

B.C. Reg. 578/2004  
O.C. 1242/2004

Deposited December 13, 2004

## ***Forest Act***

# **CUT CONTROL REGULATION**

**Note:** Check the Cumulative Regulation Bulletin 2014  
for any non-consolidated amendments to this regulation that may be in effect.

[includes amendments up to B.C. Reg. 258/2013, December 12, 2013]

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**Definition**

- 1 In this regulation, "**Act**" means the *Forest Act*.

**Division 1 — Penalty for Excess Harvest**

**Excess harvesting penalty for short term licences, forestry licences to cut and community salvage licences**

- 2 (1) In this section, "**licence**" means a licence as defined in sections 75.2 (1) and 75.21 (1) of the Act.
- (2) For the purposes of sections 75.2 (4) (b) and 75.21 (4) (b) of the Act, the prescribed rate is,
- (a) if the volume of timber harvested in excess of the applicable limit under section 75.2 (2) or (2.1) or 75.21 (2) of the Act is less than or equal to 15% of the applicable limit, the lesser of
    - (i) \$4.00 per cubic metre, and
    - (ii) the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber, or
  - (b) if the volume of timber harvested in excess of the applicable limit under section 75.2 (2) or (2.1) or 75.21 (2) of the Act exceeds 15% of the applicable limit, the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber.

[am. B.C. Reg. 382/2008.]

**Excess harvesting penalty for replaceable licences**

- 3 (1) In this section, "**licence**" means a licence, as defined in section 75.4 of the Act, a forest licence, as defined in section 75.5 of the Act or a timber sale licence as defined in section 75.5 of the Act.
- (2) For the purposes of section 75.91 (2) (b) of the Act, the prescribed rate for a licence that is replaceable is twice the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber.

[am. B.C. Reg. 369/2007, s. 1.]

**Excess harvesting penalty for non-replaceable licences**

- 4 (1) In this section, "**licence**" means a licence, as defined in section 75.4 of the Act, a forest licence, as defined in section 75.5 of the Act or a timber sale licence as defined in section 75.5 of the Act.
- (2) For the purposes of section 75.91 (2) (b) of the Act, the prescribed rate for a licence that provides that a replacement for it must not be offered is
- (a) the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber, for the portion of the volume of timber harvested in excess of the applicable limit under section 75.91 (1) of the Act that is less than or equal to 10% of the total volume of timber authorized for harvest over the term of the licence, and
  - (b) twice the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber, for the portion of the volume of timber harvested in excess of the applicable limit under section 75.91 (1) of the Act that exceeds 10% of the total volume of timber authorized for harvest

over the term of the licence.

[am. B.C. Reg. 369/2007, s. 1.]

## **Division 2 — Adapting Cut Control Provisions Respecting Conversion of Timber Sale Licences**

### **Definitions**

**5** In this Division:

**"cut control period"** means "cut control period" as defined in section 75.1 of the Act;

**"volume of timber harvested"** means volume of timber harvested as defined in section 75.1 of the Act.

[am. B.C. Regs. 203/2012, Sch. 1, s. 1; 278/2012, s. (a).]

### **Transitional cut control requirements — sections 24.2 and 24.6 of the Act**

**6** (1) In this section:

**"final cut control period of a pre-existing licence"** means the cut control period that is deemed to end on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered;

**"forest licence"**, when used in relation to a pre-existing licence, means a forest licence

- (a) resulting from a conversion of a pre-existing licence under section 24.2 of the Act, or
- (b) entered into as a result of a surrender of a pre-existing licence under section 24.6 of the Act;

**"pre-existing licence"** means a pre-existing licence, as defined in section 24.1 of the Act, that

- (a) is converted by section 24.2 of the Act, or
- (b) is surrendered under section 24.6 of the Act;

**"undercut carry forward"** means a volume of timber that was the subject of an approval for the final cut control period of a pre-existing licence under

- (a) section 67 (4) of the Act, before its repeal, or
- (b) section 75.94 (2) or (4) of the Act.

(2) On the conversion or surrender of a pre-existing licence,

- (a) the cut control period of the pre-existing licence is deemed to end on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered,
- (b) the first cut control period for the forest licence begins on January 1 of the year of the conversion or surrender, and
- (c) the volume of timber harvested that was charged to the pre-existing licence during the calendar year in which the pre-existing licence is converted or surrendered must be charged to the first cut control period of the forest licence.

(3) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds the sum of the allowable annual cuts for that period that are authorized for the licence, the excess volume must be treated as being timber harvested under the first cut control period of the forest licence.

(4) If the volume of timber harvested during the final cut control period of a pre-existing licence is less than the sum of the allowable annual cuts for that period that are authorized for the licence,

- (a) the holder of the forest licence may harvest a volume of timber not exceeding the difference in the first cut control period of the forest licence, and
- (b) for the purposes of the definition of "volume of timber harvested", the difference is

deemed not to be charged to the forest licence.

(5) An undercut carry forward for a pre-existing licence

(a) is approved for harvesting in the first cut control period of the forest licence, except for any portion of the volume that was harvested under the pre-existing licence, and

(b) for the purposes of the definition of "volume of timber harvested", is deemed not to be charged to the forest licence.

(6) In subsection (7), **"final sum of allowable annual cuts"** means the sum of the allowable annual cuts that would have been authorized under a pre-existing licence if

(a) the final cut control period for the pre-existing licence had a term of 5 years, and

(b) during that period the allowable annual cuts for the pre-existing licence remained the same.

(7) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds 120% of the final sum of allowable annual cuts, the holder of the pre-existing licence must pay to the government the penalty determined under subsection (8).

(8) The penalty under subsection (7) is the product of

(a) the volume of timber harvested that exceeds 120% of the final sum of allowable annual cuts, and

(b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.

(9) A penalty under this section is in addition to stumpage payable or another penalty under the Act or another enactment.

## **Transitional cut control requirements — sections 24.3 and 24.4 of the Act**

7 (1) In this section:

**"final cut control period of a pre-existing licence"** means the cut control period ending on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered;

**"forest licence"**, when used in relation to a pre-existing licence, means a forest licence that is amended under section 24.3 or 24.4 of the Act;

**"pre-existing licence"** means a pre-existing licence, as defined in section 24.1 of the Act, that is surrendered under section 24.3 or 24.4 of the Act;

**"undercut carry forward"** means a volume of timber that was the subject of an approval for the final cut control period of a pre-existing licence under

(a) section 67 (4) of the Act, before the repeal of that section, or

(b) section 75.94 (2) or (4) of the Act.

(2) On the conversion or surrender of a pre-existing licence,

(a) the cut control period of the pre-existing licence is deemed to end on December 31st of the year preceding the calendar year in which the pre-existing licence is surrendered, and

(b) the volume of timber harvested that was charged to the pre-existing licence during the calendar year in which the pre-existing licence is surrendered must be charged to the cut control period, that is in effect at the time of the surrender, of the forest licence.

(3) If the volume of timber harvested during the final cut control period of the pre-existing licence exceeds the sum of the allowable annual cuts for that period that are authorized for the licence, the excess volume must be treated as being timber harvested under the cut control period, that is in effect at the time of surrender, of the forest licence.

(4) If the volume of timber harvested during the final cut control period of a pre-existing licence is less

than the sum of the allowable annual cuts for that period that are authorized for the licence,

(a) the holder of the forest licence may harvest a volume of timber not exceeding the difference in the cut control period, that is in effect at the time of the surrender, of the forest licence, and

(b) for the purposes of the definition of "volume of timber harvested", the difference is deemed not to be charged to the forest licence.

(5) An undercut carry forward for a pre-existing licence

(a) is approved for harvesting in the cut control period, that is in effect at the time of the surrender, of the forest licence, except for any portion of the volume that was harvested under the pre-existing licence, and

(b) for the purposes of the definition of "volume of timber harvested", is deemed not to be charged to the forest licence.

(6) In subsection (7), **"final sum of allowable annual cuts"** means the sum of the allowable annual cuts that would have been authorized under a pre-existing licence if

(a) the final cut control period for the pre-existing licence had a term of 5 years, and

(b) during that period the allowable annual cut for the pre-existing licence remained the same.

(7) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds 120% of the final sum of allowable annual cuts, the holder of the pre-existing licence must pay to the government the penalty determined under subsection (8).

(8) The penalty under the subsection (7) is the product of

(a) the volume of timber harvested that exceeds 120% of the final sum of allowable annual cuts, and

(b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.

(9) A penalty under this section is in addition to stumpage payable or another penalty under the Act or another enactment.

## **Transitional cut control requirements — section 24.5 of the Act**

8 (1) In this section:

**"final cut control period of the pre-existing licence"** means the cut control period ending on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered;

**"pre-existing licence"** means a pre-existing licence, as defined in section 24.1 of the Act, that is surrendered under section 24.5 of the Act;

**"undercut carry forward"** means a volume of timber that was the subject of an approval for the final cut control period of a pre-existing licence under

(a) section 67 (4) of the Act, before its repeal, or

(b) section 75.94 (2) or (4) of the Act;

**"woodlot licence"**, when used in relation to a pre-existing licence, means a woodlot licence that is amended by section 24.5 of the Act.

(2) On the conversion or surrender of a pre-existing licence,

(a) the cut control period of the pre-existing licence is deemed to end on December 31st of the year preceding the calendar year in which the pre-existing licence is surrendered, and

(b) the volume of timber harvested that was charged to the pre-existing licence during the calendar year in which the pre-existing licence is surrendered must be charged to the cut

control period, that is in effect at the time of the surrender, of the woodlot licence.

- (3) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds the sum of the allowable annual cuts for that period that are authorized for the licence, the excess volume must be treated as being timber harvested under the cut control period, that is in effect at the time of surrender, of the woodlot licence.
- (4) If the volume of timber harvested during the final cut control period of a pre-existing licence is less than the sum of the allowable annual cuts for that period that are authorized for the licence,
  - (a) the holder of the woodlot licence may harvest a volume of timber not exceeding the difference in the cut control period, that is in effect at the time of surrender, of the woodlot licence, and
  - (b) for the purposes of the definition of "volume of timber harvested", the difference is deemed not to be charged to the woodlot licence.
- (5) An undercut carry forward for a pre-existing licence
  - (a) is approved for harvesting in the cut control period, that is in effect at the time of surrender, of the woodlot licence, except for any portion of the volume that was harvested under the pre-existing licence, and
  - (b) for the purposes of the definition of "volume of timber harvested", is deemed not to be charged to the woodlot licence.
- (6) In subsection (7), **"final sum of allowable annual cuts"** means the sum of the allowable annual cuts that would have been authorized under a pre-existing licence if
  - (a) the final cut control period for the pre-existing licence had a term of 5 years, and
  - (b) during that period the allowable annual cut for the pre-existing licence remained the same.
- (7) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds 120% of the final sum of allowable annual cuts, the holder of the pre-existing licence must pay to the government the penalty determined under subsection (8).
- (8) The penalty under the subsection (7) is the product of
  - (a) the volume of timber harvested that exceeds 120% of the final sum of allowable annual cut, and
  - (b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.
- (9) A penalty under this section is in addition to stumpage payable or another penalty under the Act or another enactment.

## Transitional cut control requirements — section 24.7 of the Act

### 9 (1) In this section:

**"final cut control period of a pre-existing licence"** means the cut control period ending on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered;

**"pre-existing licence"** means a pre-existing licence, as defined in section 24.1 of the Act, that is surrendered under section 24.7 of the Act;

**"undercut carry forward"** means a volume of timber that was the subject of an approval for the final cut control period of a pre-existing licence under

- (a) section 67 (4) of the Act, before its repeal, or
- (b) section 75.94 (2) or (4) of the Act;

**"woodlot licence"**, when used in relation to a pre-existing licence, means a woodlot licence that is entered into under section 24.7 of the Act.

- (2) On the conversion or surrender of a pre-existing licence,
  - (a) the cut control period of the pre-existing licence is deemed to end on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered,
  - (b) the first cut control period for the woodlot licence begins on January 1 of the year of the conversion or surrender, and
  - (c) the volume of timber harvested that was charged to the pre-existing licence during the calendar year in which the pre-existing licence is converted or surrendered must be charged to the first cut control period of the woodlot licence.
- (3) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds the sum of the allowable annual cuts for that period that are authorized for the licence, the excess volume must be treated as being timber harvested under the first cut control period of the woodlot licence.
- (4) If the volume of timber harvested during the final cut control period of a pre-existing licence is less than the sum of the allowable annual cuts for that period that are authorized for the licence,
  - (a) the holder of the woodlot licence may harvest a volume of timber not exceeding the difference in the first cut control period of the woodlot licence, and
  - (b) for the purposes of the definition of "volume of timber harvested", the difference is deemed not to be charged to the woodlot licence.
- (5) An undercut carry forward for a pre-existing licence
  - (a) is approved for harvesting in the first cut control period of the woodlot licence, except for any portion of the volume that was harvested under the pre-existing licence, and
  - (b) for the purposes of the definition of "volume of timber harvested", is deemed not to be charged to the woodlot licence.
- (6) In subsection (7), **"final sum of allowable annual cuts"** means the sum of the allowable annual cuts that would have been authorized under a pre-existing licence if
  - (a) the final cut control period for the pre-existing licence had a term of 5 years, and
  - (b) during that period the allowable annual cut for the pre-existing licence remained the same.
- (7) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds 120% of the final sum of allowable annual cuts, the holder of the pre-existing licence must pay to the government the penalty determined under subsection (8).
- (8) The penalty under subsection (7) is the product of
  - (a) the volume of timber harvested that exceeds 120% of the final sum of allowable annual cuts, and
  - (b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.
- (9) A penalty under this section is in addition to stumpage payable or another penalty under the Act or another enactment.

## Transitional cut control requirements — sections 24.8 and 24.9 of the Act

- 10 (1) In this section:

**"final cut control period of the pre-existing licence"** means the cut control period ending on December 31st of the year preceding the calendar year in which the pre-existing licence is converted or surrendered;

**"forestry licence to cut"**, when used in relation to a pre-existing licence, means a forestry licence to cut that is entered into under section 24.8 or 24.9 of the Act;

**"pre-existing licence"** means a pre-existing licence, as defined in section 24.1 of the Act, that

- (a) is surrendered under section 24.8 of the Act, or
- (b) converted under section 24.9 of the Act;

**"undercut carry forward"** means a volume of timber that was the subject of an approval for the final cut control period of a pre-existing licence under

- (a) section 67 (4) of the Act, before its repeal, or
- (b) section 75.94 (2) or (4) of the Act.

(2) On the conversion or surrender of a pre-existing licence,

- (a) the cut control period of
  - (i) the pre-existing licence that is surrendered under section 24.8 of the Act ends on December 31st of the year preceding the calendar year in which the pre-existing licence is surrendered, and
  - (ii) the pre-existing licence that is converted under section 24.9 of the Act ends on December 31, 2004,
- (b) the first cut control period for the forestry licence to cut begins on January 1 of the year of the conversion or surrender, and
- (c) the volume of timber harvested that was charged to the pre-existing licence during the calendar year in which the pre-existing licence is converted or surrendered must be treated as being timber harvested under the forestry licence to cut.

(3) If the volume of timber harvested for the final cut control period of a pre-existing licence exceeds the sum of the allowable annual cuts for that period that are authorized for the licence, the excess volume must be treated as being timber harvested under the forestry licence to cut.

(4) If the volume of timber harvested during the final cut control period of a pre-existing licence is less than the sum of the allowable annual cuts for that period that are authorized for the licence,

- (a) the holder of the forestry licence to cut may harvest a volume of timber not exceeding the difference during the term of the forestry licence to cut, and
- (b) for the purposes of the definition of "volume of timber harvested", the difference is deemed not to be charged to the forestry licence to cut.

(5) An undercut carry forward for a pre-existing licence

- (a) is approved for harvesting during the term of the forestry licence to cut, except for any portion of the volume that was harvested under the pre-existing licence, and
- (b) for the purposes of the definition of "volume of timber harvested", the undercut carry forward is deemed not to be charged to the forestry licence to cut.

(6) In subsection (8), **"final sum of allowable annual cuts"** means the sum of the allowable annual cuts that would have been authorized under a pre-existing licence if

- (a) the final cut control period for the pre-existing licence had a term of 5 years, and
- (b) during that period the allowable annual cut for the pre-existing licence remained the same.

(7) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds 120% of the final sum of allowable annual cuts, the holder of the pre-existing licence must pay to the government the penalty determined under subsection (8).

(8) The penalty under subsection (7) is the product of

- (a) the volume of timber harvested that exceeds 120% of the final sum of allowable annual cuts, and
- (b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.



- (9) A penalty under this section is in addition to stumpage payable or another penalty under the Act or another enactment.

### **Division 3 — Licences Affected by the *Forestry Revitalization Act***

#### **Definition**

- 11** In this Division, "**group of licences**" means a group of licences as defined in section 1 (1) of the *Forestry Revitalization Act*.

[en. B.C. Reg. 148/2005; am. B.C. Regs. 203/2012, Sch. 1, s. 1; 278/2012, s. (a).]

#### **Inconsistency with section 75.91 of the Act**

- 12** Section 75.91 of the Act does not apply to or in respect of

- (a) a licence to which section 13 of this regulation applies, or
- (b) the holder of that licence.

[en. B.C. Reg. 148/2005.]

#### **Cut control limits adapted for licences affected by *Forestry Revitalization Act***

- 13** (1) The holder of a licence in a group of licences, for which licence the minister makes a written order under section 3 (2) of the *Forestry Revitalization Act*, must pay to the government the penalty determined under subsection (2) of this section

- (a) if
  - (i) by the next June 30 after the date the order is made the holder
    - (A) terminates the cut control period that is in effect on the date of delivery to the holder of notice of the order, or
    - (B) surrenders the licence, or
  - (ii) the cut control period, that is in effect for the licence on the date the order is made, expires on December 31 of the year in which the order is made, and
- (b) if the volume of timber harvested during that cut control period exceeds 110% of the sum of the allowable annual cuts that would have been authorized under the licence if
  - (i) the cut control period for the licence had a term of 5 years, and
  - (ii) during that period the allowable annual cuts for the licence remained the same.

- (2) The penalty under subsection (1) is the product of

- (a) the volume of timber harvested that exceeds 110% of the sum of the allowable annual cuts referred to in subsection (1) (b), and
- (b) twice the average stumpage rate that was applicable to timber harvested under the licence during the last year in which stumpage was payable in respect of that timber.

[en. B.C. Reg. 148/2005.]

#### **Penalty in addition to stumpage**

- 14** A penalty under section 13 is in addition to

- (a) stumpage payable under the Act, or
- (b) subject to section 12, another penalty under the Act or under another enactment.

[en. B.C. Reg. 148/2005.]

#### **Inconsistency with section 75.7 of the Act**

- 15** Section 75.7 of the Act does not apply to or in respect of a holder of a licence if a written order under section 3 (2) of the *Forestry Revitalization Act* reduced the allowable annual cut of the licence to zero.

[en. B.C. Reg. 148/2005.]

#### **Allowable annual cut**

- 16** For the purposes of sections 75.7 and 75.91 of the Act, the allowable annual cut of a licence that is subject to an order under section 3 of the *Forestry Revitalization Act* is not reduced by the order until the end of the year in which the order is effective with respect to the licence.

[en. B.C. Reg. 353/2005.]

## **Division 3.1 — Adapting Cut Control Provisions if Licence Surrendered for First Nations Woodland Licence**

### **Definitions**

**16.1** In this Division:

**"cut control period"** means "cut control period", as defined in section 75.1 of the Act;

**"final cut control period"**, when used in relation to a pre-existing licence, means the cut control period ending on December 31st of the year preceding the calendar year in which the pre-existing licence is surrendered;

**"final sum of allowable annual cuts"**, when used in relation to a pre-existing licence, means the sum of the allowable annual cuts that would have been authorized under the pre-existing licence if

- (a) the final cut control period for the pre-existing licence had a term of 5 years, and
- (b) during that period the allowable annual cut for the pre-existing licence remained the same;

**"first nations woodland licence"**, when used in relation to a pre-existing licence, means the first nations woodland licence that is entered into under section 43.54 (2) of the Act after the surrender of the pre-existing licence;

**"pre-existing licence"** means

- (a) a licence, as defined in section 75.4 (1) of the Act,
- (b) a forest licence, as defined in section 75.5 (1) of the Act, or
- (c) a timber sale licence, as defined in section 75.5 (1) of the Act,

that is surrendered under section 43.54 (4) (b) of the Act because the surrender is required under the agreement between the first nation and the government referred to in that section.

[en. B.C. Reg. 104/2011, Sch. 4; am. B.C. Regs. 203/2012, Sch. 1, s. 1; 278/2012, s. (a).]

### **Cut control requirements**

- 16.2** (1) On the surrender of a pre-existing licence, the volume of timber harvested that was charged to the pre-existing licence in the calendar year in which the pre-existing licence is surrendered must be charged to the first nations woodland licence.
- (2) If the volume of timber harvested during the final cut control period of a pre-existing licence exceeds the sum of the allowable annual cuts for that period that are authorized for the licence, the excess volume must be charged to the first nations woodland licence.

[en. B.C. Reg. 104/2011, Sch. 4.]

### **Penalty for pre-existing licences other than licences to which section 16.4 applies**

- 16.3** (1) This section applies to a pre-existing licence other than
- (a) a woodlot licence referred to in section 75.4 (1) (a.1) of the Act,
  - (b) a forest licence, as defined in section 75.5 (1) of the Act, or
  - (c) a timber sale licence, as defined in section 75.5 (1) of the Act.
- (2) If the volume of timber harvested during the final cut control period of a pre-existing licence to which this section applies exceeds 110% of the final sum of allowable annual cuts, the holder of the pre-

existing licence must pay to the government the penalty determined under subsection (3).

(3) The penalty under subsection (2) is the product of

(a) the volume of timber harvested that exceeds 110% of the final sum of allowable annual cuts, and

(b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.

[en. B.C. Reg. 104/2011, Sch. 4.]

### **Penalty for woodlot licence, or for forest licence**

### **or timber sale licence defined in section 75.5 of Act**

**16.4** (1) This section applies to a pre-existing licence if the pre-existing licence is

(a) a woodlot licence referred to in section 75.4 (1) (a.1) of the Act,

(b) a forest licence, as defined in section 75.5 (1) of the Act, or

(c) a timber sale licence, as defined in section 75.5 (1) of the Act.

(2) If the volume of timber harvested during the final cut control period of a pre-existing licence to which this section applies exceeds 120% of the final sum of allowable annual cuts, the holder of the pre-existing licence must pay to the government the penalty determined under subsection (3).

(3) The penalty under subsection (2) is the product of

(a) the volume of timber harvested that exceeds 120% of the final sum of allowable annual cuts, and

(b) twice the average stumpage rate that was applicable to timber harvested under the pre-existing licence during the last year in which stumpage was payable in respect of that timber.

[en. B.C. Reg. 104/2011, Sch. 4.]

### **Penalty in addition to stumpage**

**16.5** A penalty under section 16.3 or 16.4 is in addition to stumpage payable or another penalty under the Act or another enactment.

[en. B.C. Reg. 104/2011, Sch. 4.]

### **Provisions in Act not applicable**

**16.6** Sections 75.4 (7), 75.41 (2), 75.5 (5), 75.51 (2), 75.7, 75.8 and 75.91 of the Act do not apply to or in respect of

(a) a pre-existing licence, or

(b) the holder of that licence.

[en. B.C. Reg. 104/2011, Sch. 4.]

## **Division 4 — Volume of Timber Harvested**

### **Reduction in volume of timber harvested**

**17** (1) In this section:

**"Coast Schedule"** means the Schedule of Coast Timber Grades to the Scaling Regulation;

**"Interior Schedule"** means the Schedule of Interior Timber Grades to the Scaling Regulation.

(2) For the purposes of section 75.1 (3) (a) of the Act, the volume of timber harvested attributed to a licence in cut control statements is adjusted downward by 100% for grade code Z listed in the Coast Schedule.

- (3) For the purposes of section 75.1 (3) (a) of the Act, the volume of timber harvested attributed to a licence, other than a tree farm licence, in cut control statements is adjusted downward for a grade code listed in the Interior Schedule as follows:
- (a) for grade code 6 or Z, by 100%;
  - (b) for grade code 5 listed in the Interior Schedule as it read on March 31, 2006, if that grade code is shown on a cut control statement issued between January 1, 2006 and June 30, 2007 to the holder of the licence, by 100%;
  - (c) for grade code 3 listed in the Interior Schedule as it read on March 31, 2006, by 100%, if that grade code is
    - (i) shown on a cut control statement issued between January 1, 2006 and June 30, 2007 to the holder of the licence, and
    - (ii) described as "endemic damage" or words to that effect;
  - (d) for grade code 1, 2 or 4, if that grade code is shown on a cut control statement issued on or after April 1, 2006 to the holder of the licence, in respect of each timber species that may be harvested under the licence in a timber supply area, by the percentage for each timber species set out in Column 2 of Schedule A opposite the timber supply area set out in Column 1 of that Schedule.
- (4) For the purposes of section 75.1 (3) (a) of the Act, the volume of timber harvested attributed in cut control statements to a tree farm licence set out in Column 1 of Schedule B is adjusted downward for a grade code listed in the Interior Schedule as follows:
- (a) for grade code 6 or Z, by 100%;
  - (b) for grade code 5 listed in the Interior Schedule as it read on March 31, 2006, if that grade code is shown on a cut control statement issued between January 1, 2006 and June 30, 2007 to the holder of the licence, by 100%;
  - (c) for grade code 3 listed in the Interior Schedule as it read on March 31, 2006, by 100%, if that grade code is
    - (i) shown on a cut control statement issued between January 1, 2006 and June 30, 2007 to the holder of the licence, and
    - (ii) described as "endemic damage" or words to that effect;
  - (d) for grade code 1, 2 or 4, if that grade code is shown on a cut control statement issued on or after April 1, 2006 to the holder of the licence, by the percentage for each timber species set out in Column 2 of Schedule B opposite the tree farm licence set out in Column 1 of that Schedule.
- (5) Repealed. [B.C. Reg. 369/2007, s. 2 (b).]
- (6) Despite subsection (3) (d) or (4) (d) and subject to subsection (7), the volume of timber harvested attributed to a licence in cut control statements is adjusted downward by 100% for grade code 4 listed in the Interior Schedule if
- (a) the timber is sold or delivered to
    - (i) a mill that produces pulp, paper or newsprint,
    - (ii) a chipping plant, or
    - (iii) another facility that produces products from timber other than lumber or veneer,
  - (b) the timber is scaled
    - (i) before it is sold or delivered in accordance with paragraph (a), and
    - (ii) on or after January 1, 2007 and on or before June 1, 2014, and
  - (c) the minister is satisfied that the sale or delivery of the timber is completed on or before June 1, 2014.
- (7) Subsection (6) does not apply to the following:
- (a) a holder of a licence in cut control statements listed in Schedule D with respect to the licence listed in that schedule;

- (b) a forestry licence to cut;
- (c) a non-replaceable forest licence entered into under section 13 (6) of the Act in respect of a licence under section 13 (2.1) of the Act;
- (d) a non-replaceable forest licence entered into under section 13.1 (5) of the Act.

[en. B.C. Reg. 354/2006; am. B.C. Regs. 359/2006, s. 1; 207/2007; 254/2007; 369/2007, s. 2;

111/2008, s. (a); 128/2010; 133/2011, Sch. s. 12; 115/2012, s. 1.]

## **Division 5 — Attributing Volume**

### **Definitions and interpretation**

**18** In this Division:

**"licence"** means a licence, as defined in a provision of Division 3.1 of Part 4 of the Act;

**"restricted forest licence"** means a licence that is also a restricted forest licence, as defined in section 54.4 (0.1) of the Act.

[en. B.C. Reg. 203/2012, Sch. 1, s. 2.]

### **Crediting volume between licences**

**19** The minister may attribute a portion of the volume of timber harvested under a licence to another licence if,

- (a) subject to section 20, each licence grants rights to harvest timber within the same timber supply area,
- (b) subject to section 22, each licence grants rights to harvest timber within the same tree farm licence area, or
- (c) subject to section 23, each licence grants rights to harvest timber within the same woodlot licence area.

[en. B.C. Reg. 203/2012, Sch. 1, s. 2.]

### **Attribution if licences in same timber supply area**

**20** An attribution may be made under section 19 (a) only if

(a) each licence is one of the following types of licence, but the licences need not be of the same type:

- (i) a forest licence;
- (ii) a timber sale licence that specifies an allowable annual cut;
- (iii) a forestry licence to cut that is also a major licence,

(b) neither licence grants rights to harvest timber within

- (i) a tree farm licence area, or
- (ii) a woodlot licence area, and

(c) the minister is satisfied that

- (i) the licence holders consent to the attribution,
- (ii) a cut control statement has not been issued in respect of the volume being attributed,
- (iii) the attribution can be made for the same calendar year as the calendar year in which the timber is harvested,
- (iv) the licence holders are not in contravention of a provision under Division 3.1 of Part 4 of the Act, and
- (v) the attribution is not contrary to the public interest.

[en. B.C. Reg. 203/2012, Sch. 1, s. 2.]

Exception for woodlot licences and  
restricted forest licences

- 21 Despite section 20, a portion of the volume of timber harvested under a licence that is a woodlot licence may be attributed to a restricted forest licence if
- (a) the woodlot licence area
    - (i) is entirely or partly within the timber supply area specified in the restricted forest licence, or
    - (ii) is entirely within a timber supply area that is adjacent to the timber supply area specified in the restricted forest licence, and
  - (b) the minister is satisfied that all of the requirements set out in subparagraphs (i) to (v) of section 20 (c) are met.
- [en. B.C. Reg. 203/2012, Sch. 1, s. 2.]

Attribution if licences in same tree farm licence area

- 22 An attribution may be made under section 19 (b) only if
- (a) each licence is one of the following types of licence, but the licences need not be of the same type:
    - (i) a forest licence;
    - (ii) a timber sale licence that specifies an allowable annual cut;
    - (iii) a tree farm licence;
    - (iv) a forestry licence to cut that is also a major licence, and
  - (b) the minister is satisfied that all of the requirements set out in subparagraphs (i) to (v) of section 20 (c) are met.
- [en. B.C. Reg. 203/2012, Sch. 1, s. 2.]

Attribution if licences in same woodlot licence area

- 23 An attribution may be made under section 19 (c) only if
- (a) each licence is one of the following types of licence, but the licences need not be of the same type:
    - (i) a non-replaceable forest licence;
    - (ii) a woodlot licence;
    - (iii) a forestry licence to cut that is also a major licence, and
  - (b) the minister is satisfied that all of the requirements set out in subparagraphs (i) to (v) of section 20 (c) are met.
- [en. B.C. Reg. 203/2012, Sch. 1, s. 2.]

Schedule A

[en. B.C. Reg. 354/2006; am. B.C. Regs. 369/2007, s. 3; 111/2008, s. (b); 384/2008, s. (a); 300/2009, s. (a); 363/2010, s. (a); 36/2012, s. (a); 367/2012, s. 1 (a); 258/2013.]

(Section 17 (3))

| Item | Column 1<br><br>Timber Supply Area | Column 2       |        |       |      |         |       |                |        |             |            |                 |         |
|------|------------------------------------|----------------|--------|-------|------|---------|-------|----------------|--------|-------------|------------|-----------------|---------|
|      |                                    | Timber Species |        |       |      |         |       |                |        |             |            |                 |         |
|      |                                    | Deciduous      | Balsam | Cedar | Fir  | Hemlock | Larch | Lodgepole Pine | Spruce | Yellow Pine | White Pine | White Bark Pine | Cypress |
| 1    | Repealed. [B.C. Reg. 258/2013.]    |                |        |       |      |         |       |                |        |             |            |                 |         |
| 2    | Arrow                              | 0.3%           | 13.5%  | 3.7%  | 6.4% | 1.6%    | 6.1%  | 25.8%          | 6.8%   | 7.7%        | 30.0%      | 20.7%           | 0.0%    |

|          |   |      |       |       |      |       |       |       |       |       |       |       |      |
|----------|---|------|-------|-------|------|-------|-------|-------|-------|-------|-------|-------|------|
| 3        | Repealed. [B.C. Reg. 369/2007, s. 3.]     |      |       |       |      |       |       |       |       |       |       |       |      |
| 4        | Repealed. [B.C. Reg. 258/2013.]           |      |       |       |      |       |       |       |       |       |       |       |      |
| 5        | Cassiar                                   | 0.0% | 0.0%  | 0.0%  | 0.0% | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0% |
| 6        | Repealed. [B.C. Reg. 300/2009, s. (a).]   |      |       |       |      |       |       |       |       |       |       |       |      |
| 7        | Cranbrook                                 | 6.6% | 18.1% | 7.0%  | 3.0% | 1.1%  | 3.1%  | 12.9% | 5.1%  | 2.2%  | 30.0% | 16.1% | 0.0% |
| 8        | Dawson Creek                              | 0.2% | 1.9%  | 0.0%  | 0.0% | 0.0%  | 2.4%  | 1.2%  | 1.4%  | 0.0%  | 0.0%  | 0.0%  | 0.0% |
| 9        | Fort Nelson                               | 1.2% | 13.2% | 23.9% | 0.0% | 0.0%  | 10.6% | 8.7%  | 3.9%  | 0.0%  | 0.0%  | 0.0%  | 0.0% |
| 10       | Fort St. John                             | 0.2% | 2.5%  | 0.0%  | 0.0% | 0.0%  | 2.2%  | 3.5%  | 1.5%  | 0.0%  | 0.0%  | 0.0%  | 0.0% |
| 11       | Repealed. [B.C. Reg. 363/2010, s. (a).]   |      |       |       |      |       |       |       |       |       |       |       |      |
| 12       | Invermere                                 | 0.0% | 13.9% | 5.6%  | 3.6% | 1.5%  | 2.7%  | 13.6% | 3.6%  | 3.2%  | 30.0% | 5.7%  | 0.0% |
| 13       | Repealed. [B.C. Reg. 36/2012, s. (a).]    |      |       |       |      |       |       |       |       |       |       |       |      |
| 14       | Repealed. [B.C. Reg. 384/2008, s. (a).]   |      |       |       |      |       |       |       |       |       |       |       |      |
| 15       | Repealed. [B.C. Reg. 384/2008, s. (a).]   |      |       |       |      |       |       |       |       |       |       |       |      |
| 16       | Repealed. [B.C. Reg. 363/2010, s. (a).]   |      |       |       |      |       |       |       |       |       |       |       |      |
| 17       | Repealed. [B.C. Reg. 36/2012, s. (a).]    |      |       |       |      |       |       |       |       |       |       |       |      |
| 18       | Repealed. [B.C. Reg. 300/2009, s. (a).]   |      |       |       |      |       |       |       |       |       |       |       |      |
| 19       | MacKenzie                                 | 1.0% | 10.5% | 0.0%  | 0.0% | 0.0%  | 0.0%  | 4.4%  | 5.1%  | 0.0%  | 0.0%  | 0.0%  | 0.0% |
| 20       | Repealed. [B.C. Reg. 36/2012, s. (a).]    |      |       |       |      |       |       |       |       |       |       |       |      |
| 21       | Morice                                    | 6.4% | 19.3% | 19.6% | 0.4% | 30.0% | 0.0%  | 11.0% | 10.6% | 0.0%  | 0.0%  | 0.0%  | 0.0% |
| 22       | Repealed. [B.C. Reg. 369/2007, s. 3.]     |      |       |       |      |       |       |       |       |       |       |       |      |
| 23       | Repealed. [B.C. Reg. 367/2012, s. 1 (a).] |      |       |       |      |       |       |       |       |       |       |       |      |
| 24 to 26 | Repealed. [B.C. Reg. 36/2012, s. (a).]    |      |       |       |      |       |       |       |       |       |       |       |      |
| 27       | Repealed. [B.C. Reg. 369/2007, s. 3.]     |      |       |       |      |       |       |       |       |       |       |       |      |
| 28       | Williams Lake                             | 1.3% | 11.9% | 1.2%  | 6.2% | 3.9%  | 3.2%  | 11.7% | 3.9%  | 30.0% | 30.0% | 19.5% | 0.0% |

Schedule B

[en. B.C. Reg. 354/2006; am. B.C. Regs. 369/2007, s. 4; 111/2008, s. (c); 384/2008, ss. (b) to (d); 300/2009, s. (b); 363/2010, s. (b); 36/2012, s. (b); 367/2012, s. 1 (b).]

(Section 17 (4))

| Item  | Column 1                                | Column 2       |        |       |       |         |       |                |        |             |            |                 |         |
|---|---|----------------|--------|-------|-------|---------|-------|----------------|--------|-------------|------------|-----------------|---------|
|   | Tree Farm Licence                       | Timber Species |        |       |       |         |       |                |        |             |            |                 |         |
|   |   | Deciduous      | Balsam | Cedar | Fir   | Hemlock | Larch | Lodgepole Pine | Spruce | Yellow Pine | White Pine | White Bark Pine | Cypress |
| 1   | TFL 01                                  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 2   | Repealed. [B.C. Reg. 363/2010, s. (b).] |                |        |       |       |         |       |                |        |             |            |                 |         |
| 3   | Repealed. [B.C. Reg. 36/2012, s. (b).]  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 4   | TFL 08                                  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 5   | TFL 14                                  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 6   | Repealed. [B.C. Reg. 36/2012, s. (b).]  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 7   | TFL 18                                  | 1.3%           | 9.0%   | 1.6%  | 3.4%  | 1.9%    | 0.0%  | 7.3%           | 4.7%   | 30.0%       | 30.0%      | 0.0%            | 0.0%    |
| 8   | Repealed. [B.C. Reg. 36/2012, s. (b).]  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 9   | TFL 30                                  | 0.8%           | 12.1%  | 14.1% | 16.1% | 7.1%    | 0.0%  | 18.7%          | 11.5%  | 0.0%        | 0.0%       | 0.0%            | 0.0%    |
| 10  | Repealed. [B.C. Reg. 36/2012, s. (b).]  |                |        |       |       |         |       |                |        |             |            |                 |         |
| 11 and 12 Repealed. [B.C. Reg. 367/2012, s. 1 (b).] |   |                |        |       |       |         |       |                |        |             |            |                 |         |
|   |   |                |        |       |       |         |       |                |        |             |            |                 |         |

|    |   |  |
|----|---|--|
| 13 | Repealed. [B.C. Reg. 36/2012, s. (b).]    |  |
| 14 | TFL 48                                    |  |
| 15 | Repealed. [B.C. Reg. 367/2012, s. 1 (b).] |  |
| 16 | TFL 52                                    |  |
| 17 | Repealed. [B.C. Reg. 36/2012, s. (b).]    |  |
| 18 | TFL 55                                    |  |
| 19 | Repealed. [B.C. Reg. 363/2010, s. (b).]   |  |

Schedule C

Repealed. [B.C. Reg. 369/2007, s. 5.]

Schedule D

[en. B.C. Reg. 115/2012, s. 2.]

| Item | Licence | Management Unit                  |
|------|---------|----------------------------------|
| 1    | A60064  | Dawson Creek Timber Supply Area  |
| 2    | A70730  | Dawson Creek Timber Supply Area  |
| 3    | A60049  | Fort St. John Timber Supply Area |
| 4    | A85946  | Fort St. John Timber Supply Area |

**Note:** this regulation repeals B.C. Reg. 360/96.

[Provisions relevant to the enactment of this regulation: [Forest Act](#), R.S.B.C. 1996, c. 157, sections 75.1, 75.2 (4) (b), 75.21 (4) (b), 75.91 (2) (b), 151, 151.4 and 151.5]