

B.C. Reg. 279/2004

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Forest and Range Practices Act

TFL 49 PILOT PROJECT REGULATION

[includes amendments up to B.C. Reg. 525/2004, December 3, 2004]

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Part 1 — Definitions and Interpretation

Definitions

1 (1) In this regulation:

"Act" means the Forest Practices Code of British Columbia Act as it read on January 1, 2004;

"BC timber sales block" means the portion of the land, covered by TFL 49, on which BC Timber Sales has been given exclusive disposition rights for the timber;

"consistent" means not in material conflict;

"criteria", in respect of one or more forest resources in the TFL 49 area, means statements in an ecological stewardship plan that

(a) are specified in the plan as criteria, and

(b) describe

(i) a desired state or condition, or

(ii) the critical components of each state or condition;

"ecological stewardship plan" means the ecological stewardship plan required under section 7;

"effective date" means the date on which the licensee's first ecological stewardship plan for the TFL 49 area takes effect under section 10 (3);

"Forest Road Regulation" means the Forest Road Regulation

(a) enacted under the Act, and

(b) as it read on January 1, 2004;

"goal" means a social, environmental or economic objective for the TFL 49 area specified in an ecological stewardship plan;

"indicator" means a variable used to evaluate achievement of criteria specified in an ecological stewardship plan;

"licensee" means the holder of TFL 49;

"management unit" means a landscape level area of land within the TFL 49 area based on

(a) distinct watersheds or groups of watersheds,

(b) transitions between ecological zones, or

(c) administrative boundaries;

"measurable" means a quantitative or qualitative measurement pertaining to an indicator;

"obligation year", for the purpose of the obligations described in section 31 (2), means the 12 month period beginning on April 1 of a calendar year, or such other period as the licensee and the regional manager jointly select;

"operating plan map" means a map depicting management units and the specific strategy units in the TFL 49 area within which the licensee proposes to conduct timber harvesting, road construction and road deactivation;

"Operational and Site Planning Regulation" means the Operational and Site Planning Regulation

(a) enacted under the Act, and

(b) as it read on January 1, 2004;

"resource management zones" means the following, as defined in section 1 of Schedule A:

(a) bighorn sheep habitat;

(b) community/Crown interface zone;

(c) general resource management zone;

(d) intensive recreation zone;

(e) moose winter range;

(f) natural disturbance type 4 zone;

(g) natural disturbance types 4a and 4b;

(h) marten habitat — Fly Hills;

(i) mule deer winter range;

(j) regionally significant trail corridor;

(k) VQO 1 and VQO 2 zones;

"site level plan" means a site level plan required under section 13 or 47 (3) (c);

"species at risk" means any species that is noted from time to time on the "red" or "blue" lists maintained by the British Columbia Conservation Data Centre established by the Ministry of Sustainable Resource Management;

"strategy" means one or more forest practices implemented at the forest, stand or site level to achieve one or more criteria specified in an ecological stewardship plan;

"strategy unit" means an area of land within a management unit on which specific strategies must be implemented;

"Timber Harvesting and Silviculture Practices Regulation" means the Timber Harvesting and Silviculture Practices Regulation

(a) enacted under the Act, and

(b) as it read on January 1, 2004;

"TFL 49" means Tree Farm Licence No. 49 entered into under the Forest Act;

"TFL 49 area" means the area of land which is subject to TFL 49, but does not include land in a BC timber sales block;

"vision" means the licensee's long term strategic objective for forest resources in the TFL 49 area specified in an ecological stewardship plan.

(2) Words and expressions not defined in this regulation and defined in the Operational and Site Planning Regulation have the meaning given to them in the Operational and Site Planning Regulation.

Delegation of authority

2 The regional manager, in writing, may do one or more of the following:

(a) delegate a power or duty of the regional manager under sections 7 (2) (g), 10, 11, 12, 14, 36, 38 and 44 to the district manager;

(b) provide directions that are binding on the delegate respecting the exercise of the power or the performance of the duty;

(c) vary or revoke a delegation or direction.

[am. B.C. Reg. 525/2004, s. (e).]

Balancing competing values and interests

3 For the balancing of competing values and interests for the purposes of section 221.1 (5) of the Act, there are established

(a) resource management zones that are depicted on management zone maps set out in Schedule B, and

(b) objectives set out in Schedule A

(i) for each resource management zone, or

(ii) for the Crown land portion of TFL 49.

Application

4 (1) This regulation applies to the TFL 49 area and any forest practices conducted by or on behalf of the licensee on the TFL 49 area.

(2) Nothing in this regulation affects the enforceability of the provisions of the Act and the Forest Act and any regulations under those Acts concerning any acts or omissions of the licensee in respect of the TFL 49 area before the effective date.

Provisions of Act that do not apply

5 (1) On the effective date the following requirements of the Act and regulations cease to apply to the licensee in respect of TFL 49 and the TFL 49 area:

(a) sections 3 to 5, 8, 19, 21.1 (5) and (6), 41 (1) to (7), 45, 50, 52, 54 (1), 55, 56, 58, 60 (1), 63, 64, 65, 67 (2), 68, 70 (6), 168 (2), 248 and 249 of the Act;

(b) subject to subsection (2), the Operational and Site Planning Regulation;

(c) the Strategic Planning Regulation;

(d) subject to subsections (3) and (4), the Timber Harvesting and Silviculture Practices Regulation;

(e) subject to subsection (5), the Forest Road Regulation;

(f) sections 69.1 and 70 of the Act, but only in respect of

(i) areas within the TFL 49 area where timber harvesting occurs under a site level plan on and after the effective date, and

(ii) other areas in the TFL 49 area for which an order has been made by the minister under section 47 (2).

(2) Sections 1, 7, 25 to 30, 47.1, 65 and 66 of the Operational and Site Planning Regulation continue to apply to the licensee in respect of TFL 49 and the TFL 49 area on and after the effective date and

(a) for the purposes of section 7 of the Operational and Site Planning Regulation, an ecological stewardship plan and any amendment to the plan must be treated as an operational plan, and

(b) for the purposes of sections 25 to 30 of the Operational and Site Planning Regulation, an ecological stewardship plan and any amendment to the plan must be treated as a forest development plan.

(3) Subject to subsection (4), sections 1 to 5, 10, 11, 13, 14, 17, 18, 21 (a) (i) and (ii) and (b), 22 (2), 26, 27, 28 (1) and (3), 38, 43, 44 and 49 to 52 of the Timber Harvesting and Silviculture Practices Regulation continue to apply to the licensee in respect of TFL 49 and the TFL 49 area on and after the effective date, and

(a) for the purposes of sections 17 and 52 (a) (i) of the Timber Harvesting and Silviculture Practices Regulation, a site level plan must be treated as a site plan required under section 21.1 of the Act,

(b) for the purposes of sections 4 (3) (b) and 5 (2) (b) of the Timber Harvesting and Silviculture Practices Regulation, a site level plan must be treated as a forest development plan, and

(c) for the purposes of section 38 of the Timber Harvesting and Silviculture Practices Regulation, the licensee must be treated as a person required to establish a free growing stand under section 69.1 of the Act.

(4) Sections 4 (2) and (3), 5 (2) and (3) and 26 (2) and (3) of the Timber Harvesting and Silviculture Practices Regulation continue to apply to an area of land in the TFL 49 area on or after the effective date only if a terrain stability field assessment of the area is required under section 24 (5).

(5) Sections 1, 2, 7.1, 8 (1) (a) to (h) and (j) to (o), (2) and (3), 9, 10.1, 11, 12, 13 (2) to (4), 19 and 20 of the Forest Road Regulation continue to apply to the licensee in respect of TFL 49 and the TFL 49 area on and after the effective date.

(6) For the purposes of sections 7.1, 9, 11, 12 and 13 of the Forest Road Regulation, reference to an obligation to maintain a road in compliance with section 63 of the Act includes the obligation under this regulation to maintain a road under section 34.

(7) Orders made under sections 3 to 5 of the Act before the effective date cease to apply to the licensee in respect of TFL 49 and the TFL 49 area on and after the effective date.

Provisions of Forest Act that do not apply

6 On the effective date section 35 (1) (d) (iii) (C), (iv) and (v) of the Forest Act ceases to apply to the licensee in respect of TFL 49 and the TFL 49 area.

Part 2 — Planning Forest Practices

Division 1 — Ecological Stewardship Plan and Site Level Plan

Ecological stewardship plan and content

7 (1) The licensee may submit an ecological stewardship plan for review and approval by the regional manager.

(2) An ecological stewardship plan submitted by the licensee under subsection (1) must include the following information:

(a) the vision and goals for stewardship of forest resources in the TFL 49 area over a 25 year period;

(b) the criteria for ecologically based sustainable forest management of forest resources in the TFL 49 area over the period of the plan;

(c) subject to paragraph (d), the indicators and measurables to be used to measure progress toward achievement of each of the criteria in the plan;

(d) for any indicators or measurables which are not available for a criterion at the time of submission of the ecological stewardship plan,

(i) reasonable surrogates for the indicator or measurable, and

(ii) a proposal to develop and test indicators or measurables for the criterion;

(e) maps depicting the following features of the TFL 49 area:

(i) forest cover;

(ii) each management unit in which the licensee expects to conduct forest practices in the next five year period;

(iii) designated areas under Part 13 of the Forest Act;

(iv) community watersheds and water supply infrastructure;

(v) existing roads;

(vi) utility corridors for railway, power, gas and water transmission lines;

(vii) known resource features, unless the regional manager has advised the licensee not to show the location of cultural heritage resources or wildlife habitat features, in which case these resource features must be described in the plan without reference to specific locations;

(viii) private property;

(ix) resource management zones;

(x) interpretive forest sites, recreational sites and recreational trails;

(f) criteria applicable to the maintenance or enhancement of

(i) timber production values,

(ii) timber quality values, and

(iii) soil conservation

on areas harvested in the TFL 49 area;

(g) such other information as the regional manager may reasonably require the licensee to submit in order for the regional manager to determine whether the plan meets the requirements of this section and section 10 (1).

(3) An ecological stewardship plan submitted under subsection (1) must be

(a) signed and dated by an authorized representative of the licensee, and

(b) signed and sealed by a registered professional forester.

Additional information

8 (1) At the time of submission of an ecological stewardship plan, the licensee must provide the regional manager with the following information:

(a) an ecological forest management model framework that describes, based on ecological processes as understood at the time, the ranges, impacts, conditions and multi-scalar variability of patterns and structures which result from natural disturbances in the TFL 49 area;

(b) an operating plan containing a description of the strategies that the licensee proposes to carry out in each management unit in the TFL 49 area to achieve the criteria of the ecological stewardship plan that pertain to the management unit;

(c) an operating plan map showing not less than three years of planned timber harvesting, road construction and road deactivation activities;

(d) maps showing the results of the forest resource and resource feature inventories of the TFL 49 area conducted in connection with development of the ecological stewardship plan;

(e) a consultation report containing:

(i) a list of the persons or groups that have been given the opportunity to be consulted regarding the ecological stewardship plan,

(ii) a copy of the written comments received in the course of public consultation regarding the ecological stewardship plan, and

(iii) a description of any amendments or modifications to the ecological stewardship plan made in response to such comments.

(2) Any information supplied by the licensee under subsection (1) (a) to (d)

(a) does not form a part of the content of an ecological stewardship plan,

(b) must be included with the ecological stewardship plan materials used for the consultations described in the consultation report required by subsection (1) (e),

(c) is not subject to approval by the regional manager in connection with the approval of an ecological stewardship plan, and

(d) may be amended after approval of the ecological stewardship plan at the discretion of the licensee.

Best available information

9 (1) Subject to any requirement to use known information, the licensee must use the most comprehensive and accurate information available to the licensee when preparing any of the following:

(a) an ecological stewardship plan or any amendment to the plan;

(b) a site level plan;

(c) a strategy.

(2) Subsection (1) does not apply if the licensee uses such information as is reasonable when experimenting with ways to improve forest practices.

Approval of ecological stewardship plan

10 (1) The regional manager must approve an ecological stewardship plan if all of the following requirements are met:

(a) the plan was prepared and submitted in accordance with the applicable provisions of this regulation;

(b) the vision and goals of the plan are consistent with the preamble to the Act in the context of the TFL 49 area;

(c) the criteria identified in the plan are consistent with the objectives identified in Schedule A,

(i) within the context of the forest resources found in the TFL 49 area, and

(ii) considering the set of objectives in each Part of Schedule A, taken as a whole;

(d) the indicators and measurables in the plan are

(i) relevant to the applicable criteria,

(ii) capable of objective determination,

(iii) cost effective, and

(iv) consistent with generally accepted principles of sustainable forest resource management;

(e) the plan, taken as a whole, will adequately manage and conserve forest resources in the TFL 49 area.

(2) The regional manager must notify the licensee in writing when he or she has approved an ecological stewardship plan.

(3) Unless the regional manager and the licensee agree otherwise, the effective date applicable to approval of the licensee's first ecological stewardship plan occurs on a date

(a) selected by the licensee, and

(b) not less than 30 days or more than 6 calendar months after the licensee's receipt of notice of the regional manager's approval of the plan.

(4) The licensee must notify the regional manager of the effective date it has selected under subsection (3) not less than 30 days before the selected date.

(5) Subject to section 11, the regional manager may approve an ecological stewardship plan only if it meets the requirements of subsection (1).

Conditional approval of ecological stewardship plan

11 (1) The regional manager may make an approval under section 10 (1) of an ecological stewardship plan or amendment subject to conditions, including conditions regarding the identification and development of indicators and measurables if reasonable surrogates for such indicators and measurables have been specified in the plan.

(2) Any conditions imposed under subsection (1) must be consistent with the achievement of sustainable use and management of forest resources in the TFL 49 area.

Term of ecological stewardship plan and replacement

12 (1) The licensee's first ecological stewardship plan commences on the effective date and, unless extended under subsection (4), remains in force until the earlier of

(a) 10 years from the effective date,

(b) approval of a replacement ecological stewardship plan, and

(c) termination of the TFL 49 pilot under section 50.

(2) The licensee may submit for approval by the regional manager a replacement ecological stewardship plan on or before the ninth anniversary of the term of the then current ecological stewardship plan.

(3) A replacement ecological stewardship plan approved under section 10 (1) may be made effective on the date of approval or at any other time requested by the licensee and approved by the regional manager.

(4) Before or after expiry of an ecological stewardship plan, the regional manager may extend the dates specified in subsection (1) (a) or (2), or both, for a period not to exceed 2 years, provided that there is sufficient information for the regional manager to determine that the ecological stewardship plan will adequately manage and conserve forest resources in the TFL 49 area.

Site level plans

13 (1) Before the licensee carries out a forest practice on the TFL 49 area the licensee must prepare a site level plan for the area.

(2) The licensee may amend or cancel a site level plan at any time.

(3) The licensee is not required to obtain approval of a site level plan or an amendment of a site level plan.

(4) A site level plan must include

(a) a map depicting the general location of the forest practice, and

(b) a description of the strategies to be implemented on the applicable strategy unit.

(5) Site level plans and an amendment to a site level plan must be signed by a qualified registered professional.

Division 2 — Amendment of Ecological Stewardship Plan

Optional amendment of ecological stewardship plan

14 (1) The licensee may submit to the regional manager for approval an amendment to the vision, goals, criteria, indicators or measurables of an ecological stewardship plan.

(2) The regional manager

(a) must approve an amendment to the vision, goals or criteria if the requirements of section 10 (1) are satisfied,

(b) must approve an amendment to the indicators or measurables if the requirements of section 10 (1) (d) and (e) are satisfied, and

(c) may approve any amendment that does not meet the requirements of paragraphs (a) and (b) if satisfied that the amendment

(i) is necessary or desirable, and

(ii) will adequately manage and conserve forest resources.

(3) An amendment approved under subsection (2) may be made effective on the date of approval or at any other time requested by the licensee and approved by the regional manager.

Mandatory amendments

15 (1) If the licensee knows or reasonably ought to know that a forest practice conducted by the licensee is unlikely to ensure that the criteria of the ecological stewardship plan will be achieved over time, the licensee must

(a) modify the forest practice, and

(b) if an amendment to the plan is required, submit the amendment to the regional manager for approval.

(2) If the licensee submits an amendment to the regional manager under subsection (1) (b), the licensee must not carry out a forest practice referred to in subsection (1) in any parts of the TFL 49 area that would be materially affected by the amendment until the amendment is approved.

(3) The district manager may relieve the licensee from the requirements of subsection (1) and (2), with or without conditions, if the district manager considers that emergency circumstances exist.

Division 3 — Review of Determinations Regarding Ecological Stewardship Plans

Review requested by licensee
16 (1) Before the regional manager

(a) declines to approve

(i) an ecological stewardship plan,

(ii) a replacement or extension of an ecological stewardship plan, or

(iii) an amendment to an ecological stewardship plan, or

(b) imposes conditions under section 11 (1),

the regional manager must provide the licensee with a reasonable opportunity to be heard.

(2) If the regional manager makes a determination to

(a) decline to approve

(i) an ecological stewardship plan,

(ii) a replacement or extension of an ecological stewardship plan, or

(iii) an amendment to an ecological stewardship plan, or

(b) impose conditions under section 11 (1),

the regional manager must give the licensee notice of the determination.

(3) If the licensee receives a notice of determination under subsection (2), the licensee may request a review of the determination.

(4) Subject to subsection (5), sections 127 and 129 of the Act apply to a review requested under subsection (3).

(5) For the purposes of a review under this section, the reviewer under section 129 of the Act is

(a) the regional manager if the determination is made by a district manager under delegated authority, or

(b) the chief forester if the determination is made by the regional manager personally.

Forest Practices Board review of plan approval

17 (1) The board may request a review of the approval of an ecological stewardship plan or amendment of the plan.

(2) Sections 128 to 131 of the Act apply to a review request made by the board under subsection (1) and to any subsequent appeal in the same manner as they would apply to a request by the board for a review under section 128 (1) (c) of the Act.

Division 4 — Strategic Planning by Government

Ungulate winter range

18 (1) The Deputy Minister of Water, Land and Air Protection may, by written order, establish an ungulate winter range by identifying in the order

(a) an area of land in the TFL 49 area that is necessary for the winter survival of an ungulate species, and

(b) objectives for the management of that area.

(2) The Deputy Minister of Water, Land and Air Protection must not make an order under subsection (1) that is in material conflict with an ecological stewardship plan.

Identified wildlife and general wildlife measures

19 (1) The Deputy Minister of Water, Land and Air Protection, or a person authorized by the deputy minister, by written order may do any of the following:

(a) classify a species at risk as identified wildlife, if satisfied that the species needs to be managed through a wildlife habitat area or general wildlife measure;

(b) establish a mapped area of land in the TFL 49 area as a wildlife habitat area, if satisfied that the mapped area is necessary to meet the habitat requirements of identified wildlife;

(c) establish a management practice, that applies inside wildlife habitat areas as a general wildlife measure, if satisfied that the management practice is necessary to maintain the identified wildlife within those areas;

(d) establish a management practice, that applies within a specified ecosystem unit as a general wildlife measure, if satisfied that the management practice is necessary to maintain a specified habitat.

(2) An order made under subsection (1) may be varied or cancelled by a written order signed by the Deputy Minister of Water, Land and Air Protection or a person authorized by the Deputy Minister.

(3) An order establishing a wildlife habitat area under subsection (1) may provide that the location of the area is not to be published by the licensee.

(4) If an order provides that the location of a wildlife habitat area is not to be published, the licensee must not disclose the location of the wildlife habitat area, except in terms that are not precise enough to allow a person to find the area, to anyone other than a person who needs to

know the location in order to administer or comply with an enactment of British Columbia or Canada, or a law, or for the purposes of protecting or studying the wildlife protected by the wildlife habitat area.

(5) The Deputy Minister of Water, Land and Air Protection or a person authorized by the deputy minister must not make an order under subsection (1) which is in material conflict with an ecological stewardship plan.

(6) Subsection (5) does not apply to an order made under subsection (1) to the extent that the order applies to a species at risk.

(7) A general wildlife measure established pursuant to an order made under subsection (1) must be treated as a general wildlife measure for the purposes of section 18 of the Timber Harvesting and Silviculture Practices Regulation and section 10.1 of the Forest Road Regulation.

(8) A wildlife habitat area established by an order made under subsection (1) must be treated as a wildlife habitat area for the purposes of section 18 of the Timber and Harvesting and Silviculture Practices Regulation and section 10.1 of the Forest Road Regulation.

Recreation sites

20 Before establishing, varying or cancelling an interpretive forest site, recreation site or recreation trail within the TFL 49 area the chief forester must obtain the consent of the licensee if the licensee's rights under TFL 49 or an ecological stewardship plan would be adversely affected by the establishment, variation or cancellation.

Part 3 — Plan Review and Comment

Information exchange

21 (1) Subject to subsection (2) and section 14 (3), before the licensee submits an ecological stewardship plan or any amendment to the plan for approval by the regional manager, the licensee must make the plan or amendment available for review and comment under the notice, review and comment requirements in Division 5 of Part 3 of the Operational and Site Planning Regulation as if the plan or amendment were a forest development plan or amendment.

(2) Subsection (1) does not apply to

(a) an amendment to the criteria of an ecological stewardship plan if the amendment

(i) is of an administrative nature, or

(ii) does not materially change the condition or state described for the criteria, or

(b) an amendment to the indicators or measurables in an ecological stewardship plan.

(3) The licensee must provide the opportunity to meet at least annually with

(a) affected first nations,

(b) persons having tenures issued under legislation in the TFL 49 area, and

(c) the general public

to provide information about the licensee's proposed

(d) operating plan, and

(e) operating plan map for road construction and deactivation and timber harvesting in the affected portions of the TFL 49 area in at least the next ensuing three years.

(4) The licensee must make

(a) site level plans and any amendments to site level plans, and

(b) assessments made in respect of site level plans

available to the general public and government during business hours at the licensee's business premises.

(5) The licensee must provide the regional manager with

(a) a copy of all written comments received in the course of the annual consultation meetings under subsection (3),

(b) a report summarizing how the licensee has addressed each written comment received, and

(c) copies of the licensee's operating plan and operating plan map that were used in the course of annual consultation meetings under subsection (3).

Periodic plan review

22 (1) In the circumstances specified in subsection (2), the licensee and the regional manager must each review the ecological stewardship plan to determine whether the criteria, indicators or measurables used or contained in the plan should be amended, eliminated or supplemented as a result of one or more of the following:

(a) natural disturbance, infestation or other natural destruction of forest resources in the TFL 49 area;

(b) information developed in the course of research and experiments pertaining to ecologically based forest management applicable to the forest types and resources found in the TFL 49 area;

(c) changes in the ministers' social, economic and environmental objectives that are reasonably likely to affect the licensee's ability to manage forest resources in the TFL 49 area to achieve the criteria specified in the plan;

(d) activities conducted or planned in the TFL 49 area or the BC timber sales block by the government or by other holders of permits, licences, leases, agreements or other tenures issued by the government which are reasonably likely to affect the licensee's ability to manage forest resources in the TFL 49 area to achieve the criteria specified in the plan;

(e) public comment received in the course of referrals and public review of forest practices in the TFL 49 area under section 21;

- (f) the results of any forest practice audits under section 38;
 - (g) such other events or matters as both the regional manager and the licensee believe warrant changes to the plan.
- (2) The circumstances under which a review of an ecological stewardship plan is required under subsection (1) are:
- (a) the plan has been in effect for at least four years and a review referred to in subsection (1) has not been conducted, or
 - (b) the licensee intends to submit a replacement plan for approval under section 12 (3) and a review referred to in subsection (1) has not been conducted in the previous two years.
- (3) Following a review of the ecological stewardship plan under subsection (1), the licensee may
- (a) modify or amend its next proposed ecological stewardship plan, or
 - (b) apply to the regional manager for such amendments to its current ecological stewardship plan as it considers necessary to ensure
 - (i) compliance with the Act, and
 - (ii) satisfactory achievement of the vision, goals or criterion for forest resources in the TFL 49 area.

Part 4 — Forest Practice Requirements

Notification of operations

- 23 (1) The licensee must notify the district manager not less than 30 days before commencing timber harvesting or road construction activities in a strategy unit in the TFL 49 area.
- (2) Notice from the licensee to the district manager under subsection (1) must include a copy of a map depicting the intended timber harvesting or road construction in the applicable strategy unit.
- (3) The licensee must
- (a) notify the district manager not less than 48 hours before commencing timber harvesting or road construction activities on an area in a strategy unit for which notice has been given under subsection (1), and
 - (b) make available to the district manager the licensee's site level plan for the area.
- (4) Subsections (1) and (3) do not apply to timber harvesting or road construction that is required to
- (a) address a fire emergency,
 - (b) mitigate or prevent significant damage to the environment, or
 - (c) address a forest health emergency in circumstances specified by the district manager,

if the licensee provides the district manager with written notice of the timber harvesting or road construction and the information specified in subsection (2) of this section and section 35 (4) within 30 days of commencement of such work in the strategy unit.

(5) The licensee must notify the district manager when it has completed timber harvesting or road construction on an area in a strategy unit.

(6) The district manager may exempt the licensee from the requirements under subsections (1), (3) and (5) for one or more strategy units in respect of

(a) timber harvesting,

(b) road construction, or

(c) timber harvesting and road construction.

Required assessments

24 (1) The licensee must carry out an archaeological impact assessment that meets the requirements of the minister responsible for the Heritage Conservation Act before carrying out a forest practice on a strategy unit if the district manager

(a) has determined that the assessment is necessary to adequately manage and conserve archaeological sites in the area, and

(b) notifies the licensee of this requirement.

(2) Before making an ecological stewardship plan available for review and comment under section 21 and in each year of the term of an ecological stewardship plan the licensee must

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

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

(3) Before commencing timber harvesting of an area in a community watershed, the licensee must carry out a terrain stability field assessment of the proposed area of timber harvesting if the area has any of the characteristics identified in sections 16 (1) (a), (b), (c) or (d) of the Operational and Site Planning Regulation.

(4) The assessment under subsection (3) is not required if

(a) all of the following conditions are met:

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

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

(iii) the cutblock will not be clearcut;

- (iv) no excavated or bladed trail will be constructed,
- (b) the assessment has been carried out for the purpose of locating a road and the assessment included the area to be harvested, or
- (c) the cutblock is in an area identified on a site level plan as having a moderate likelihood of landslides or potentially unstable terrain and the proposed harvesting is for the purposes of
 - (i) an emergency operation if timber in the area should be harvested without delay because it is in danger of being damaged, significantly reduced in value, lost or destroyed, or
 - (ii) an expedited major salvage operation if there is insufficient time to carry out the assessment and meet the objectives of the operation.
- (5) Before commencing timber harvesting in an area other than an area referred to in subsection (3), the licensee must carry out a terrain stability field assessment of the proposed area of timber harvesting if the area has any of the characteristics identified in section 17 (1) of the Operational and Site Planning Regulation.

Forest practice strategies

25 (1) The licensee must develop strategies to manage forest resources in the TFL 49 area in compliance with the Act and regulations to achieve the criteria identified in an ecological stewardship plan as substantiated by the applicable indicators and measurables.

(2) Forest practices conducted by or on behalf of the licensee in the TFL 49 area must be in furtherance of and consistent with the strategies developed by the licensee pursuant to subsection (1).

Protection of the environment

26 (1) The licensee must not carry out a forest practice in the TFL 49 area that results in damage to the environment.

(2) The licensee does not contravene subsection (1) if, with respect to the forest practice referred to in subsection (1), it is

- (a) acting in accordance with an approved ecological stewardship plan or a site level plan consistent with the approved ecological stewardship plan,
- (b) acting in accordance with section 59 (1) of the Act,
- (c) carrying out fire control or suppression in accordance with the Act and regulations, or
- (d) carrying out a controlled burn for the purpose of range improvement, wildlife habitat improvement or other forest practices specifically authorized by the government.

(3) The licensee must not carry out a forest practice if it knows or reasonably ought to know that, due to weather conditions or site factors, the carrying out of the forest practice may result, directly or indirectly, in

- (a) the slumping or sliding of land,

(b) inordinate soil disturbance that exceeds the soil disturbance limits in the ecological stewardship plan or results in the district manager requiring rehabilitation of soil under section 27, or

(c) damage to a lake, stream or other watercourse that results from the deposit of a petroleum product or a fluid used to service logging equipment.

Ensuring soil rehabilitation

27 (1) Subject to subsection (2), if the district manager determines that the area under a site level plan has sustained damage as a result of a forest practice conducted by the licensee, the district manager may, by written notice, direct the licensee to take measures and to pay costs that are necessary to rehabilitate the area to the satisfaction of the district manager and the licensee must comply with the notice.

(2) The district manager must not direct or require the licensee to take measures under subsection (1) if the licensee establishes that

(a) it exercised due diligence to prevent the damage to the area, or

(b) the licensee's actions relevant to damage to the area were the result of an officially induced error.

(3) The licensee may recover all or part of the amount reasonably incurred for the direct costs of carrying out measures required under this section in any circumstances prescribed by the Lieutenant Governor in Council that permit persons to recover such amounts in respect of directions made under section 48 (1) of the Act, and for such purposes the direction made by the district manager under this section must be treated as a direction made under section 48 (1) of the Act.

Use of planned fire

28 (1) When carrying out a forest practice on the TFL 49 area the licensee must

(a) comply with the fuel management requirements established in the site level plan, if any, and

(b) use fire only in accordance with the Act and regulations.

(2) In accordance with the regulations, if the licensee carries out a planned fire that is in the nature of a broadcast burn it must, after the burn, promptly

(a) carry out an impact assessment of the site and soil condition, and

(b) if the assessment shows the effects of the planned fire were more severe than specified in the site level plan,

(i) develop a rehabilitation plan for the area, and

(ii) implement the rehabilitation plan.

(3) For the purposes of section 23.9 (2) (a) of the Forest Fire Prevention and Suppression Regulation, a site level plan must be considered to be an operational plan.

Protection of resource features

29 On the TFL 49 area the prescribed circumstances for the purposes of section 51 (2) of the Act are that

- (a) the resource feature is identified in an ecological stewardship plan or site level plan, and
- (b) the licensee carries out forest practices on the area in a manner that does not threaten resource features referred to in paragraph (a).

Noxious weeds

30 (1) In this section "noxious weed" means a noxious weed defined under the Weed Control Act.

(2) Subject to an ecological stewardship plan or site level plan, the licensee when carrying out a forest practice must, in accordance with the regulations and standards, carry out the forest practice at a time and in a manner that will limit the spread of noxious weeds to a level acceptable to the district manager.

Silviculture

31 (1) In this section, "net area to be reforested" means the portion of an area

- (a) harvested under a site level plan, or
- (b) located in cutblocks identified in an order made by the minister under section 47 (2)

that does not include

- (c) an area occupied by permanent access structures,
- (d) an area identified on a site level plan as rock, wetland or other area that in its natural state is incapable of growing a stand of trees,
- (e) an area of non-commercial forest cover that is indicated on a site level plan as an area where reforestation is not required, or
- (f) an area indicated on a site level plan as a reserve area where timber harvesting does not occur.

(2) The licensee must conduct forest practices to ensure that, at the time of making the declaration under subsection (3), the average timber production values on the combined net area to be reforested harvested in an obligation year satisfy the applicable criteria in the ecological stewardship plan as demonstrated by the indicators and measurables in the plan.

(3) The licensee must make a declaration under section 162.1 of the Act that it has met the obligation specified in section (2) for each obligation year that timber harvesting occurs on the net area to be reforested.

(4) The declaration under subsection (3) must be made no sooner than 10 years and no later than 15 years after timber harvesting occurs on the net area to be reforested.

(5) On application by the licensee, the district manager may extend the time permitted in subsection (4) to make the declaration required under subsection (3) for a period of not more than

5 years, if satisfied that reforestation objectives can reasonably be met without additional silviculture treatments.

(6) The district manager may relieve the licensee from the obligation under subsection (2) in respect of any particular net area to be reforested if

(a) the licensee requests the relief before the end of the period permitted to make a declaration under subsection (3),

(b) the licensee proposes to conduct silviculture treatments on other lands within the TFL 49 area that would result in no net loss of timber and resource values in the TFL 49 area, and

(c) the district manager is satisfied that the licensee's proposal under paragraph (b) will adequately manage and conserve forest resources on the TFL 49 area.

(7) If relief under subsection (6) or described in section 162.2 (3) of the Act is provided in respect of an obligation under subsection (2) for lands in the net area to be reforested, the lands must not be included in a declaration made under subsection (3).

(8) If funding described in subsection 162.2 (4) of the Act is provided by government in respect of an obligation under subsection (2) for lands in the net area to be reforested, the lands

(a) must not be included in the declaration made under subsection (3) for the obligation year in which harvesting commenced on the land, and

(b) must be included in the declaration made under subsection (3) for areas in which harvesting commenced in the obligation year in which the funding is provided.

Road use

32 (1) The licensee must not use a road in the TFL 49 area for

(a) timber harvesting, including the transportation of timber or associated machinery, material or personnel, or

(b) forest practices related to timber harvesting

unless one of the following requirements is met:

(c) the licensee has prepared a site level plan for the use and maintenance of the road;

(d) the road is a forest service road;

(e) the road is one for which another person has a road permit, special use permit, cutting permit or timber sale licence that does not provide for cutting permits.

(2) Subject to this section and the regulations respecting roads made under the Highway (Industrial) Act, a road constructed, modified or maintained by the licensee on the TFL 49 area may be used for purposes other than those referred to in section 54 (1) and (2) of the Act by any person, without charge.

(3) The licensee may take action under subsection (4) if

(a) use of the road under subsection (2) would likely cause significant damage to the road or environment or endanger life or property, or

(b) the presence on the road of a vehicle or animal would likely cause damage to the road or environment or endanger life or property.

(4) If subsection (3) applies, the licensee may,

(a) with the prior consent of the district manager, close the road or restrict its use, or

(b) at the expense of the owner of a vehicle or animal, remove the vehicle or animal from the road.

(5) The district manager may grant to an applicant under section 117 (1) of the Forest Act a road use permit to use a road constructed by the licensee under authority of this regulation, if the district manager is satisfied that use of the road by that person for the intended industrial purpose will not

(a) cause unnecessary disturbance to the natural environment,

(b) adversely affect the licensee or other authorized users of the road, or

(c) compromise the ecological stewardship plan.

No payment for use of roads except as provided

33 (1) The licensee must not require payment from a person who uses a road on the TFL 49 area for purposes other than those referred to in section 54 (1) and (2) of the Act.

(2) Except as set out in subsection (3), the licensee must not require payment for the use of a road on the TFL 49 area from a person who uses the road under a road use permit or an exemption made under section 54 (4) of the Act.

(3) The licensee may require payment from a person referred to in subsection (2) for

(a) a reasonable contribution to the expense of maintaining the road, and

(b) the reasonable expense of modifying the road to accommodate the special needs of the person.

(4) If the licensee and the person referred to in subsection (2) do not agree on what constitutes a reasonable contribution or expense, the licensee and the person must submit that question

(a) for resolution by an agreed process of dispute resolution, or

(b) in the absence of an agreed process under paragraph (a), to binding arbitration under the Commercial Arbitration Act.

Road maintenance

34 (1) Subject to subsection (3), the licensee must maintain any roads constructed by the licensee on the TFL 49 area until

- (a) the road is permanently deactivated according to a site level plan for the road,
- (b) the district manager notifies the licensee under section 64 (11.1) of the Act,
- (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 section 115 (5) of the Forest Act.

(2) Any roads which the licensee is required to maintain under subsection (1) must be maintained in accordance with the applicable requirements of

- (a) the Act and the Forest Road Regulation, and
- (b) the site level plan for the road.

(3) The district manager may require the holder of a road use permit that authorizes the use of a road which the licensee is obligated to maintain under subsection (1) to assume all or part of the responsibility for maintaining the road.

Harvesting and road construction authority

35 (1) Approval of the licensee's ecological stewardship plan is the licensee's authority for all purposes under the Act and the Forest Act and regulations for all

- (a) road construction, modification and maintenance,
- (b) road use,
- (c) timber harvesting, and
- (d) silviculture treatments

described in the ecological stewardship plan or in any site level plans consistent with the ecological stewardship plan prepared by the licensee from time to time.

(2) The authority under subsection (1) in respect of construction, modification or maintenance of a road described in a site level plan includes authority to manage and use Crown land in the TFL 49 area for sand pits, gravel pits, rock quarries or other quarries that

- (a) are adjacent to the road covered by the site level plan, and
- (b) provide materials for the construction, modification or maintenance of the road.

(3) The district manager or designated environment official may at any time request an opportunity to review a road layout and design prepared by the licensee in connection with construction of any road described in an ecological stewardship plan or site level plan.

(4) Except in the circumstances described in section 23 (4), not less than 30 days before harvesting timber in the TFL 49 area, the licensee must prepare and submit to the district manager appraisal data consistent with the requirements of the Interior Appraisal Manual for the purposes of calculating the stumpage payable to the government and obtaining the applicable timber mark for all timber harvested.

(5) A timber mark must be issued by the district manager after the licensee submits to the district manager the information described in subsection (4).

(6) For the purposes of interpreting and applying the Interior Appraisal Manual, logging residue and waste manual, section 58.2 of the Forest Act and applicable revenue—related cutting permit policies and procedures, a site level plan for timber harvesting in a strategy unit for which a timber mark is issued pursuant to subsection (5) must be treated as a cutting permit issued under TFL 49.

(7) For the purposes of interpreting and applying the logging residue and waste manual, residual forest material and stand structure previously identified on a site level plan to be left on a logging site in furtherance of the criteria of the ecological stewardship plan is not to be considered waste.

Suspension of forest practices

36 (1) In the circumstances specified in subsection (2), the regional manager may suspend, in whole or in part, forest practices under

- (a) a site level plan, or
- (b) an ecological stewardship plan

for a period not to exceed the remaining term of the ecological stewardship plan.

(2) The circumstances under which forest practices may be suspended under subsection (1) are that the regional manager reasonably determines, based on new information not known at the time of approval of the ecological stewardship plan, that the forest practices will

- (a) prevent or materially interfere with the licensee's achievement of the criteria in the ecological stewardship plan,
- (b) infringe aboriginal rights except as permitted by law, or
- (c) cause irreparable harm to a resource feature.

When government may fund significant extra expense or waive obligations

37 (1) An obligation of the licensee under section 31 (2) must be treated as an obligation to establish a free growing stand for the purposes of section 162.2 of the Act and section 50 of the Timber Harvesting and Silviculture Practices Regulation.

(2) An ecological stewardship plan and a site level plan must be treated as an operational plan for the purposes of section 162.2 (1) of the Act.

Part 5 — Monitoring and Evaluation of Pilot

Performance audit

38 (1) The licensee must retain forest practice auditors who are

- (a) qualified,
- (b) independent, and

(c) approved by the regional manager

to conduct an annual audit of the licensee's forest practices in the TFL 49 area in accordance with generally accepted audit principles.

(2) The auditors referred to in subsection (1) must prepare a report for the regional manager and the general public assessing the licensee's

(a) progress in achievement of the vision, goals and criteria of the ecological stewardship plan as measured by the measurables and indicators in the plan, and

(b) compliance with the Act, this regulation and other applicable regulations under the Act.

(3) The auditor's report must not be finalized and delivered before the licensee has been provided with an opportunity to review and comment on the findings of the audit.

(4) The auditor's report prepared under subsection (2) must be

(a) signed and sealed by a professional forester employed by the auditing firm,

(b) delivered to the regional manager, and

(c) made available to the general public within 90 days of the completion of the auditor's exit interview with the licensee.

(5) Nothing in this section affects or limits the jurisdiction of the board under Part 8 of the Act.

(6) Despite subsection (1), the regional manager may waive the requirement that the licensee retain auditors to conduct an annual audit, but may not do so for 2 successive years.

Annual reports

39 The licensee must, on or before September 30 of each year, submit to the ministers a report containing the following information:

(a) a summary of the forest practices conducted by the licensee under an ecological stewardship plan during the preceding government fiscal year;

(b) the most recent audit report prepared under section 38 (2);

(c) the licensee's action plan to address the findings of the audit report prepared under section 38 (2), including implementation dates and provision for notice of completion;

(d) the licensee's progress in achieving the ecological stewardship plan criteria as demonstrated by the applicable indicators and measurables;

(e) an indication of the trend in achieving the vision and goals of the ecological stewardship plan;

(f) such additional reports as the minister may require with respect to silviculture, timber harvesting and road construction for integration into the provincial reporting system for these forest practices.

Part 6 — Compliance and Enforcement

Administrative remedies

40 (1) The maximum penalty, in dollars, which may be levied under section 117 (1) of the Act for a contravention of section 23, 24, 27, 28, 30, 32 or 34 is \$50 000.

(2) The maximum penalty, in dollars, which may be levied under section 117 (1) of the Act for a contravention of section 26 or 31 is \$100 000.

(3) For the purposes of section 117 (4) (b) (vii) of the Act, before a senior official levies a penalty on the licensee under section 117 (1) or 119 of the Act, the senior official may consider

(a) whether or not the licensee has adapted its forest practices before or after the event that gave rise to the contravention in a good faith effort to improve the standard of forest resource management under an ecological stewardship plan and avoid the contravention, and

(b) whether or not it is in the interest of promoting pilot projects to experiment with ways to improve the regulatory framework for forest practices to make a determination of a contravention or levy a penalty under section 117 or 119 of the Act.

Offences

41 (1) A person who contravenes section 26 commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or to imprisonment for not more than 3 years or to both.

(2) A person who contravenes section 31 (4) 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.

Offence of irreparable damage

42 The prescribed requirements for the purposes of section 145 (4) (e) of the Act include the building of a road on the TFL 49 area by the licensee in accordance with a site level plan.

Additional defence

43 (1) In addition to the defences available under sections 119.1 and 157.1 of the Act, the licensee may not be found to have

(a) contravened a provision of the Act or the regulations, or

(b) committed an offence under the Act or the regulations

if the licensee establishes that the contravention or offence resulted from a material natural disturbance or event not caused by an act or omission of the licensee.

(2) Despite subsection (1), the licensee must comply with a remediation order under section 118 of the Act or a request of a regional manager made under section 44 (1).

Obligation to take remedial action

44 (1) If requested by the regional manager, the licensee must take reasonable measures to

(a) control a natural disturbance in the TFL 49 area, or

(b) mitigate damage to forest resources that the regional manager has reasonable grounds to believe resulted from forest practices conducted by the licensee in the TFL 49 area.

(2) The licensee may recover from government an amount determined by the minister to be the reasonable costs incurred to comply with

(a) a remediation order issued under section 118 of the Act, or

(b) a request under subsection (1).

(3) In determining reasonable costs under subsection (2) the minister must consider

(a) the costs for equivalent work if performed by another party or government, and

(b) the actual costs incurred by the licensee.

(4) Despite subsection (2), the minister may decline to pay the licensee's reasonable costs if

(a) there is a determination under section 117 or 119 of the Act that the licensee contravened a section of the Act or this regulation, or

(b) the licensee committed an offence under the Act or this regulation

and the contravention or offence caused the events which required the remedial action to be ordered under section 118 of the Act or requested under subsection (1).

(5) The minister need not make any payment to the licensee under subsection (2) in respect of a request under subsection (1) (b) while any related investigation of the licensee in respect of the matter is pending.

Determinations and requests that may be appealed

45 (1) If the licensee is subject to

(a) a determination under sections 16, 27 or 36, or

(b) a request pursuant to section 44,

the licensee may appeal the determination or request to the commission in accordance with Division 4 of Part 6 of the Act.

(2) The licensee may appeal a determination referred to in section 16 only if it has first been subject to a review requested under section 16 (3).

Suspension of rights

46 In addition to any penalty, charge or order under the Act or the regulations, the regional manager may suspend, in whole or in part, rights under TFL 49 if the licensee made a material misrepresentation, omission or misstatement of fact in an ecological stewardship plan.

Part 7 — General

Transition to pilot project

47 (1) Sections 5, 6, 13, 15, 18 to 20, 21 (3), (4) and (5), 23, 24 (1) and (3) to (5), 25 to 39, 42 to 44, 47 (2) to (4) and 50 (3) to (11) do not apply to the TFL 49 area or the licensee until the effective date.

(2) The licensee may apply to the minister for an order that section 31 (2) applies to specified cutblocks in the TFL 49 area that were harvested by the licensee before the effective date.

(3) The minister may make an order under subsection (2) on being satisfied that

(a) the cutblocks were harvested in the same obligation year,

(b) the obligation year referred to in paragraph (a) commenced after March 31, 1994,

(c) the licensee has prepared a replacement site level plan for all silviculture prescriptions or site plans previously prepared for the cutblocks,

(d) sufficient information can be obtained to determine compliance with section 31 (2) for the cutblocks, and

(e) the application of section 31 (2) to the cutblocks will adequately manage and conserve forest resources and resource features.

(4) Sections 69 and 70 of the Act do not apply to cutblocks that are identified in an order under subsection (2).

Grandparenting of stumpage rate

48 If a cutting permit is issued to the licensee before the effective date for harvesting timber in the TFL 49 area, the stumpage rate, timber mark and scale site specified in that cutting permit apply to timber harvested on and after the effective date under a site level plan, provided that the location of timber harvesting under the site level plan is not materially different from the area of land subject to the cutting permit, and that the timber was not harvested before the effective date.

Termination of pilot

49 (1) The licensee and the regional manager may each give notice to the other at any time stating that, effective on the date specified in the notice, the pilot project to manage TFL 49 pursuant to this regulation is at an end.

(2) The date specified in a notice under subsection (1) must be a date that is not less than 120 days after the date the notice is given.

(3) Before the date specified in a notice given under subsection (1), the licensee and the regional manager may agree to extend by a period of up to 120 days the date when this regulation ceases to be of effect.

(4) On a date that is the later of the date

(a) specified in a notice given under subsection (1), or

(b) agreed to by the licensee and the regional manager under subsection (3),

this regulation ceases to be of effect.

(5) No compensation is payable by government to the licensee as a consequence of a notice under subsection (1) being given or taking effect.

Transition to Act

50 (1) In this section, "termination date" means the date on which a notice given under section 49 (1) takes effect.

(2) Unless otherwise provided in this section, on the termination date the requirements of the Act and the regulations apply to the licensee and to the TFL 49 area.

(3) Subject to subsection (4), within 120 days of the termination date, the licensee must prepare site plans in accordance with the Act and the regulations for each area within the TFL 49 area that

(a) has been harvested by the licensee since the effective date, or

(b) is occupied by a road constructed by the licensee since the effective date.

(4) The licensee is not required to prepare a site plan under subsection (3) if the area has been subject to

(a) a declaration under section 162.1 of the Act that has not been rejected, or

(b) a determination under section 162.2 of the Act that the licensee should be relieved of the obligations in respect of the area.

(5) On the termination date, the licensee's forest development plan that was in effect immediately before the approval of the ecological stewardship plan continues as the licensee's forest development plan for the TFL 49 area for a period of 9 months.

(6) The licensee must, as soon as practicable after the termination date, prepare and submit to the district manager for approval amendments to the forest development plan referred to in subsection (5) to account for areas harvested and roads constructed since the effective date.

(7) Within 6 months of the termination date, the licensee must prepare and submit to the district manager for approval a forest development plan that meets the requirements of the Act and the regulations to replace the forest development plan referred to in subsection (5).

(8) The government, as soon as practicable after notice of termination is given under section 49 (1) must issue to the licensee cutting permits or road permits as requested by the licensee for areas where

(a) a site plan has been prepared, and

(b) a timber mark has been previously issued under section 35 (5).

(9) The stumpage rate and scale site authorization for each cutting permit or road permit referred to in subsection (8) are those that pertain to the applicable timber mark.

(10) On the termination date, all silviculture prescriptions and site plans for any cutblocks referred to in an order made under section 47 (2), as they were immediately before they were replaced by a site level plan, are reinstated and become effective.

(11) The licensee, as soon as practicable after the termination date, must

(a) prepare amendments to the silviculture prescriptions and site plans referred to in subsection (10) that are necessary to conform to the requirements of the Act and the regulations, and

(b) if required by the Act and regulations, submit to the district manager for approval the amendments prepared under paragraph (a).

(12) The licensee and the regional manager must consult and cooperate with each other

(a) to ensure that there is an efficient transition under this section, with minimal displacement of workers or timber supply for the licensee's timber processing facilities, and

(b) to permit any public notice and consultation necessary before, under this section, permits are issued or plans or amendments are approved.

(13) On and after the termination date, this regulation continues to apply to forest practices of the licensee conducted during the period that this regulation applied to the TFL 49 area for the purposes of any enforcement action commenced or taken by government.

Schedule A —

Balancing Competing Values and Interests

Definitions

1 In this Schedule:

"bighorn sheep habitat" means a bighorn sheep habitat zone identified on a management zone map in Schedule B;

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

"community/Crown interface zone" means a community/Crown interface zone identified on a management zone map in Schedule B;

"community watershed" means a community watershed identified on a management zone map in Schedule B;

"fisher habitat" means a fisher habitat zone identified on a management zone map in Schedule B;

"general resource management zone" means the area comprised of the Crown land in TFL 49;

"intensive recreation zone" means an intensive recreation zone identified on a management zone map in Schedule B;

"marten habitat — Fly Hills" means a marten habitat — Fly Hills zone identified on a management zone map in Schedule B;

"moose winter range" means a moose winter range zone identified on a management zone map in Schedule B;

"mule deer winter range" means a mule deer winter range zone identified on a management zone map in Schedule B;

"natural disturbance type 4 zone" means a natural disturbance type 4 zone identified on a management zone map in Schedule B;

"natural disturbance type 4a" is the part of the natural disturbance type 4 zone which is composed of the grassland site series;

"natural disturbance type 4b" is the part of the natural disturbance type 4 zone which is typified by large diameter, widely spaced trees, a well developed grass and shrub understory and a mosaic of thickets and openings interspersed over the landscape;

"regionally significant trail corridor" means a regionally significant trail corridor identified on a management zone map in Schedule B;

"VQO 1 zone" means the VQO 1 zone identified on a management zone map in Schedule B;

"VQO 2 zone" means the VQO 2 zone identified on a management zone map in Schedule B;

"walk-in lake" means a walk-in lake identified on a management zone map in Schedule B.

Part 1 — Representation of Ecologically Distinct Habitat Types across TFL 49

General resource management — ecosystems management — forests
2 In the general resource management zone:

- (a) avoid disturbances to rare ecosystems;
- (b) maintain representative old growth forests throughout the plan area.

Polygon-specific resource management zones — ecosystems — natural disturbance type 4
3 In the natural disturbance type 4 zone:

- (a) maintain or enhance habitat opportunities for rare elements dependent on ecosystems in the natural disturbance type 4 zone;
- (b) manage the existing Crown land base to minimize, where practicable, alienation and adverse impacts on important habitats and special features of rare elements;
- (c) maintain the natural disturbance type 4a as grasslands.

Part 2 — Habitat Elements Important To Sustain Forest Dependant Species

General resource management — ecosystems management — forests

4 In the general resource management zone:

- (a) provide suitable well distributed habitat for wildlife tree dependent species;
- (b) maintain functional connectivity to support the movement of plants and animals at the regional, landscape and stand level.

Polygon-specific resource management zones — marten habitat — Fly Hills

5 In the marten habitat — Fly Hills zone:

- (a) maintain marten habitats within harvested areas;
- (b) maintain denning opportunities for marten by maintaining and creating wildlife trees within harvested blocks.

General Resource management — wildlife

6 In the general resource management zone:

- (a) provide sufficient quantity and quality of habitat to secure long term viability and distribution of rare elements and high value habitats;
- (b) provide adequate forest cover and forage for fisher throughout all forested ecosystems in the fisher habitat;
- (c) maintain or enhance food and forage sources, cover and connectivity for marten.

Part 3 — Forest-dependent Species Productivity

Polygon-specific resource management zones — wildlife — moose winter habitat

7 Maintain forage availability in moose winter ranges.

Polygon-specific resource management zones — wildlife — mule deer winter range

8 Maintain or enhance forage for mule deer in mule deer winter ranges.

Polygon-specific resource management zones — wildlife — bighorn sheep habitat

9 Maintain or enhance forage abundance and availability for bighorn sheep in bighorn sheep habitat.

Part 4 — Restoration and Rehabilitation of Ecological Function of Ecosystems

Polygon-specific resource management zones — ecosystems — natural disturbance type 4

10 In the natural disturbance type 4 zone

- (a) restore or rehabilitate natural disturbance type 4 ecosystems, and
- (b) restore and enhance ecosystem connectivity in natural disturbance types 4a and 4b.

General resource management — fish and aquatic habitat

11 In the general resource management zone, restore salmon and freshwater fish habitat where it is not functioning at, or near, natural capacity.

General resource management — range

12 Prevent and control weeds on Crown land in the general resource management zone.

Part 5 — Managing Forest Health Factors

General resource management — forest health

13 (1) In resource management zones with specific identified resources, other than the general resource management zone, manage forest health factors to an acceptable risk level, where they pose a significant risk to resources or values.

(2) In other areas of the general resource management zone, manage forest health factors to an acceptable risk level.

Part 6 — Maintenance or Enhancement of Soil Productivity

General resource management — land and soils

14 In the general resource management zone, maintain soil structure, nutrient conditions and biology that promote forest re-establishment and diversity of plant-soil systems.

General resource management — timber and silviculture

15 In the general resource management zone, when constructing new forest development roads minimize, where practical, site disturbance that causes permanent withdrawals from the timber harvesting land base.

Part 7 — Managing Watersheds for Hydrologic Function and Productivity

Polygon-specific resource management zones — community/Crown interface

16 In the community/Crown interface zone:

(a) maintain water quality in community watersheds to minimize, where practical, the measures that are required to treat water to meet minimum standards, such as the Canadian Drinking Water Guidelines;

(b) restore and maintain properly functioning conditions of streams, including the timing and magnitude of flows.

General resource management — fish and aquatic habitat

17 In the general resource management zone, restore channel stability in streams where watershed assessments by a qualified professional indicate a concern, or where there are known problems.

General resource management — land and soils

18 In the general resource management zone, ensure no net increase in the amount and rate of release of uranium or thorium to surface waters due to industrial activities.

General resource management — water

19 In the general resource management zone:

(a) achieve and maintain properly functioning conditions of streams including the timing and magnitude of flows;

(b) maintain the quality and quantity of ground water.

Part 8 — Managing for Conservation Values

General resource management — air quality

20 In the general management zone:

(a) reduce air pollution within the plan area;

(b) manage timing of release of sources of air pollution.

General resource management — fish and aquatic habitat

21 In the general resource management zone, rehabilitate and stabilize streambanks that have been impacted by

(a) urban development, or

(b) resource development activities such as agriculture, timber harvesting or mining.

Polygon-specific resource management zones — wildlife — moose winter habitat

22 In moose winter range, reduce adverse impacts of access on important moose habitat.

Polygon-specific resource management zones — wildlife — mule deer winter range

23 In mule deer winter range, minimize the adverse impacts of access on important mule deer winter ranges.

Polygon-specific resource management zones — wildlife — bighorn sheep habitat

24 In bighorn sheep habitat, minimize adverse impacts of access and access related activities on important bighorn sheep habitat.

Part 9 — Managing for Social Values

Polygon-specific resource management zones — community/Crown interface

25 In the community/Crown interface zone:

(a) ensure that operational plans, prescriptions and permits contain measures that will minimize as much as practicable any potential negative resource development impacts on adjacent communities, such as visuals, wildfires, flooding, debris flows and water quality and quantity;

(b) protect populated areas from forest fire hazards in the wildland/urban interface, and protect the provincial forest from fires originating on contiguous private land.

General resource management — timber and silviculture

26 In the general resource management zone, where practical, important range use related information will be incorporated into forestry operational plans.

General resource management — water

27 In the general resource management zone, minimize risk to life and property from floods, erosion, mass wasting and debris torrents.

Part 10 — Sharing Information and Broadening the Knowledge Base

Polygon-specific resource management zones — ecosystems — natural disturbance type 4
28 In the natural disturbance type 4 zone, improve knowledge of ecosystems, such as knowledge of function, aerial extent, mapping, stand structure and old growth attributes.

General resource management — recreation
29 In the general resource management zone, prevent or resolve conflicts between recreationalists and other Crown land users.

Polygon-specific resource management zones — visual management
30 In the VQO 1 and VQO 2 zones, improve information related to the visual management inventory, and how well visual quality is being managed.

Part 11 — Public Access

Access — access management
31 In the general resource management zone:

- (a) provide all users with opportunities for access;
- (b) ensure appropriate levels of access for exploration, development, production and processing of geological resources throughout the planning area.

General resource management — energy
32 In the general resource management zone, maintain existing energy infrastructure, including natural gas pipelines and electric transmission lines.

General resource management — fish and aquatic habitat
33 In the general resource management zone:

- (a) provide a diversity of angling opportunities;
- (b) maintain "walk-in" access status on all walk-in lakes identified on a resource management zone map;
- (c) enhance the non-consumptive values of fishery resources, such as viewing opportunities.

General resource management — guide-outfitting (licensed)
34 In the general resource management zone, where practical, minimize the impacts of industrial activities on the integrity of facilities, access trails, and key wildlife features and habitats.

General resource management — mining
35 In the general resource management zone, ensure appropriate levels of access for exploration, development, production and processing of geological resources throughout the planning area.

General resource management — range

36 In the general resource management zone:

- (a) provide opportunities for sustainable livestock grazing;
- (b) maintain grazing opportunities in cutblocks that are in the following biogeoclimatic zones:
 - (i) Interior Douglas-fir;
 - (ii) Engelmann Spruce — Subalpine Fir;
 - (iii) Interior Cedar — Hemlock.

General resource management — recreation

37 In the general resource management zone:

- (a) maintain and enhance opportunities for outdoor recreation, including those near communities;
- (b) provide a diversity of angling opportunities.

Polygon-specific resource management zones — recreation

38 In the intensive recreation zone and within regionally significant trail corridors, manage the impact of industrial use on recreational values.

Polygon-specific resource management zones — recreation — intensive recreation

39 In the intensive recreation zone:

- (a) provide opportunities for organized and maintained trail networks, such as cross-country skiing, snowmobiling, hiking and motorized summer recreation;
- (b) maintain snowmobiling opportunities associated with existing infrastructure;
- (c) provide opportunities for summer non-motorized recreational activities, such as hiking and nature appreciation.

General resource management — tourism

40 In the general resource management zone, provide opportunities for existing and future tourism industry development.

General resource management — transportation

41 In the general resource management zone, maintain existing transportation routes and utility corridors, and options for future corridors.

General resource management — trapping

42 In the general resource management zone, recognize trapping on existing trap lines is an acceptable activity.

Schedule B — TFL 49 Pilot Project
Management Zone Maps

The maps are not included in this publication. To see them contact the Forest Practices Branch, Ministry of Forests, 9th floor, 727 Fisgard Street, Victoria, B.C. V8W 1R8.

[Provisions of the Forest and Range Practices Act, S.B.C. 2002, c. 69, relevant to the enactment of this regulation: sections 171 to 175, 210 and 211]

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