



Forest and Range Practices Act

WOODLOT LICENCE PLANNING AND
PRACTICES REGULATION

B.C. Reg. 21/2004

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PART 1 – INTERPRETATION

Definitions

- 1** (1) Unless otherwise indicated, words and expressions not defined in this regulation have the meaning given to them in section 1 [*definitions*] of the Forest Planning and Practices Regulation.
- (2) In this regulation:
- “**alternative performance requirement**” means an alternative performance requirement described in section 13 (1) [*alternative performance requirements*] that is proposed in a woodlot licence plan;
- “**biogeoclimatic ecosystem classification**” means a hierarchical classification system of ecosystems as described in the Ministry of Forests’ publication, Biogeoclimatic Ecosystem Classification Codes and Names, as amended from time to time;
- “**commencement date**”, subject to section 34 (4) [*free growing stands*], means
- (a) for an area harvested under a cutting permit where a woodlot licence holder is required to establish a free growing stand, the date timber harvesting, excluding road and landing construction, begins on the area,
 - (b) for an area where a woodlot licence holder harvests Crown timber in contravention of section 52 [*unauthorized timber harvesting*] of the Act, the date the contravention begins, or
 - (c) for private land subject to the woodlot licence where a woodlot licence holder harvests timber without authorization, the date the timber harvesting begins;
- “**cutblock**” means an area within which a woodlot licence holder is authorized to harvest timber, as identified in a cutting permit;
- “**free growing date**” means the date, measured from the commencement date, by which a free growing stand must be established on an area;
- “**harvesting of bark beetle infested timber**” means harvesting timber that
- (a) is infested with larvae or adult bark beetles,
 - (b) has been recently killed by bark beetles, or
 - (c) must be removed incidentally to facilitate the removal of timber described in paragraphs (a) and (b);
- “**intermediate cuttings**” means
- (a) the harvesting of timber if

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- (i) the harvesting takes place before the final harvest or regeneration cut, and
 - (ii) the majority of the pre-harvest stand volume is not removed, or
 - (b) the harvesting of bark beetle infested timber by harvesting scattered trees, small clumps of trees or for access trails required to harvest the timber;
- “net area to be reforested”** means, for the purpose of section 29 (3) [*free growing stands*] of the Act, the portion of a cutblock in which harvesting has occurred that is not occupied by permanent access structures;
- “regeneration date”** means the date, measured from the commencement date, by which a stand being established on the net area to be reforested must conform to the requirements of section 35 (1) [*conforming to stocking standards*];
- “riparian class”** means the riparian class of a stream, wetland or lake as determined under Division 3 [*Riparian areas*] of Part 3 [*Practice requirements*];
- “riparian management zone”** means an area described under Division 3 [*Riparian areas*] of Part 3 [*Practice requirements*] that is established to protect the riparian reserve zone;
- “riparian reserve zone”** means an area described under Division 3 [*Riparian areas*] of Part 3 [*Practice requirements*] that is established to conserve riparian values within the area;
- “sensitive soil”** means an area with one or both of the following:
- (a) a slope of greater than 60%;
 - (b) indicators of potential slope instability;
- “single tree selection”** means a silvicultural system in which age classes are created or maintained by the removal, uniformly throughout the stand, of individual trees of all size classes;
- “soil disturbance”** means an area within a cutblock that is occupied by one or more of the following:
- (a) an unrehabilitated temporary access structure;
 - (b) gouges, ruts or scalps that are outside of a temporary access structure;
 - (c) a compacted area;
- “wildlife tree retention area”** means an area for retention of wildlife trees specified in a woodlot licence plan;
- “woodlot licence holder”** means a person who holds a woodlot licence issued under the *Forest Act*.

Application and interpretation

- 2 (1) Subject to section 82 [*government assumption of obligations*], this regulation applies only to a woodlot licence holder, and the holder’s employee, agent, contractor or subcontractor, who is carrying out an activity on or in relation to
- (a) the area for which the woodlot licence has been issued, or

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- (b) an area identified in a road permit that provides access to the area referred to in paragraph (a).
- (2) This regulation does not apply to a person who is authorized to carry out a forest practice that is
 - (a) funded under a vote as defined in section 1 [*definitions*] of the *Financial Administration Act*, and
 - (b) administered under the Forest Investment Account, under the *Financial Administration Act*.
- (3) Unless this regulation specifically provides otherwise, the Forest Planning and Practices Regulation, except for section 1.2, does not apply to a person referred to in subsection (1).
- (4) Division 6 [*General*] of Part 3 [*Practice requirements*] and section 41 [*lakeshore management zones*] do not apply to any forest practice carried out on an area that is subject to a cutting permit or road permit that was in effect on the date the feature, objective, site, trail or measure under that Division or section was identified or established.
- (5) Subject to subsection (6), the following sections do not apply to private land in a woodlot licence area that is subject to a woodlot licence issued before June 15, 1995:
 - (a) the sections referred to in subsection (4);
 - (b) section 52 [*wildlife tree retention*];
 - (c) section 54 [*coarse woody debris*].
- (6) If the management plan for a woodlot licence issued before June 15, 1995 contains commitments respecting the subject matter described in subsection (5), the provision of this regulation that applies to that subject matter applies to the private land.
- (7) A reference to distance in respect to riparian management zones and riparian reserve zones, and in Division 4 [*Watersheds*] of Part 3 [*Practice requirements*], is a reference to the slope distance.
- (8) A power or duty of a minister under this regulation must be exercised in accordance with section 86 [*process respecting orders and exemptions*], including where reference is made to an order of a minister.
- (9) A person is exempt from
 - (a) a requirement of Parts 3 and 4 of this regulation, or
 - (b) an obligation under section 29, 47 or 48 of the Actas necessary to allow the person to conform to the *Workers Compensation Act* and the regulations under that Act.

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- (10) Until June 1, 2005, this regulation and the standards and objectives made under it apply immediately, despite section 16 (2) of the Act, to a woodlot licence plan.

[am. B.C. Regs. 355/2004, s. (a); 585/2004, s. 1; 106/2005, s. 1; 268/2007, s. (a).]

Damage to the environment

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

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

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

[am. B.C. Reg. 268/2007, s. (b).]

Authorization to cut

- 4** (1) This regulation is a prescribed enactment for the purposes of section 52 (1) (e) (ii) of the Act.
- (2) A woodlot licence holder may cut, damage or destroy Crown timber as necessary for the purpose of carrying out silviculture treatments, stand tending treatments or forest health treatments.

[en. B.C. Reg. 585/2004, s. 2.]

PART 2 – WOODLOT LICENCE PLANS**Division 1 – General****Exemptions from woodlot licence plan**

- 5** (1) A woodlot licence holder is exempt from the requirement under section 12 [*woodlot licence plan required*] of the Act to prepare a woodlot licence plan if timber harvesting or road construction is
- (a) limited to a purpose described in section 4 (1) [*exemption from forest stewardship plans*] of the Act, or
 - (b) authorized under another enactment, or is ancillary to the carrying out of an activity that is authorized under another enactment.

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- (2) The minister may exempt a woodlot licence holder from the requirement under section 12 of the Act to prepare a woodlot licence plan if the minister is satisfied that timber harvesting or road construction is consistent with the objectives set by government.
- (3) For the purpose of section 12 (3) of the Act, the minister may authorize a woodlot licence holder to obtain a cutting permit, a road permit, or both, to enable the holder to harvest timber
 - (a) damaged by natural causes, or
 - (b) to address conditions created by persons other than the woodlot licence holder.
- (4) Section 17 *[review and comment]* does not apply to a woodlot licence holder who
 - (a) is exempt under subsection (1),
 - (b) has been exempted under subsection (2), or
 - (c) has been authorized under subsection (3).
- (5) The minister may, by written notice, require a woodlot licence holder to
 - (a) publish a notice in a newspaper, in a form acceptable to the minister,
 - (b) provide a copy of a map describing the nature and extent of the proposed harvesting or road construction to any persons specified by the minister, and
 - (c) after a period of at least 5 days from the date of publication under paragraph (a), submit to the minister
 - (i) a copy of any written comments received in respect of the notice and map described in paragraphs (a) and (b), and
 - (ii) any changes to the proposed timber harvesting or road construction the woodlot licence holder intends to make as a result of the written comments.

Term of woodlot licence plan

- 6 (1) A woodlot licence holder who prepares a woodlot licence plan is exempt from the requirement of a 10 year term under section 14 (1) (a) *[term of woodlot licence plan]* of the Act, if
 - (a) the remaining term of the woodlot licence is less than 10 years, or
 - (b) the minister is satisfied that the woodlot licence holder cannot reasonably plan for a period of 10 years due to reasons beyond the control of the holder.
- (2) Despite the expiry of a woodlot licence plan, a woodlot licence holder must
 - (a) establish a free growing stand on a cutblock in accordance with the plan as if it had not expired, and
 - (b) otherwise act in accordance with the plan as if it had not expired, if the holder
 - (i) is issued a cutting permit or a road permit before the expiry, and

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- (ii) harvests timber from an area under the permit.

Division 2 – Woodlot Licence Plan Content**Woodlot licence plan area**

- 7 A woodlot licence holder must ensure that the holder's woodlot licence plan addresses the entire woodlot licence area, unless the minister is satisfied that a smaller area is sufficient because no timber harvesting or road construction will take place on the area not being addressed.

Mapping and information

- 8 (1) Unless exempted under subsection (2), a woodlot licence holder must include in the holder's woodlot licence plan, for the area required to be addressed in the plan under section 7 [*woodlot licence plan area*], information and maps that describe or identify the following:
 - (a) the forest cover;
 - (b) topography;
 - (c) the location and riparian class of streams, wetlands and lakes shown on government-endorsed
 - (i) forest cover maps,
 - (ii) terrain resource inventory maps, and
 - (iii) fish and fish habitat inventory maps;
 - (d) any of the streams identified in paragraph (c) that are fish streams;
 - (e) the biogeoclimatic ecosystem classification of the area, to the subzone level;
 - (f) public utilities on Crown land including
 - (i) transmission lines,
 - (ii) gas and oil pipelines, and
 - (iii) railways;
 - (g) resource management zones, landscape units and sensitive areas that are continued or established under the *Land Act*;
 - (h) wildlife habitat areas;
 - (i) scenic areas;
 - (j) ungulate winter ranges;
 - (k) community watersheds or fisheries sensitive watersheds;
 - (l) community and domestic water supply intakes that are licensed under the *Water Sustainability Act* and any related water supply infrastructures;
 - (m) contiguous areas of sensitive soils;
 - (n) existing roads;
 - (o) temporary or permanent barricades to restrict vehicle access;

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- (p) private property within or adjacent to the woodlot licence area;
 - (q) resource features other than wildlife habitat features, archaeological sites, and domestic water supply intakes licensed under the *Water Sustainability Act*.
- (2) The minister may exempt a woodlot licence holder from subsection (1) (b), (e) or (h).
- (3) A woodlot licence holder must describe in the holder's woodlot licence plan areas where timber harvesting will be avoided or modified during the term of the plan for the following reasons:
- (a) to protect resource features;
 - (b) to address the interests of private property owners or aboriginal peoples;
 - (c) to manage resource values including specifying retention of trees in riparian management zones;
 - (d) to address areas described in subsection (1) (g) to (k).
- (4) If a stream, wetland or lake was not identified or was incorrectly classified in subsection (1) (c), the riparian reserve zone and riparian management area have widths as determined under Division 3 [*Riparian areas*] of Part 3 [*Practice requirements*].
- (5) If a biogeoclimatic ecosystem classification was not identified or was incorrectly classified in subsection (1) (e), the biological ecosystem classification is as described in the Ministry of Forests' publication, Biogeoclimatic Ecosystem Classification Codes and Names, as amended from time to time.

[am. B.C. Regs. 106/2005, s. 2; 41/2016, s. 32.]

Established objectives

- 9** (1) For the purpose of section 13 (1) (b) (i) [*content of woodlot licence plan*] of the Act, the objectives set by government are as follows:
- (a) maintaining or enhancing an economically valuable supply of commercial timber from the woodlot licence area;
 - (b) conserving the productivity and the hydrologic function of soils;
 - (c) conserving within riparian areas, at the landscape level, water quality, fish habitat, wildlife habitat and biodiversity;
 - (d) conserving and protecting cultural heritage resources that are
 - (i) the focus of a traditional use by an aboriginal people that is of continuing importance to that people, and
 - (ii) not regulated under the *Heritage Conservation Act*;
 - (e) subject to section 52 (1) [*wildlife tree retention*], any land use objective.
- (2) For the purpose of section 13 (1) (b) (ii) of the Act, the following objectives apply:

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- (a) any fisheries sensitive watershed objective or water quality objective established for a watershed within which the woodlot licence area is located;
- (b) subject to subsection (3), conserving sufficient wildlife habitat in terms of amount of area and distribution of areas, and attributes of those areas for
 - (i) the winter survival of specified ungulate species,
 - (ii) the survival of a species at risk, and
 - (iii) the survival of a species of regionally important wildlife.
- (3) A woodlot licence holder required to prepare a woodlot licence plan must act in a manner consistent with the objective stated under subsection (2) (b) only if the minister responsible for the *Wildlife Act* notifies the holder of the applicable
 - (a) species referred to in subsection (2) (b), and
 - (b) indicators of the amount, distribution and attributes of necessary wildlife habitat described in subsection (2) (b).
- (4) On or after December 31, 2004, a notice described in subsection (3) must be given at least 4 months before the woodlot licence plan is submitted for approval.
[am. B.C. Regs. 585/2004, s. 3; 106/2005, s. 3.]

Results or strategies not required

- 10** For the purpose of section 13 (1) (b) [*content of woodlot licence plan*] of the Act, a woodlot licence holder is not required to specify a result or strategy in relation to the following:
- (a) any objective listed in section 9 (1) or (2) [*established objectives*], except that described in section 9 (1) (d);
 - (b) an objective for an interpretive forest site, recreation site or recreation trail;
 - (c) a wildlife habitat area objective;
 - (d) an ungulate winter range objective;
 - (e) a lakeshore management zone objective;
 - (f) a visual quality objective.

Wildlife tree retention strategy required

- 11** For the purpose of section 52 (2) [*wildlife tree retention*], a woodlot licence holder must specify in the holder's woodlot licence plan a wildlife tree retention strategy that describes
- (a) generally, the species and characteristics of individual wildlife trees,
 - (b) generally, the forest cover attributes of wildlife tree retention areas,
 - (c) the conditions under which individual wildlife trees may be removed,
 - (d) the conditions under which trees may be removed from within a wildlife tree retention area, and
 - (e) how trees removed under subparagraphs (c) and (d) will be replaced.

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Stocking information for specified areas

- 12** A woodlot licence holder must specify in the holder's woodlot licence plan stocking standards for areas referred to in section 34 (3) [*free growing stands*].

Alternative performance requirements

- 13** (1) A woodlot licence holder may propose in a woodlot licence plan an alternative performance requirement that specifies in relation to the plan
- (a) an amount of soil disturbance for the purposes of section 24 (1) (a),
 - (b) an area for occupation by permanent access structures for the purposes of sections 25 (1) (a), (2) (a) or (3) (a),
 - (c) the stocking standards, regeneration date and free growing date for the purposes of section 35 (1) (a),
 - (d) the minimum riparian management area width, riparian reserve zone width and riparian management zone width for the purposes of one or more of section 36 (4) (a), 37 (3) (a) or 38 (2) (a),
 - (e) the circumstances in which cutting, modification or removal of trees may occur in a riparian reserve zone for the purposes of section 39 (1),
 - (f) the circumstances in which road construction may occur in a riparian management zone for the purposes of section 40 (1) (a),
 - (g) the proportion of the woodlot licence area that may consist of wildlife tree retention areas for the purposes of section 52 (1) (b),
 - (h) the quantity of logs to be retained for the purposes of section 54 (1) (a), and
 - (i) the measures that relate to resource features for the purposes of section 56 (1) (a).
- (2) In proposing an alternative performance requirement under subsection (1), a woodlot licence holder must
- (a) specify in the holder's woodlot licence plan the provision to which the alternative performance requirement relates,
 - (b) specify in the holder's woodlot licence plan the location to which the alternative performance requirement is applicable, and
 - (c) submit to the minister a rationale for how the alternative performance requirement is consistent with the criteria described in section 9, if any, to which the alternative performance requirement relates.

[en. B.C. Reg. 106/2005, s. 4.]

Invasive plants

- 14** For the purpose of section 47 [*invasive plants*] of the Act, a woodlot licence holder must, subject to section 78 (1) [*minister may grant exemption*], specify measures in the holder's woodlot licence plan to prevent the introduction or spread of species of plants prescribed in the Invasive Plants Regulation, if the introduction or spread is likely to be the result of the holder's forest practices.

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Natural range barriers

- 15** For the purpose of section 48 [*natural range barriers*] of the Act, a woodlot licence holder must, subject to section 78 (1) [*minister may grant exemptions*], specify measures in the holder's woodlot licence plan to mitigate the effect of removing or rendering ineffective natural range barriers.

Signature

- 16** Despite section 13 (4) [*content of woodlot licence plan*] of the Act, a woodlot licence plan may be signed by a person who is authorized by the woodlot licence holder to sign the plan on behalf of the holder.

Division 3 – Review and Comment**Review and comment**

- 17** (1) For the purpose of section 18 [*review and comment*] of the Act, before submitting a woodlot licence plan for approval, a woodlot licence holder must
- (a) publish a notice in a newspaper, in a form acceptable to the minister, and
 - (b) if required by the minister, refer a copy of the plan, or a portion of the plan, to
 - (i) any agency of government,
 - (ii) any agency of the Government of Canada, or
 - (iii) a person specified by the minister.
- (2) In respect to an amendment for which an approval is required under section 15 [*amendments to a woodlot licence plan*] or 16 [*approval of woodlot licence plan or amendment*] of the Act, the minister may exempt a woodlot licence holder from the requirement to publish a notice under subsection (1) (a) if the minister is satisfied that the proposed amendment will not affect others in a material way.
- (3) A woodlot licence holder who publishes a notice or refers a copy of the plan under subsection (1) must provide opportunity for review and comment to persons interested or affected by operations under the plan for a period of
- (a) if the plan is to address an emergency, at least 5 days from the first date of publication,
 - (b) if the minister determines that a period of more than 30 days is required to provide adequate opportunity for review, the time specified by the minister, or
 - (c) in any other case, 30 days from the first date of publication.
- (3.1) A woodlot licence holder who publishes a notice or refers a copy of the plan under subsection (1) must, for the period referred to in subsection (3), make reasonable efforts to meet with first nation groups affected by the plan to discuss the plan or amendment.

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- (4) A woodlot licence holder must review all written comments in respect of the holder's plan received during the period of review specified under subsection (3), and make any revisions to the plan that the holder considers appropriate.
- (5) A woodlot licence holder who submits a woodlot licence plan to the minister for approval must submit with the plan
 - (a) a copy of the notice published under subsection (1) (a),
 - (b) a copy of each written comment received during the period of review specified in subsection (3),
 - (c) a description of any changes made to the plan as a result of the comments received, and
 - (d) a description of the efforts made to comply with the requirements of subsection (3.1).

[am. B.C. Regs. 355/2004, ss. (b) and (c); 106/2005, s. 5.]

Division 4 – Approvals and Amendments**Minister's consideration of woodlot licence plan**

- 18** (1) If, in preparing an alternative performance requirement under section 13 [*alternative performance requirements*] or stocking standards under section 12 [*stocking information for specified areas*], a woodlot licence holder satisfies the minister that the holder took into consideration only those factors contained in Schedule 1, the minister must not require the holder to consider other factors.
- (2) The minister may request information under section 16 (2.1) [*approval of woodlot licence plan or amendment*] of the Act in respect of an alternative performance requirement or stocking standard if the information is
- (a) relevant to the factors in Schedule 1 that were addressed, if any,
 - (b) relevant to any factor that the holder addressed that is not a factor listed in Schedule 1, and
 - (c) either available to the holder or in the control or possession of the holder.
- (3) The minister must approve an alternative performance requirement in respect of regeneration date, free growing date and stocking standards, and a stocking standard described under section 12 [*stocking information for specified areas*], if the minister is satisfied that the alternative performance requirement or stocking standard will result in the area being stocked with or retaining, as applicable, ecologically suitable species that address immediate and long-term forest health issues on the area, to a density or to a basal area that, in either case, is consistent with
- (a) section 9 (1) (a) [*established objectives*], and
 - (b) the timber supply projections and forest management assumptions that apply to the area covered by the plan on the date that the plan is submitted for approval.

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- (4) The minister must not refuse to approve an alternative performance requirement solely on the basis that performance of the alternative performance requirement
- (a) would result in an outcome that is outside of the range of natural variation that is characteristic of a season, an area or a forest resource,
 - (b) would cause or contribute to an adverse impact on a forest resource, if that impact would be consistent with the objectives described in section 8 *[mapping and information]*,
 - (c) proposes an innovative means of meeting the intent of the requirement to which the alternative performance requirement relates, or
 - (d) is based on a factor other than one specified in Schedule 1.
- [am. B.C. Reg. 106/2005, s. 6.]

Emergency approval

- 19** For the purpose of section 17 of the Act, the prescribed circumstances in relation to a woodlot licence plan are those described in that section.
- [en. B.C. Reg. 585/2004, s. 5.]

Minor amendments that require approval

- 20** For the purpose of section 20 (1) *[minor amendments]* of the Act, an amendment to a woodlot licence plan requires the approval of the minister if the amendment would add or vary an alternative performance requirement.

Minor amendments that do not require approval

- 21** (1) For the purpose of section 20 (1) (b) *[minor amendments]* of the Act, a proposed amendment to a woodlot licence plan does not require approval of the minister if the proposed amendment is in respect to
- (a) correcting a mapping or non-substantive data entry referred to in section 8 *[mapping and information]*, that will not
 - (i) decrease the area where harvesting will be avoided or constrained, or
 - (ii) increase the adverse impact on forest resources,
 - (b) the reclassification of a stream, wetland or lake, or
 - (c) the wildlife tree retention strategy prepared under section 11 *[wildlife tree retention strategy required]*, that will not decrease the nature or quality of wildlife trees or wildlife tree retention areas.
- (2) An amendment that does not require the approval of the minister takes effect when it is signed in accordance with section 13 (4) *[content of woodlot licence plan]* of the Act or section 16 *[signature]*.

Minor amendments wrongly made

- 22** (1) Under section 20 (3) *[minor amendments]* of the Act, if the minister determines that a decision made by a woodlot licence holder under section 20 (1) of the Act was wrongly made, the minister may

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- (a) declare the amendment to be without effect, and
 - (b) if the minister considers it appropriate, require the holder to suspend operations that are not authorized in the absence of the amendment.
- (2) A woodlot licence holder referred to in subsection (1) will not be found to have contravened the Act or this regulation by carrying out, before the minister makes a determination under subsection (1), operations that are not authorized in the absence of the amendment if
 - (a) the minister is satisfied, or
 - (b) the holder establishes that the holder had reason to believe that the amendment would have been approved under section 16 (1.1) [*approval of woodlot licence or amendment*] of the Act, had the amendment been properly submitted for approval.

Mandatory amendments

- 23** (1) A woodlot licence holder who knows or ought reasonably to know that performing the operations specified in a woodlot licence plan will not achieve the results specified in the plan or the requirements of this regulation
- (a) must submit to the minister an amendment to the plan, and
 - (b) must not carry out any operation that would be materially affected by the amendment submitted under paragraph (a) until the amendment has been approved.
- (2) If the requirements of the woodlot licence plan cannot be met as a result of the woodlot licence holder carrying out, or failing to carry out, a forest practice on the area covered by the plan, or the occurrence of a natural event, the holder must
- (a) notify the minister, and
 - (b) if an amendment to the plan is required, not carry out any operation that would be materially affected by the proposed amendment until the amendment has been approved.

PART 3 – PRACTICE REQUIREMENTS**Division 1 – Soils****Soil disturbance limits**

- 24** (1) A woodlot licence holder must not cause the amount of soil disturbance on the net area to be reforested to exceed
- (a) the amount specified in the holder's woodlot licence plan, or
 - (b) 8%, if there is no amount specified in paragraph (a).

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- (2) A woodlot licence holder must not cause soil disturbance on any portion of the net area to be reforested to be concentrated in a manner that would be inconsistent with the objective set out in section 9 (1) (b) [*established objectives*].
- (3) A woodlot licence holder may exceed the limit set out in subsection (1), if
 - (a) the holder is removing infected stumps or salvaging windthrow, and
 - (b) the additional disturbance is the minimum necessary.

Permanent access structure limits

- 25** (1) A woodlot licence holder must ensure that the maximum amount of the total area within a cutblock that is 5 ha or greater in size that is occupied by permanent access structures is
- (a) the amount specified in the holder's woodlot licence plan, or
 - (b) 7%, if there is no amount specified in paragraph (a).
- (2) A woodlot licence holder must ensure that the maximum amount of the total area within a cutblock that is less than 5 ha in size that is occupied by permanent access structures is
- (a) the amount specified in the holder's woodlot licence plan, or
 - (b) 10%, if there is no amount specified in paragraph (a).
- (3) Without limiting subsections (1) and (2), a woodlot licence holder must ensure that the maximum amount of the woodlot licence area that is occupied by permanent access structures is
- (a) the amount specified in the holder's woodlot licence plan, or
 - (b) 7%, if there is no amount specified in paragraph (a).

Landslides

- 26** A woodlot licence holder who carries out a primary forest activity must ensure that the primary forest activity does not cause a landslide that has a material adverse effect on a matter referred to in section 149 (1) [*objectives set by government*] of the Act.

Gully processes

- 27** A woodlot licence holder who carries out a primary forest activity on the Coast must ensure that the primary forest activity does not cause a gully process that has a material adverse effect on a matter referred to in section 149 (1) [*objectives set by government*] of the Act.

Natural surface drainage patterns

- 28** (1) If a woodlot licence holder constructs a temporary access structure or a permanent access structure on an area, the holder must maintain natural surface drainage patterns on the area both during and after construction.
- (2) Despite subsection (1), if it is not practicable for a woodlot licence holder to maintain natural surface drainage patterns during the construction of a temporary

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access structure or permanent access structure, the holder must ensure the altered surface drainage pattern is compatible with the original natural surface drainage pattern by the earlier of

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

Revegetation

29 A woodlot licence holder who constructs or deactivates a road must ensure that soil exposed by the construction or deactivation is revegetated within two years after the construction or deactivation is completed if it is reasonably foreseeable that

- (a) the erosion of the soil would cause
 - (i) sediment to enter a stream, wetland or lake, or
 - (ii) a material adverse effect on a matter referred to in section 149 (1) *[objectives set by government]* of the Act, and
- (b) revegetation would materially reduce the likelihood of erosion.

Division 2 – Timber and Forest Health**Modification of insect behaviour**

30 Unless exempted under section 78 (1) *[minister may grant exemptions]*, a woodlot licence holder who uses trap trees or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge.

Use of livestock

31 Unless exempted under section 78 (1) *[minister may grant exemptions]*, if a woodlot licence holder who is required to establish a free growing stand uses livestock for site preparation or brush control, the woodlot licence holder must ensure that all necessary measures are taken to

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

Use of seed

- 32** (1) In this section, “**transfer**” means the process by which seed is selected and used, based on the origin of the seed and its genetic suitability for the site on which trees grown from the seed are to be planted.
- (2) The chief forester may make standards for matters referred to in section 169 (1) (a) (i) to (v) *[chief forester standards for forest practices]* of the Act if the chief forester considers such standards to be necessary or appropriate for the purpose of regulating the use, registration, storage, selection or transfer of seed to be used in the establishment of free growing stands.

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- (3) The chief forester may authorize a person to exercise a discretion of the chief forester described in subsection (5), (6) or (7).
- (4) Unless an alternative is approved under subsection (6), a woodlot licence holder who plants trees while establishing a free growing stand must use only seed registered, stored, selected and transferred in accordance with the standards, if any, established by the chief forester.
- (5) A woodlot licence holder referred to in subsection (4) may submit to the chief forester for approval an alternative to any standard established by the chief forester under subsection (2).
- (6) The chief forester may approve an alternative submitted under subsection (5) if the chief forester considers that the alternative is consistent with achieving the intent of the standard.
- (7) If the chief forester approves an alternative submitted under subsection (5), the woodlot licence holder who submitted the alternative
 - (a) is exempt from the requirement of subsection (4) for which the alternative has been approved, and
 - (b) must comply with the alternative.
- (8) A woodlot licence holder who is required to establish a free growing stand must keep a record of the registration numbers of the seed that is used, if any, and a map of the location where the trees grown from the seed are planted.

Pre-harvest mapping

- 33**
- (1) The chief forester may establish standards for the purpose of this section.
 - (2) Before a woodlot licence holder harvests timber from an area where the holder is required to establish a free growing stand, the holder must prepare a map for the area according to the standards set under subsection (1), showing
 - (a) the biogeoclimatic ecosystem classification, including the site series listed within that classification, for the area, and
 - (b) the stocking standards that apply to the area.
 - (3) A woodlot licence holder must make the map referred to in subsection (2) available to the district manager, or a person authorized by the district manager, on request.
 - (4) A woodlot licence holder must retain the map referred to in subsection (2) until the holder
 - (a) has produced a free growing stand on the area, or
 - (b) has been relieved under section 107 [*limitation on liability of person to government*] or 108 [*government may fund extra expense or waive obligation*] of the Act of the requirement to establish a free growing stand on the area.

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Free growing stands

- 34** (1) Unless exempted under subsection (2) or section 78 (2) [*minister may grant exemptions*], a woodlot licence holder must establish, in accordance with this Division, a free growing stand on
- (a) the net area to be reforested,
 - (b) areas where timber was harvested by the holder in contravention of section 52 [*unauthorized timber harvesting*] of the Act,
 - (c) private land subject to the woodlot licence where timber was harvested by the holder without authorization, and
 - (d) areas where the minister requires the holder to establish a free growing stand when the holder is authorized to obtain a cutting permit under section 12 (3) [*woodlot licence plan required*] of the Act.
- (2) A woodlot licence holder is exempt from the requirements of section 29 (3) [*free growing stands*] of the Act in respect of an area if timber harvesting is limited to one or more of the following:
- (a) harvesting timber to eliminate a safety hazard;
 - (b) harvesting timber to facilitate the collection of seed, leaving an opening not greater than 1 ha;
 - (c) removing felled trees from landings and road rights of way;
 - (d) commercial thinning, removal of individual trees, or a similar type of intermediate cutting;
 - (e) harvesting special forest products.
- (3) A woodlot licence holder who harvests timber for the reasons referred to in subsection (2) (d) or (e) must ensure that, for a period of 12 months after completion of harvest, the area on which timber harvesting was carried out conforms to the stocking standards specified in section 12 [*stocking information for specified areas*] for the area.
- (4) For the purpose of the definition of “commencement date”, the minister may give written authorization for a specified commencement date if
- (a) harvesting of bark beetle infested timber or timber damaged by wind occurs before harvesting the majority of the cutblock volume, or
 - (b) all of the following apply:
 - (i) harvesting in areas that are in close proximity has taken place over one or more seasons;
 - (ii) the holder has proposed to amalgamate the areas into a single unit;
 - (iii) the minister is satisfied that the amalgamation will simplify future management of the areas.

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Conforming to stocking standards

- 35** (1) In subsection (2), the applicable stocking standards, regeneration date and free growing date are those specified for the applicable silvicultural system in
- (a) the woodlot licence holder's woodlot licence plan, or
 - (b) the Ministry of Forests' publication, Reference Guide for Forest Development Plan Stocking Standards, as amended from time to time, if the stocking standards, regeneration date or free growing date are not specified in the holder's woodlot licence plan.
- (2) A woodlot licence holder who is required to establish a free growing stand on an area must,
- (a) by the applicable regeneration date, establish a stand that conforms to the stocking standards that relate to the biogeoclimatic ecosystem classification for the area, and
 - (b) by the applicable free growing date, establish a free growing stand that conforms to the stocking standards that relate to the biogeoclimatic ecosystem classification for the area.

Requirements if free growing stand cannot be established

- 35.1** (1) Subject to section 108 of the Act, a woodlot licence holder who
- (a) is required to establish a free growing stand under section 34 of this regulation, and
 - (b) knows that the requirements of sections 34 and 35 of this regulation cannot be met
- must
- (c) give notice to the minister that the requirements to establish a free growing stand cannot be met, giving the reasons, and
 - (d) submit to the minister a proposal for establishing a free growing stand on the area, including the stocking standards, the free growing height and the latest date by which the stocking standards and free growing height will be achieved.
- (2) The minister must approve a proposal submitted under subsection (1) if the minister considers that the proposal is consistent with section 18 (3).
- (3) The minister must give notice to the holder who submitted the proposal if the proposal has been approved or rejected and, if rejected, must provide written reasons.
- (4) A rejection under subsection (3) is reviewable as set out in sections 80 and 81 of the Act and those sections and sections 82 to 84 of the Act apply in respect of the review.

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- (5) A holder who is notified under subsection (3) that the proposal has been approved must ensure that a free growing stand is established that conforms to the approved proposal.

[en. B.C. Reg. 106/2005, s. 7; am. B.C. Reg. 16/2017, s. 1.]

Division 3 – Riparian Areas**Stream riparian classes**

- 36** (1) In this section, “**active flood plain**” means the level area with alluvial soils, adjacent to streams, that is flooded by stream water on a periodic basis and is at the same elevation as areas showing evidence of
- (a) flood channels free of terrestrial vegetation,
 - (b) rafted debris or fluvial sediments, recently deposited on the surface of the forest floor or suspended on trees or vegetation, or
 - (c) recent scarring of trees by material moved by flood waters.
- (2) A stream that is a fish stream or is located in a community watershed has the following riparian class:
- (a) S1A, if the stream averages, over a one km length, either a stream width or an active flood plain width of 100 m or greater;
 - (b) S1B, if the stream width is greater than 20 m but the stream does not have a riparian class of S1A;
 - (c) S2, if the stream width is not less than 5 m and not more than 20 m;
 - (d) S3, if the stream width is not less than 1.5 m but is less than 5 m;
 - (e) S4, if the stream width is less than 1.5 m.
- (3) A stream that is not a fish stream and is located outside of a community watershed has the following riparian class:
- (a) S5, if the stream width is greater than 3 m;
 - (b) S6, if the stream width is 3 m or less.
- (4) Unless subsection (5) or (6) applies, for each riparian class of stream, the minimum riparian management area width, riparian reserve zone width and riparian management zone width, on each side of the stream, are
- (a) as specified in the holder’s woodlot licence plan, or
 - (b) if widths are not specified in a woodlot licence plan, as follows:

Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
S1-A	100	0	100
S1-B	70	50	20
S2	50	30	20

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Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
S3	40	20	20
S4	30	0	30
S5	30	0	30
S6	20	0	20

- (5) If the width of the active flood plain of a stream exceeds the specified width for the riparian management zone, the width of the riparian management zone extends to the outer edge of the active flood plain.
- (6) The minister may specify a riparian reserve zone for a stream with a riparian class of S1-A if the minister considers that a riparian reserve zone is required.
- (7) The riparian reserve zone for a stream begins at the edge of the stream channel bank and extends to the width specified in subsection (4) or (6).
- (8) The riparian management zone for a stream begins at
- (a) the outer edge of the riparian reserve zone, or
 - (b) if there is no riparian reserve zone, the edge of the stream channel bank, and extends out to the widths specified in subsection (4) or (5).

[am. B.C. Reg. 585/2004, s. 7.]

36.1 Repealed. [B.C. Reg. 106/2005, s. 8.]

Wetland riparian classes

- 37** (1) Wetlands have the following riparian classes:
- (a) W1, if the wetland is greater than 5 ha in size;
 - (b) W2, if the wetland is not less than 1 ha and not more than 5 ha in size and is in one of the following biogeoclimatic zones or subzones:
 - (i) Ponderosa Pine;
 - (ii) Bunch Grass;
 - (iii) Interior Douglas-fir, very dry hot, very dry warm or very dry mild;
 - (iv) Coastal Douglas-fir;
 - (v) Coastal Western Hemlock, very dry maritime, dry maritime or dry subarctic;
 - (c) W3, if the wetland is not less than 1 ha and not more than 5 ha in size and is in a biogeoclimatic zone or subzone other than one referred to in paragraph (b);
 - (d) W4, if the wetland is

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- (i) not less than 0.25 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b) (i), (ii) or (iii), or
 - (ii) not less than 0.5 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b) (iv) or (v).
- (2) Despite subsection (1), an area is to be treated as a single wetland with a riparian class of W5 if
 - (a) the area contains
 - (i) two or more W1 wetlands located within 100 m of each other,
 - (ii) a W1 wetland and one or more W2, W3 or W4 wetlands, all of which are within 80 m of each other, or
 - (iii) two or more W2, W3 or W4 wetlands located within 60 m of each other, and
 - (b) the combined size of the wetlands, excluding the upland areas, is 5 ha or larger.
- (3) Unless subsection (4) or (5) applies, for each riparian class of wetland, the minimum riparian management area width, riparian reserve zone width and riparian management zone width for the wetland are
 - (a) as specified in the holder's woodlot licence plan, or
 - (b) if no widths are specified in a woodlot licence plan, as follows:

Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
W1	50	10	40
W2	30	10	20
W3	30	0	30
W4	30	0	30
W5	50	10	40
- (4) No riparian reserve zone or riparian management zone extends onto any enclosed upland areas of a W1 wetland if the wetland is
 - (a) located in a boreal, subboreal or hyper-maritime climate, and
 - (b) greater than 1 000 ha in size.
- (5) If the minister considers it necessary for a riparian reserve zone or riparian management zone to extend onto an enclosed upland area, the minister may require either or both of the following:
 - (a) a riparian reserve zone of a width of 10 m or less;
 - (b) a riparian management zone with a width of 40 m or less.

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- (6) The riparian reserve zone for a wetland begins at the edge of the wetland and extends to the width described in subsection (3) or (5).
- (7) The riparian management zone for a wetland begins at
- (a) the outer edge of the riparian reserve zone, or
 - (b) if there is no riparian reserve zone, the edge of the wetland,
- and extends to the width specified in subsection (3) or (5).

Lake riparian classes

- 38** (1) Lakes have the following riparian classes:
- (a) L1-A, if the lake is 1 000 ha or greater in size;
 - (b) L1-B, if
 - (i) the lake is greater than 5 ha but less than 1 000 ha in size, or
 - (ii) the minister designates the lake as L1-B;
 - (c) L2, if the lake is not less than 1 ha and not greater than 5 ha in size and is in a biogeoclimatic zone or subzone that is
 - (i) Ponderosa Pine,
 - (ii) Bunch Grass,
 - (iii) Interior Douglas-fir, very dry hot, very dry warm or very dry mild,
 - (iv) Coastal Douglas-fir, or
 - (v) Coastal Western Hemlock, very dry maritime, dry maritime or dry submaritime;
 - (d) L3, if the lake is not less than 1 ha and not more than 5 ha in size and is in a biogeoclimatic zone or subzone other than one referred to in paragraph (c);
 - (e) L4, if the lake is
 - (i) not less than 0.25 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (c) (i), (ii) or (iii), or
 - (ii) not less than 0.5 ha and not more than 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (c) (iv) or (v).
- (2) Unless subsection (3) applies, for each riparian class of lake, the minimum riparian management area width, riparian reserve zone width and riparian management zone width are
- (a) as specified in the holder's woodlot licence plan, or
 - (b) if no widths are specified in a woodlot licence plan, as follows:

Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
L1-A	0	0	0

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Riparian Class	Riparian Management Area (metres)	Riparian Reserve Zone (metres)	Riparian Management Zone (metres)
L1-B	10	10	0
L2	30	10	20
L3	30	0	30
L4	30	0	30

- (3) If the minister considers it necessary, the minister may specify a riparian management area and a riparian reserve zone for a lake with a riparian class of L1-A.
- (4) The riparian reserve zone for a lake begins at the edge of the lake and extends to the width specified in subsection (2) or (3).
- (5) The riparian management zone for a lake begins at
- (a) the outer edge of the riparian reserve zone, or
 - (b) if there is no riparian reserve zone, the edge of the lake,
- and extends to the width specified in subsection (2) or (3).

Restrictions in a riparian reserve zone

- 39** (1) A woodlot licence holder must not cut, modify or remove trees in a riparian reserve zone, unless it has been specified in a woodlot licence plan or it is limited to one of the following purposes:
- (a) felling or modifying a tree that is a safety hazard, if there is no other practicable option for addressing the safety hazard;
 - (b) topping or pruning a tree that is not wind firm;
 - (c) constructing a stream crossing;
 - (d) creating a corridor for full suspension yarding;
 - (e) creating guyline tiebacks;
 - (f) carrying out a sanitation treatment;
 - (g) felling or modifying a tree that has been windthrown or has been damaged by fire, insects, disease or other causes, if the felling or modifying will not have a material adverse impact on the riparian reserve zone;
 - (h) felling or modifying a tree for the purpose of establishing or maintaining an interpretive forest site, recreation site, recreation facility or recreation trail.
- (2) A woodlot licence holder who fells, tops, prunes or modifies a tree under subsection (1) may remove the tree only if the removal will not have a material adverse affect on the riparian reserve zone.
- (2.1) A woodlot licence holder must not construct a road in a riparian reserve zone in a cutblock unless the construction has been specified in a woodlot licence plan.

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- (3) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder must not carry out the following silviculture treatments in a riparian reserve zone:

- (a) grazing or broadcast herbicide applications for the purpose of brushing;
- (b) mechanized site preparation or broadcast burning for the purpose of site preparation;
- (c) spacing or thinning.

[am. B.C. Reg. 585/2004, s. 8.]

Restrictions in a riparian management zone

- 40** (1) A woodlot licence holder must not construct a road in a riparian management zone in a cutblock, unless one of the following applies:

- (a) the construction of the road is provided for in the woodlot licence plan;
- (b) locating the road outside the riparian management zone would create a higher risk of sediment delivery to the stream, wetland or lake to which the riparian management zone applies;
- (c) there is no other practicable option for locating the road;
- (d) the road is required as part of a stream crossing.

- (2) Unless exempted under section 78 (1) [*minister may grant exemptions*], if a road is constructed within a riparian management zone, a woodlot licence holder must not carry out road maintenance activities beyond the clearing width of the road, except as necessary to maintain a stream crossing.

- (3) Unless exempted under section 78 (1), a woodlot licence holder who constructs, maintains or deactivates a road must not remove gravel or other fill from within a riparian management zone, unless

- (a) the gravel or fill is within a road prism,
- (b) the gravel or fill is at a stream crossing, or
- (c) there is no other practicable option.

- (4) Unless exempted under section 78 (1), a woodlot licence holder who cuts, modifies or removes trees within a riparian management zone for an S4, S5 or S6 stream that has trees that contribute significantly to the maintenance of stream bank or channel stability, must retain enough trees adjacent to the stream to maintain the stream bank or channel stability, if the stream

- (a) is a direct tributary to an S1, S2 or S3 stream,
- (b) flows directly into the ocean, at a point near to or where one or more of the following is located:
 - (i) a herring spawning area;
 - (ii) a shellfish bed;
 - (iii) a saltwater marsh area;
 - (iv) an aquaculture site;

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- (v) a juvenile salmonid rearing area or an adult salmon holding area, or
 - (c) flows directly into the ocean at a point near to the location of an area referred to in paragraph (b) and failure to maintain stream bank or channel stability will have a material adverse impact on that area.
- (5) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder must cut, modify or remove trees within a riparian management zone only as described in section 8 (3) [*mapping and information*].
[am. B.C. Reg. 585/2004, s. 9.]

Lakeshore management zones

- 41** Unless exempted under section 78 (1) [*minister may grant exemptions*], if a lakeshore management zone objective applies to Crown land in a woodlot licence area, a woodlot licence holder must carry out forest practices in the area only in a manner that is consistent with the lakeshore management zone objective.

Temperature sensitive streams

- 42** Unless exempted under section 79 (1), a woodlot licence holder who fells, modifies or removes trees within a riparian reserve zone or riparian management zone adjacent to a temperature sensitive stream, or a stream that is a direct tributary to a temperature sensitive stream, must retain either or both of the following in an amount sufficient to prevent the temperature of the temperature sensitive stream from increasing to an extent that would have a material adverse impact on fish:
- (a) streamside trees whose crowns provide shade to the stream;
 - (b) understory vegetation that provides shade to the stream.
- [en. B.C. Reg. 585/2004, s. 10; am. B.C. Reg. 106/2005, s. 9.]

Stream crossings

- 43** (1) Unless exempted under section 78 (1), a woodlot licence holder who builds a stream crossing as part of a temporary access structure or permanent access structure must locate, build and use the crossing in a manner that
- (a) protects the stream channel and stream bank immediately above and below the stream crossing, and
 - (b) mitigates disturbance to the stream channel and stream bank at the crossing.
- (2) Unless exempted under section 78 (1), a woodlot licence holder who builds a stream crossing as part of a temporary access structure must remove the crossing when it is no longer required by the holder.
[en. B.C. Reg. 585/2004, s. 10.]

Fish passage

- 44** (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who carries out a primary forest activity must ensure that the primary forest activity does not have a material adverse effect on fish passage in a fish stream.

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- (2) Unless exempted under section 78 (1), a woodlot licence holder who maintains a fish stream crossing built after June 15, 1995, must ensure that the crossing does not have a material adverse effect on fish passage.
- (3) Despite subsections (1) and (2), a woodlot licence holder may temporarily have a material adverse effect on fish passage to construct, maintain or deactivate a road, including a stream crossing, if
 - (a) fish are not migrating or spawning, and
 - (b) the source of the material adverse effect is removed immediately on completion of the construction, maintenance or deactivation.

Protection of fish and fish habitat

- 45** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who carries out a primary forest activity must conduct the primary forest activity at a time and in a manner that is unlikely to harm fish or destroy, damage or harmfully alter fish habitat.

Use of livestock in riparian areas

- 46** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who uses livestock for site preparation or brush control for the purpose of carrying out a silviculture treatment must not do either of the following:
- (a) construct a livestock corral
 - (i) within a riparian management zone or riparian reserve zone,
 - (ii) on an area that drains directly into a fish stream or a fish-bearing wetland or lake, or
 - (iii) on an area within a community watershed that drains directly into a potable water source;
 - (b) use the livestock within a riparian management zone or riparian reserve zone that is located within a community watershed.

Division 4 – Watersheds**Protecting water quality**

- 47** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who carries out a primary forest activity must ensure that the primary forest activity does not cause material that is harmful to human health to be deposited in, or transported to, water that is diverted for human consumption by a licensed waterworks.

Licensed waterworks

- 48** (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who carries out a primary forest activity must ensure that the primary forest activity does not damage a licensed waterworks.

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- (2) A woodlot licence holder must not harvest timber or construct a road within a community watershed if the timber harvesting or road construction is within a 100 m radius upslope of a licensed waterworks where the water is diverted for human consumption, unless the timber harvesting or road construction will not increase sediment delivery to the intake.

Excavated or bladed trails

49 Unless exempted under section 78 (1), a woodlot licence holder who

- (a) carries out timber harvesting, and
- (b) constructs an excavated or bladed trail in a community watershed,

must ensure that doing so does not cause sediment delivery that would be harmful to human health to enter a stream, wetland or lake from which water is being diverted for human consumption by a licensed waterworks.

[en. B.C. Reg. 585/2004, s. 10.]

Roads in a community watershed

50 (1) To prevent interference with the subsurface flow path of a drainage area that contributes to a spring that is a source of water for a licensed waterworks, the minister may

- (a) identify a spring in a community watershed,
- (b) specify a distance from the spring within which a person who constructs a road must not locate the road, and
- (c) permit a person who constructs a road to locate the road closer to the spring than the distance specified under paragraph (b).

- (2) If the minister does not specify a distance under subsection (1) (b), subject to an exemption granted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who constructs a road must not locate the road closer than a 100 m radius upslope of the spring identified under subsection (1) (a), unless the construction does not interfere with the subsurface flow path of a drainage area that contributes to the spring.

Use of fertilizers

51 (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who applies fertilizer within a community watershed for the purpose of carrying out a silviculture treatment must not apply fertilizer

- (a) closer than a 100 m radius upslope of a licensed waterworks, or
- (b) within 10 m of a perennial stream that is observable from an aircraft used to apply the fertilizer,

that results in

- (c) if measured immediately below the area where the fertilizer is applied, nitrate nitrogen levels in the stream exceeding 10 parts per million, or
- (d) chlorophyll levels in the stream exceeding

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- (i) two micrograms per litre in a lake into which the stream drains, or
 - (ii) 50 milligrams per square metre in the stream.
- (2) Subsection (1) does not apply if the use of fertilizer is restricted to spot applications.

Division 5 – Biodiversity**Wildlife tree retention**

- 52** (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder must ensure that the proportion of the woodlot licence area that is occupied by wildlife tree retention areas is no less than the least of the following:
- (a) the proportion specified for the area in a land use objective;
 - (b) the proportion specified for the area in the holder's woodlot licence plan;
 - (c) 8% of the woodlot licence area.
- (2) A woodlot licence holder must not cut, damage or remove wildlife trees or trees within a wildlife tree retention area except in accordance with the wildlife tree retention strategy prepared under section 11 [*wildlife tree retention strategy required*].

Restriction on harvesting

- 53** (1) A woodlot licence holder must not harvest timber in areas identified under section 8 (3) [*mapping and information*] as areas where harvesting will be avoided during the term of the woodlot licence plan.
- (2) A woodlot licence holder must harvest timber in areas described in section 8 (3) as areas where harvesting will be modified during the term of the woodlot licence plan in accordance with the modifications described in the plan.

Coarse woody debris

- 54** (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who is required to establish a free growing stand on an area must retain logs on the area consistent with
- (a) the amount specified in the holder's woodlot licence plan, or
 - (b) if no amount is specified in the woodlot licence plan,
 - (i) if the area is on the Coast, a minimum of 4 logs per hectare, each being a minimum of 5 m in length and 30 cm in diameter at one end, and
 - (ii) if the area is in the Interior, a minimum of 4 logs per hectare, each being a minimum of 2 m in length and 7.5 cm in diameter at one end.
- (2) A woodlot licence holder is exempt from the requirements of subsection (1) if

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- (a) the holder's agreement or an enactment requires the holder to act in a manner contrary to that set out in subsection (1), or
- (b) the holder carries out a controlled burn on the cutblock that is authorized under an enactment.

Division 6 – General**General wildlife measures**

- 55** Unless exempted under section 79 (1) [*minister may grant exemptions*], if a general wildlife measure is established for a woodlot licence area, a woodlot licence holder who carries out primary forest activities in the area must comply with each general wildlife measure that applies to the area.

[am. B.C. Reg. 163/2023, Sch. 5, s. 1.]

General ecological community measures

- 55.1** Unless exempted under section 79 (1) [*minister may grant exemptions*], if a general ecological community measure is established for a woodlot licence area, a woodlot licence holder who carries out primary forest activities in the area must comply with each general ecological community measure that applies to the area.

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

Resource features and wildlife habitat features

- 56** (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who carries out a forest practice that could affect a resource feature must
- (a) carry out the measures specified in the holder's woodlot licence plan that relate to the resource feature, or
 - (b) if no measures are specified in the holder's woodlot licence plan, ensure that the forest practice does not damage or render ineffective a resource feature.
- (2) Unless exempted under section 79 (2) [*minister may grant exemptions*], a woodlot licence holder who carries out a forest practice that could affect a wildlife habitat feature must not damage or render ineffective the wildlife habitat feature.

[am. B.C. Reg. 64/2015, s. 1.]

Fisheries sensitive watershed objectives

- 57** Unless exempted under section 79 (2) [*minister may grant exemptions*], if a fisheries sensitive watershed objective applies to a woodlot licence area, a woodlot licence holder must carry out primary forest activities in the area only in a manner that is consistent with the fisheries sensitive watershed objective.

[am. B.C. Reg. 585/2004, s. 11.]

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Protection of fish habitat in fisheries sensitive watersheds

- 57.1** (1) In this section, “**fisheries sensitive watershed**” means an area identified in Schedule 2
- (a) with significant downstream fisheries values continued under section 180 (f) of the Act and significant watershed sensitivity continued under section 180 (g) of the Act, and
 - (b) for which there is no fisheries sensitive watershed objective.
- (2) Until December 31, 2005, the holder of a woodlot licence must ensure that the cumulative hydrological effects of primary forest activities in any part of a fisheries sensitive watershed that is in the woodlot licence area do not result in a material adverse impact on the habitat of the fish species for which the fisheries sensitive watershed was established.

[en. B.C. Reg. 106/2005, s. 10.]

Water quality objectives

- 58** Unless exempted under section 79 (2) [*minister may grant exemptions*], if a water quality objective applies to a woodlot licence area, a woodlot licence holder must carry out primary forest activities in the area only in a manner that is consistent with the water quality objective.

[am. B.C. Reg. 585/2004, s. 11.]

Safeguards for water through licensed waterworks in community watersheds

- 58.1** (1) In this section, “**community watershed**” means a community watershed
- (a) that is continued under section 180 (e) of the Act, and
 - (b) for which a water quality objective has not been
 - (i) continued under section 181 of the Act, or
 - (ii) established under the Government Actions Regulation.
- (2) If water is being diverted for human consumption through a licensed waterworks in a community watershed, the holder of a woodlot licence must ensure that the cumulative hydrological effects of primary forest activities within any part of the community watershed that is in the woodlot licence area do not result in
- (a) a material adverse effect on the quantity of water or the timing of the flow of the water from the licensed waterworks, or
 - (b) the water from the licensed waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under
 - (i) an enactment, or
 - (ii) the licence pertaining to the waterworks.

[en. B.C. Reg. 106/2005, s. 10.]

WOODLOT LICENCE PLANNING AND PRACTICES REGULATIONPart 3 – Practice Requirements

Visual quality objectives

- 59** Unless exempted under section 78 (1) [*minister may grant exemptions*], if a visual quality objective applies to a woodlot licence area, a woodlot licence holder must carry out primary forest activities in the area only in a manner that is consistent with the visual quality objective.

Objectives set by government for visual quality

- 59.1** (1) In this section:

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

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

- (2) If a woodlot licence holder carries out a primary forest activity in a scenic area, that

- (a) on or before October 24, 2002 was established by the district manager, and
- (b) for which there is no visual quality objective

the holder must ensure that the primary forest activities in the area are consistent with an altered forest landscape for the scenic area that

- (c) in visual sensitivity class 1 is in either the *preservation* or *retention* category,
- (d) in visual sensitivity class 2 is in either the *retention* or *partial retention* category,
- (e) in visual sensitivity class 3 is in either the *partial retention* or *modification* category,
- (f) in visual sensitivity class 4 is in either the *partial retention* or *modification* category, and
- (g) in visual sensitivity class 5 is in either the *modification* or *maximum modification* category.

[en. B.C. Reg. 585/2004, s. 12.]

Recreation objectives

- 60** Unless exempted under section 78 (1) [*minister may grant exemptions*], if an objective for a recreation site, recreation trail or interpretive forest site applies to a woodlot licence area, a woodlot licence holder must carry out primary forest activities in the area only in a manner that is consistent with the objective.

WOODLOT LICENCE PLANNING AND PRACTICES REGULATION

Part 4 – Roads

PART 4 – ROADS**Roads and associated structures**

- 61** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who constructs or maintains a road must ensure that the road and the bridges, culverts, fords and other structures associated with the road are structurally sound and safe for use by industrial users.

Design of bridges

- 62** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who builds a bridge for the purpose of constructing or maintaining a road must ensure that the design and fabrication of the bridge
- (a) meets or exceeds standards applicable to roads at the time the design or fabrication is done, in respect of
 - (i) bridge design, established by the Canadian Standards Association, Canadian Highway Bridge Design Code, CAN/CSA-S6, and
 - (ii) soil properties, as they apply to bridge piers and abutments, established by the Canadian Foundation of Engineering Manual, and
 - (b) takes into account the effect of logging trucks with unbalanced loads and off-centre driving.

Peak flow

- 63** (1) A woodlot licence holder who builds a bridge across a stream or installs a culvert in a stream for the purpose of constructing or maintaining a road must ensure that the bridge or culvert is designed to pass the highest peak flow of the stream that can reasonably be expected within the return periods specified below for the length of time it is anticipated the bridge or culvert will remain on the site:

Anticipated period the bridge or culvert will remain on the site	Peak flow return period
For a bridge or culvert that will remain on site for up to 3 years	10 years
For a bridge that will remain on site from 3 to 15 years	50 years
For a bridge that will remain on site for over 15 years	100 years
For a culvert that will remain on site for over 3 years	100 years
For a bridge or culvert within a community watershed that will remain on site for over 3 years	100 years

- (2) A woodlot licence holder may build a bridge that will not conform to the requirements of subsection (1) if
- (a) the bridge will pass the flow that will occur during the period the bridge remains on the site,
 - (b) the construction of the bridge occurs during a period of low flow, and

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- (c) the bridge, or a component of the bridge that is vulnerable to damage by high flow, is removed before any period of high flow begins.
- (3) A woodlot licence holder may install a culvert that will not conform to the requirements of subsection (1) if
 - (a) the installation is temporary and the woodlot licence holder does not expect to subsequently install a replacement culvert at that location,
 - (b) the stream in which the culvert is being installed is not a fish stream,
 - (c) the culvert will pass the flow that will occur during the period the culvert remains on the site,
 - (d) the installation of the culvert occurs during a period of low flow, and
 - (e) the culvert is removed before any period of high flow begins.

Structural defects

- 64** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who builds a bridge for the purpose of constructing or maintaining a road must do one or more of the following if a structural defect or deficiency occurs:
- (a) correct the defect or deficiency to the extent necessary to protect
 - (i) industrial users of the bridge, and
 - (ii) downstream property, improvements or forest resources that could be affected if the bridge fails;
 - (b) close, remove or replace the bridge;
 - (c) restrict traffic loads to a safe level;
 - (d) place a sign, on each bridge approach, stating the maximum load capacity of the bridge.

Culvert fabrication

- 65** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who builds a culvert for the purpose of constructing or maintaining a road must fabricate all permanent culvert materials according to
- (a) culvert fabrication standards, as established by the Canadian Standards Association, Corrugated Steel Pipe Products, CSA G401 and Plastic Pipe Nonpressure Pipe Compendium, section B182.8 of the B1800 Series, that are applicable to roads at the time of the fabrication, or
 - (b) standards that ensure at least the same strength and durability as the standards referred to in paragraph (a).

Retaining information

- 66** (1) A woodlot licence holder who builds a bridge or major culvert for the purpose of constructing or maintaining a road must do all of the following:
- (a) prepare or obtain
 - (i) pile driving records,

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- (ii) for new materials used to build the bridge or major culvert, mill test certificates, in-plant steel fabrication drawings, and concrete test results,
 - (iii) soil compaction results, and
 - (iv) other relevant field and construction data;
- (b) prepare as-built drawings of the bridge or major culvert;
- (c) retain the information referred to in paragraphs (a) and (b) until the earlier of the date that
 - (i) the bridge or major culvert is removed, and
 - (ii) the holder is no longer required to maintain the road.
- (2) Subject to subsection (3), a woodlot licence holder responsible for maintaining a road must retain a copy of inspection records for a bridge or major culvert associated with the road for at least one year after the bridge or major culvert is removed from the site.
- (3) Unless the road has been deactivated, a woodlot licence holder must submit to the district manager the documents, drawings and records described in subsections (1) and (2) in respect of a road if the woodlot licence holder is no longer required to maintain the road because the district manager
 - (a) cancels a road permit, road use permit or special use permit for a road, and
 - (b) does not require the road to be deactivated.

Clearing widths

- 67** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who constructs or maintains a road must ensure clearing widths are of the minimum width necessary to accommodate the road, having regard to all of the following:
- (a) the safety of industrial users;
 - (b) the topography of the area;
 - (c) the drainage of water in the area;
 - (d) the stability of terrain in the area;
 - (e) operational requirements, including
 - (i) the placement of pits, quarries, landings or waste areas,
 - (ii) the storage of bridge or culvert material,
 - (iii) the amount of area required to operate equipment within the clearing width, including equipment turnaround sites,
 - (iv) snow removal, and
 - (v) fencing and other ancillary structures.

WOODLOT LICENCE PLANNING AND PRACTICES REGULATION

Part 4 – Roads

Road maintenance

- 68** (1) Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder who is authorized to construct a road must maintain the road, including bridges, culverts, fords and other structures associated with the road, until
- (a) the road is deactivated,
 - (b) the district manager notifies the woodlot licence holder that the road should not be deactivated due to use or potential use of the road by others,
 - (c) a road permit or special use permit for the road is issued to another person, or
 - (d) the road is declared a forest service road under the *Forest Act*.
- (2) Subject to subsection (3), the government must maintain a forest service road, including bridges, culverts, fords and other structures associated with the road, until the road is deactivated.
- (3) The district manager may order a woodlot licence holder who holds a road use permit that authorizes the use of a forest service road to assume all or part of the responsibility to maintain the road, including bridges, culverts, fords and other structures associated with the road.
- (4) A woodlot licence holder who is the subject of an order referred to in subsection (3) must, in maintaining the road, comply with the provisions of this regulation respecting the maintenance of a road, including those provisions that refer to carrying out a primary forest activity.
- (5) A woodlot licence holder required to maintain a road must ensure all of the following:
- (a) the structural integrity of the road prism and clearing width are protected;
 - (b) the drainage systems of the road are functional;
 - (c) the road can be used safely by industrial users.
- (6) A woodlot licence holder required to maintain a forest service road under subsection (3), on giving the district manager at least 30 days notice, may do one or more of the following in respect of the forest service road:
- (a) build a bridge;
 - (b) install a major culvert;
 - (c) install a culvert in a fish stream.
- (7) Within 30 days of receiving a notice referred to in subsection (6), the district manager may impose requirements respecting a bridge or culvert referred to in that subsection, and the holder of the road use permit must comply with those requirements.

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- (8) If the district manager does not impose requirements under subsection (7), the woodlot licence holder may proceed in accordance with the notice given under subsection (6).

Requirements where exempted

- 69** For the purpose of section 22.1 (6) [*industrial use of a road*] of the Act, a woodlot licence holder exempted under section 22.1 (4) of the Act must comply with the provisions of this regulation respecting maintenance of a road, including those provisions that refer to carrying out a primary forest activity.

Wilderness roads

- 70** Despite section 22.2 [*non-industrial use of a road*] of the Act and section 68 [*road maintenance*], if a woodlot licence holder is required to maintain a forest service road, or a road authorized under a road permit, a cutting permit or a woodlot licence, and the road is not being used by industrial users,
- (a) section 68 (5) (a) and (b) apply to that road only to the extent necessary to ensure there is no material adverse effect on a forest resource, and
 - (b) section 68 (5) (c) does not apply to that road.

Road deactivation

- 71** (1) A woodlot licence holder who deactivates a road must do the following:
- (a) barricade the road surface width in a clearly visible manner to prevent access by motor vehicles, other than all-terrain vehicles;
 - (b) remove bridge and log culvert superstructures and stream pipe culverts;
 - (c) remove bridge and log culvert substructures, if the failure of these substructures would have a material adverse effect on downstream property, improvements or forest resources;
 - (d) stabilize the road prism or the clearing width of the road if the stabilization is necessary to reduce the likelihood of a material adverse effect in relation to one or more of the subjects listed in section 149 (1) of the Act.
- (2) A woodlot licence holder may submit to the district manager, in writing, a request for an exemption from the requirements of subsection (1) if
- (a) the woodlot licence holder has not begun deactivating the road, and
 - (b) the road does not contain any bridges or major culverts.
- (3) The minister, in a notice given to a woodlot licence holder who submits a request under subsection (2), may exempt the holder if the minister is satisfied that the effectiveness of the works described in subsection (1) will not be negatively impacted by motor vehicle use.

[am. B.C. Reg. 585/2004, s. 13.]

WOODLOT LICENCE PLANNING AND PRACTICES REGULATIONPart 5 – Notifying and Reporting to Government

Hazard warning

- 72** Unless exempted under section 78 (1) [*minister may grant exemptions*], a woodlot licence holder must at all times during a period that a road is being deactivated have a sign posted that will warn users of the deactivation.

Notice – road in community watershed

- 73** Unless exempted under section 78 (1) [*minister may grant exemptions*], at least 48 hours before commencement of road construction or deactivation in a community watershed, a woodlot licence holder must notify affected water licensees or their representatives.

PART 5 – NOTIFYING AND REPORTING TO GOVERNMENT**Notification of timber harvesting or road construction**

- 74** (1) A woodlot licence holder must notify the district manager before
- (a) beginning
 - (i) timber harvesting in a cutblock that comprises more than one hectare, or
 - (ii) construction of a road that is a permanent access structure, and
 - (b) re-starting the activities described in paragraph (a) (i) and (ii) in a cutblock that comprises more than one hectare after an inactive period of 3 months or more.
- (2) A notice under subsection (1) must specify
- (a) the location of the timber harvesting or road, including any administrative identifier that relates to the location,
 - (b) a contact name and contact information, and
 - (c) the projected date for beginning timber harvesting or road construction.
- (3) A woodlot licence holder is exempt from the requirements of subsection (1) if
- (a) the timber harvesting or road construction is necessary to reduce or remove a safety hazard,
 - (b) the timber harvesting is limited to felling trap trees, or
 - (c) the timber harvesting is limited to felling trees to facilitate the collection of seed, leaving an opening not greater than 1 ha.
- [am. B.C. Reg. 585/2004, s. 14.]

Surveys

- 75** (1) If required by the minister, a woodlot licence holder must carry out a survey of the nature and extent of
- (a) the total area of the cutblock that is occupied by permanent access structures, and

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- (b) soil disturbance within the net area to be reforested.
- (2) If the minister reasonably believes that a woodlot licence holder has not met a requirement under section 35 [*conforming to stocking standards*] on an area, the minister may require the holder to carry out a survey to ascertain if the requirements have been met.
- (3) A woodlot licence holder must carry out a survey for the net area to be reforested, on or before the free growing date, identifying all of the following:
 - (a) the area for which the free growing stocking requirements have been met;
 - (b) the number of healthy, well spaced free growing trees per hectare of preferred and acceptable species, as those species are described under section 35;
 - (c) the number of healthy, well spaced free growing trees per hectare of the preferred species as those species are described under section 35;
 - (d) for any areas for which the free growing stocking requirements have not been met, both the areas that are and are not satisfactorily stocked;
 - (e) the forest cover inventory.
- (4) Despite subsection (3), the minister may exempt a woodlot licence holder from the requirement to carry out a free growing survey on an area if
 - (a) the minister is satisfied that a free growing stand has been established on the area, and
 - (b) the holder has provided the information referred to in subsection (3) (a) to (e) for that area.
- (5) A woodlot licence holder who has carried out intermediate cuttings must carry out a survey, between 1 and 3 years after the completion of harvesting on the area, that identifies
 - (a) the area,
 - (b) the forest cover inventory, and
 - (c) damage to trees by insects, disease or other factors affecting forest health.
- (6) Despite subsection (5), the minister may exempt a woodlot licence holder from the requirement to carry out a survey on an area of intermediate cuttings if
 - (a) the area is too small to warrant the survey, or
 - (b) the extent of harvesting does not significantly change the inventory label.
- (7) A woodlot licence holder must
 - (a) carry out other surveys and assessments according to the direction of the minister,
 - (b) amend any survey or assessment prepared under this section, if required by the minister,
 - (c) keep a record of each survey or assessment prepared under this section, and

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- (d) provide a copy of the records under paragraph (c) to the minister when submitting the annual report for the year in which the survey or assessment was carried out, unless the minister requires the copy at a different time.

Annual report

- 76** (1) In this section, “**reporting period**”, in respect of an annual report required under subsection (2), means the 12-month period that begins on January 1 of the year immediately preceding the year in which the annual report must be submitted.
- (2) A woodlot licence holder must, on or before May 31 each year, submit to the minister, in accordance with the requirements of subsections (3) and (4), an annual report respecting activities completed within the reporting period.
- (3) A woodlot licence holder must, unless the information was previously provided to the minister, include with an annual report the following:
- (a) a copy of any amendment made under section 20 (1) of the Act during the reporting period;
 - (b) the approximate location of any resource feature or wildlife habitat feature, in or contiguous to a cutblock or road, that the holder became aware of during the reporting period, if the order establishing the resource feature or wildlife habitat feature requires the location of the resource feature or wildlife habitat feature to be included in the annual report required under subsection (2);
 - (c) any other information specified by the chief forester.
- (4) The information required under subsection (3) (c) to be included in an annual report must be provided in an electronic format or another format satisfactory to the chief forester.

[en. B.C. Reg. 16/2017, s. 2.]

PART 6 – EXEMPTIONS AND RELIEF FROM OR FUNDING OF OBLIGATIONS**Division 1 – Exemptions****Limited exemption from compliance**

- 77** A woodlot licence holder is exempt from the requirements of section 21 (1) [*compliance with plans*] of the Act to the extent that results cannot be achieved or strategies cannot be carried out due to the actions of a person who has been authorized to act by the government.

Minister may grant exemptions

- 78** (1) If the minister is satisfied that it is not practicable, given the circumstances or conditions applicable to a particular area, the minister may exempt a woodlot licence holder from
- (a) one or more of the following sections of the Act: 29; 29.1, or

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- (b) one or more of the following sections of this regulation: 14; 15; 30; 31; 39 (3); 40 (2), (3) and (4); 41; 42; 43 to 52; 54; 56 (1); 59 to 62; 64; 65; 67; 68; 72 to 74.
- (2) The minister may exempt a woodlot licence holder from section 29 (3) of the Act and section 34 or 35 of this regulation, in relation to a specific area, if all of the following apply:
 - (a) the timber to be harvested is in danger of being significantly reduced in value, lost or destroyed;
 - (b) the volume will not exceed 500 m³;
 - (c) the area, when taken together with adjoining areas, will not result in a clearcut exceeding 1 ha, unless the adjoining area is occupied by a free growing stand.

[en. B.C. Reg. 585/2004, s. 16.]

Exemptions by minister responsible for *Wildlife Act*

- 79** (1) The minister responsible for the *Wildlife Act* may exempt a person from section 55 of this regulation in relation to a general wildlife measure or section 55.1 of this regulation in relation to a general ecological community measure, if satisfied that
- (a) the intent of the general wildlife measure or general ecological community measure will be achieved, or
 - (b) compliance with that provision is not practicable, given the circumstances or conditions applicable to a particular area.
- (2) The minister responsible for the *Wildlife Act* may exempt a person from section 56 (2), 57 or 58 of this regulation if satisfied that compliance with that provision is not practicable, given the circumstances or conditions applicable to a particular area.

[en. B.C. Reg. 585/2004, s. 16; am. B.C. Reg. 163/2023, Sch. 5, s. 3.]

Division 2 – Relief from or Funding of Obligations**Payment of expenses**

- 80** (1) Expenses incurred by a woodlot licence holder in carrying out measures under sections 26 (9) [*control of insects, disease, animals or abiotic factors*], 27 (5) [*forest health emergency*] and 77.1 (4) [*power of intervention: first nations*] of the Act must be paid by the government, if the minister is satisfied that the expenses were reasonably incurred.
- (2) For the purpose of section 77 (3) [*power of intervention: general*] of the Act, a woodlot licence holder may recover all or part of the amount reasonably incurred under that section if

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- (a) the minister specifies in a notice under section 87 (1) [*intervention orders*] that the amount reasonably incurred in taking the required measures or actions is recoverable, and
- (b) the minister is satisfied that the amounts claimed by the holder were, in fact, reasonably incurred.

Transfer of obligations

- 81** (1) For the purpose of section 29.1 (1) (b) or (3) (b) of the Act, a woodlot licence holder may transfer an obligation to establish a free growing stand if the minister is satisfied that the person to whom the obligation is to be transferred
- (a) is likely to meet the obligation, and
 - (b) has provided security to the minister in a form and in an amount specified by the minister.
- (2) If the minister approves an agreement under section 29.1 (1) (c) or (3) (c) of the Act, the minister must return to the person who transferred the obligation any security deposit provided by that person specifically for that obligation.
- (3) Subject to subsections (4) and (5), the stocking standards referred to in section 29.1 (5) of the Act are the stocking standards that were in effect for the transferred obligation immediately before the transfer became effective.
- (4) The minister may approve stocking standards other than those referred to in subsection (3) if satisfied that the stocking standards are consistent with section 26.
- (5) A person to whom an obligation is transferred under section 29.1 of the Act must comply with Part 3 and section 75 of this regulation.

[en. B.C. Reg. 585/2004, s. 16.]

Government assumption of obligations

- 82** (1) In this section:
- “**affiliate**” has the same meaning as “affiliate” in section 53 [*interpretation and application*] of the *Forest Act*;
 - “**associated with**” means being associated with another person in a business activity whether by partnership, joint venture, contract or otherwise, and includes the contractual relationship between a licence holder and a person to whom the licence holder is contractually obliged to supply, directly or indirectly, some or all of the timber harvested under the licence holder’s agreement;
 - “**control**”, with respect to a corporation, has the same meaning as “control of a corporation” in section 53 of the *Forest Act*.
- (2) For the purpose of section 30 (1) (d) [*free growing stands for non-replaceable licences*] of the Act, a “**licence holder**” means a person who

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- (a) does not hold a replaceable timber sale licence that has an allowable annual cut of greater than 10 000 m³, and
- (b) unless the minister is satisfied that it is in the public interest that this paragraph not apply,
 - (i) does not hold shares of any type in a corporation that holds
 - (A) a replaceable tree farm licence or forest licence, or
 - (B) a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³,
 - (ii) is not affiliated with a corporation that holds shares of any type in
 - (A) a replaceable tree farm licence or forest licence, or
 - (B) a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³, and
 - (iii) is not associated with a holder of
 - (A) a replaceable tree farm licence or forest licence, or
 - (B) a replaceable timber sale licence that has an allowable annual cut greater than 10 000 m³.
- (3) For the purpose of section 30 (3) of the Act, the prescribed period for giving a notice under that section to a licence holder is one year.
- (4) For the purpose of section 30 (3) (d) of the Act, the following requirements must be met before a district manager may assume a licence holder's responsibility for establishing a free growing stand:
 - (a) the licence holder requests that the district manager assume responsibility for establishing a free growing stand on all cutblocks that are harvested under the licence holder's agreement under the *Forest Act*, as and when the requirements referred to in section 30 (3) (a) to (c) of the Act are met in respect of those cutblocks;
 - (b) the request referred to in paragraph (a) is made by the licence holder as part of the licence holder's first application for a cutting permit under the agreement under the *Forest Act*.

Relief or funding

- 83** (1) For the purpose of section 108 (1) (b) [*government may fund extra expense or waive obligation*] of the Act, a woodlot licence holder must not be relieved from the requirements of section 26 [*landslides*], 27 [*gully processes*], 28 [*natural surface drainage patterns*] or 29 [*revegetation*], unless the minister is satisfied that
- (a) extraordinary circumstances exist which, due to their nature, would make it unjust if the woodlot licence holder were not relieved, and
 - (b) granting the relief is in the public interest.

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- (1.1) For the purpose of section 108 of the Act, “**an event causing damage**”, in relation to an area in which a person has an obligation to establish a free growing stand, means
- (a) an occurrence of wildfire,
 - (b) an outbreak of *dothiostroma*, or
 - (c) another event that renders the area ill-suited for the establishment of a free growing stand.
- (2) A woodlot licence holder claiming, under section 108 of the Act, relief from, or funding for, the obligation to establish a free growing stand, must provide to the minister the following information:
- (a) the nature of the relief sought and why the woodlot licence holder is entitled to it;
 - (b) if the relief sought is funding under section 108 (4) of the Act, a proposal for returning the stand to the condition referred to in that subsection;
 - (c) an estimate of the extra expense involved in carrying out the course of action, as described in section 108 (3) of the Act.
- (3) If the minister is satisfied that relief or funding is required, the minister must, within one year of receiving the information referred to in subsection (2),
- (a) grant the relief,
 - (b) determine whether or not to provide the funds necessary for the proposal under subsection (2) (b), or
 - (c) provide and fund an alternate course of action to that proposed under subsection (2) (b), if the minister determines that
 - (i) the obligation to establish a free growing stand should continue, and
 - (ii) either
 - (A) the woodlot licence holder has not provided a proposed course of action under subsection (2) (b), or
 - (B) the proposed course of action under subsection (2) (b) is unacceptable.
- (4) During the period of one year described in subsection (3), a person who makes a request is not required to meet a requirement of the Act or this regulation that relates to the request.

[am. B.C. Reg. 585/2004, s. 17.]

Declarations

- 84** (1) A woodlot licence holder may make a declaration under section 107 [*limitation on liability of persons to government*] of the Act that a free growing stand has been established on a cutblock at any time before the date referred to in section 34 [*free growing stands*] if the stand
- (a) has met the free growing height that relates to the area, and

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- (b) is not under threat from
 - (i) competing plants, shrubs or other trees established on the area, or
 - (ii) insects, disease or other factors adverse to forest health in the area.
- (2) A person may make a declaration under section 107 [*limitation on liability of persons to government*] of the Act in respect of a cutblock referred to in section 35 (2) [*conforming to stocking standards*] no earlier than 12 months after the completion of harvesting on the area.
- (3) A woodlot licence holder who makes a declaration under section 107 of the Act that the requirements for the regeneration date or free growing date on an area have been met must include with the declaration a forest cover inventory for the area to which the declaration applies.
- (4) The prescribed period for giving a notice to a woodlot licence holder under section 107 (3) of the Act is 15 months.

PART 7 – ORDERS, ADMINISTRATIVE PENALTIES AND OFFENCES

85 Repealed. [B.C. Reg. 585/2004, s. 18.]

Process respecting orders and exemptions

- 86**
- (1) An order or exemption under this regulation must
 - (a) be in writing,
 - (b) specify the matter to which it relates,
 - (c) specify when the order or exemption comes into effect,
 - (d) be delivered to the woodlot licence holder to whom the order or exemption applies, and
 - (e) be filed with the district office for the forest district in which the area or thing to which the order or exemption applies is located.
 - (2) An order or exemption referred to in subsection (1) takes effect on the later of the date
 - (a) specified in the order or exemption, or
 - (b) the order or exemption is received by the woodlot licence holder to whom the order or exemption applies.
 - (3) For the purpose of subsection (2) (b), an order or exemption is received
 - (a) on the date it is delivered, if it is delivered in person to
 - (i) the woodlot licence holder to whom it applies or that holder's representative, or
 - (ii) the place of business of the woodlot licence holder to whom it applies,
 - (b) on the eighth day after it is mailed, if it is delivered by registered mail, or

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- (c) on the date referred to in a confirmation of delivery, if it is delivered electronically or by facsimile transmission.

87 Repealed. [B.C. Reg. 585/2004, s. 18.]

Intervention orders

- 88** (1) For the purpose of section 77 (1) [*power of intervention: general*] of the Act, an order given by the minister must specify
- (a) the measures or actions that must be taken,
 - (b) the grounds for requiring the measures or actions to be taken, and
 - (c) whether or not the holder may recover all or part of the amount reasonably incurred in taking the specified measures or actions.
- (2) The minister may act under section 77 (1) or (2) of the Act if the act or omission of the holder will likely result in
- (a) a significant failure in meeting the stocking requirements described in section 35 [*conforming to stocking standards*],
 - (b) a significant delay in meeting the stocking requirements by the dates described in section 35, or
 - (c) a fundamental and adverse alteration of an ecosystem.

Division 2 – Administrative Penalties and Offences**Administrative penalties**

- 89** For the purpose of section 71 (5) (g) [*administrative penalties*] of the Act, before levying an administrative penalty in respect of a contravention by a woodlot licence holder, the minister may
- (a) request recommendations in respect of the contravention and penalty from any interested group, and
 - (b) if a request under paragraph (a) is made, act on any recommendation received from the group to which the request was made.

Offences

- 90** (1) A person who contravenes any of the following sections 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:
- section 24 (1) or (2) [*soil disturbance limits*];
 - section 26 [*landslides*];
 - section 34 (1) or (3) [*free growing stands*];
 - section 35 (2) [*conforming to stocking standards*];
 - section 39 [*restrictions in a riparian reserve zone*];
 - section 40 [*restrictions in a riparian management zone*];

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section 41 [*lakeshore management zones*];
section 42 [*temperature sensitive streams*];
section 43 [*stream crossings*];
section 44 [*fish passage*];
section 45 [*protection of fish and fish habitat*];
section 46 [*use of livestock in riparian areas*];
section 47 [*protecting water quality*];
section 48 [*licensed waterworks*];
section 49 [*excavated or bladed trails*];
section 50 [*roads in a community watershed*];
section 51 (1) [*use of fertilizers*];
section 52 [*wildlife tree retention*];
section 53 [*restriction on harvesting*];
section 55 [*general wildlife measures*];
section 55.1 [*general ecological community measures*];
section 56 [*resource features and wildlife habitat features*];
section 57 [*fisheries sensitive watershed objectives*];
section 58 [*water quality objectives*];
section 61 [*roads and associated structures*];
section 62 [*design of bridges*];
section 63 (1) [*peak flow*];
section 64 [*structural defects*];
section 65 [*culvert fabrication*];
section 66 (1) (a) [*retaining information*];
section 68 (7) [*road maintenance*];
section 71 (1) (a), (b) or (c) [*road deactivation*];
section 72 [*hazard warning*];
section 87 (1) [*intervention orders*].

- (2) A person who contravenes any of the following sections commits an offence and is liable, on conviction, to a fine not exceeding \$100 000 or to imprisonment for not more than one year or to both:

section 28 [*natural surface drainage patterns*];
section 29 [*revegetation*];
section 30 [*modification of insect behaviour*];
section 59 [*visual quality objectives*];
section 59.1 [*visual quality: transition*];
section 60 [*recreation objectives*];

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section 66 (1) (b) or (c) or (3) [*retaining information*];

section 68 (1), (4) or (5) [*road maintenance*];

section 71 (1) (d) [*road deactivation*].

- (3) A person who contravenes any of the following sections commits an offence and is liable, on conviction, to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months or to both:

section 25 [*permanent access structure limits*];

section 31 [*use of livestock*];

section 32 (4) or (7) (b) [*use of seed*];

section 54 (1) [*coarse woody debris*];

section 66 (2) [*retaining information*];

section 67 [*clearing widths*];

section 68 (6) [*road maintenance*];

section 73 [*notice – road in community watershed*];

section 74 (1) [*notification of timber harvesting and road construction*].

[am. B.C. Regs. 585/2004, s. 19; 163/2023, Sch. 5, s. 4.]

Offences respecting alternative performance requirements

- 91** (1) If a woodlot licence holder fails to comply with an alternative performance requirement for which the holder has received approval under section 13 [*alternative performance requirements*], the holder commits an offence and is liable, on conviction, to the fine or imprisonment, or both, that is applicable to the provision to which the alternative performance requirement relates.

- (2) Section 87 (2) [*finest*] of the Act does not apply to a woodlot licence holder who is liable under subsection (1).

- 92** Repealed. [B.C. Reg. 585/2004, s. 20.]

PART 8

- 93 and 94** Repealed. [B.C. Reg. 585/2004, s. 20.]

PART 9 – TRANSITION

- 95 and 96** Repealed. [B.C. Reg. 106/2005, s. 11.]

WOODLOT LICENCE PLANNING AND PRACTICES REGULATION

Schedule 1

Application of Code to forest development plans

- 97** The Code and the Code regulations apply to a forest development plan described in section 199 of the Act and to a forest development plan prepared under section 200 (1) of the Act.

[en. B.C. Reg. 106/2005, s. 12.]

SCHEDULE 1

[am. B.C. Regs. 585/2004, s. 22; 106/2005, s. 13.]

FACTORS

[sections 9, 11 and 12]

Factors relating to land use objectives

- 1** Information contained in land use plans approved under the *Land Act* may be used as factors to determine if a woodlot licence plan is consistent with the objective described in section 9 (1) (e) [established objectives].

Factors relating to biodiversity

- 2** The following factors may be used for the purpose of developing a comprehensive wildlife tree retention strategy referred to in section 11 [wildlife tree retention strategy required]:
- (a) the size, structure, amount, location and other characteristics of trees that
 - (i) make the trees suitable for wildlife habitat, and
 - (ii) have ecological attributes that contribute to stand level biodiversity;
 - (b) the extent to which wildlife habitat areas, ungulate winter ranges, riparian management zones, riparian reserve zones, scenic areas and other areas established to manage forest resources
 - (i) provide suitable wildlife habitat, and
 - (ii) assist in the conservation of stand level biodiversity.

Factors relating to objective set by government for soils

- 3** The following factors may be used to determine if a woodlot licence plan is consistent with the objective set out in section 9 (1) (b) [established objectives]:
- (a) the amount of productive forest land base that will be occupied by permanent access structures;
 - (b) the amount of soil disturbance within the net area to be reforested, having regard to
 - (i) the classification of soils based on their biological, physical and chemical properties, including their sensitivity to displacement, surface erosion and compaction,
 - (ii) the kinds of disturbance that are detrimental to productivity and hydrological function,
 - (iii) the amount of detrimental disturbance that can occur without unduly compromising productivity or hydrological function, and
 - (iv) the extent to which rehabilitation efforts can mitigate the effects of detrimental disturbance.

WOODLOT LICENCE PLANNING AND PRACTICES REGULATION

Schedule 1

Factors relating to water, fish, wildlife and biodiversity in riparian areas

- 4 The following factors may be used to determine if a woodlot licence plan is consistent with the objective set out in section 9 (1) (c) [*established objectives*]:
- (a) the type of management regime that is required for a riparian area, having regard to
 - (i) the need to buffer the aquatic ecosystem of a stream, wetland or lake from the introduction of materials that are deleterious to water quality or fish habitat,
 - (ii) the role played by trees and understory vegetation in conserving water quality, fish habitat, wildlife habitat and biodiversity,
 - (iii) the need to maintain stream bank and stream channel integrity, and
 - (iv) the relative importance and sensitivity of different riparian classes of streams, wetlands and lakes in conserving water quality, fish habitat, wildlife habitat and biodiversity;
 - (b) the type, timing or intensity of forest practices that can be carried out within the context of a management regime referred to in paragraph (a);
 - (c) the role of forest shading in controlling an increase in temperature within a temperature sensitive stream, if the increase might have a deleterious effect on fish or fish habitat.

Factors relating to cultural heritage resources

- 5 The following factors may be used to determine if a woodlot licence plan is consistent with the objective set out in section 9 (1) (d) [*established objectives*]:
- (a) the relative value or importance of a particular cultural heritage resource to a traditional use by an aboriginal people;
 - (b) the relative abundance or scarcity of a cultural heritage resource that is the focus of a traditional use by an aboriginal people;
 - (c) the historical extent of a traditional use by an aboriginal people of a cultural heritage resource;
 - (d) the impact on government granted timber harvesting rights of conserving or protecting a cultural heritage resource that is the focus of a traditional use by an aboriginal people;
 - (e) options for mitigating the impact that a forest practice might have on a cultural heritage resource that is the focus of a traditional use by an aboriginal people.

Factors relating to stocking specifications

- 6 (1) In this section:
- “**even-aged stand**” means a stand of trees consisting of only one or two age classes;
 - “**uneven-aged stand**” means a stand of trees consisting of three or more age classes.
- (2) The following factors apply to the development of stocking standards generally:
- (a) the long term forest health risks that are relevant to species selection for the purposes of establishing a free growing stand under section 29 [*free growing stands*] of the Act;
 - (b) the occurrence and extent of forest health factors.

WOODLOT LICENCE PLANNING AND PRACTICES REGULATION

Schedule 2

- (3) The following factors apply to the development of stocking standards under section 35 *[conforming to stocking standards]*:
- (a) for an area that is managed as an even-aged stand,
 - (i) the types of commercially valuable and ecologically suitable species that should be established on the area, and
 - (ii) the numbers and the distribution of healthy trees of a species referred to in subparagraph (i) that are required to adequately stock a free growing stand established on the area;
 - (b) for an area that is managed as an uneven-aged stand,
 - (i) the factors referred to in paragraph (a) that are applicable to those parts of the area that will be reforested,
 - (ii) the types of commercially valuable and ecologically suitable species that should be retained on the area, and
 - (iii) the characteristics, quantity and distribution of retained trees referred to in subparagraph (ii).
- (4) The following factors apply to developing stocking standards under section 12 *[stocking information for specific areas]*:
- (a) the types of commercially valuable and ecologically suitable species that should be retained on the area;
 - (b) the characteristics, quantity and distribution of retained trees of a species referred to in paragraph (a) that are required to ensure the area will remain adequately stocked.

SCHEDULE 2

[en. B.C. Reg. 106/2005, s. 13; am. B.C. Reg. 137/2014, Sch. 7.]

FISHERIES SENSITIVE WATERSHEDS*(Section 57.1)*

Item	Fisheries Sensitive Watershed	Forest District
1	Effingham River	South Island
2	Escalante River	South Island
3	Gordon River	South Island
4	Harris Creek	South Island
5	Hatton Creek	South Island
6	Hemmingsen Creek	South Island
7	Klanawa River	South Island
8	Macktush Creek	South Island
9	Nahmint River	South Island
10	San Juan River	South Island
11	Toquart River	South Island
12	Artlish River	Campbell River
13	Memekay River	Campbell River
14	Finn Creek	Thompson Rivers

WOODLOT LICENCE PLANNING AND PRACTICES REGULATION

Schedule 2

Item	Fisheries Sensitive Watershed	Forest District
15	Gold Creek (Upper Adams Watershed)	Thompson Rivers
16	Raft River	Thompson Rivers
17	Upper Adams River	Thompson Rivers
18	Otter Creek	Thompson Rivers
19	Hiuhill Creek	Thompson Rivers
20	Barriere River	Thompson Rivers
21	Bonaparte River	Thompson Rivers
22	Deadman River	Thompson Rivers
23	Nicol/Upper Lussier River	Rocky Mountain
24	Coyote Creek	Rocky Mountain
25	Thunder River	Rocky Mountain
26	Albert River	Rocky Mountain
27	Palliser River (source to Albert)	Rocky Mountain
28	Bradford River	Rocky Mountain
29	Horsefly River	Cariboo-Chilcotin
30	Cottonwood River	Quesnel
31	Bonaparte River	100 Mile House
32	Boucher Creek (Babine landscape unit)	Skeena Stikine
33	Nilkitkwa Lake (Babine landscape unit – consists of several watersheds tributary to the lake to be managed on an individual basis)	Skeena Stikine
34	West Babine (Torkelson landscape unit – 9 mile and 5 mile creeks only)	Skeena Stikine
35	Gramophone Creek (Reiseter landscape unit)	Skeena Stikine
36	Toboggan Creek (Trout Creek landscape unit)	Skeena Stikine
37	Jonas Creek (Telkwa landscape unit)	Skeena Stikine
38	Cumming Creek (Telkwa landscape unit)	Skeena Stikine
39	Pacofi Creek	Haida Gwaii
40	Awun River (Talking Bear Creek Sub-basin)	Haida Gwaii
41	Bolean Creek	Okanagan Shuswap
42	Wap River	Okanagan Shuswap
43	Harris Creek	Okanagan Shuswap
44	Naswhito Creek	Okanagan Shuswap