence areas**

**43.2** (1) The chief forester may make an order designating a timber supply area or tree farm licence area

(a) as an area which may contain a targeted pine leading stand for the purposes of paragraph (c) (i) of the definition of "targeted pine leading stand", or

(b) as an area which may not contain a targeted pine leading stand for the purposes of paragraph (c) (ii) of the definition of "targeted pine leading stand",

if satisfied that the designation is appropriate having regard to the allowable annual cut determination for the area.

(2) An order made under subsection (1) (a)

(a) must be contained in the allowable annual cut determination for the area that

(i) is most recent, and

(ii) includes an increase to the allowable annual cut for mountain pine beetle, and

(b) takes effect 4 months after the date the order is made.

(3) When an order designating an area is made under subsection (1) (a), section 43.1 (1) and (2) do not apply to

(a) an area within the designated area that is subject to

(i) a cutting permit that has been issued,

(ii) a timber sale licence that has been advertised or entered into, or

(iii) a forestry licence to cut that does not provide for cutting permits which has been entered into by the regional manager or district manager,

before the order takes effect under subsection (2) (b), or

(b) an area within the designated area that is subject to a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence if the timber cruising or field layout for the cutting permit, forestry licence to cut or timber sale licence has been completed before the order takes effect under subsection (2) (b).

[en. B.C. Reg. 182/2008, s. 4.]

### **Free growing stands generally**

**44** (1) A person who has an obligation to establish a free growing stand must establish, for areas that have been identified under section 16 (1) [*stocking standards*] as areas to which this section will apply, a stand that

(a) meets the applicable stocking standards set out in the forest stewardship plan for the area, by the applicable regeneration date specified for the area, and

(b) meets the applicable stocking standards and free growing height set out in the forest stewardship plan for the area by a free growing date that is no more than 20 years from the commencement date, unless the minister permits a later free growing date.

(2) If an agreement holder contravenes section 52 (1) [*unauthorized timber harvesting*] of the Act, the holder must establish, on the area on which the contravention occurred, a stand that meets the requirements specified in the holder's forest stewardship plan for an area with similar attributes, as if the area on which the contravention occurred had been identified under section 16 (1) as being subject to this section.

(3) A person is exempt from the requirements of section 29 (1) and (2) [*free growing stands*] of the Act in respect of an area if timber harvesting is restricted to one or more of the following:

- (a)harvesting timber to eliminate a safety hazard;
- (b)harvesting timber to facilitate the collection of seed, leaving an opening not greater than 1 ha;
- (c)removing felled trees from landings and road rights of way;
- (d)harvesting trees on land that is, or will be, exclusively used for harvesting hay or grazing livestock in accordance with an agreement under the *Range Act*;
- (e)harvesting timber for experimental purposes if, in the opinion of the minister, the harvesting will be carried out under controlled scientific or investigative conditions;
- (f)clearing areas for or within a recreation site or recreation trail;
- (g)felling and removing trees that have been or will be treated to facilitate the entrapment of pests;
- (h)commercial thinning, removal of individual trees, or a similar type of intermediate cutting;
- (i)harvesting special forest products other than woodchips or hogged tree material.

(4)A person who harvests timber for the reasons referred to in subsection (3) (h) and (i) must ensure that, for a period of 12 months after completion of harvest, the area on which timber harvesting was carried out conforms to the stocking standards specified in section 16 (4) for the area.

[am. B.C. Regs. 580/2004, s. 33; 152/2007, s. 1; 157/2012, Sch. 4, s. 3.]

### **Free growing stands collectively across cutblocks**

- 45** (1)If a person specifies in a forest stewardship plan under section 16 (1) [*stocking standards*] that the requirement to be met by the regeneration date relates to a group of cutblocks, the person must establish stands on the net areas to be reforested that conform to the applicable stocking standards by the applicable regeneration date, as identified under section 16 (3) (c).
- (2)If a person specifies in a forest stewardship plan, under section 16 (1), that the requirement to be met by the free growing date relates to a group of cutblocks, the person must establish stands on the net areas to be reforested that conform to the applicable stocking standards by the applicable free growing date as identified under section 16 (3) (d).

### **Exemption respecting free growing stand for certain forestry licences to cut**

**45.1** A holder of a major licence that is a forestry licence to cut entered into under section 24.8 of the *Forest Act* or converted into a forestry licence to cut under section 24.9 of the *Forest Act* is exempt from section 29 (1) of the *Forest and Range Practices Act*.

[en. B.C. Reg. 102/2005, s. 3.]

#### **Exemption respecting free growing stand for certain timber sale licences**

**45.2** The timber sales manager is exempt from the requirement to establish a free growing stand under section 29 (2) of the Act in respect of an area covered by a timber sale licence if harvesting under the licence is restricted to an area which is subject to a contract that

- (a) provides for the preparation of the area for reforestation,
- (b) is funded under a vote as defined in section 1 of the *Financial Administration Act*, and
- (c) is administered under the Forests for Tomorrow Program.

[en. B.C. Reg. 106/2009, s. 1 (b).]

#### **Free growing stand — forestry licence to cut**

**46** (1) Subject to subsections (3) and (3.1), if

- (a) a cutblock is harvested under a forestry licence to cut that
  - (i) is not a major licence or a minor tenure, or
  - (ii) is a major licence and was entered into under section 24.8 of the *Forest Act* or converted into a forestry licence to cut under section 24.9 of the *Forest Act*, and
- (b) 500 m<sup>3</sup> or more of timber is harvested from the cutblock,

the minister, or the holder of a forestry licence to cut entered into by the minister responsible for the *Resort Timber Administration Act*, must establish a free growing stand in the net area to be reforested that

- (c) conforms to the applicable stocking standards by the applicable regeneration date, and
- (d) conforms to the applicable stocking standards and free growing height, by the applicable free growing date.

(2) Unless otherwise specified by the minister, the applicable stocking standards and applicable regeneration and free growing dates referred to in subsection (1) are those specified for that silviculture system and that biogeoclimatic ecosystem classification in the Ministry of Forests and Range's

publication, Reference Guide for Forest Development Plan Stocking Standards, as amended from time to time.

(3) The minister, or the holder of a forestry licence to cut entered into by the minister responsible for the *Resort Timber Administration Act*, is not required to establish a free growing stand under subsection (1) if the silvicultural system used on the area

(a) is clearcutting and the harvested area, if taken together with adjoining clearcut areas that are not occupied by free growing stands, does not exceed 1 ha, or

(b) is other than clearcutting and, at the completion of harvest, the trees retained on the harvested area conform to the specifications

(i) of the minister, if any, or

(ii) for the applicable silvicultural system and biogeoclimatic ecosystem classification in the Ministry of Forests and Range's publication, Reference Guide for Forest Development Plan Stocking Standards, as amended from time to time.

(3.1) The minister is not required to establish a free growing stand under subsection (1) in respect of an area for which a forestry licence to cut has been issued in the circumstances described in section 4 [*harvesting in conjunction with a government funded contract*] of the Forestry Licence to Cut Regulation.

(4) The minister must consider the matters set out in section 26 (3) when making a decision respecting the applicable stocking standards and applicable regeneration and free growing dates under subsection (2).

(5) The minister must consider the matters set out in section 26 (4) when making a decision respecting the specifications described in subsection (3) (b) (i).

[en. B.C. Reg. 580/2004, s. 34; am. B.C. Regs. 102/2005, s. 4; 151/2007, s. 2 (a) and (b); 106/2009, s. 1 (c); 4/2010, s. 3.]

## Repealed

46.1 Repealed. [B.C. Reg. 158/2023, Sch. 2, s. 1.]

## Free growing stand requirement applies to each hectare

46.11 (1) Subject to subsection (2), a person who has an obligation to establish a free growing stand under

(a) section 29 of the Act in accordance with section 44 or 46.2 (5) of this regulation,

- (b) Part 11 of the Act in accordance with section 69.1 or 70 of the Code, or
- (c) section 46 (1) or 111 (4) of this regulation

must ensure that the obligation is fulfilled on each hectare within the net area to be reforested, unless otherwise specified in a forest stewardship plan.

(2) If the stocking within a standards unit conforms to the applicable stocking standards, an area within the standards unit is not required to meet the applicable stocking standards if

- (a) the area is less than 1 ha, or
- (b) when the free growing stand is established,
  - (i) the area is mappable and is at least 1 ha but no more than 2 ha, and
  - (ii) the portion of the standards unit that is occupied by areas referred to in subparagraph (i) does not exceed 5% of the standards unit.

[en. B.C. Reg. 152/2007, s. 2; am. B.C. Reg. 158/2023, Sch. 2, s. 2.]

### **Requirements if free growing stand cannot be established**

**46.2** (1) Subject to section 108 of the Act and section 97.1 of this regulation, a person who

- (a) is required to establish a free growing stand under sections 44 to 46 of this regulation, and
- (b) knows that the requirements of sections 44 to 46 of this regulation, as applicable, cannot be met,

must

- (c) give notice to the minister that the requirements to establish a free growing stand cannot be met, giving the reasons, and
- (d) submit to the minister a proposal for establishing a free growing stand on the area, including the stocking standards, the free growing height and the latest date by which the stocking standards and free growing height will be achieved.

(2) The minister must approve a proposal submitted under subsection (1) if the minister considers that the proposal is consistent with section 26 (3).

(3) The minister must give notice to the person who submitted the proposal if the proposal has been approved or rejected and, if rejected, must provide written reasons.

(4) A rejection under subsection (3) is reviewable as set out in sections 80 and 81 of the Act and those sections and sections 82 to 84 of the Act apply in respect of the review.

(5) A person who is notified under subsection (3) that the proposal has been approved, must ensure that a free growing stand is established that conforms to the approved proposal.

[en. B.C. Reg. 580/2004, s. 35; am. B.C. Regs. 152/2007, s. 3;  
158/2023, Sch. 2, s. 3.]

### **Division 3 — Riparian Areas**

#### **Stream riparian classes**

**47** (1) In this section, "**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) rafted debris or fluvial sediments, recently 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.

(2) A stream that is a fish stream or is located in a community watershed has the following riparian class:

- (a) S1A, if the stream averages, over a one km length, either a stream width or an active flood plain width of 100 m or greater;
- (b) S1B, if the stream width is greater than 20 m but the stream does not have a riparian class of S1A;
- (c) S2, if the stream width is not less than 5 m but not more than 20 m;
- (d) S3, if the stream width is not less than 1.5 m but is less than 5 m;
- (e) S4, if the stream width is less than 1.5 m.

(3) A stream that is not a fish stream and is located outside of a community watershed has the following riparian class:

- (a) S5, if the stream width is greater than 3 m;
- (b) S6, if the stream width is 3 m or less.

(4) Subject to subsections (5) and (6), for each riparian class of stream, the minimum riparian management area width, riparian reserve zone width and riparian management zone width, on each side of the stream, are as follows:

<b>Riparian Class</b>	<b>Riparian Management Area (metres)</b>	<b>Riparian Reserve Zone (metres)</b>	<b>Riparian Management Zone (metres)</b>
S1-A	100	0	100
S1-B	70	50	20
S2	50	30	20
S3	40	20	20
S4	30	0	30
S5	30	0	30
S6	20	0	20

(5) If the width of the active flood plain of a stream exceeds the specified width for the riparian management zone, the width of the riparian management zone extends to the outer edge of the active flood plain.

(6) The minister may specify a riparian reserve zone for a stream with a riparian class of S1-A if the minister considers that a riparian reserve zone is required.

(7) The riparian reserve zone for a stream begins at the edge of the stream channel bank and extends to the width described in subsection (4) or (6).

(8) The riparian management zone for a stream begins at

- (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,

and extends to the width described in subsection (4) or (5).

[am. B.C. Reg. 580/2004, s. 36.]

### **Wetland riparian classes**

**48** (1) Wetlands have the following riparian classes:

- (a) W1, if the wetland is greater than 5 ha in size;
- (b) W2, if the wetland is not less than 1 ha and not more than 5 ha in size and is in one of the following biogeoclimatic zones or 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 sub-maritime;



(c)W3, if the wetland is not less than 1 ha and not more than 5 ha in size and is in a biogeoclimatic zone or subzone other than one referred to in paragraph (b);

(d)W4, if the wetland is

(i)not less than 0.25 ha and less than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b)

(i), (ii) or (iii), or

(ii)not less than 0.5 ha and less than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b)

(iv) or (v).

(2)Despite subsection (1), an area is to be treated as a single wetland with a riparian class of W5 if

(a)the area contains

(i)two or more W1 wetlands located within 100 m of each other,

(ii)a W1 wetland and one or more non-W1 wetlands, all of which are within 80 m of each other, or

(iii)two or more non-W1 wetlands located within 60 m of each other, and

(b)the combined size of the wetlands, excluding the upland areas, is 5 ha or larger.

(3)Subject to subsections (4) and (5), for each riparian class of wetland, the minimum riparian management area width, riparian reserve zone width and riparian management zone width for the wetland are as follows:

<b>Riparian Class</b>	<b>Riparian Management Area (metres)</b>	<b>Riparian Reserve Zone (metres)</b>	<b>Riparian Management Zone (metres)</b>
W1	50	10	40
W2	30	10	20
W3	30	0	30
W4	30	0	30
W5	50	10	40

(4)No riparian reserve zone or riparian management zone extends onto any enclosed upland areas in a W1 wetland if the wetland is

(a)located in a boreal, subboreal or hyper-maritime climate, and

(b)greater than 1 000 ha in size.

(5) If the minister considers it necessary for a riparian reserve zone or riparian management zone to extend onto an enclosed upland area, the minister may require either or both of the following:

(a) a riparian reserve zone of a width of 10 m or less;

(b) a riparian management zone of a width of 40 m or less.

(6) The riparian reserve zone for a wetland begins at the edge of the wetland and extends to the width described in subsection (3) or (5).

(7) The riparian management zone for a wetland begins at

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

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

and extends to the width described in subsection (3) or (5).

[am. B.C. Regs. 580/2004, s. 37; 62/2005, s. 7.]

### **Lake riparian classes**

**49** (1) Lakes have the following riparian classes:

(a) L1-A, if the lake is 1 000 ha or greater in size;

(b) L1-B, if

(i) the lake is greater than 5 ha but less than 1 000 ha in size,  
or

(ii) the minister designates the lake as L1-B;

(c) L2, if the lake is not less than 1 ha and not more than 5 ha in size and is located in a biogeoclimatic zones or subzone that is

(i) Ponderosa Pine,

(ii) Bunch Grass,

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

(iv) Coastal Douglas-fir, or

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

(d) L3, if the lake is not less than 1 ha and not more than 5 ha in size and is in a biogeoclimatic zone or subzone other than one referred to in paragraph (c);

(e) L4, if the lake is

(i) not less than 0.25 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (c) (i), (ii) or (iii), or

(ii) not less than 0.5 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (c) (iv) or (v).

(2) Subject to subsection (3), for each riparian class of lake, the minimum riparian management area width, riparian reserve zone width and riparian management zone width are as follows:

<b>Riparian Class</b>	<b>Riparian Management Area (metres)</b>	<b>Riparian Reserve Zone (metres)</b>	<b>Riparian Management Zone (metres)</b>
L1-A	0	0	0
L1-B	10	10	0
L2	30	10	20
L3	30	0	30
L4	30	0	30

(3) If the minister considers it necessary, the minister may specify a riparian management area and a riparian reserve zone for a lake with a riparian class of L1-A.

(4) The riparian reserve zone for a lake begins at the edge of the lake and extends to the width described in subsection (2) or (3).

(5) The riparian management zone for a lake begins at

- (a) the outer edge of the riparian reserve zone, or
- (b) if there is no riparian reserve zone, the edge of the lake,

and extends to the width described in subsection (2) or (3).

[am. B.C. Regs. 580/2004, s. 38; 62/2005, s. 8.]

### **Restrictions in a riparian management area**

**50** (1) A person must not construct a road in a riparian management area, unless one of the following applies:

- (a) locating the road outside the riparian management area would create a higher risk of sediment delivery to the stream, wetland or lake to which the riparian management area applies;
- (b) there is no other practicable option for locating the road;
- (c) the road is required as part of a stream crossing.

(2) If a road is constructed within a riparian management area, a person must not carry out road maintenance activities beyond the clearing width of the road, except as necessary to maintain a stream crossing.

(3) A person who is authorized in respect of a road must not remove gravel or other fill from within a riparian management area in the process of constructing, maintaining or deactivating a road, unless

- (a) the gravel or fill is within a road prism,
- (b) the gravel or fill is at a stream crossing, or
- (c) there is no other practicable option.

[am. B.C. Reg. 62/2005, s. 9.]

### **Restrictions in a riparian reserve zone**

**51** (1) An agreement holder must not cut, modify or remove trees in a riparian reserve zone, except for the following purposes:

- (a) felling or modifying a tree that is a safety hazard, if there is no other practicable option for addressing the safety hazard;
- (b) topping or pruning a tree that is not wind firm;
- (c) constructing a stream crossing;
- (d) creating a corridor for full suspension yarding;
- (e) creating guyline tiebacks;
- (f) carrying out a sanitation treatment;
- (g) felling or modifying a tree that has been windthrown or has been damaged by fire, insects, disease or other causes, if the felling or modifying will not have a material adverse impact on the riparian reserve zone;
- (h) felling or modifying a tree under an occupant licence to cut, master licence to cut or free use permit issued in respect of an area that is subject to a licence, permit, or other form of tenure issued under the *Land Act*, *Coal Act*, *Geothermal Resources Act*, *Mines Act*, *Mineral Tenure Act*, *Mining Right of Way Act*, *Ministry of Lands, Parks and Housing Act* or *Petroleum and Natural Gas Act*, if the felling or modification is for a purpose expressly authorized under that licence, permit or tenure;
- (i) felling or modifying a tree for the purpose of establishing or maintaining an interpretive forest site, recreation site, recreation facility or recreation trail.

(2) An agreement holder who fells, tops, prunes or modifies a tree under subsection (1) may remove the tree only if the removal will not have a material adverse effect on the riparian reserve zone.

(3) An agreement holder must not carry out the following silviculture treatments in a riparian reserve zone:

- (a) grazing or broadcast herbicide applications for the purpose of brushing;
- (b) mechanized site preparation or broadcast burning for the purpose of site preparation;
- (c) spacing or thinning.

[am. B.C. Regs. 62/2005, s. 10; 151/2007, s. 2 (c); 269/2010, s. 7.]

**Restrictions in a riparian management zone**

52 (1) A holder of a minor tenure who fells trees in a cutblock within a riparian management zone of a class described in Column 1 must ensure that

- (a) the percentage of the total basal area within the riparian management zone specified in Column 2 is left as standing trees, and
- (b) the standing trees are reasonably representative of the physical structure of the riparian management zone, as it was before harvesting:

<b>Column 1 Riparian Class</b>	<b>Column 2 Basal Area to be Retained Within Riparian Management Zone (%)</b>
S1-A or S1-B stream	≥ 20
S2 stream	≥ 20
S3 stream	≥ 20
S4 stream	≥ 10
S5 stream	≥ 10
S6 stream	Not applicable
All classes of wetlands or lakes	≥ 10

(2) An authorized person who cuts, modifies or removes trees in a riparian management zone for an S4, S5 or S6 stream that has trees that contribute significantly to the maintenance of stream bank or channel stability must retain enough trees adjacent to the stream to maintain the stream bank or channel stability, if the stream

- (a) is a direct tributary to an S1, S2 or S3 stream,
- (b) flows directly into the ocean, at a point near to or where one or more of the following is located:
  - (i) a herring spawning area;
  - (ii) a shellfish bed;
  - (iii) a saltwater marsh area;

- (iv) an aquaculture site;
- (v) a juvenile salmonid rearing area or an adult salmon holding area, or
- (c) flows directly into the ocean at a point near to the location of an area referred to in paragraph (b) and failure to maintain stream bank or channel stability will have a material adverse impact on that area.

[am. B.C. Reg. 580/2004, s. 39.]

### **Temperature sensitive streams**

**53** An authorized person who fells, modifies or removes trees in a riparian management area adjacent to a temperature sensitive stream, or a stream that is a direct tributary to a temperature sensitive stream, must retain either or both of the following in an amount sufficient to prevent the temperature of the temperature sensitive stream from increasing to an extent that would have a material adverse impact on fish:

- (a) streamside trees whose crowns provide shade to the stream;
- (b) understory vegetation that provides shade to the stream.

[en. B.C. Reg. 580/2004, s. 40.]

### **Fan destabilization**

**54** An authorized person who carries out a primary forest activity on the Coast must ensure that the primary forest activity does not cause fan destabilization that has a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act.

[en. B.C. Reg. 580/2004, s. 40.]

### **Stream crossings**

- 55** (1) An authorized person who builds a stream crossing as part of a road, a temporary access structure or permanent access structure must locate, build and use the crossing in a manner that
- (a) protects the stream channel and stream bank immediately above and below the stream crossing, and
  - (b) mitigates disturbance to the stream channel and stream bank at the crossing.

(2) An authorized person who builds a stream crossing as part of a temporary access structure must remove the crossing when it is no longer required by the person.

[en. B.C. Reg. 580/2004, s. 40; am. B.C. Reg. 102/2005, s. 2.]

### **Fish passage**

**56** (1) An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not have a material adverse effect on fish passage in a fish stream.

(2) An authorized person who maintains a fish stream crossing built after June 15, 1995, must ensure that the crossing does not have a material adverse effect on fish passage.

(3) Despite subsections (1) and (2), an authorized person may temporarily allow a material adverse effect on fish passage to construct, maintain or deactivate a road, including a stream crossing, if

- (a) fish are not migrating or spawning, and
- (b) the source of the material adverse effect is removed immediately on completion of the construction, maintenance or deactivation.

[en. B.C. Reg. 580/2004, s. 40.]

### **Protection of fish and fish habitat**

**57** An authorized person who carries out a primary forest activity must conduct the primary forest activity at a time and in a manner that is unlikely to harm fish or destroy, damage or harmfully alter fish habitat.

[en. B.C. Reg. 580/2004, s. 40.]

### **Use of livestock in riparian areas**

**58** An agreement holder who uses livestock for site preparation or brush control for the purpose of carrying out a silviculture treatment must not

- (a) construct a livestock corral
  - (i) in a riparian management area,
  - (ii) on an area that drains directly into a fish stream or a fish-bearing wetland or lake, or
  - (iii) on an area in a community watershed that drains directly into a potable water source, or
- (b) use the livestock in a riparian management area that is in a community watershed.

[en. B.C. Reg. 580/2004, s. 40.]

## **Division 4 — Watersheds**

### **Protecting water quality**

**59** An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not cause material that is harmful to human health to be deposited in, or transported to, water that is diverted for human consumption by a licensed waterworks.

[en. B.C. Reg. 580/2004, s. 41.]

### **Licensed waterworks**

**60** (1) An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not damage a licensed waterworks.  
(2) An authorized person must not harvest timber or construct a road in a community watershed if the timber harvesting or road construction is within a 100 m radius upslope of a licensed waterworks where the water is diverted for human consumption, unless the timber harvesting or road construction will not increase sediment delivery to the intake.

[en. B.C. Reg. 580/2004, s. 41.]

### **Excavated or bladed trails**

**61** An agreement holder who

- (a) carries out timber harvesting, and
- (b) constructs an excavated or bladed trail in a community watershed

must ensure that doing so does not cause sediment that is harmful to human health to enter a stream, wetland or lake from which water is being diverted for human consumption by a licensed waterworks.

[en. B.C. Reg. 580/2004, s. 41.]

### **Roads in a community watershed**

**62** (1) To prevent interference with the subsurface flow path of a drainage area that contributes to a spring that is a source of water for a licensed waterworks, the minister may

- (a) identify a spring in a community watershed,
- (b) specify a distance from the spring within which a person who constructs a road must not locate the road, and



(c) permit a person who constructs a road to locate the road closer to the spring than the distance specified under paragraph (b).  
(2) If the minister does not specify a distance under subsection (1) (b), a person who constructs a road must not locate the road closer than a 100 m radius upslope of the spring identified under subsection (1) (a), unless the construction does not interfere with the subsurface flow path of a drainage area that contributes to the spring.

[en. B.C. Reg. 580/2004, s. 41.]

### **Use of fertilizers**

**63** (1) An authorized person who applies fertilizer in a community watershed for the purpose of carrying out a silviculture treatment must not apply fertilizer  
(a) closer than a 100 m radius upslope of a licensed waterworks, or  
(b) within 10 m of a perennial stream that is observable from an aircraft used to apply the fertilizer,

if the application of the fertilizer results in

(c) nitrate nitrogen levels in the stream exceeding 10 parts per million if measured immediately below the area where the fertilizer is applied, or

(d) chlorophyll levels in the stream exceeding

(i) two micrograms per litre in a lake into which the stream drains, or

(ii) 50 milligrams per square metre in the stream.

(2) Subsection (1) does not apply if the use of fertilizer is restricted to spot applications.

[en. B.C. Reg. 580/2004, s. 41.]

## **Division 5 — Biodiversity**

### **Maximum cutblock size**

**64** (1) If an agreement holder other than a holder of a minor tenure harvests timber in a cutblock, the holder must ensure that the size of the net area to be reforested for the cutblock does not exceed

(a) 40 hectares for areas located in the Kootenay Boundary Forest Region, South Coast Forest Region, Thompson Okanagan Forest Region or West Coast Forest Region, as established by the Administrative Boundaries Regulation, and

(b) 60 hectares for areas located in the Cariboo Forest Region, Northeast Forest Region, Omineca Forest Region or Skeena Forest Region, as established by the Administrative Boundaries Regulation.

(2) Subsection (1) does not apply to an agreement holder where

(a) timber harvesting

(i) is being carried out on the cutblock

(A) to recover timber damaged by fire, insect infestation, wind or other similar events, or

(B) for sanitation treatments, or

(ii) is designed to be consistent with the structural characteristics and the temporal and spatial distribution of an opening that would result from a natural disturbance, and

(b) the holder ensures, to the extent practicable, that the structural characteristics of the cutblock after timber harvesting has been substantially completed resemble an opening that would result from a natural disturbance.

(3) Subsection (1) does not apply if the timber harvesting that is being carried out on the cutblock retains 40% or more of basal area of the stand that was on the cutblock before timber harvesting.

(4) Subsection (1) does not apply if no point within the net area to be reforested is

(a) more than two tree lengths from either

(i) the cutblock boundary, or

(ii) a group of trees reserved from harvesting that is greater than or equal to 0.25 ha in size, or

(b) more than one tree length from a group of trees reserved from timber harvesting that is less than 0.25 ha in size.

[am. B.C. Regs. 580/2004, s. 42; 137/2014, Sch. 4, s. 2.]

### **Harvesting adjacent to another cutblock**

65 (1) In this section:

**"adjacent"** means an area that is sufficiently close to a cutblock that, due to its location, could directly impact on, or be impacted by, a forest practice carried out within the cutblock;

**"existing cutblock"** means a cutblock that was previously harvested under an agreement other than a minor tenure;

**"new cutblock"** means a cutblock on which harvesting has not yet started and that is adjacent to an existing cutblock;

**"non-conforming portion"** means an area within an existing cutblock on which the stocking and height requirements of subsection (3) have not been met.

(2) An agreement holder other than a holder of a minor tenure must not harvest timber on a new cutblock, unless

(a) all existing cutblocks that are adjacent to the new cutblock meet the requirements set out in subsection (3), or

(b) the combined area of the new cutblock and any non-conforming portions that are immediately adjacent to the new cutblock does not exceed the requirements relating to cutblock size set out in section 64 (1) [*maximum cutblock size*].

(3) For the purpose of subsection (2) (a), an existing cutblock must meet the criteria set out in one of the following paragraphs:

(a) at least 75% of the net area to be reforested of the existing cutblock is stocked such that the average height of the tallest 10% of the trees on the area is a minimum of 3 m and

(i) is stocked in accordance with the applicable stocking standards, as described under section 16 [*stocking standards*],

(ii) if the area is on the Coast, other than the Nass timber supply area, is stocked with at least 500 trees/ha of a commercially valuable species that are at least 1.3 m in height, or

(iii) if the area is in the Interior or in the Nass timber supply area, is stocked with at least 700 trees/ha of a commercially valuable species that are at least 1.3 m in height;

(b) the part of the net area to be reforested of the existing cutblock that is closest to the new cutblock

(i) must be at least half of the net area to be reforested,

(ii) is stocked such that the average height of the tallest 10% of the trees on the area is a minimum of 3 m, and

(iii) is stocked

(A)in accordance with the applicable stocking standards for that cutblock, as described under section 16,

(B)if the area is on the Coast, other than the Nass timber supply area, with at least 500 trees/ha of a commercially valuable species that are at least 1.3 m in height, or

(C)if the area is in the Interior or in the Nass timber supply area, with at least 700 trees/ha of a commercially valuable species that are at least 1.3 m in height.

(4)Subsection (2) does not apply if section 64 (2), (3) or (4) apply to the new cutblock.

[am. B.C. Reg. 580/2004, s. 43.]

### **Wildlife tree retention**

**66** (1)If an agreement holder completes harvesting in one or more cutblocks during any 12 month period beginning on April 1 of any calendar year, the holder must ensure that, at the end of that 12 month period, the total area covered by wildlife tree retention areas that relate to the cutblocks is a minimum of 7% of the total area of the cutblocks.

(2)An agreement holder who harvests timber in a cutblock must ensure that, at the completion of harvesting, the total amount of wildlife tree retention areas that relates to the cutblock is a minimum of 3.5% of the cutblock.

(3)For the purposes of subsection (1) and (2), a wildlife tree retention area may relate to more than one cutblock if all of the cutblocks that relate to the wildlife tree retention area collectively meet the applicable requirements of this section.

(4)A fibre recovery tenure holder is exempt from this section.

[en. B.C. Reg. 580/2004, s. 44; am. B.C. Reg. 157/2012, Sch. 4, s. 4.]

### **Restriction on harvesting**

**67** An agreement holder must not harvest timber from a wildlife tree retention area unless the trees on the net area to be reforested of the cutblock to which the wildlife tree retention area relates have developed attributes that are consistent with a mature seral condition.

[en. B.C. Reg. 580/2004, s. 45.]

## **Coarse woody debris**

**68** (1) An agreement holder who carries out timber harvesting must retain at least the following logs on a cutblock:

(a) if the area is on the Coast, a minimum of 4 logs per hectare, each being a minimum of 5 m in length and 30 cm in diameter at one end;

(b) if the area is in the Interior, a minimum of 4 logs per hectare, each being a minimum of 2 m in length and 7.5 cm in diameter at one end.

(2) An agreement holder is exempt from subsection (1) if

(a) the holder's agreement or an enactment requires the holder to act in a manner contrary to that set out in subsection (1),

(b) the holder carries out on the cutblock a controlled burn that is authorized under an enactment, or

(c) the holder is a fibre recovery tenure holder.

[en. B.C. Reg. 580/2004, s. 45; am. B.C. Reg. 157/2012, Sch. 4, s. 5.]

## **Division 6 — General Wildlife Measures, General Ecological Community Measures and Resource Features**

### **General wildlife measures and general ecological community measures**

**69** An authorized person who carries out primary forest activities on an area must comply with each general wildlife measure and general ecological community measure that applies to the area.

[en. B.C. Reg. 580/2004, s. 45; am. B.C. Reg. 163/2023, Sch. 2, s. 10.]

### **Resource features and wildlife habitat features**

**70** (1) An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not damage or render ineffective a resource feature.

(2) An authorized person who carries out a primary forest activity must ensure that the primary forest activity does not damage or render ineffective a wildlife habitat feature.

[en. B.C. Reg. 580/2004, s. 45.]

## **Part 5 — Roads**

### **Authority to construct, maintain or deactivate a road**

**70.1** Only a person who is authorized in respect of a road may construct, maintain or deactivate the road if the road is a road described in section 22 (2) of the Act.

[en. B.C. Reg. 355/2006.]

### **Application of sections in this Part**

**71** Sections 72 to 78 and sections 82 to 84 apply only to persons authorized in respect of a road.

### **Roads and associated structures**

**72** A person who constructs or maintains a road must ensure that the road and the bridges, culverts, fords and other structures associated with the road are structurally sound and safe for use by industrial users.

[am. B.C. Reg. 580/2004, s. 46.]

### **Design of bridges**

**73** A person who builds a bridge for the purpose of constructing or maintaining a road must ensure that the design and fabrication of the bridge

(a)meets or exceeds standards applicable to roads at the time the design or fabrication is done, in respect of

(i)bridge design, as established by the Canadian Standards Association, Canadian Highway Bridge Design Code, CAN/CSA-S6, and

(ii)soil properties, as they apply to bridge piers and abutments, as established by the Canadian Foundation of Engineering Manual, and

(b)takes into account the effect of logging trucks with unbalanced loads and off-centre driving.

[am. B.C. Reg. 580/2004, s. 46.]

### **Peak flow**

**74** (1)A person who builds a bridge across a stream or installs a culvert in a stream for the purpose of constructing or maintaining a road must ensure that the bridge or culvert is designed to pass the highest peak flow of the stream that can reasonably be expected within the return periods specified below for the length of time it is anticipated the bridge or culvert will remain on the site:

<b>Anticipated period the bridge or culvert will remain on the site</b>	<b>Peak flow return period</b>
---	--------------------------------

For a bridge or culvert that will remain on site for up to 3 years	10 years
For a bridge that will remain on site from 3 to 15 years	50 years
For a bridge that will remain on site for over 15 years	100 years
For a culvert that will remain on site for over 3 years	100 years
For a bridge or culvert within a community watershed that will remain on site for over 3 years	100 years

(2) A person may build a bridge that will not conform to the requirements of subsection (1) if

- (a) the bridge will pass the flow that will occur during the period the bridge remains on the site,
- (b) the construction of the bridge occurs during a period of low flow, and
- (c) the bridge, or a component of the bridge that is vulnerable to damage by high flow, is removed before any period of high flow begins.

(3) A person may install a culvert that will not conform to the requirements of subsection (1) if

- (a) the installation is temporary and the person does not expect to subsequently install a replacement culvert at that location,
- (b) the stream in which the culvert is being installed is not a fish stream,
- (c) the culvert will pass the flow that will occur during the period the culvert remains on the site,
- (d) the installation of the culvert occurs during a period of low flow, and
- (e) the culvert is removed before any period of high flow begins.

### **Structural defects**

**75** A person who maintains a road must do one or more of the following if a structural defect or deficiency occurs on a bridge that is part of that road:

- (a) correct the defect or deficiency to the extent necessary to protect
  - (i) industrial users of the bridge, and
  - (ii) downstream property, improvements or forest resources that could be affected if the bridge fails;
- (b) close, remove or replace the bridge;
- (c) restrict traffic loads to a safe level;
- (d) place a sign, on each bridge approach, stating the maximum load capacity of the bridge.

[am. B.C. Regs. 580/2004, s. 46; 102/2005, s. 5.]

### **Culvert fabrication**

**76** A person who builds a culvert for the purpose of constructing or maintaining a road must fabricate all permanent culvert materials according to

- (a) culvert fabrication standards, as established by the Canadian Standards Association, Corrugated Steel Pipe Products, CSA G401 and Plastic Nonpressure Pipe Compendium, section B182.8 of the B1800 Series, that are applicable to roads at the time of the fabrication, or
- (b) standards that ensure at least the same strength and durability as the standards referred to in paragraph (a).

[am. B.C. Reg. 580/2004, s. 46.]

### **Retaining information**

**77** (1) A person who builds a bridge or major culvert for the purpose of constructing or maintaining a road must do all of the following:

- (a) prepare or obtain
  - (i) pile driving records,
  - (ii) for new materials used to build the bridge or major culvert, mill test certificates, in-plant steel fabrication drawings, and concrete test results,
  - (iii) soil compaction results, and
  - (iv) other relevant field and construction data;
- (b) prepare as-built drawings of the bridge or major culvert;
- (c) retain the information referred to in paragraphs (a) and (b) until the earlier of the date that
  - (i) the bridge or major culvert is removed, and
  - (ii) the person is no longer required to maintain the road.

(2) Subject to subsection (3), a person responsible for maintaining a road must retain a copy of inspection records for a bridge or major culvert associated with the road for at least one year after the bridge or major culvert is removed from the site.

(3) Unless the road has been deactivated, a person must submit to the district manager or the timber sales manager, as applicable, the documents, drawings and records described in subsections (1) and (2) in respect of a road if the person is no longer required to maintain the road because the district manager or timber sales manager



- (a) cancelled the road permit, road use permit or special use permit for the road, and
- (b) does not require the road to be deactivated.

### **Clearing widths**

**78** A person who constructs or maintains a road must ensure clearing widths are at least the minimum width necessary to accommodate the road, having regard to all of the following:

- (a) the safety of industrial users;
- (b) the topography of the area;
- (c) the drainage of water in the area;
- (d) the stability of terrain in the area;
- (e) operational requirements, including
  - (i) the placement of pits, quarries, landings or waste areas,
  - (ii) the storage of bridge or culvert material,
  - (iii) the amount of area required to operate equipment within the clearing width, including equipment turnaround sites,
  - (iv) snow removal, and
  - (v) fencing and other ancillary structures.

[am. B.C. Reg. 580/2004, s. 47.]

### **Road maintenance**

**79** (1) A person may maintain a road only if authorized or required to do so under the Act or this regulation.

(2) A person who is authorized in respect of a road must maintain the road, including bridges, culverts, fords and other structures associated with the road, until

- (a) the road is deactivated,
- (b) the district manager notifies the person that the road should not be deactivated due to use or potential use of the road by others,
- (c) a road permit or special use permit for the road is issued to another person, or
- (d) the road is declared a forest service road under the *Forest Act*.

(3) Subject to subsection (4), the government must maintain a forest service road, including bridges, culverts, fords and other structures associated with the road, until the road is deactivated.

(4) The district manager may order the holder of a road use permit that authorizes the use of a forest service road to assume all or part of the responsibility to maintain the road, including bridges, culverts, fords and other structures associated with the road.

(5) Repealed. [B.C. Reg. 580/2004, s. 48 (b).]

(6) A person required to maintain a road must ensure all of the following:

(a) the structural integrity of the road prism and clearing width are protected;

(b) the drainage systems of the road are functional;

(c) the road can be used safely by industrial users.

(7) A holder of a road use permit required to maintain a forest service road under subsection (4), on giving the district manager at least 30 days notice, may do one or more of the following in respect of the forest service road:

(a) build a bridge;

(b) install a major culvert;

(c) install a culvert in a fish stream.

(8) Within 30 days of receiving a notice referred to in subsection (7), the district manager may impose requirements respecting a bridge or culvert referred to in that subsection, and the holder of the road use permit must comply with those requirements.

(9) If the district manager does not impose requirements under subsection (8), the holder of the road use permit may proceed in accordance with the notice given under subsection (7).

[am. B.C. Reg. 580/2004, s. 48.]

## **Exemptions from section 22.1 of the Act**

**79.1** (1) In this section, "**minor salvage operation**" means 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 sanitations treatment, and is of a total volume not exceeding 2 000 m<sup>3</sup>, 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.

(2) Subject to subsection (3), section 22.1 (1) (a) and (b) of the Act does not apply to a person using a road, other than a road described in section 22.1 (1) (d) or (e) of the Act, for a minor salvage operation on condition that,

(a) while using the road, the person maintains the road in accordance with the provisions of this regulation respecting maintenance of a road, including those provisions that refer to carrying out a primary forest activity, to the extent that those provisions relate to road maintenance,

(b) as soon as practicable after completion of use of the road, the person ensures that

(i) the structural integrity of the road prism is safe for use by industrial users, and

(ii) the drainage systems for the road are functional, and

(c) the person does not carry out in a stream, or on, in or near a stream bank, maintenance to the road other than to the road surface.

(2.1) Section 22.1 (1) (a) and (b) of the Act does not apply to a person using a forest service road for a minor salvage operation.

(3) Despite subsections (2) and (2.1), if the minister is satisfied that the use of a road as described in those subsections by a person will

(a) materially affect the use of the road by others, or

(b) adversely impact forest resources,

the minister may, by written notice, require the person to comply with section 22.1 (1) of the Act, or a provision of it, in respect of the person's use of a particular road.

(4) A person proposing to use forest service road under subsection (2.1) must give the minister 5 clear days' notice of the date on which the person will begin to use the road.

[en. B.C. Reg. 580/2004, s. 49; am. B.C. Reg. 157/2012, Sch. 4, s. 6.]

### **Road use under a forestry licence to cut**

**79.2** (1) In this section, "**holder**" means the holder of a forestry licence to cut.

(2) Section 22.1 (1) of the Act does not apply to a holder in respect of a road if

(a) the road is located within the area covered by the holder's forestry licence to cut,

(b) the forestry licence to cut authorizes the holder to use the road, and

(c) the circumstances set out in section 22.1 (1) (c) to (e) of the Act do not apply.

(3) If a holder's forestry licence to cut authorizes the holder to use a road, other than a road that was constructed under authorization of the forestry licence to cut, the holder, as soon as practicable after completion of use of the road but before the forestry licence to cut expires or is surrendered or cancelled, must ensure that

(a) the structural integrity of the road prism is safe for use by industrial users, and

(b) the drainage systems for the road are functional.

(4) If a holder constructs a road under authorization of a forestry licence to cut, the holder must deactivate the road before the forestry licence to cut expires or is surrendered or cancelled, unless

(a) the district manager notifies the holder that the road should not be deactivated because of use, or potential use, of the road by others,

(b) a road permit or special use permit for the road is issued to another person, or

(c) the road is declared a forest service road under the *Forest Act*.

[en. B.C. Reg. 224/2006, s. 2; am. B.C. Reg. 157/2012, Sch. 4, s. 7.]

### **Fibre recovery tenure holders — exemption from section 22.1 of the Act**

**79.21** (1) Subject to subsection (3), section 22.1 (1) (a) and (b) of the Act does not apply to a fibre recovery tenure holder in respect of using a road, other than a road described in section 22.1 (1) (d) or (e) of the Act, on condition that,

(a) while using the road, the fibre recovery tenure holder, maintains the road in accordance with the provisions of this regulation respecting maintenance of a road, including those provisions that refer to carrying out a primary forest activity, to the extent that those provisions relate to road maintenance,

(b) as soon as practicable after completion of use of the road, the fibre recovery tenure holder ensures that

(i) the structural integrity of the road prism is safe for use by industrial users, and

(ii) the drainage systems for the road are functional, and

(c) the fibre recovery tenure holder does not carry out in a stream, or on, in or near a stream bank, maintenance to the road other than to the road surface.

(2)Section 22.1 (1) (a) and (b) of the Act does not apply to a fibre recovery tenure holder using a forest service road for the purposes of the tenure.

(3)A fibre recovery tenure holder who uses a road under section 22.1 (1) (e) of the Act must maintain the road in accordance with subsection (1) if the only person referred to in section 22.1 (1) (e) of the Act in respect of that road holds a cutting permit for the road.

(4)Despite subsections (1) and (2), if the minister is satisfied that the use of a road as described in those subsections by a fibre recovery tenure holder will

(a)materially affect the use of the road by others, or

(b)adversely impact forest resources,

the minister may, by written notice, require the fibre recovery tenure holder to comply with section 22.1 (1) of the Act, or a provision of it, in respect of the fibre recovery tenure holder's use of a particular road.

(5)A fibre recovery tenure holder proposing to use a forest service road under subsection (2.1) must give the minister 5 clear days' notice of the date on which the fibre recovery tenure holder will begin to use the road.

[en. B.C. Reg. 157/2012, Sch. 4, s. 8.]

### **Restricting road access to protect a community from wildfire**

**79.3** (1)The holder of a forestry licence to cut that authorizes the construction or use of a road may close the road or restrict its use if

(a)the forestry licence to cut was issued for the purpose of protecting a community from wildfire, and

(b)the holder has approval from the minister under subsection (2).

(2)The minister may give approval for the purposes of subsection (1) if, in the opinion of the minister, use of the road would likely

(a)cause significant damage to the road,

(b)cause significant sediment delivery to a stream, wetland or lake,  
or

(c)endanger other forest resources.

[en. B.C. Reg. 224/2006, s. 2.]

### **Repealed**

**80** Repealed. [B.C. Reg. 580/2004, s. 50.]

### **Exemption from requirement to give notice of use**

**80.1** (1)For the purpose of section 22.1 (7) (b) (ii) of the Act, a person who intends to use a forest service road under section 22.1 (1) (d) or (e) or (2) (d)

or (e) of the Act must first give to the person who is required to maintain the forest service road 5 clear days' notice of the date on which the person will begin using the road.

(2) A person who gives notice under subsection (1) is exempt from the requirement under section 22.1 (7) (b) (i) of the Act to also give notice to the minister.

[en. B.C. Reg. 580/2004, s. 51.]

### **Wilderness roads**

**81** Despite section 22.2 [*non-industrial use of a road*] of the Act and section 79 [*road maintenance*], if a forest service road, or a road authorized under a road permit, a cutting permit, a timber sale licence that does not provide for cutting permits, a special use permit or a woodlot licence is not being used by industrial users,

(a) section 79 (6) (a) and (b) apply to that road only to the extent necessary to ensure there is no material adverse effect on a forest resource, and

(b) section 79 (6) (c) does not apply to that road.

### **Road deactivation**

**82** (1) A person who deactivates a road must do the following:

(a) barricade the road surface width in a clearly visible manner to prevent access by motor vehicles, other than all-terrain vehicles;

(b) remove bridge and log culvert superstructures and stream pipe culverts;

(c) remove bridge and log culvert substructures, if the failure of these substructures would have a material adverse effect on downstream property, improvements or forest resources;

(d) stabilize the road prism or the clearing width of the road if the stabilization is necessary to reduce the likelihood of a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act.

(2) A person may submit to the district manager, in writing, a request for an exemption from the requirements of subsection (1) (a) if

(a) the person has not begun deactivating the road, and

(b) the road does not contain any bridges or major culverts.

(3) The minister, in a notice given to a person who submits a request under subsection (2), may exempt the person if the minister is satisfied that the

effectiveness of the works described in subsection (1) will not be negatively impacted by motor vehicle use.

(4) If a road deactivated under this section is a road that was used under the authority of a road permit associated with, or a cutting permit issued under, a tree farm licence, the holder of the tree farm licence must maintain the stability of each part of the road that was deactivated.

[am. B.C. Regs. 580/2004, s. 52; 223/2006, s. 3.]

### **Hazard warning**

**83** At all times while a road is being deactivated, a person must have a sign posted that warns users of the deactivation.

[en. B.C. Reg. 580/2004, s. 53.]

### **Notice — road in community watershed**

**84** At least 48 hours before commencement of road construction or deactivation in a community watershed, a person must notify affected water licensees or affected water purveyors.

[en. B.C. Reg. 580/2004, s. 53.]

## **Part 6 — Notifying and Reporting to Government**

### **Notification of timber harvesting or road construction**

- 85** (1) An agreement holder must notify the district manager before
- (a) beginning
    - (i) timber harvesting, or
    - (ii) construction of a road that is not a temporary access structure, and
  - (b) re-starting the activities described in paragraph (a) (i) and (ii) in a cutblock after an inactive period of 3 months or more.
- (2) A notice under subsection (1) must specify
- (a) the location of the timber harvesting or road, including any administrative identifier that relates to the location,
  - (b) a contact name and contact information, and
  - (c) the projected date for beginning timber harvesting or road construction.

[am. B.C. Regs. 580/2004, s. 54; 102/2005, s. 6; 320/2006, s. 2.]

## Annual reports

86 (1) In this section and in section 86.1:

**"location"** means the approximate location;

**"reporting period"**, in respect of the year in which the report referred to in subsections (2) to (5) is to be furnished, means the 12 month period beginning on April 1 of the immediately preceding calendar year.

(2) Repealed. [B.C. Reg. 104/2008, s. 1 (a) (ii).]

(3) Before June 1 of each year, an agreement holder must report to the district manager

(a) for each area in which timber harvesting was completed during the reporting period and to which section 29 of the Act applies or to which section 44 (4) of this regulation applies, the following information:

- (i) the area in which the harvesting occurred;
- (ii) the amount of area that was harvested;
- (iii) an update of the forest cover inventory;
- (iv) the location and approximate size of all associated wildlife tree retention areas,

(b) the location of any resource feature or wildlife habitat feature in or contiguous to a cutblock or road of which feature the holder is aware during the reporting period if

- (i) the holder has not, in a previous reporting period, reported the resource feature or wildlife habitat feature, and
- (ii) the order establishing the resource feature or wildlife habitat feature requires the location of the resource feature or wildlife habitat feature to be reported under this section,

(c) the pertinent information about seeds used during the reporting period to grow seedlings planted by the holder in cutblocks on the land to which the agreement pertains,

(d) an update of the forest cover inventory for each area in which during the reporting period

- (i) the requirements for the regeneration date have been met,
- (ii) the requirements for the regeneration date have not been met but the regeneration date has passed,



(iii) a free growing stand has been declared under section 97 or 97.1 of this regulation or the requirements of section 46.11 (2) (b) of this regulation have been met, or  
(iv) a free growing stand has not been established, but the free growing date has passed, and

(e) a summary of any silviculture treatments that were carried out during the reporting period.

(4) Repealed. [B.C. Reg. 104/2008, s. 1 (a) (ii).]

(5) Before June 1 of each year, a timber sales manager must report to the district manager

(a) for areas harvested during the reporting period under

(i) a timber sale licence entered into under the *Forest Act* between the timber sales manager and its holder, or

(ii) a forestry licence to cut entered into under the *Forest Act* between the timber sales manager and its holder,

the information referred to in subsection (3) (a) and (b) of this section, and

(b) for areas in which the timber sales manager establishes free growing stands as required under section 29 (2) of the Act, the information referred to in subsection (3) (c), (d) and (e) of this section.

(6) Information required under this section must be reported in a form and manner that is satisfactory to the minister.

[en. B.C. Reg. 580/2004, s. 55; am. B.C. Regs. 62/2005, s. 11; 102/2005, s. 7; 320/2006, s. 3; 152/2007, s. 4; 104/2008, s. 1 (a).]

### **Exemptions respecting the annual reports**

**86.1** (1) Despite section 86, information as to an update of the forest cover inventory need not be reported in accordance with subsections (3) (d) and (5) of that section if that information has previously been furnished under section 97.

(2) Repealed. [B.C. Reg. 104/2008, s. 1 (b).]

(3) Section 86 (3) (a) and (5) (a) does not apply to a cutblock of less than 1 ha unless

(a) the cutblock is immediately adjacent to another cutblock of less than 1 ha, and

(b) the combined area of both cutblocks exceeds 1 ha.

### **Annual report requirements inapplicable to certain agreements**

**86.2** Sections 86 and 86.1 do not apply to

(a) the holder of a forestry licence to cut entered into under the *Forest Act* between the timber sales manager and the holder of the licence to cut, or

(b) the holder of

(i) a timber sale licence if eligibility was restricted to one or more categories of BC timber sales enterprises, or

(ii) a road permit associated with a timber sale licence referred to in subparagraph (i)

entered into under the *Forest Act* between

(iii) the district manager and the holder of the licence or permit, or

(iv) the timber sales manager and the holder of the licence or permit.

[en. B.C. Reg. 62/2005, s. 12.]

### **Site specific standards**

**87** (1) On or before furnishing a report referred to in section 86 (3) (a) for an area to which section 29 (1) of the Act applies or to which section 44 (4) of this regulation applies, an agreement holder must submit to the district manager a map indicating standards units and the standards that apply to them.

(2) On or before furnishing a report referred to in section 86 (3) (a) for an area to which section 29 (2) of the Act applies or to which section 44 (4) of this regulation applies, a timber sales manager must submit to the district manager a map indicating standards units and the standards that apply to them.

(3) If, after submitting a map referred to in subsection (1) or (2), a timber sales manager or an agreement holder changes

(a) a standards unit, or

(b) the standards that relate to the standards unit,

the timber sales manager or holder must prepare and submit to the district manager on the applicable date under subsection (4) a further map describing the changes.

(4) For the purposes of subsection (3), the applicable date

(a) for changes made before planting seedlings is the date on which information described in section 86 (3) (c) is to be furnished,  
(b) for changes made after planting seedlings but before the regeneration date, is the date on which information described in section 86 (3) (d) (i) or (ii), is to be furnished, and  
(c) for changes made after the regeneration date but before the free growing date, is the date on which information described in section 86 (3) (d) (iii) or (iv) is to be furnished.

(5) For cutblocks in which the minister must establish a free growing stand under section 46, the minister must prepare and retain a map indicating standards units and the different standards that apply to them, including any changes to them.

[en. B.C. Reg. 580/2004, s. 56; am. B.C. Reg. 102/2005, s. 8.]

### **Silviculture treatment records**

**88** (1) If an agreement holder carries out a silviculture treatment on an area to which section 29 (1) [*free growing stands*] of the Act applies or to which section 44 (4) of this regulation applies, the holder must maintain records of the silviculture treatment until the earlier of

(a) 15 months after a declaration has been made under section 97 of this regulation in respect of a free growing stand being established on the area, and

(b) a date specified by the district manager.

(2) If a timber sales manager carries out a silviculture treatment on an area to which section 29 (2) of the Act applies or to which section 44 (4) of this regulation applies, the timber sales manager must maintain records of the silviculture treatment until a free growing stand is established on the area.

(3) If the minister carries out a silviculture treatment on an area to which section 46 applies, the minister must maintain records of the silviculture treatment until a free growing stand is established on the area.

[am. B.C. Regs. 580/2004, s. 57; 102/2005, s. 8.]

## **Part 7 — Exemptions and Relief from or Funding of Obligations**

### **Division 1 — Exemptions**

#### **Repealed**

**89** Repealed. [B.C. Reg. 580/2004, s. 58.]

### **Limited exemption from compliance**

**90** The holder of a forest stewardship plan is exempt from the requirements of section 21 (1) [*compliance with plans*] of the Act to the extent that results cannot be achieved or strategies cannot be carried out due to the actions of a person who has been authorized to act by the government.

### **Minister may grant exemptions**

**91** (1) If the minister is satisfied that it is not practicable, given the circumstances or conditions applicable to a particular area, the minister may exempt

(a) a person from

(i) one or more of the following sections of the Act: 10; 29; 29.1,

(ii) one or more of the following sections of this regulation: 41; 42; 46; 46.2 (5); 50 (2) or (3); 51; 55 to 63; 68; 70 (1); 72; 73; 75; 76; 78; 79; 83 to 85 (1); 111 (4), or

(iii) an obligation under Part 11 of the Act to establish a free growing stand,

(b) a holder of any form of minor tenure from one or more specified provisions of this regulation, and may restrict the exemption to a holder of a minor tenure located in a particular forest region, forest district or other area of British Columbia, and

(c) a holder of a forestry licence to cut, other than a major licence or a minor tenure, from one or more of sections 35, 36, 47 to 52 and 64 to 67.

(2) The minister may exempt an agreement holder from section 67 if the minister is satisfied that the holder has specified one or more wildlife tree retention areas that provide an area, number of trees or habitat that is equivalent to the portion of the wildlife tree retention area from which the timber is being harvested.

(3) The minister may exempt an agreement holder from section 43.1 (1) or the conditions set out in section 43.1 (2) (a) to (d) if the minister is satisfied that, given the circumstances or conditions applicable to a particular area, granting the exemption is in the public interest.

[en. B.C. Reg. 580/2004, s. 59; am. B.C. Regs. 152/2007, s. 5; 182/2008, s. 5; 158/2023, Sch. 2, s. 4.]

### **Exemptions by minister responsible for *Wildlife Act***

**92** (1) The minister responsible for the *Wildlife Act* may exempt a person from section 69 of this regulation in relation to a general wildlife measure or general ecological community measure, if satisfied that

(a) the intent of the general wildlife measure or general ecological community measure will be achieved, or

(b) compliance with that provision is not practicable, given the circumstances or conditions applicable to a particular area.

(2) The minister responsible for the *Wildlife Act* may exempt a person from section 70 (2) of this regulation if satisfied that compliance with that provision is not practicable, given the circumstances or conditions applicable to a particular area.

[en. B.C. Reg. 580/2004, s. 59; am. B.C. Reg. 163/2023, Sch. 2, s. 11.]

### **Exemptions resulting from an established objective**

**92.1** (1) Subject to subsection (2), if the minister responsible for the *Forest Act* approves a result or strategy in a forest stewardship plan in respect of an established objective that conflicts with a requirement of Part 4 or 5, the minister must exempt the holder of the plan from the requirement that conflicts with the established objective.

(2) If an exemption referred to in subsection (1) is

(a) in relation to section 69 or 70 (2), the minister responsible for the *Wildlife Act* may attach conditions to the exemption the minister responsible for the *Wildlife Act* considers necessary to address the conflict, and

(b) in relation to a provision of this regulation other than section 69 or 70 (2), the minister responsible for the *Forest Act* may attach conditions to the exemption that the minister responsible for the *Forest Act* considers necessary to address the conflict.

(3) An exemption under this section does not affect any of the following that are in effect on the date the result or strategy referred to in that subsection is approved:

(a) a timber sale licence;

(b) a cutting permit;

(c) a road permit;

(d) a road use permit;

(e) a declared area.

[en. B.C. Reg. 580/2004, s. 59; am. B.C. Reg. 64/2021, s. 2.]

## Division 2 — Relief from or Funding of Obligations

### Repealed

93 Repealed. [B.C. Reg. 102/2005, s. 9.]

### Transfer of obligation to establish free growing stand

94 (1) For the purpose of section 29.1 (1) (b) or (3) (b) of the Act, a person may transfer an obligation to establish a free growing stand if the minister is satisfied that the person to whom the obligation is to be transferred

(a) is likely to meet the obligation, and

(b) if security is requested by the minister, has provided the security to the minister in the form and in the amount specified by the minister.

(2) If the minister approves an agreement under section 29.1 (1) (c) or (3) (c) of the Act, the minister must return to the person who transferred the obligation any security deposit provided by that person specifically for that obligation.

(3) Subject to subsection (4) and (5), the stocking standards referred to in section 29.1 (5) of the Act are the stocking standards that were in effect for the transferred obligation immediately before the transfer became effective.

(4) The minister may approve stocking standards other than those referred to in subsection (3) if satisfied that the stocking standards are consistent with section 26.

(5) A person to whom an obligation is transferred under section 29.1 (5) of the Act may change, without the minister's approval, the regeneration date, free growing date, free growing height or stocking standards that apply to an area if the change does not result in a significant departure from the dates, heights or standards originally approved under section 16 of the Act.

(6) In fulfilling an obligation transferred under section 29.1 of the Act to a person, the person must comply with the following provisions of this regulation:

(a) sections 42 to 46, as applicable;

(b) sections 58, 63, 86 (3) (b) to (d), 87 (3) and 88;

(c) every other provision of this regulation that regulates silviculture treatments, either specifically or by reference to a primary forest activity.

[en. B.C. Reg. 580/2004, s. 60; am. B.C. Regs. 62/2005, s. 13;

158/2023, Sch. 2, s. 5.]

## Government assumption of obligation to establish free growing stand

95 (1) In this section:

**"affiliate"** has the same meaning as "affiliate" in section 53 [*interpretation and application*] 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 includes the contractual relationship between a licence holder and a person to whom the licence holder is contractually obliged to supply, directly or indirectly, some or all of the timber harvested under the licence holder's agreement;

**"control"**, with respect to a corporation, has the same meaning as "control of a corporation" in section 53 of the *Forest Act*.

(2) For the purpose of section 30 (1) (d) [*free growing stands for non-replaceable licences*] of the Act, a **"licence holder"** means a person who

(a) does not hold a replaceable timber sale licence that has an allowable annual cut of greater than 10 000 m<sup>3</sup>, and

(b) unless the minister is satisfied that it is in the public interest that this paragraph not apply,

(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 m<sup>3</sup>, and

(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 m<sup>3</sup>, and

(iii) is not 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 m<sup>3</sup>.

(3) For the purpose of section 30 (3) of the Act, the prescribed period for giving a notice under that section to a licence holder is one year.

(4) For the purpose of section 30 (3) (d) of the Act, the following requirements must be met before a district manager or timber sales manager may assume a licence holder's responsibility for establishing a free growing stand:

(a) the licence holder requests that the district manager or timber sales manager, as applicable, assume responsibility for establishing a free growing stand on all cutblocks that are harvested under the licence holder's agreement under the *Forest Act*, as and when the requirements referred to in section 30 (3) (a) to (c) of the Act are met in respect of those cutblocks;

(b) the request referred to in paragraph (a) is made by the licence holder as part of the licence holder's first application for a cutting permit under the agreement under the *Forest Act*.

### **Relief or funding**

96 (1) For the purpose of section 108 (1) (b) of the Act, the minister must not relieve an agreement holder from the requirements of sections 37 to 40, 46 or 74 of this regulation unless satisfied that extraordinary circumstances exist which, due to their nature, would make it unjust if the agreement holder were not relieved.

(1.1) For the purpose of section 108 (2) and (6) of the Act, "**an event causing damage**", in relation to an area in which a person has an obligation to establish a free growing stand, means

(a) a wildfire,

(b) an outbreak of *Dothistroma* in a lodgepole pine plantation, if the plantation was established before July 31, 2006, or

(c) a landslide, or a flood, that makes it impossible to establish within 20 years of the commencement date a free growing stand on the area affected by the flood or landslide.

(2) A person claiming, under section 108 of the Act, relief from, or funding for, the obligation to establish a free growing stand, must provide to the minister the following information:

(a) the nature of the relief sought and why the person is entitled to it;

(b) if the relief sought is funding under section 108 (4) of the Act, a proposal for returning the stand to the condition referred to in that subsection;

(c) an estimate of the extra expense involved in carrying out the course of action, as described in section 108 (3) of the Act.



(3) If the minister is satisfied that relief or funding is required, the minister must, within one year of receiving the information referred to in subsection (2),

(a) grant the relief,

(b) determine whether or not to provide the funds necessary for the proposal under subsection (2) (b), or

(c) provide and fund an alternate course of action to that proposed under subsection (2) (b), if the minister determines that

(i) the obligation to establish a free growing stand should continue, and

(ii) either

(A) the person has not provided a proposed course of action under subsection (2) (b), or

(B) the proposed course of action under subsection (2) (b) is unacceptable.

(4) During the period of one year described in subsection (3), a person who makes a request is not required to meet a requirement of the Act or this regulation that relates to the request.

[am. B.C. Regs. 580/2004, s. 61; 205/2006; 158/2023, Sch. 2, s. 6.]

### **Declarations of agreement holders and others as to fulfillment of obligations**

**97** (1) In this section, "**treatments**" means silviculture treatments that

(a) are brushing treatments or juvenile spacing treatments, and

(b) were carried out during the 16th or any subsequent year after the applicable commencement date.

(2) For the purposes of section 107 (4) (a) of the Act, the prescribed period is 15 months.

(3) A person may make a written declaration under section 107 of the Act for a cutblock to which section 44 (4) of this regulation applies no earlier than 12 months after the completion of harvesting on the area of the cutblock.

(4) A person who makes a written declaration under section 107 of the Act in respect of the establishment of a free growing stand is exempt from the requirements of subsection (5) of that section.

(5) Subject to subsection (3) of this section, and without limiting section 107 of the Act, a person who is required to establish a free growing stand under

(a) section 29 of the Act in accordance with section 44, 45 or 46.2 (5) of this regulation,

(b) Part 11 of the Act in accordance with section 69.1 or 70 of the Code, or

(c) section 46 (1) or 111 (4) of this regulation

may make a written declaration under section 107 of the Act that a free growing stand has been established on a cutblock at any time after the applicable free growing height and stocking standards have been met.

(6) A stand on an area that is the subject of a written declaration under section 107 of the Act is not free growing on the date of the declaration, if

(a) it is more likely than not that 20 years after the applicable commencement date, the stand

(i) will not conform to the applicable stocking standards, or

(ii) will be impeded in its growth because of adverse effects on the area

because of the effect on the area of forest health factors or competition from plants, shrubs or other trees, or

(b) it is more likely than not that 5 years after completion of the last of the brushing or spacing treatments on the stand that were carried out more than 15 years after the applicable commencement date the stand

(i) will not conform to the applicable stocking standards, or

(ii) will be impeded in its growth by competition from plants, shrubs or other trees

because those treatments were ineffective or had an adverse effect on the stand.

(7) A written declaration under section 107 of the Act to the effect that the requirements for the regeneration date or free growing date on an area have been met in respect of an area must include or incorporate by reference a current forest cover inventory for the area.

[en. B.C. Reg. 580/2004, s. 62; am. B.C. Regs. 152/2007, s. 6; 158/2023, Sch. 2, s. 7.]

### **Declaration regarding free growing stand obligations met to the extent practicable**

**97.1** (1) If a person who has an obligation to establish a free growing stand under

(a) section 29 of the Act in accordance with section 44 or 46.2 (5) of this regulation,

(b) Part 11 of the Act in accordance with section 69.1 or 70 of the Code, or

(c) section 46 (1) or 111 (4) of this regulation

considers that the obligation has been met on an area to the extent that is practicable, the person may submit to the district manager a written declaration that

(d) identifies the area,

(e) includes

(i) a statement of the extent to which the obligation has not been met, and

(ii) an explanation of why it is not practicable to fully meet the obligation,

(f) is signed by the person or on that person's behalf by an individual or individuals authorized in that regard, and

(g) specifies the date on which the declaration is made.

(2) Subject to subsection (3), on the date a declaration is submitted under subsection (1), the person who submitted the declaration is deemed to have fulfilled the applicable obligation referred to in subsection (1) (a) to (c) on the area identified in the declaration.

(3) A person who submits a declaration under subsection (1) in respect of an area remains responsible for establishing a free growing stand on the area if the minister

(a) determines, by order, that

(i) the obligation has not been fulfilled on the area to the extent that is practicable, or

(ii) the person

(A) made a material misrepresentation or misstatement of fact in the declaration in relation to the obligation, or

(B) omitted information from the declaration that the person knew or ought to have known was material to determining whether the obligation had been fulfilled to the extent that is practicable, and

(b) gives written notice of the order to the person, including with the notice reasons for the order.

(4) The minister may give written notice under subsection (3) (b) of an order referred to in subsection (3) (a) only if

(a) the notice is given within 15 months after the date the district manager received the declaration,

(b) the person to whom the notice is given has been given an opportunity to be heard, and

(c) the minister determines that, given the circumstances or conditions applicable to the area,

(i) the obligation has not been fulfilled to the extent that is practicable, and

(ii) the benefits to the public derived from the person fully meeting the obligation outweigh any extra expenses that would be incurred by the person in meeting the obligation.

(5) An order under subsection (3) (a) is reviewable as set out in sections 80 and 81 of the Act and those sections and sections 82 to 84 of the Act apply in respect of the review.

[en. B.C. Reg. 152/2007, s. 7; am. B.C. Reg. 158/2023, Sch. 2, s. 8.]

## **Part 8 — Offences**

### **Repealed**

**98-99** Repealed. [B.C. Reg. 580/2004, s. 63.]

### **Repealed**

**100** Repealed. [B.C. Reg. 102/2005, s. 11.]

### **Repealed**

**101** Repealed. [B.C. Reg. 580/2004, s. 63.]

### **Offences generally**

**102** (1) A person who contravenes section 35 (3), 37, 38, 44 (1), (2) or (4), 45 (1) or (2), 46.2 (5), 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62 (2), 63 (1), 66, 67, 69, 72, 73, 74, 75, 76, 77 (1) (a), 79 (8), 82 (1) (a), (b) or (c) or 83 commits an offence and is liable on conviction to a fine not exceeding \$500 000 or to imprisonment for not more than 2 years or to both.

(2) A person who contravenes section 39, 40, 41, 64, 65 (2), 70, 77 (1) (b) or (c) or (3), 79 (2), (3), (5) or (6), 80 or 82 (1) (d) or (4) or 106.2 (1) commits an offence and is liable on conviction to a fine not exceeding \$100 000 or to imprisonment for not more than one year or to both.

(3) A person who contravenes section 35 (6) or (7), 36, 42, 43 (4) or (7) (b), 68 (1), 77 (2), 78, 79 (1) or (7), 84 or 85 (1) commits an offence and is liable on conviction to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months or to both.

[en. B.C. Reg. 580/2004, s. 64; am. B.C. Reg. 158/2023, Sch. 2, s. 9.]

### **Offences respecting alternative results or strategies**

**103** If the holder of a forest stewardship plan that specifies intended results and strategies included in accordance with any of sections 12.2 to 12.5 does not ensure that the intended results are achieved and the strategies are carried out, the holder commits an offence and is liable, on conviction, to the fine or imprisonment, or both, applicable to the provision from which the holder became exempt on receiving the minister's approval to the plan.

[en. B.C. Reg. 580/2004, s. 64.]

### **Repealed**

**104** Repealed. [B.C. Reg. 580/2004, s. 65.]

## **Part 9**

### **Repealed**

**105-106** Repealed. [B.C. Reg. 580/2004, s. 65.]

## **Part 9.1 — Miscellaneous**

### **Process respecting orders and exemptions**

- 106.1** (1) An order or an exemption under this regulation must
- (a) be in writing,
  - (b) specify the matter to which it relates,
  - (c) specify when the order or exemption comes into effect,
  - (d) be delivered to the person to whom the order or exemption applies, and
  - (e) be filed with the district office for the forest district in which the area or thing to which the order or exemption applies is located.
- (2) An order or exemption under subsection (1) takes effect on
- (a) a date agreed to by the person making the order or granting the exemption and the person to whom the exemption applies, or
  - (b) subject to paragraph (a), the later of the date
    - (i) specified in the order or exemption, and
    - (ii) the order or exemption is received by the person to whom the order or exemption applies.

[en. B.C. Reg. 580/2004, s. 66.]

### **Requirements specific to timber sale licences**

**106.2** (1) A holder of a timber sale licence who carries out a primary forest activity on an area that is in a forest development unit of a forest stewardship plan prepared by a timber sales manager must ensure that the activity is consistent with

(a) the intended results or strategies that are identified by the timber sales manager and that

(i) relate to the area,

(ii) apply to the area in the manner that under section 10 (2)

(c) of the Act is identified in the site plan for the area, and

(iii) are contained in the forest stewardship plan, and

(b) the establishment of a free growing stand on areas referred to in section 29 (2) of the Act.

(2) Repealed. [B.C. Reg. 321/2006, s. 12.]

(3) A holder of a timber sale licence who carries out a primary forest activity on an area that is in a forest development unit of a forest stewardship plan prepared by a timber sales manager must not apply for an exemption under section 91 or 92 without the consent of the timber sales manager.

[en. B.C. Reg. 580/2004, s. 66; am. B.C. Reg. 321/2006, s. 12.]

### **Requirements for multiple holders of forest stewardship plan**

**106.3** (1) In this section, "**co-holder of a plan**" means a person who is one of the holders of a forest stewardship plan that is held by more than one person.

(2) A co-holder of a plan other than a timber sales manager is exempt from section 21 of the Act in respect of

(a) an intended result specified in the plan, or

(b) a strategy described in the plan

to the extent that the result or strategy applies to an area that is subject to

(c) a cutting permit or road permit held by another co-holder, or

(d) a timber sale licence or road permit issued by the timber sales manager.

(3) A timber sales manager who is a co-holder of a plan is exempt from section 21 of the Act in respect of

(a) an intended result specified in the plan, or

(b) a strategy described in the plan

to the extent that the result or strategy applies to an area that is subject to a cutting permit or road permit held by another co-holder.

[en. B.C. Reg. 580/2004, s. 66.]

## Part 10 — Transition

### Repealed

**107** Repealed. [B.C. Reg. 580/2004, s. 67.]

### Repealed

**107.1-107.2** Repealed. [B.C. Reg. 102/2005, s. 13.]

### Application of Code to certain forest development plans

**107.3** The Code and the Code regulations apply to forest development plans described in section 187 of the Act.

[en. B.C. Reg. 102/2005, s. 14.]

### Code exemptions continue

**108** The powers of the district manager to grant exemptions under the *Forest Practices Code of British Columbia Act* and the regulations made under that Act, as they were immediately before their repeal, are continued under this regulation.

### Repealed

**109** Repealed. [B.C. Reg. 177/2014.]

### Assessments under section 196 (1) of the Act

**110** For the purpose of section 196 (1) of the Act, a cutblock for which a site plan has been prepared under section 21.1 of the Code must be considered to have received the minister's approval under section 16 (1) of the Act if

(a) the cutblock has been identified in a forest development plan,  
and

(b) the requirements of section 36.1 of the Operational and Site Planning Regulation have been met.

[en. B.C. Reg. 580/2004, s. 68.]

### Obligation to establish a free growing stand for pulpwood agreements

**110.1** (1) A holder of a pulpwood agreement to whom section 191 (1) of the Act applies must ensure that a site plan in accordance with section 11.1 of the Code is prepared for each area harvested on or after December 17, 2002.

(2) A holder of a pulpwood agreement to whom section 192 (1) of the Act applies must ensure that a site plan in accordance with section 11.1 of the Code is prepared for each area harvested on or after the effective date.

(3) Section 69.1 of the Code applies to the holder of a pulpwood agreement referred to in subsection (1) or (2) in respect of a site plan required under this section.

[en. B.C. Reg. 62/2005, s. 14.]

### **Amalgamating obligations to establish a free growing stand**

**111** (1) Subject to subsections (2) to (4), the minister must exempt the holder of an agreement or the timber sales manager from an obligation under Part 11 of the Act to establish a free growing stand on an area in accordance with section 69.1 or 70 of the Code if

(a) the person proposes to manage, under a consolidated site level plan, an area that

(i) is subject to 2 or more site level plans, or

(ii) is comprised of

(A) one or more site level plans, and

(B) an area without a site level plan, and

(b) the minister is satisfied that the exemption is warranted, given the circumstances or conditions applicable to the area.

(2) A person exempted under subsection (1), must

(a) prepare a consolidated site level plan for the area referred to in that subsection, and

(b) ensure that the consolidated site level plan conforms to the requirements of

(i) a site plan under the Bark Beetle Regulation B.C. Reg. 286/2001, as it was immediately before its repeal, if that regulation will apply to any timber harvesting proposed for the area under the plan, and

(ii) a site plan under the Operational and Site Planning Regulation, B.C. Reg. 107/98, as it was immediately before its repeal, if the Bark Beetle Regulation will not apply to any timber harvesting proposed for the area under the plan.

(3) A holder of a consolidated site level plan described in subsection (2) (b) (i) must

(a) establish a free growing stand on the net area to be reforested in accordance with the requirements of the Code and the Bark Beetle Regulation, and



(b) otherwise comply with the Code and the Code regulations in respect of forest practices and associated record and reporting requirements.

(4) A holder of a consolidated site level plan described in subsection (2) (b) (ii) must

(a) establish a free growing stand on the net area to be reforested in accordance with the requirements of the Code and the Timber Harvesting and Silviculture Practices Regulation, B.C. Reg.

352/2002, as it was immediately before its repeal, and

(b) otherwise comply with the Code and the Code regulations.

(5) If the district manager determines that timber harvesting on an area subject to a consolidated site level plan is proposed to address an incidence of blowdown, beetle infestation or other forest health factor, the district manager may

(a) establish a commencement date for the purpose of subsection

(4) that is later than the commencement date described in section 1 of the Bark Beetle Regulation, or

(b) establish a commencement date for the purpose of subsection

(5) that is later than the commencement date described in section 69.1 or 70 of the Code.

(6) An exemption under subsection (2) does not become effective until the person who is the subject of the exemption has complied with subsection (2).

(7) A consolidated site level plan is an operational plan for the purposes of section 106.1 of the Act.

[en. B.C. Reg. 580/2004, s. 68; am. B.C. Reg. 62/2005, s. 15.]

### **Reporting requirements for roads**

**112** (1) An agreement holder and the timber sales manager who, under Part 11 of the Act, have an obligation to construct, maintain or deactivate a road in accordance with the Code and the Code regulations are exempt from the requirements of section 8 (3) of the Forest Road Regulation, B.C. Reg. 351/2002, as it was immediately before its repeal.

(2) to (5) Repealed. [B.C. Reg. 104/2008, s. 1 (c).]

[en. B.C. Reg. 62/2005, s. 16; am. B.C. Reg. 104/2008, s. 1 (c).]

### **Repealed**

**113** Repealed. [B.C. Reg. 62/2005, s. 17.]

## Road deactivation by holders of timber sale licences

**114** A holder of

- (a) a timber sale licence that is in effect on the coming into force of this section, or
- (b) a road permit associated with the timber sale licence

who is required under section 63 (1) (a) of the *Forest Practices Code of British Columbia Act* to maintain a road that is subject to the licence or the permit until the road is deactivated must deactivate the road in accordance with section 64 of that Act before the expiry of the timber sale licence.

[en. B.C. Reg. 580/2004, s. 68.]

## Objectives set by government

**115** Sections 5, 7 (1), 8, 8.1 (3), 8.2 (3), 9 and 9.1 of this regulation, as they were immediately before the coming into force of this section, continue to apply to a forest stewardship plan that is in effect on the coming into force of this section.

[en. B.C. Reg. 36/2023, s. 5.]

## Area to which section 196 (1) of the Act applies

**116** (1) This section applies in relation to an area that, immediately before the repeal of section 32.1 (b) was

- (a) an area to which section 196 (1) of the Act applied, and
- (b) subject to a forest stewardship plan that was in effect.

(2) Section 32.1 (b), as it was immediately before its repeal, continues to apply to an area referred to in subsection (1) until the following:

(a) if, on the repeal of that paragraph, the area had met the criteria set out in subsection (1) (a) and (b) for fewer than 3 years, the earlier of

- (i) 3 years after the date that paragraph is repealed, and
- (ii) the date the forest stewardship plan expires;

(b) if, on the repeal of that paragraph, the area had met the criteria set out in subsection (1) (a) and (b) for 3 years or longer, the earlier of

- (i) 1 year after the date that paragraph is repealed, and
- (ii) the date the forest stewardship plan expires.

[en. B.C. Reg. 163/2023, Sch. 2, s. 12.]

## Schedule 1

[am. B.C. Regs. 580/2004, s. 69; 62/2005, s. 18; 223/2006, s. 4; 182/2008, s. 6.]

## **Factors**

*[sections 12, 16, 24, 25, 26]*

### **Factors relating to objective set by government for soils**

**1** The following factors apply to a result or strategy for the objective set out in section 5 *[objectives set by government for soils]* of the regulation:

- (a) the amount of productive forest land base that will be occupied by permanent access structures;
- (b) the amount of soil disturbance within the net area to be reforested, having regard to
  - (i) the classification of soils based on their biological, physical and chemical properties, including their sensitivity to displacement, surface erosion and compaction,
  - (ii) the kinds of disturbance that are detrimental to productivity and hydrological function,
  - (iii) the amount of detrimental disturbance that can occur without unduly compromising productivity or hydrological function, and
  - (iv) the extent to which rehabilitation efforts can mitigate the effects of detrimental disturbance.

### **Factors relating to objectives set by government for timber**

**1.1** The following factors apply to a result or strategy for the objectives set out in section 6 *[objectives set by government for timber]*:

- (a) the importance of retaining suitable secondary structure to maintain or enhance the future timber supply;
- (b) retaining attributes of suitable secondary structure in terms of
  - (i) density, height or other attributes suitable for assessing expected growth and yield of timber, and
  - (ii) the minimum size of areas of suitable secondary structure necessary to provide commercial harvesting opportunities in the future;
- (c) considerations involved in determining where it is practicable to retain suitable secondary structure, including considerations of safety and conservation of forest resources.

## **Factors relating to objective set by government for water, fish, wildlife and biodiversity in riparian areas**

2 The following factors apply to a result or strategy for the objective set out in section 8 [*objectives set by government for water, fish, wildlife and biodiversity within riparian areas*]:

- (a) the type of management regime that is required for a riparian area, having regard to
  - (i) the need to buffer the aquatic ecosystem of a stream, wetland or lake from the introduction of materials that are deleterious to water quality or fish habitat,
  - (ii) the role played by trees and understory vegetation in conserving water quality, fish habitat, wildlife habitat and biodiversity,
  - (iii) the need to maintain stream bank and stream channel integrity, and
  - (iv) the relative importance and sensitivity of different riparian classes of streams, wetlands and lakes in conserving water quality, fish habitat, wildlife habitat and biodiversity;
- (b) the type, timing or intensity of forest practices that can be carried out within the context of a management regime referred to in paragraph (a);
- (c) the role of forest shading in controlling an increase in temperature within a temperature sensitive stream, if the increase might have a deleterious effect on fish or fish habitat.

## **Factors relating to objectives set by government for wildlife and biodiversity**

3 (1) The following factors apply to a result or strategy for the objective set out in section 9 [*objectives set by government for wildlife and biodiversity — landscape level*]:

- (a) the size, distribution and salient characteristics of the area being designed for harvesting;
- (b) the size, distribution and salient characteristics of other areas within the landscape that have been shaped by, or affected by, natural disturbance;
- (c) the extent to which wildlife habitat areas, ungulate winter ranges, riparian management areas, scenic areas and other areas established to manage forest resources complement efforts to

resemble natural disturbance patterns in a landscape, including old growth.

(2) The following factors apply to a result or strategy for the objective set out in section 9.1 [*objectives set by government for wildlife and biodiversity — stand level*]:

(a) the size, structure, amount, location and other characteristics of trees that

- (i) make the trees suitable for wildlife habitat, and
- (ii) have ecological attributes that contribute to stand level biodiversity;

(b) the extent to which wildlife habitat areas, ungulate winter ranges, riparian management areas, old growth management areas, scenic areas and other areas established to manage forest resources

- (i) provide suitable wildlife habitat, and
- (ii) assist in the conservation of stand level biodiversity, including old growth.

#### **Factors relating to objective set by government for cultural heritage resources**

4 The following factors apply to a result or strategy for the objective set out in section 10 [*objectives set by government for cultural heritage resources*]:

(a) the relative value or importance of a particular cultural heritage resource to a traditional use by an aboriginal people;

(b) the relative abundance or scarcity of a cultural heritage resource that is the focus of a traditional use by an aboriginal people;

(c) the historical extent of a traditional use by an aboriginal people of a cultural heritage resource;

(d) the impact on government granted timber harvesting rights of conserving or protecting a cultural heritage resource that is the focus of a traditional use by an aboriginal people;

(e) options for mitigating the impact that a forest practice might have on a cultural heritage resource that is the focus of a traditional use by an aboriginal people.

#### **Factors relating to land use objectives**

5 Information contained in land use plans approved under the *Land Act* or otherwise approved by government may be used as factors for preparing results and strategies for related land use objectives.

#### **Factors relating to stocking specifications**

6 (1) In this section:

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

"**uneven-aged stand**" means a stand of trees consisting of three or more age classes.

(2) The following factors apply to the development of stocking standards, generally:

(a) the long term forest health risks that are relevant to species selection for the purposes of establishing a free growing stand under section 29 [*free growing stands*] of the Act;

(b) the occurrence and extent of forest health factors.

(3) The following factors apply to the development of stocking standards under section 16 (2) [*stocking standards*]:

(a) for an area that is managed as an even-aged stand,

(i) the types of commercially valuable and ecologically suitable species that should be established on the area, and

(ii) the numbers and the distribution of healthy trees of a species referred to in subparagraph (i) that are required to adequately stock a free growing stand established on the area;

(b) for an area that is managed as an uneven-aged stand,

(i) the factors referred to in paragraph (a) that are applicable to those parts of the area that will be reforested,

(ii) the types of commercially valuable and ecologically suitable species that should be retained on the area, and

(iii) the characteristics, quantity and distribution of retained trees referred to in subparagraph (ii).

(4) The following factors apply to developing stocking standards under section 16 (4):

(a) the types of commercially valuable and ecologically suitable species that should be retained on the area;

(b) the characteristics, quantity and distribution of retained trees of a species referred to in paragraph (a), that are required to ensure the area will remain adequately stocked.

## Schedule 2

[en. B.C. Reg. 62/2005, s. 19; am. B.C. Reg. 137/2014, Sch. 4, s. 3.]

### Fisheries Sensitive Waters

(Section 8.1)

<b>Item</b>	<b>Fisheries Sensitive Watershed</b>	<b>Forest District</b>
1	Effingham River	South Island
2	Escalante River	South Island
3	Gordon River	South Island
4	Harris Creek	South Island
5	Hatton Creek	South Island
6	Hemmingsen Creek	South Island
7	Klanawa River	South Island
8	Macktush Creek	South Island
9	Nahmint River	South Island
10	San Juan River	South Island
11	Toquart River	South Island
12	Artlish River	Campbell River
13	Memekay River	Campbell River
14	Finn Creek	Thompson Rivers
15	Gold Creek (Upper Adams Watershed)	Thompson Rivers
16	Raft River	Thompson Rivers
17	Upper Adams River	Thompson Rivers
18	Otter Creek	Thompson Rivers
19	Hiuhill Creek	Thompson Rivers
20	Barriere River	Thompson Rivers
21	Bonaparte River	Thompson Rivers
22	Deadman River	Thompson Rivers

23	Nicol/Upper Lussier River	Rocky Mountain
24	Coyote Creek	Rocky Mountain
25	Thunder River	Rocky Mountain
26	Albert River	Rocky Mountain
27	Palliser River (source to Albert River)	Rocky Mountain
28	Bradford River	Rocky Mountain
29	Horsefly River	Cariboo-Chilcotin
30	Cottonwood River	Quesnel
31	Bonaparte River	100 Mile House
32	Boucher Creek (Babine landscape unit)	Skeena Stikine
33	Nilkitkwa Lake (Babine landscape unit — consists of several watersheds tributary to the lake to be managed on an individual basis)	Skeena Stikine
34	West Babine (Torkelson landscape unit — 9 mile and 5 mile creeks only)	Skeena Stikine
35	Gramophone Creek (Reiseter landscape unit)	Skeena Stikine
36	Toboggan Creek (Trout Creek landscape unit)	Skeena Stikine
37	Jonas Creek (Telkwa landscape unit)	Skeena Stikine
38	Cumming Creek (Telkwa landscape unit)	Skeena Stikine
39	Pacofi Creek	Haida Gwaii
40	Awun River (Talking Bear Creek Sub-basin)	Haida Gwaii
41	Bolean Creek	Okanagan Shuswap
42	Wap River	Okanagan Shuswap
43	Harris Creek	Okanagan Shuswap



44	Naswhito Creek	Okanagan Shuswap
----	----------------	---------------------

[Provisions relevant to the enactment of this regulation: *Forest and Range Practices Act*, S.B.C. 2002, c. 69, ss. 5, 13, 17, 18, 141, 142, 146, 147, 149 to 151, 154 to 157, 159, 160 and 162.]