

B.C. Reg. 69/2009
O.C. 193/2009

Deposited March 6, 2009

Forest Act

ALLOWABLE ANNUAL CUT ADMINISTRATION REGULATION

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

[includes amendments up to B.C. Reg. 23/2013, January 30, 2013]

Point in Time

Contents

Part 1 — Definitions

1 Definitions

Part 2 — Proportionate Reduction

2 Allowable annual cut

Part 3 — Allowable Annual Cut Available

3 Allowable annual cut available

Part 4 — Allowable Annual Cut Adjustments

4 For the purposes of section 8.1 of the Act

5 Boundary changes to a timber supply area

6 Consolidation of timber supply areas

7 Division of timber supply areas

7.1 Surrender of tree farm licence for forest licence

8 Boundary or area changes to a tree farm licence area

8.1 Changes to a tree farm licence area under the *Forestry Revitalization Act*

9 Consolidation of tree farm licences

10 Subdivision of tree farm licences

11 New community forest agreement

12 New first nations woodland licence

Part 1 — Definitions

Definitions

1 In this regulation:

"Act" means the *Forest Act*;

"timber harvesting land base" means the current timber harvesting land base for a tree farm licence area or a timber supply area, whichever is applicable, as set out in the most recent allowable annual cut determination for the area.

Part 2 — Proportionate Reduction

Allowable annual cut

- 2 The allowable annual cut that is prescribed for the purposes of sections 63 and 173 of the Act is 10 001 m³ a year.

Part 3 — Allowable Annual Cut Available

Allowable annual cut available

- 3 For the purposes of the definition of "allowable annual cut available" in section 1 (1) of the Act, the allowable annual cut available to a tree farm licence holder is the allowable annual cut of the tree farm licence area minus
 - (a) the allowable annual cut attributed to a reservation referred to in section 35 (1) (h) of the Act, except the portion of the reservation attributed to a deletion of Crown land from the tree farm licence area under section 39.1 of the Act if the agreement making the deletion states that the deletion of Crown land is to offset a reservation referred to in section 35 (1) (h) of the Act, and
 - (b) the reduction to the allowable annual cut attributed to the tree farm licence under section 3 (3) of the *Forestry Revitalization Act*, except the portion of the reduction attributed to a deletion of Crown land from the tree farm licence area
 - (i) by order of the minister under section 3 (4) of that Act, or
 - (ii) under section 39.1 of the *Forest Act*, if the agreement making the deletion states that the deletion of Crown land is to offset a reduction under section 3 (3) of the *Forestry Revitalization Act*.

Part 4 — Allowable Annual Cut Adjustments

For the purposes of section 8.1 of the Act

- 4 Sections 5 to 12 of this regulation are for the purposes of section 8.1 of the Act.

[am. B.C. Reg. 23/2013, Sch. 1, s. 1.]

Boundary changes to a timber supply area

- 5 (1) If the minister changes the boundary of a timber supply area under section 7 of the Act by removing land from the timber supply area and the area of land that is removed has an allowable annual cut attributed to it under section 8 (5) (a.1) of the Act, the allowable annual cut of the timber supply area is, after the boundary of the timber supply area is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary of the timber supply area minus the allowable annual cut attributed to the area of land that is removed from the timber supply area.
 - (2) If
 - (a) subsection (1) does not apply,

(b) the minister changes the boundary of a timber supply area under section 7 of the Act by removing land from the timber supply area, and

(c) as a result of paragraph (b), the timber harvesting land base of the timber supply area from which the land is removed decreases by at least 200 hectares,

the allowable annual cut of the timber supply area is, after the boundary of the timber supply is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary of the timber supply area minus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the timber supply area as it was immediately before the change to the boundary of the timber supply area}}{\text{timber harvesting land base of the timber supply area as it was immediately before the change to the boundary of the timber supply area}} \times \frac{\text{number of hectares removed from the timber harvesting land base of the timber supply area}}{\text{timber harvesting land base of the timber supply area}}$$

[am. B.C. Reg. 23/2013, Sch. 1, s. 2.]

Consolidation of timber supply areas

- 6 If the minister orders the consolidation of 2 or more timber supply areas under section 7 of the Act, the allowable annual cut of the timber supply area resulting from the consolidation is the total of the allowable annual cuts of all of the timber supply areas that were consolidated as they were immediately before the consolidation.

Division of timber supply areas

- 7 (1) If the minister orders the division of a timber supply area under section 7 of the Act by removing land from the area of the timber supply area and adding the land to the area of another timber supply area or establishing a new timber supply area, and an allowable annual cut has been attributed to that land under section 8 (5) (a.1) of the Act, the allowable annual cut of

(a) the timber supply area from which the land is removed is, after the removal of the land, the allowable annual cut of the timber supply area as it was immediately before the removal of the land minus the allowable annual cut attributed to the area of land removed from the timber supply area,

(b) the timber supply area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the timber supply area as it was immediately before the addition of the land plus the allowable annual cut attributed to the area of land added to the timber supply area, and

(c) the new timber supply area, if applicable, is the allowable annual cut attributed to the area of land added to establish the new timber supply area.

(2) If

- (a) subsection (1) does not apply,
- (b) the minister orders the division of a timber supply area under section 7 of the Act by removing land from the area of the timber supply area and adding the land to the area of another timber supply area or establishing a new timber supply area, and
- (c) as a result of paragraph (b) the timber harvesting land base of the timber supply area from which that land was removed decreases by at least 200 hectares,

the allowable annual cut of

- (d) the timber supply area from which the land is removed is, after the removal of the land, the allowable annual cut of the timber supply area as it was immediately before the removal of the land minus the amount obtained by applying the following formula:

$$\begin{array}{l}
 \text{allowable annual cut of the timber} \\
 \text{supply area as it was immediately} \\
 \text{before the land was removed} \\
 \hline
 \text{timber harvesting land base of the} \\
 \text{timber supply area as it was} \\
 \text{immediately before the change to the land} \\
 \text{was removed}
 \end{array}
 \times
 \begin{array}{l}
 \text{number of hectares removed from} \\
 \text{the timber harvesting land base} \\
 \text{of the timber supply area}
 \end{array}$$

- (e) the timber supply area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the timber supply area as it was immediately before the addition of the land plus the amount obtained by applying the formula set out in paragraph (d), and
- (f) the new timber supply area, if applicable, is the amount obtained by applying the formula set out in paragraph (d).

[am. B.C. Reg. 23/2013, Sch. 1, s. 3.]

Surrender of tree farm licence for forest licence

7.1 If a tree farm licence is surrendered under section 16 of the Act for replacement by a forest licence, the allowable annual cut of the timber supply area in which the tree farm licence area is located is, after the forest licence is entered into, the allowable annual cut of the timber supply area as it was immediately before the forest licence is entered into plus the allowable annual cut of the Crown land portion of the tree farm licence area as it was immediately before the tree farm licence was surrendered.

[en. B.C. Reg. 23/2013, Sch. 1, s. 4.]

Boundary or area changes to a tree farm licence area

8 (1) If the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by adding Crown land to the area of the licence and the minister specifies in the

instrument making the change the allowable annual cut of the area of Crown land that is added, the allowable annual cut of

(a) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut of the area of Crown land added to the licence, and

(b) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut of the area of Crown land added to the licence.

(2) If the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by removing land from the area of the licence and the minister specifies in the instrument making the change the allowable annual cut of the area of land that is removed, the allowable annual cut of

(a) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut of the area of land removed from the licence, and

(b) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut of the Crown land portion of the area of land removed from the licence.

(3) If

(a) subsection (1) does not apply,

(b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by adding Crown land to the area of the licence, and

(c) the area of Crown land that is added has an allowable annual cut attributed to it under section 8 (5) (a.1) of the Act,

the allowable annual cut of

(d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut referred to in paragraph (c), and

(e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut referred to in paragraph (c).

(4) If

(a) subsection (2) does not apply,

(b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by removing land from the area of the licence, and

(c) the area of land that is removed has an allowable annual cut attributed to it under section 8 (5) (a.1) of the Act,

the allowable annual cut of

(d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut referred to in paragraph (c), and

(e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut referred to in paragraph (c).

(5) If

(a) subsections (1) and (3) do not apply,

(b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by adding Crown land to the area of the licence, and

(c) as a result of paragraph (b), the timber harvesting land base of the licence to which the Crown land is added increases by at least 200 hectares,

the allowable annual cut of

(d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence plus the amount obtained by applying the following formula:

$$\begin{array}{l}
 \text{allowable annual cut of the timber} \\
 \text{supply area in which the tree farm} \\
 \text{licence area is located as it was} \\
 \text{immediately before the change to} \\
 \text{the boundary or area of the} \\
 \text{tree farm licence} \\
 \hline
 \text{timber harvesting land base of the} \\
 \text{timber supply area in which the tree} \\
 \text{farm licence is located as it was} \\
 \text{immediately before the change to the} \\
 \text{boundary or area of the tree farm licence}
 \end{array}
 \times
 \begin{array}{l}
 \text{number of hectares of Crown land added to} \\
 \text{the timber harvesting land base} \\
 \text{of the tree farm licence area}
 \end{array}$$

and

(e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence minus the amount obtained by applying the

formula set out in paragraph (d).

(6) If

- (a) subsections (2) and (4) do not apply,
- (b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by removing land from the area of the licence, and
- (c) as a result of paragraph (b), the timber harvesting land base of the licence from which the land is removed decreases by at least 200 hectares,

the allowable annual cut of

- (d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence minus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the tree farm licence}}{\text{timber harvesting land base of the tree farm licence area as it was immediately before the change to the boundary or area of the tree farm licence}} \times \frac{\text{number of hectares removed from the tree farm licence area}}{\text{timber harvesting land base of the tree farm licence area}}$$

and

- (e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence plus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the tree farm licence}}{\text{timber harvesting land base of the tree farm licence area as it was immediately before the change to the boundary or area of the tree farm licence}} \times \frac{\text{number of hectares of Crown land removed from the tree farm licence area}}{\text{timber harvesting land base of the tree farm licence area}}$$

[am. B.C. Reg. 23/2013, Sch. 1, ss. 3 and 5 to 8.]

Changes to a tree farm licence area under the *Forestry Revitalization Act*

8.1 (1) In this section "**adjustment date**" means

(a) the date the minister's order under section 3 (4) of the *Forestry Revitalization Act* is made, if no subsequent date is specified for the purpose of section 3 (5.1) of the *Forestry Revitalization Act*, or

(b) the subsequent date, if one is specified for the purpose of section 3 (5.1) of the *Forestry Revitalization Act*.

(2) If, after this section comes into force, the minister makes an order under section 3 (4) of the *Forestry Revitalization Act* deleting an area of Crown land from a tree farm licence area and the minister specifies in the order the allowable annual cut of the area of land that is deleted, the allowable annual cut of

(a) the tree farm licence area is, effective on the adjustment date, the allowable annual cut of the tree farm licence area as it was immediately before the adjustment date minus the allowable annual cut of the area of land deleted from the tree farm licence area, and

(b) the timber supply area in which the tree farm licence is located is, effective on the adjustment date, the allowable annual cut of the timber supply area as it was immediately before the adjustment date plus the allowable annual cut of the area of land deleted from the tree farm licence area.

[en. B.C. Reg. 348/2010.]

Consolidation of tree farm licences

9 (1) In subsection (2), "**replacement tree farm licence area**" means the area of the tree farm licence that replaces 2 or more tree farm licences under section 39 (2) (a) or (3) (a) of the Act.

(2) If the minister, under section 39 (2) (a) or (3) (a) of the Act, replaces 2 or more tree farm licences with one of those tree farm licences, the allowable annual cut of the replacement tree farm licence area is, after the licences are replaced, the total of the allowable annual cuts of all the replaced tree farm licence areas, including the replacement tree farm licence area, as they were immediately before the licences were replaced.

(3) If the minister, under section 39 (2) (a) or (3) (a) of the Act, replaces 2 or more tree farm licences with a new tree farm licence, the allowable annual cut of the new tree farm licence area is, after the licences are replaced, the total of the allowable annual cuts of all the replaced tree farm licence areas as they were immediately before the licences were replaced.

Subdivision of tree farm licences

10 (1) If the minister, under section 39 (2) (b) or (3) (b) of the Act, amends a single tree farm licence by removing land from the area of the licence and adding the land to the area of another tree farm licence or establishing a new tree farm licence, and the minister specifies in the instrument making the change the allowable annual cut of the area of that land, the allowable annual cut of

(a) the tree farm licence area from which the land is removed is, after the

removal of the land, the allowable annual cut of the tree farm licence area as it was immediately before the removal of the land minus the allowable annual cut of the area of land removed from the licence,

(b) the tree farm licence area to which all of part of the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the tree farm licence area as it was immediately before the addition of the land plus the allowable annual cut of the area of land added to the licence as specified by the minister in the instrument making the change, and

(c) new tree farm licence area, if applicable, is the allowable annual cut of the land added to establish the new tree farm licence as specified by the minister in the instrument making the change.

(2) If

(a) subsection (1) does not apply,

(b) the minister, under section 39 (2) (b) or (3) (b) of the Act, amends a single tree farm licence by removing land from the area of the licence and adding the land to the area of another tree farm licence or establishing a new tree farm licence, and

(c) an allowable annual cut has been attributed to the area of that land under section 8 (5) (a.1) of the Act,

the allowable annual cut of the

(d) tree farm licence area from which the land is removed is, after the removal of the land, the allowable annual cut of the tree farm licence area as it was immediately before the removal of the land minus the allowable annual cut attributed to the area of land removed from the licence,

(e) tree farm licence area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the tree farm licence area as it was immediately before the addition of the land plus the allowable annual cut attributed to the area of land added to the licence, and

(f) new tree farm licence area, if applicable, is the allowable annual cut attributed to the area of land added to establish the new tree farm licence.

(3) If

(a) subsections (1) and (2) do not apply,

(b) the minister amends a single tree farm licence under section 39 (2) (b) or (3) (b) of the Act by removing land from the area of the tree farm licence and adding the land to the area of another tree farm licence or establishing a new tree farm licence, and

(c) as a result of paragraph (b), the timber harvesting land base of the tree farm licence from which that land is removed decreases by at least 200 hectares,

the allowable annual cut of

(d) the tree farm licence area from which the land is removed is, after the removal of the land, the allowable annual cut of the tree farm licence area as it was immediately before the removal of the land minus the amount obtained by applying the following formula:

allowable annual cut of the tree farm
 licence area as it was immediately before
 the land was removed

timber harvesting land base of the tree
 farm licence area as it was immediately
 before the land was removed

number of hectares removed from
 the timber harvesting land base of
 the tree farm licence area

x

(e) the tree farm licence area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the tree farm licence area as it was immediately before the addition of the land plus the amount obtained by applying the formula set out in paragraph (d), and

(f) the new tree farm licence area, if applicable, is the amount obtained by applying the formula set out in paragraph (d).

[am. B.C. Reg. 23/2013, Sch. 1, s. 3.]

New community forest agreement

11 If the minister enters into a community forest agreement, the allowable annual cut of a timber supply area in which the community forest agreement is located is the allowable annual cut of the timber supply area as it was immediately before the community forest agreement is entered into minus the amount obtained by applying the following formula:

allowable annual cut of the
 timber supply area as it was
 immediately before the
 community forest agreement
 is entered into

timber harvesting land base of
 the timber supply area as it was
 immediately before the community forest agreement
 is entered into

number of hectares removed
 from the timber harvesting land
 base of the timber supply area
 as a result of entering into the
 community forest agreement

x

[en. B.C. Reg. 23/2013, Sch. 1, s. 9.]

New first nations woodland licence

12 If the minister enters into a first nations woodland licence, the allowable annual cut of a timber supply area in which the first nations woodland licence is located is the allowable annual cut of the timber supply area as it was immediately before the first nations woodland licence is entered into minus the amount obtained by applying the following formula:

allowable annual cut of the

number of hectares removed

timber supply area as it was
immediately before the first nations woodland licence
is entered into

from the timber harvesting land
x base of the timber supply area
as a result of entering into the
first nations woodland licence

timber harvesting land base of
the timber supply area as it was
immediately before the first nations woodland licence
is entered into

[en. B.C. Reg. 23/2013, Sch. 1, s. 10.]

Note: *this regulation replaces B.C. Reg. 156/94.*

[Provisions relevant to the enactment of this regulation: [Forest Act](#), R.S.B.C. 1996, c. 157, sections 8.1, 63, 151, 157 and 173]