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Repealed Forest Practices Code Regulations

TIMBER HARVESTING AND SILVICULTURE PRACTICES REGULATION B.C. REG. 352/2002

includes all amendments to December 12, 2003

Repealed. [B.C. Reg. 7/2004, effective Jan. 31, 2004]

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TIMBER HARVESTING AND SILVICULTURE PRACTICES REGULATION

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PART 1 – Definitions and Interpretation

Definitions and interpretation

1. (1) Unless otherwise indicated, words and expressions not defined in this regulation have the meaning given to them in section 1 of the Operational and Site Planning Regulation.

(2) In this regulation:

“**applicable performance standard**” means the specific level to which a person must perform a requirement of sections 16, 30, 31 or 32 on an area,

- (a) if the area is subject to a silviculture prescription, as specified in the silviculture prescription, or
- (b) if the area is not subject to a silviculture prescription, as specified for the area in a forest development plan;

“**direct tributary**” means the reaches of a tributary stream that have the same stream order as the most downstream reach of the tributary;

“**fisheries-sensitive zone**” means a flooded depression, pond or swamp, that

- (a) either perennially or seasonally contains water, and
- (b) is seasonally occupied by a species of fish listed in the definition of “fish stream” in the Operational and Site Planning Regulation,

but does not include a wetland or lake that has a riparian management area established under Part 8 of the Operational and Site Planning Regulation or a stream;

“**harvesting**” means the practice of felling trees, felling and removing trees, or the removal of dead or damaged trees from an area;

“**known**”, when used to describe a feature, objective or other thing referred to in this regulation as known, means a feature, objective or other thing that is

- (a) identified in an operational plan that applies to the area, as a known objective, feature or thing, or
- (b) if there is no operational plan,
 - (i) contained in a higher level plan, or
 - (ii) otherwise identified or made available to a person by the district manager, before the exemption of the operational plan or the preparation of a site plan;

“**landing**” means an area of land that has been modified by equipment to make it suitable for accumulating logs before they are transported;

“**sidecast**” means the act of moving excavated material onto the downslope side of an excavated or bladed trail, or a landing, during their construction;

“**silviculture treatment**” means a treatment carried out individually or as part of a regime of treatments to create the described post harvest stand structure, site conditions or free growing stand conditions.

(3) If there is a conflict between the *Workers Compensation Act* or a regulation made under that Act and this regulation, the *Workers Compensation Act* or the regulation made under that Act prevails.

(4) References in this regulation to the district manager include references to a designated forest official authorized by the district manager unless the context indicates otherwise.

PART 2 – Variances and Authorizations

Authority of the district manager to vary a performance requirement

2. (1) A holder of an agreement under the *Forest Act* may submit to the district manager a request for a variance under this section.

(2) A request for a variance must specify all of the following:

- (a) the area for which the variance is requested;
- (b) the requirement of this regulation to which the variance relates;
- (c) the proposed performance requirement;
- (d) a rationale for making the request.

- (3) On application by a holder under subsection (1), or with the consent of the holder, the district manager may grant a variance, only if satisfied that implementing the variance
- (a) will adequately manage and conserve the forest resources on the area affected by the application, or
 - (b) is in the public interest.
- (4) The district manager may not grant a variance to
- (a) an applicable performance standard that is contained in a forest development plan or a silviculture prescription, or
 - (b) a requirement under section 38 (2) (a), (c) or (d).
- (5) The district manager may grant a variance subject to conditions.
- (6) If the district manager rejects an application for a variance, the district manager must provide to the applicant a written rationale for the rejection.

Compliance with notices, authorizations, conditions and variances

3. (1) A holder of an agreement under the *Forest Act* must comply with any notice, authorization, condition or variance made or granted by the district manager to the holder under this regulation.
- (2) A variance or authorization made or granted under this regulation is not affected by a subsequent amendment to a forest development plan, unless the amendment specifically provides that it supersedes the variance or authorization.

PART 3 – Timber Harvesting and Related Forest Practices

Division 1 – General Constraints

Harvesting within community watersheds

4. (1) Subsections (2) and (3) apply to an area only if
- (a) a terrain stability field assessment is required to be carried out for the forest development plan or silviculture prescription that applies to the area, or
 - (b) the area has been exempted from the requirement for a forest development plan or silviculture prescription, and a terrain stability field assessment is required to be carried out as a condition of the exemption.
- (2) A holder of an agreement under the *Forest Act* must not harvest an area that is within a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a high likelihood of landslides.
- (3) A holder of an agreement under the *Forest Act* must not clearcut an area that is within a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a moderate likelihood of landslides with a high risk of landslide debris entering directly into streams, unless
- (a) the terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that clearcutting the area will not significantly increase the risk of a landslide, or
 - (b) the use of a clearcut silvicultural system has been approved in a forest development plan or a silviculture prescription for the cutblock.
- (4) A holder of an agreement under the *Forest Act* who is carrying out harvesting in a community watershed must not, except to provide access to, or to maintain, a community water supply intake, cut or damage a tree that is closer than 100 m upslope of a known community water supply intake.
- (5) A holder of an agreement under the *Forest Act* who is carrying out harvesting in a community watershed must protect known community water supply intakes and infrastructures.
- (6) A holder of an agreement under the *Forest Act* who is carrying out harvesting in a community watershed must not cause the quality of water to fail to meet known water quality objectives.

Harvesting on potentially unstable terrain

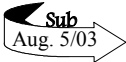
5. (1) Subsection (2) applies to an area only if
- (a) a terrain stability field assessment is required to be carried out for the forest development plan or silviculture prescription that applies to the area, or
 - (b) the area has been exempted from the requirement for a forest development plan or silviculture prescription, and a terrain stability field assessment is required to be carried out as a condition of the exemption.
- (2) A holder of an agreement under the *Forest Act* must not clearcut an area that is outside a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a high likelihood of landslides, unless
- (a) the terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that clearcutting the area will not significantly increase the risk of a landslide and that there is a low likelihood of landslide debris
 - (i) entering into a fish stream or a perennial stream that is a direct tributary to a fish stream, or
 - (ii) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites or any other similar structures, or
 - (b) the use of a clearcut silvicultural system has been approved in a forest development plan or silviculture prescription for the cutblock.
- (3) A holder of an agreement under the *Forest Act* who is carrying out harvesting must not sidecast material onto slopes that have a high likelihood of landslides.

Harvesting adjacent to previously harvested cutblocks

6. (1) A holder of an agreement under the *Forest Act* may harvest a cutblock that is adjacent to a previously harvested cutblock only if that previously harvested cutblock is greened-up.
- (2) Despite subsection (1), a holder of an agreement under the *Forest Act* may harvest a cutblock that is adjacent to a previously harvested cutblock that is not greened-up, if the requirements in any of the following paragraphs are met:
- (a) the cutblock to be harvested is under a licence to cut or Christmas tree permit, or the previously harvested cutblock was harvested under a licence to cut or Christmas tree permit;
 - (b) a partial cut silvicultural system is used that retains trees in a uniform distribution throughout the cutblock to be harvested, and 40% or more of the preharvest basal area will be retained;
 - (c) a partial cut silvicultural system is used that retains less than 40% of the preharvest basal area throughout the cutblock to be harvested, and
 - (i) before commencement of harvesting the district manager has authorized, in writing, retention of less than 40% of the preharvest basal area, and
 - (ii) after completion of harvesting, either the retained trees are uniformly distributed throughout the cutblock or the cutblock is stocked with trees, and the average height of those trees that are the tallest tree in each 0.01 hectare plot included in a representative sample is at least 3 m, and the trees are a commercially valuable species or other species acceptable to the district manager;
 - (d) the total area of
 - (i) the cutblock to be harvested, and
 - (ii) the harvested cutblocks that are not greened-up and that are adjacent to the cutblock to be harvested
 does not exceed the maximum size for cutblocks specified or varied under section 11 of the Operational and Site Planning Regulation;
 - (e) the harvesting of the cutblock is necessary to achieve established visual quality objectives and the harvesting has been approved in an operational plan;

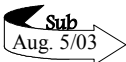
- (f) the resultant opening has been authorized by the district manager, in a written notice given to the person, on the grounds that it will be consistent with the structural characteristics and the temporal and spatial distribution of natural openings;
- (g) the proposed harvesting will recover timber that was damaged by fire, insects, wind or other similar events and, wherever possible, the cutblock to be harvested incorporates structural characteristics of natural disturbance.

Marking wildlife trees and wildlife tree patches

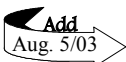
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7. (1) A holder of an agreement under the *Forest Act* who is carrying out harvesting in a cutblock must mark in the field, before commencement of harvesting, the location of all wildlife trees or wildlife tree patches in the cutblock that are

- (a) 0.25 hectare or more, unless exempted by the district manager, or
- (b) less than 0.25 hectare, if required by the district manager.

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(2) The district manager may exempt a holder of an agreement under the *Forest Act* who is required to mark a wildlife tree or wildlife tree patch under subsection (1) (a) if satisfied that the marking is not necessary to ensure that the wildlife trees or wildlife tree patches will be adequately protected.

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(2.1) The district manager may require a holder of an agreement under the *Forest Act* to mark wildlife trees or wildlife tree patches under subsection (1) (b), if satisfied that the marking is necessary to ensure that the wildlife trees or wildlife tree patches will be adequately protected.

(3) A holder of an agreement under the *Forest Act* who is required to mark a wildlife tree or wildlife tree patch under subsection (1) must ensure that the marking is visible during harvesting and will remain visible for at least 6 months after the completion of harvesting.

[am. B.C.Reg. 292/2003, Sch. I.]

Division 2 – Protection of Streams and Riparian Areas

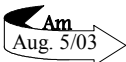
Harvesting adjacent to unidentified or incorrectly classified streams, wetlands and lakes

8. (1) A holder of an agreement under the *Forest Act* must not harvest or modify trees in a riparian reserve zone of a stream, wetland or lake if the stream, wetland or lake has not been identified, or has been given an incorrect riparian classification, in an operational plan, except in accordance with section 9 (1), based on the correct classification.

(2) For the purposes of subsection (1), a stream, wetland or lake is not shown with an incorrect riparian classification in an operational plan by reason only that the law that applied to the plan at the time it was approved or given effect is subsequently changed, unless an enactment specifically provides otherwise.

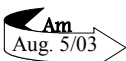
(3) A holder of an agreement under the *Forest Act* who is harvesting in a riparian management area for a stream, wetland or lake that has not been identified, or that has been given an incorrect riparian classification, in an operational plan, must harvest in a manner that is consistent with the general objectives for riparian management zones for the correct riparian class of the stream, wetland or lake, including the range of basal area retention, specified in a forest development plan that includes the area.

Felling or modification of trees in a riparian reserve zone

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9. (1) A holder of an agreement under the *Forest Act* must not fell or modify trees in a riparian reserve zone unless the felling or modification has been specified in an operational plan or is for one or more of the following purposes:

- (a) undertaking recreational facility management;
- (b) reducing windthrow potential by topping or pruning;
- (c) removing trees for stream crossings;
- (d) creating corridors for full suspension yarding;
- (e) removing trees for the construction or modification of a road under an approved road layout and design;
- (f) removing any tree that is hazardous to workers because of location or lean, physical damage, overhead hazards, deterioration of limbs, stems or root system or a combination of these;
- (g) carrying out sanitation treatments;

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- (h) recovering trees that have been windthrown or have been damaged by fire, insects, disease or other causes;
- (i) managing fisheries values or wildlife values;
- (j) carrying out any other similar activity.

(2) Despite subsection (1), the holder of a licence to cut or of a free use permit must not fell or modify trees in a riparian reserve zone unless the harvesting or modification is approved for purposes related to the holder's right to use or occupy Crown land granted under the *Land Act*, *Coal Act*, *Geothermal Resources Act*, *Mines Act*, *Mineral Tenure Act*, *Mining Right of Way Act*, *Petroleum and Natural Gas Act* or *Pipeline Act*.

[am. B.C.Reg. 292/2003, Sch. I.]

Constraining slash and debris in and around aquatic environments

10. A holder of an agreement under the *Forest Act* who carries out harvesting or a silviculture treatment must not deposit a volume of slash or debris, capable of damaging fish habitat or reducing water quality, into any of the following:

- (a) a lake;
- (b) a wetland;
- (c) a fisheries-sensitive zone or a marine-sensitive zone;
- (d) a fish stream;
- (e) a stream in a community watershed;
- (f) a stream with a known licensed domestic water supply intake downstream of the area being treated;
- (g) a stream that
 - (i) can transport the slash and debris into any of the areas listed in paragraphs (a) to (f), or
 - (ii) may be destabilized by the accumulated slash and debris, resulting in increased sediment deposition in the areas listed in paragraphs (a) to (f).

Restricted operation of machinery

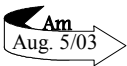
11. (1) A holder of an agreement under the *Forest Act* who carries out harvesting or a silviculture treatment must not permit tracks or wheels of ground based machinery within 5 m of a stream bank except in the following cases:

- (a) for carrying out fire fighting activities;
- (b) in response to natural disasters;
- (c) at stream crossings;
- (d) if operations will be conducted in a manner that protects stream banks and minimizes damage to understory vegetation.

(2) The district manager may exempt a holder of an agreement under the *Forest Act* from the requirements of subsection (1) if

- (a) the machinery is operated
 - (i) to construct or maintain a range development or utility,
 - (ii) to construct or maintain a work or to carry out an activity within or adjacent to streams for the purpose of controlling soil erosion, protecting stream banks or managing fisheries or wildlife, or
 - (iii) for an activity similar to one described in subparagraphs (i) and (ii), or
- (b) in the opinion of the district manager,
 - (i) no other practicable option exists for carrying out the harvesting or silviculture treatment, or
 - (ii) operating the machinery more than 5 m from the stream bank will increase the risk of sediment delivery.

(3) A holder of an agreement under the *Forest Act* who carries out harvesting or a silviculture treatment must not fuel or service machinery in a riparian management area of a stream or wetland or within 30 m of a lakeshore.



(4) Subsection (3) does not apply on an approved landing or road, or to machinery that is any of the following:

- (a) hand held;
- (b) required for fire fighting;
- (c) broken down and requires fuelling or servicing to be moved;
- (d) authorized in a silviculture prescription to be fuelled or serviced in the area.

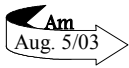
[am. B.C.Reg. 292/2003, Sch. I.]

Yarding, skidding and log drop areas

12. (1) A holder of an agreement under the *Forest Act* who is carrying out harvesting must not yard or skid timber through or over any fisheries-sensitive zone.

(2) A holder of an agreement under the *Forest Act* who is carrying out helicopter, balloon or another type of aerial harvesting must not use as a log drop area

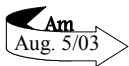
- (a) the littoral zone of a marine or fresh water system,
- (b) water that is less than 10 m deep, or
- (c) a marine-sensitive zone.



Maintaining stream bank stability

13. A holder of an agreement under the *Forest Act* who is carrying out harvesting or stream cleaning, for purposes other than constructing or modifying a stream crossing, must not remove stable natural material that is in a stream or that is embedded in a stream bank, or a root system that contributes to stream bank stability and fish habitat.

[am. B.C.Reg. 292/2003, Sch. I.]

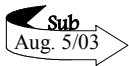


Temporary stream crossings

14. (1) A holder of an agreement under the *Forest Act* who is carrying out a forest practice must locate, construct and use a temporary stream 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) Without limiting subsection (1), the holder of an agreement under the *Forest Act* must carry out construction, repair or removal of a temporary stream crossing and other operations in a fish stream in accordance with timing windows or measures required to adequately manage and conserve aquatic resources provided in writing by a designated environment official.



(3) A holder of an agreement under the *Forest Act* who is carrying out a forest practice must remove all temporary stream crossings at the completion of the forest practice.

(4) Despite subsection (3), if an approved road layout and design applies to the temporary stream crossing the removal must be in accordance with that road layout and design and with any approved deactivation measures.

[am. B.C.Reg. 292/2003, Sch. I.]

Retention of streamside trees

15. (1) A holder of an agreement under the *Forest Act* who harvests timber in a riparian management zone for a S4, S5 or S6 stream must retain a sufficient number of those streamside trees whose crowns provide the shade to the stream that is required to prevent the stream temperature from increasing if the stream is a direct tributary to a S1, S2, S3 or S4 stream that is a known temperature sensitive stream.

(2) A holder of an agreement under the *Forest Act* who harvests timber adjacent to a S4, S5 or S6 stream that

- (a) is a direct tributary to a S1, S2 or S3 stream or to a marine-sensitive zone, and
- (b) has trees that provide, or contribute significantly to the maintenance of, stream bank or channel stability, or both,

must retain, standing adjacent to the stream, the number and distribution of the trees referred to in paragraph (b) that is sufficient to maintain the stream bank or channel stability, or both, as the case may be.

Division 3 – Protection of Non-timber Resources**Stand level biodiversity**

16. (1) A holder of an agreement under the *Forest Act* must ensure that the total area, in or adjacent to cutblocks, that is occupied by wildlife trees is

- (a) at least the total area specified in the applicable performance standard for the retention of wildlife trees, or
- (b) if there is no applicable performance standard, for each calendar year, at least the proportion of the cutblock area required as wildlife tree retention specified in chapter 3.2 of the 1999 Ministry of Forests and the Ministry of Environment, Lands and Parks publication “Landscape Unit Planning Guide”.

(1.1) A holder of a silviculture prescription that does not specify an area that must be occupied by wildlife trees is exempt from the requirements of subsection (1) (b).

(2) A holder of an agreement under the *Forest Act* must ensure that the total amount of coarse woody debris located on cutblocks in which harvesting is complete is at least the total amount for cutblocks specified in the applicable performance standard, if any, for retention of coarse woody debris.

[am. B.C.Reg. 292/2003, Sch. I.]

Protection of resource features

17. The prescribed circumstances for the purposes of section 51 (2) of the Act are that

- (a) the holder of an agreement under the *Forest Act* who is carrying out the forest practice is the holder of a site plan required under section 21.1 of the Act,
- (b) the resource feature is identified in the site plan, and
- (c) the holder carries out forest practices on the area in a manner that does not threaten the resource features referred to in paragraph (b).

General wildlife measures

18. A holder of an agreement under the *Forest Act* who carries out harvesting or a silviculture treatment in a known wildlife habitat area must carry it out in accordance with known general wildlife measures that are

- (a) established for application within the wildlife habitat area, and
- (b) made available to the person by the designated environment official at the time the wildlife habitat area is made known.

Minor salvage operations in specified areas

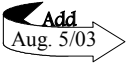
19. A holder of an agreement under the *Forest Act* must not carry out a minor salvage operation in any of the following areas, unless harvesting the area has been approved in a silviculture prescription or the person has received, in writing, from the district manager, the terms and conditions that apply to the carrying out of the minor salvage operation:

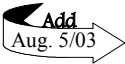
- (a) riparian management zones;
- (b) known forest ecosystem networks;
- (c) wildlife tree patches;
- (d) known old growth management areas;
- (e) known ungulate winter ranges.

Harvesting in old growth management areas

20. A holder of an agreement under the *Forest Act* who is carrying out harvesting in a known old growth management area must not clearcut in the area unless

- (a) clearcutting the area has been approved in a forest development plan, or
- (b) if there is no forest development plan that includes the area, clearcutting the area has been authorized in writing by the district manager, with or without conditions.



Division 4 – Access Structures**Temporary landings, borrow pits or gravel pits under a site plan**


20.1 (1) For the purposes of section 47 (6.1) of the Act, a holder of an agreement under the *Forest Act* who has prepared a site plan may construct a temporary landing, borrow pit or gravel pit.

(2) A holder of an agreement under the *Forest Act* who constructs a temporary landing referred to in subsection (1) must ensure that the landing conforms with section 21.

[en. B.C.Reg. 292/2003, Sch. 1.]

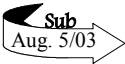
Constructing a landing

- 21.** A holder of an agreement under the *Forest Act* who is constructing a landing must
- (a) construct it at least 30 m from a fish stream or a stream in a community watershed, unless
 - (i) there is no other practicable location for the landing,
 - (ii) constructing the landing closer to the stream will not create a high risk of sediment delivery to the stream, and
 - (iii) the district manager approves constructing the landing less than 30 m distance from the stream, and
 - (b) incorporate drainage systems to minimize runoff flowing onto the landing and erosion of the landing fill and material.

Deactivating landings that are permanent access structures

22. (1) A holder of an agreement under the *Forest Act* must deactivate a landing that is a permanent access structure when the landing is no longer required to facilitate harvesting operations.

- (2) A holder of an agreement under the *Forest Act* who is deactivating a landing must
- (a) incorporate drainage systems to minimize runoff flowing onto the landing and erosion of the landing fill and material, and
 - (b) carry out measures to ensure that the landing is stable.

Rehabilitating a temporary road or landing


23. (1) A holder of an agreement under the *Forest Act* who, on an area that is under a silviculture prescription or site plan,

- (a) constructs or modifies a road, or
- (b) constructs a landing

that is a temporary access structure for the purposes of carrying out a forest practice on an area, must rehabilitate the road or landing, as the case may be,

- (c) when specified in an operational plan for the area, or
- (d) if not specified in the operational plan, as soon as is practicable after the structure is no longer required for the forest practice.

(2) A holder of an agreement under the *Forest Act* who is rehabilitating a road on an area under subsection (1), must

- (a) carry out the applicable measures specified in an operational plan for the area, or
- (b) if no applicable measures are specified in the operational plan, do all of the following:
 - (i) decompact the road, including removing woody debris that is conducting or is likely to conduct subsurface moisture;
 - (ii) place fill material that was sidecast on the excavated portion of the road;
 - (iii) re-establish natural surface drainage;
 - (iv) place some woody debris over exposed mineral soil;
 - (v) revegetate exposed mineral soil.

(3) A holder of an agreement under the *Forest Act* who is rehabilitating a landing on an area under subsection (1) must

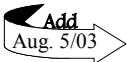
- (a) carry out the applicable measures specified in an operational plan for the area, or
- (b) if no applicable measures are specified in the operational plan, do all of the following:
 - (i) incorporate drainage systems to minimize runoff flowing onto the landing and erosion of the landing fill and material;
 - (ii) carry out measures to ensure that the landing area is stable;
 - (iii) decompact the landing area, including removing woody debris that is conducting or is likely to conduct subsurface moisture;
 - (iv) spread retrievable soil material, that was displaced to construct the landing, over the surface of the landing;
 - (v) re-establish natural surface drainage;
 - (vi) place some woody debris over exposed mineral soil;
 - (vii) revegetate exposed mineral soil.

(4) The district manager may exempt a person who is required to rehabilitate a road or landing under this section if the district manager is satisfied that the rehabilitation is not necessary to ensure that the forest resources on the area will be adequately managed and conserved.

(5) Without limiting subsection (4), a person who is required to rehabilitate a road or landing under this section is exempted if the person specified in an operational plan for the area that the road or landing would not be rehabilitated.

[en. B.C.Reg. 292/2003, Sch. I.]

Rehabilitating a temporary borrow pit or gravel pit



23.1 (1) A holder of an agreement under the *Forest Act* who, on an area that is under a silviculture prescription, constructs a borrow pit or gravel pit that is a temporary access structure, is exempted from the requirements of section 47 (6) of the Act to rehabilitate the borrow pit or gravel pit.

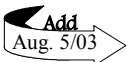
(2) A holder of an agreement under the *Forest Act* who, on an area that is under a site plan, constructs a borrow pit or gravel pit that is a temporary access structure, is exempted from the requirements of section 47 (6.1) of the Act to rehabilitate the borrow pit or gravel pit.

(3) The district manager may, by written notice, require a person who is exempted under subsection (1) or (2) to rehabilitate a borrow pit or gravel pit if the district manager is satisfied that the rehabilitation is necessary to ensure that the forest resources on the area will be adequately managed and conserved.

(4) A person who receives a notice referred to in subsection (3), must comply with the requirements specified in the notice.

[en. B.C.Reg. 292/2003, Sch. I.]

Rehabilitating a corduroyed trail or compacted area



23.2 (1) A holder of an agreement under the *Forest Act* who, on an area that is under

- (a) a silviculture prescription, or
- (b) a site plan

constructs a corduroyed trail or creates a compacted area, is exempted from the requirements of section 47 (7) of the Act to rehabilitate the corduroyed trail or compacted area.

(2) The district manager may, in writing, require a person who is exempted under subsection (1) to rehabilitate a corduroyed trail or a compacted area if the district manager is satisfied that the rehabilitation is necessary to ensure that the forest resources on the area will be adequately managed and conserved.

(3) A person who receives a notice referred to in subsection (2), must comply with the requirements specified in the notice.

[en. B.C.Reg. 292/2003, Sch. I.]

Landing and roadside debris accumulations

24. (1) A holder of an agreement under the *Forest Act* who is carrying out a harvesting operation must
- (a) deposit debris that accumulates from the construction and use of landings in the area of the landing or in other areas that are approved by the district manager, and
 - (b) dispose of combustible landing and roadside debris unless otherwise specified in an operational plan that pertains to the area.

(2) Subject to subsection (3), if the holder of an agreement under the *Forest Act* burns the debris referred to in subsection (1) (b) the holder must burn it in the first burning season after harvesting is completed or, if it is insect-infested, before the insects emerge.

(3) If the district manager determines that burning cannot take place as required under subsection (2) because the debris is too wet to burn or environmental conditions prevent burning, the district manager may authorize, in writing, a different period of time for completion of the disposal of the debris.

(4) If the method for disposing of debris accumulations resulting from roadside harvesting operations requires piling of the debris, the holder of an agreement under the *Forest Act* who is carrying out the piling operation must not operate ground-based equipment on the area adjacent to the road during periods when the soil strength is not sufficient to prevent the wheels or tracks of the equipment, used to carry out the piling, from creating concentrated soil disturbance if it is apparent that continuing the piling operations will result in the total amount of soil disturbance within this area being greater than the amount specified in section 32.

[am. B.C.Reg. 292/2003, Sch. I.]

Excavated and bladed trails may be constructed

25. Subject to sections 26 to 29, a holder of a site plan required under section 21.1 of the Act may construct an excavated or bladed trail on the area under the site plan.

Limitations on where an excavated and bladed trail may be constructed

26. (1) Subsections (2) and (3) apply to an area only if
- (a) a terrain stability field assessment is required to be carried out for the forest development plan or silviculture prescription that applies to the area, or
 - (b) the area has been exempted from the requirement for a forest development plan or silviculture prescription, and a terrain stability field assessment is required to be carried out as a condition of the exemption.

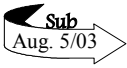
(2) A holder of an agreement under the *Forest Act* must not construct an excavated or bladed trail on an area that is outside a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a high likelihood of landslides.

(3) A holder of an agreement under the *Forest Act* must not construct an excavated or bladed trail on an area that is outside a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a moderate likelihood of landslides, unless the assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that

- (a) the excavated or bladed trail can be located, constructed and rehabilitated in a manner that will not significantly increase the risk of landslides, and
- (b) there is a low likelihood of landslide debris
 - (i) entering into a perennial stream in a community watershed, a fish stream or a perennial stream that is a direct tributary to a fish stream, or
 - (ii) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites, or any other similar structures.

(4) Without restricting subsection (3), a holder of an agreement under the *Forest Act* must not construct an excavated or bladed trail on an area that is within a community watershed if

- (a) the soil erosion hazard and risk of sediment delivery to streams have not been assessed, or



- (b) the results of the soil erosion hazard assessment and risk of sediment delivery to streams assessment indicate that
 - (i) the site has a
 - (A) high or very high soil erosion hazard, and
 - (B) moderate, high or very high risk of sediment delivery to streams, or
 - (ii) the site has a moderate or high likelihood of landslides.
- (5) Subsection (4) does not apply if the trail construction is approved for the purpose of
 - (a) constructing access required to carry out activities on tenures issued under the *Coal Act* or *Mineral Tenure Act*, or
 - (b) carrying out activities authorized under the *Mines Act*, *Mining Right of Way Act*, *Petroleum and Natural Gas Act* or *Pipeline Act*.

Requirements when constructing excavated or bladed trails

27. A holder of an agreement under the *Forest Act* who is constructing an excavated or bladed trail must comply with all the following requirements:

- (a) must not deposit
 - (i) soil material that has been excavated to construct the trail, or
 - (ii) slash
 - in a stream, wetland, lake or fisheries-sensitive zone, or in a position where the material can be transported by water into any of these watercourses;
- (b) must not create cutslopes and fillslopes that are subject to slumping and continual raveling;
- (c) must maintain surface drainage patterns;
- (d) must prevent subsurface seepage water, intercepted by the trails, from being diverted into areas that would not naturally have received the water, and that are
 - (i) slopes that are unstable or potentially unstable or subject to a moderate or high likelihood of landslides, or
 - (ii) stream channels or gullies;
- (e) must do the requirements in paragraphs (a) to (d) in a way that minimizes soil erosion and the amount of sediment entering streams;
- (f) must do the requirements in paragraphs (a) to (d) in a way that facilitates carrying out required rehabilitation treatments.

Requirement to rehabilitate excavated or bladed trails

28. (1) Before December 15, 1999, for the purposes of section 47 (7) of the Act, a holder of an agreement under the *Forest Act* who constructs or modifies an excavated or bladed trail within an area under an operational plan must rehabilitate the area occupied by the trail in accordance with section 29, if the trail is located on an area that

- (a) has a moderate or high likelihood of landslides, a high or very high soil erosion hazard, or is an area where the soil erosion hazard has not been determined, or
- (b) is within a community watershed.

(2) If timber harvesting commences on or after December 15, 1999, a holder of an agreement under the *Forest Act* who constructs or modifies an excavated or bladed trail must rehabilitate the area occupied by the trail in accordance with section 29.

(3) A holder of an agreement under the *Forest Act* is exempt from any requirement under section 68 of the Act to carry out rehabilitation of an excavated or bladed trail in accordance with a silviculture prescription or logging plan, if the trail meets both of the following conditions:

- (a) it is constructed or modified before December 15, 1999;
- (b) it is not located on an area referred to in subsection (1).

Requirements when rehabilitating excavated or bladed trails

29. Unless otherwise approved in an operational plan, a holder of an agreement under the *Forest Act* who is rehabilitating an excavated or bladed trail must do all of the following:

- (a) decompact the trail, including removing woody debris that is conducting subsurface moisture;
- (b) place fill material that was sidecast on the excavated portion of the trail;
- (c) recontour the slope;
- (d) re-establish natural surface drainage;
- (e) place some woody debris over exposed mineral soil;
- (f) revegetate exposed mineral soil.

Division 5 – Soil Conservation

Limits on the amount of permanent access structures

30. (1) At the end of timber harvesting operations in a cutblock, a holder of an agreement under the *Forest Act* must not cause the proportion of the cutblock area occupied by permanent access structures to exceed

- (a) the applicable performance standard, or
- (b) if there is no applicable performance standard, 7% of the area within the cutblock, including any reserves within the cutblock.

(2) Unless exempted by the district manager, a holder of an agreement under the *Forest Act*, at the conclusion of using a permanent access structure, other than a road, that was constructed by the holder, must deactivate the permanent access structure.

(3) Despite subsection (1), a holder of an agreement under the *Forest Act* may exceed the maximum proportion of the cutblock area that may be occupied by permanent access structures to the minimum extent necessary to accommodate additional permanent access structures, if

- (a) the size, topography and engineering constraints of the cutblock cannot accommodate the required permanent access structures,
- (b) the additional permanent access structures are necessary to ensure the safety of those persons who are
 - (i) using the permanent access structures, or
 - (ii) carrying out forest practices on the area, or
- (c) the additional permanent access structures are necessary to provide access beyond the cutblock.

(4) A holder of an agreement under the *Forest Act* referred to in subsection (3) must amend the operational plan or site plan for the area to record

- (a) the revised proportion of the cutblock that is occupied by permanent access structures, and
- (b) the rationale for the revised proportion.

[am. B.C.Reg. 292/2003, Sch. I.]

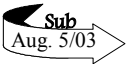
Limits on the amount of soil disturbance

31. (1) In this section, “sensitive soils” means soils on an area that through a combination of climate, soil properties, site moisture conditions and site topography have

- (a) in the Interior, a very high soil compaction hazard, soil displacement hazard or soil erosion hazard, and
- (b) on the Coast, a high or very high soil compaction hazard, soil displacement hazard or soil erosion hazard.

(2) A holder of an agreement under the *Forest Act* must not cause the soil disturbance on the net area to be reforested within a standards unit to exceed

- (a) the applicable performance standard, or
- (b) if there is no applicable performance standard,
 - (i) 5% of the area in the standards unit if the area has sensitive soils, and
 - (ii) 10% of the area in the standards unit if the area does not have sensitive soils.



(3) Despite subsection (2), a holder of an agreement under the *Forest Act* may exceed the soil disturbance limits under that subsection if

- (a) the harvesting on the area was to remove infected stumps, or
- (b) specific site rehabilitation or site preparation objectives for the area are contained in the forest development plan.

(4) Despite subsection (2), a holder of an agreement under the *Forest Act* may temporarily exceed the soil disturbance limits referred to in that subsection if

- (a) the extra disturbance
 - (i) is for the construction of temporary access structures or excavated or bladed trails, and
 - (ii) does not exceed 5% of the standards unit, and
- (b) the holder rehabilitates the area to the extent necessary to bring the area back into compliance with the specified limits.

Maximum allowable soil disturbance for roadside work areas

32. A holder of an agreement under the *Forest Act* who carries out roadside harvesting operations, including decking, processing, loading and any associated debris disposal or piling operations, in an area that is

- (a) within the net area to be reforested, and
- (b) used to carry out those activities,

must not cause the amount of soil disturbance to exceed

- (c) the proportion that is specified in the applicable performance standard, or
- (d) if there is no applicable performance standard, 25% of the area.

Rehabilitation of disturbed areas

33. (1) A holder of an agreement under the *Forest Act* who is required to rehabilitate a disturbed portion of an area under section 46 (4) or 47 (5) or (7) of the Act must

- (a) restore the disturbed portion of the area to a productive state,
- (b) reduce surface soil erosion in the area, and
- (c) reasonably mitigate the impact of the forest practice that made the rehabilitation necessary on forest resources that are identified
 - (i) in higher level plans or operational plans, or
 - (ii) by the district manager, if the forest practice was exempted from the requirement of a logging plan or silviculture prescription or site plan.

(2) For the purposes of section 49 (2) (d) of the Act, the district manager may exempt a person who is the holder of a site plan from the requirement to rehabilitate areas under section 46 (4) or 47 (5) to (7) of the Act if the district manager is satisfied that treating the area is unlikely to restore soil productivity on the area to a level acceptable to the district manager.

PART 4 – Silviculture

Interpretation

34. In this Part, “**person required to establish a free growing stand**” means

- (a) a holder of an agreement under the *Forest Act* who is required to establish a free growing stand under section 69.1 (3) or 70 (3) of the Act, and
- (b) the district manager where the government is required to establish a free growing stand under section 69.1 (2) or 70 (2) of the Act.

Requirements for areas under a site plan

35. (1) For the purposes of section 69.1 (4) (c) of the Act, the prescribed stocking standards that the person required to establish a free growing stand on an area under a site plan must meet, by the regeneration date, and after that date maintain, are the stocking requirements specified for the area in the forest development plan.

(2) For the purposes of section 69.1 (4) (d) of the Act, the prescribed stocking standards that the person required to establish a free growing stand on an area under a site plan must establish, by the free growing date, are the stocking requirements specified for the area in the forest development plan.

(3) Despite the expiry of a forest development plan, if before the expiry of the plan the government or the holder of the plan is required to establish a free growing stand on a cutblock in that plan, the government or the holder, as the case may be, must establish the free growing stand in accordance with the information referred to in section 18.1 (2) of the Operational and Site Planning Regulation as if the forest development plan had not expired.

(4) A holder of a forest development plan referred to in subsection (3) may amend the plan as if the plan had not expired.

[am. B.C.Reg. 292/2003, Sch. I.]

Areas under a site plan without regeneration objectives

36. (1) The government is exempt from the requirements of section 69.1 (2) of the Act to establish a free growing stand on an area under a site plan if the harvesting is limited to

- (a) commercial thinning,
- (b) harvesting of poles,
- (c) sanitation treatments, or
- (d) intermediate cuttings, other than those referred to in paragraphs (a) to (c), that do not have regeneration objectives.

(2) The holder of an agreement under the *Forest Act* is exempt from the requirements of section 69.1 (3) of the Act to establish a free growing stand on an area under a site plan if the harvesting is limited to

- (a) commercial thinning,
- (b) harvesting of poles,
- (c) sanitation treatments, or
- (d) intermediate cuttings, other than those referred to in paragraphs (a) to (c), that do not have regeneration objectives.

(3) For areas referred to in subsection (1), the government must ensure that, at the completion of harvesting on the area, the specifications referred to in section 18.2 of the Operational and Site Planning Regulation are met.

(4) For areas referred to in subsection (2), the holder of the site plan must ensure that, at the completion of harvesting on the area, the specifications referred to in section 18.2 of the Operational and Site Planning Regulation are met.

(5) Despite the expiry of a forest development plan, if before the expiry of the plan

- (a) the government under subsection (3), or
- (b) the holder of the plan under subsection (4)

is required to meet the specifications referred to in section 18.2 of the Operational and Site Planning Regulation, the government or the holder, as the case may be, must continue to meet those requirements as if the forest development plan had not expired.

Areas under a silviculture prescription without regeneration objectives

37. (1) A holder of a silviculture prescription is exempt from the requirements of section 70 (4) (d) of the Act if the timber harvesting on the area under the silviculture prescription is limited to

- (a) commercial thinning,
- (b) harvesting of poles,
- (c) sanitation treatments, or
- (d) intermediate cuttings, other than those referred to in paragraphs (a) to (c), that do not have regeneration objectives.

(2) A holder of an agreement under the *Forest Act* who is exempted under subsection (1) must ensure that, at the completion of harvesting on the area, the applicable stocking requirements referred to in section 39 (3) (o) of the Operational and Site Planning Regulation are met.

Add
Aug. 5/03

Use of seed and vegetative material

38. (1) In this section:

“**seedlot**” means a quantity of cones or seeds having the same species, source, quality and year of collection;

“**source**” means

- (a) the geographic source of cones, seeds and vegetative material including the latitude, longitude and elevation of the source, or
- (b) the name and licence number of the seed orchard, cutting orchard or production facility;

“**vegetative lot**” means a quantity of vegetative material or vegetative propagules having the same species, source and year of collection;

“**vegetative material**” means plant parts or tissues used to produce vegetative propagules through asexual means;

“**vegetative propagule**” means a plant that has been produced through asexual means.

(2) A person required to establish a free growing stand under section 69.1 or 70 of the Act who plants trees must

- (a) use only seedlots or vegetative lots collected and registered in accordance with the Tree Cone, Seed and Vegetative Material Regulation,
- (b) unless otherwise authorized by the district manager, use the best genetic quality source available,
- (c) store any tree seeds with the ministry, and
- (d) keep a record of the registration numbers of the seedlots or vegetative lots used and the locations where they are planted.

(3) Without limiting subsection (2), if a person required to establish a free growing stand knows or should know of forest health factors that affect the health of the species of trees that are required by the operational plan, the person must use only naturally or genetically improved resistant seed sources, seedlings or vegetative propagules if they are available.

(4) Without limiting subsection (2) or (3), a person required to establish a free growing stand must not exceed the limits for seed or vegetative material transfer specified in the Ministry of Forests publication, “Seed and Vegetative Material Guidebook”, as amended from time to time.

Use of livestock for site preparation or brush control

39. A person required to establish a free growing stand under section 69.1 or 70 of the Act who uses livestock for site preparation or brush control, must

- (a) ensure that all necessary measures are taken to
 - (i) protect fish, wildlife and their habitat,
 - (ii) minimize conflict between livestock and animals that could prey on livestock,
 - (iii) protect irrigation and licensed domestic water supply intakes,
 - (iv) prevent transmission of disease from livestock to wildlife, and
 - (v) maintain the health of livestock,
- (b) establish a buffer zone on the area if required to do so by a designated environment official and prevent livestock from entering the zone,
- (c) not construct a livestock corral
 - (i) within a riparian management area, or
 - (ii) on a site that drains directly into a stream, lake or other watercourse bearing fish or used as a potable water source,
- (d) notify a designated environment official before the arrival of the livestock,
- (e) use only livestock that have been inspected and certified as required by the Minister of Agriculture, Food and Fisheries, and
- (f) not use livestock within a community watershed to carry out site preparation or brush control within a riparian management area.

Target stocking

40. (1) A person required to establish a free growing stand under section 69.1 of the Act must ensure that all silviculture treatments are designed and carried out to be consistent with the target stocking standards specified for the area in the forest development plan.

(2) A person required to establish a free growing stand under section 70 of the Act must ensure that all silviculture treatments are designed and carried out to be consistent with the target stocking standards specified for the area in the silviculture prescription.

Spacing mandatory if maximum density exceeded

41. (1) A person who is required to establish a free growing stand under section 69.1 or 70 of the Act where the number of coniferous trees per hectare on the area exceeds

(a) 10 000, or

(b) a number specified by the regional manager under subsection (3),

must carry out a spacing treatment on the area before the free growing date to reduce the number of coniferous trees per hectare to within the maximum and minimum numbers on the area

(c) specified in the silviculture prescription, or

(d) if there is no silviculture prescription, specified in the forest development plan.

(2) A person required to establish a free growing stand on an area where

(a) the silviculture prescription for the area was approved before April 1, 1994, and

(b) the density of lodgepole pine or drybelt Douglas-fir trees per hectare on the area exceeds

(i) 10 000, or

(ii) a number specified by the regional manager under subsection (3),

must carry out a spacing treatment on the area to reduce the number of trees to within the range limited by the maximum and minimum numbers for the area

(c) specified in the silviculture prescription, or

(d) if not specified in the silviculture prescription, specified in writing by the district manager.

(3) For the purposes of subsections (1) and (2), the regional manager may specify a number other than 10 000.

(4) When specifying a number under subsection (3), the regional manager

(a) may specify different numbers for different areas and species, and

(b) must give written notice of the specification to a person before that person is bound by the specification.

(5) The chief forester may

(a) establish, vary or cancel policies, standards and guidelines respecting

(i) the regional manager's specification of a number of trees per hectare other than 10 000, under subsection (3),

(ii) the characteristics of trees that must be counted for the purpose of determining the number of trees per hectare, and

(iii) any other matters related to stand density management, and

(b) make different policies, standards and guidelines for different areas and species.

(6) For the purposes of determining the number of trees per hectare under this section, the following coniferous trees must be counted:

(a) a tree that is at least

(i) 50% of the median height of the preferred and acceptable well spaced trees in the survey plot, if the median height is 2 m or greater, or

(ii) 30% of the median height of the preferred and acceptable well spaced trees in the survey plot, if the median height is less than 2 m;

(b) if the silvicultural system is single tree selection, a tree that is at least 1.3 m in height and less than 7.5 cm in diameter measured at a height of 1.3 m;

(c) a tree that meets the criteria established by the chief forester under subsection (5).

Pruning required before the end of the free growing assessment period in specified circumstances

42. (1) A holder of an agreement under the *Forest Act* who is required to establish a free growing stand on an area where the stocking requirements

- (a) are intended to achieve wildlife habitat objectives, and
- (b) are at least 30% lower than the minimum stocking requirements specified for the applicable biogeoclimatic zone as set out in the Ministry of Forests' publication "Establishment to Free Growing Guidebook" as amended from time to time

must, before the free growing date, prune all of the crop trees on the area and ensure that each crop tree retains at least 30% live crown.

(2) The district manager may relieve a holder of an agreement under the *Forest Act* from the requirements of subsection (1) if the district manager determines that wood quality or other objectives are not compromised by the low stocking levels.

Use of fertilizers

43. (1) A

- (a) holder of an agreement under the *Forest Act* who carries out a silviculture treatment and uses fertilizer, and
- (b) person who carries out a purpose referred to in section 96 (1) (f.1) of the Act,

must store, handle and apply the fertilizer in a manner that protects forest resources.

(2) A holder of an agreement under the *Forest Act* who carries out a silviculture treatment and who applies fertilizer other than on spot areas in a community watershed must not

- (a) apply fertilizer
 - (i) closer than 100 m upslope of a water intake, or
 - (ii) within 10 m of a perennial stream that is observable from the air, at the height the fertilizer will be applied, unless otherwise authorized by both the district manager and the Minister of Health or a person authorized by that minister, and
- (b) cause
 - (i) nitrate nitrogen levels in a stream to exceed 10 ppm measured immediately below the area where the fertilizer is applied,
 - (ii) chlorophyll levels to exceed
 - (A) 2 micrograms/litre in a lake, or
 - (B) 50 milligrams/square metre in a stream, or
 - (iii) water quality to fall below any known water quality objectives.

PART 5 – Forest Health

Insect behaviour modifying treatments

44. (1) A holder of an agreement under the *Forest Act* who uses trap trees or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge unless an alternate method of controlling the insect population is provided in an operational plan.

(2) The district manager may exempt a holder of an agreement under the *Forest Act* from complying with subsection (1), with or without conditions, if the district manager is satisfied that doing so will adequately manage and conserve forest resources.

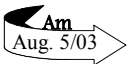
(3) A holder of an agreement under the *Forest Act* who is exempted under subsection (2) must comply with any condition imposed under that subsection.

PART 6 – Reports

Reporting requirements for areas without regeneration objectives

45. A holder of an agreement under the *Forest Act* who has not been exempted from the requirement to prepare a site plan on an area and who carries out timber harvesting on the area where

- (a) there are partial cutting stocking requirements that do not require regeneration, or



(b) the harvesting is limited to commercial thinning, harvesting of poles, sanitation treatments and other intermediate cuttings that do not have regeneration objectives,
must submit to the district manager

- (c) on or before May 31 each year, for areas harvested in the preceding year ending March 31 and not yet reported, a report providing the information required in Forms A and B, and a map identifying the standards units on the area, and
- (d) during the period between 12 months and 24 months after the completion of harvesting on the area, a report, on Form C, with a map containing the information referred to in section 48 (1) (a) to (h).

[am. B.C.Reg. 292/2003, Sch. I.]

Format and timing of reporting

46. A holder of an agreement under the *Forest Act* who is required to establish a free growing stand on an area must submit to the district manager, on or before May 31 each year, the following reports:

- (a) for cutblocks where harvesting was completed for the entire cutblock in the preceding year ending March 31, the completion of harvesting has not yet been reported, and the allowable annual cut is on a volume basis, a report including
 - (i) Form A identifying the standards that apply to the area contained in a forest development plan,
 - (ii) Forms B and C, and
 - (iii) a map containing the information referred to in section 48 (1) (a) to (h);
- (a.1) for areas within a cutblock that are subject to an area based allowable annual cut and that were harvested to any extent in the preceding calendar year, a report including the information referred to in paragraph (a);
- (b) for areas within a cutblock that are completely harvested and that have received silviculture treatments in the preceding year ending March 31, a report in Form B describing the silviculture treatments and area treated;
- (c) for areas which have met the regeneration date stocking requirements during the preceding year ending March 31, a report in Form C with a map containing any changes in the information referred to in section 48 (1) (a) to (h) from that which was submitted under paragraph (a);
- (d) for areas which have met the free growing stocking requirements during the preceding year ending March 31, a report in Form C with a map containing any changes in the information referred to in section 48 (1) (a) to (h) from that which was submitted under paragraph (c).

[am. B.C.Reg. 466/2003, Sch. E.]

Minister may establish requirements

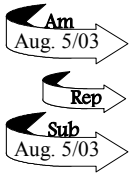
- 47.** (1) The minister, with respect to the reports referred to in section 45 or 46, may
 - (a) require Forms A, B and C and associated maps to be electronically submitted to the ministry,
 - (b) specify the format of the electronic data submission, and
 - (c) establish guidelines for silviculture surveys and the content and accuracy of the information to be submitted on maps, Forms A, B, and C or alternate approved forms.
- (2) Despite section 45 or 46, if under subsection (1) the minister
 - (a) requires a form to be electronically submitted, or
 - (b) specifies the format and content of the submission,

the holder of an agreement under the *Forest Act* who is required under this section to submit data or prepare a map must do so in accordance with the requirements or specifications.

General mapping requirements

48. (1) A map referred to in sections 45 (d) and 46 (a), (c) and (d) must be an accurate map of the cutblock area and must describe

- (a) areas occupied by permanent access structures,
- (b) areas of rock, wetland or other area that in the area's natural state is not capable of supporting a stand of trees that meets the stocking requirements referred to in section 18.1 of the Operational and Site Planning Regulation,



- (c) areas of non-commercial forest cover that are indicated on an operational plan or in the prescribed manner as not requiring the establishment of a free growing stand,
- (d) areas indicated on an operational plan or in the prescribed manner as a reserve area not requiring the establishment of a free growing stand,
- (e) the location of each standards unit within the cutblock and the standards identification number linking each standards unit to the stocking requirements contained in Form A,
- (f) *Repealed.* [B.C. Reg. 292/2003, Sch. I]
- (g) the mappable reserves within or contiguous to the cutblock, and
- (h) the forest cover polygons within the cutblock.

(2) Areas referred to in subsection (1) (c) are areas of non-commercial cover indicated in the prescribed manner for the purposes of paragraph (b) (iii) of the definition of “net area to be reforested” in section 1 (1) of the Act.

(3) Areas referred to in subsection (1) (d) are reserve areas indicated in the prescribed manner for the purposes of paragraph (b) (iv) of the definition of “net area to be reforested” in section 1 (1) of the Act.

[am. B.C.Reg. 292/2003, Sch. I.]

PART 7 – Miscellaneous

Limitation of liability of persons to government

49. (1) For the purposes of section 162.1 (3) of the Act, the prescribed period is 15 months.

(2) When considering a declaration from a holder of an agreement under the *Forest Act* submitted under section 162.1 (1) of the Act with respect to a regeneration date for an area under a site plan, the district manager may accept the declaration, even if the stocking requirements for the standards unit have not been met, if the district manager determines that, during the one year period before the regeneration date for the standards unit, the holder met the stocking requirements for a minimum of 90% of the combined area of

- (a) the standards unit, and
- (b) all other standards units, for areas under site plans, for which the regeneration date occurred during that year.

(3) When considering a declaration from a holder of an agreement under the *Forest Act* submitted under section 162.1 (1) of the Act with respect to a regeneration date for an area under a site plan, the district manager may accept the declaration, even if the number of well spaced trees of a preferred species per hectare for the standards unit has not been met, if the district manager determines that, during the one year period before the regeneration date for the standards unit, the holder met the overall average of the prescribed minimum number of well spaced trees of a preferred species per hectare on the combined area of

- (a) the standards unit, and
- (b) all other standards units, for areas under site plans, for which the regeneration date occurred during that year.

(4) A holder of an agreement under the *Forest Act* is exempt from the requirements of section 162.1 (5) of the Act.

(5) A holder of an agreement under the *Forest Act* who makes a declaration under section 162.1 (1) of the Act in relation to an obligation to establish a free growing stand on an area where a brushing treatment has been carried out, remains responsible for the obligation unless, at the time of the declaration,

- (a) the crop trees on the area meet the height relative to competing vegetation requirement for the area
 - (i) specified in a silviculture prescription, or
 - (ii) if there is no silviculture prescription, specified in a forest development plan, and
- (b) subject to subsection (6), the period since the brushing treatment was carried out is
 - (i) a minimum of
 - (A) 2 years for a chemical brushing treatment, and
 - (B) 3 years for a manual brushing treatment
 in the Sub-Boreal Spruce biogeoclimatic subzone or the Black and White Boreal Spruce biogeoclimatic subzone, or

- (ii) a minimum of 2 years for any brushing treatment for areas other than those referred to in subparagraph (i).
- (6) The district manager may authorize a shorter period than specified in subsection (5) (b).
- (7) For the purposes of section 162.1 (6) of the Act, the stand must conform with the following:
 - (a) for areas under a silviculture prescription, the area must be within the “free growing assessment period” as defined in section 70 (1) of the Act;
 - (b) for areas under a site plan, the earliest free growing assessment date specified in the forest development plan has passed.

Waiver or funding of free growing obligation

50. (1) To claim the relief or funding under section 162.2 of the Act relating to the establishment of a free growing stand, a person must provide to the district manager the following information:

- (a) the nature of the relief sought and why the person is entitled to it;
- (b) if the relief sought is funding under section 162.2 (4) of the Act, a proposal for the course of action and time frame for returning the stand to the condition referred to in that subsection, and an estimate of the extra expense involved in carrying out the course of action.

(2) If the district manager is satisfied that the relief of an obligation or funding is required, then within 1 year of receiving all the information referred to in subsection (1), the district manager must grant the relief or provide the funds.

- (3) If the district manager determines that
 - (a) the obligation to establish a free growing stand should continue, and
 - (b) either
 - (i) the person has not provided a proposed course of action, or
 - (ii) the proposed course of action is unacceptable,

then the district manager must provide and fund an alternate course of action.

(4) For the purposes of section 22.1 (1) of the Act, a silviculture prescription for an area is without effect if, under section 162.2 (3) (b) of the Act, the district manager has relieved the holder of the prescription from the obligation to establish a free growing stand on the area.

Offence

51. (1) A holder of an agreement under the *Forest Act* who contravenes section 9, 10, 11 or 43 (2) commits an offence.

(2) A person who commits an offence is liable, on conviction, to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months or to both.

Limitation on application of irreparable damage

52. A holder of an agreement under the *Forest Act* does not commit an offence under section 145 (2) of the Act if the holder is

- (a) operating under
 - (i) a site plan required under section 21.1 of the Act, or
 - (ii) an exemption from the requirement to have a site plan, and
- (b) acting in accordance with Part 3 of this regulation.

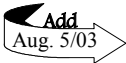
Protecting the environment

53. (1) For the purposes of section 45 (3) (b) of the Act, “**inordinate soil disturbance**” means soil disturbance that

- (a) results in the district manager requiring rehabilitation of soil under section 48 (1) of the Act, or
- (b) exceeds the soil disturbance limit specified in section 31 of this regulation.

(2) For the purposes of section 45 (3) (c) of the Act, “**significant damage**” means any damage to a lake, stream or other watercourse that results from the deposit of a petroleum product or a fluid used to service logging equipment.

Authorization to cut trees for survey or fire control

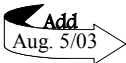
 Add
Aug. 5/03

54. For the purposes of section 96 (1) (e) and (f) and (2) of the Act, a person is authorized to cut, remove, damage or destroy Crown timber in the course of

- (a) carrying out duties as a land surveyor, or
- (b) fire control or suppression operations.

[en. B.C.Reg. 292/2003, Sch. I.]

Free miner's incidental harvesting

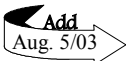
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55. (1) Pursuant to section 96 (1) (c) of the Act, Crown timber may be cut, damaged or destroyed by hand held tools for the purpose of mineral exploration by a free miner under the *Mineral Tenure Act* before the free miner requires a permit under section 10 of the *Mines Act*.

(2) Except for minor clearing of brush and downed trees, subsection (1) does not permit cutting, damaging or destroying Crown timber beyond the minimum necessary for the safety of persons carrying out the activities.

[en. B.C.Reg. 292/2003, Sch. I.]

Authorization to cut trees related to silviculture, stand tending or forest health

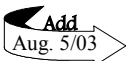
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56. For the purposes of section 96 (1) (f.1) of the Act, a person is authorized to cut, damage or destroy Crown timber on an area if the cutting, damaging or destruction of the timber is carried out by

- (a) a holder of an agreement under the *Forest Act* in the course of carrying out silviculture treatments, stand tending treatments, forest health treatments, or any other activity that is ancillary to the purposes of the *Forest Practices Code of British Columbia Act*, or
- (b) a person in the course of carrying out silviculture treatments, stand tending treatments, forest health treatments, or any other activity that is ancillary to the purposes of the *Forest Practices Code of British Columbia Act*, and the treatment or activity is
 - (i) authorized by the district manager, or
 - (ii) funded under the Forest Investment Vote in the estimates of the ministry.

[en. B.C.Reg. 292/2003, Sch. I.]

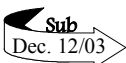
Enactments referred to in section 96 of the Act

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Aug. 5/03

57. This regulation is a prescribed enactment for the purposes of section 96 (1) (g) (iii) of the Act.

[en. B.C.Reg. 292/2003, Sch. I.]

Notice required for timber harvesting

 Sub
Dec. 12/03

58. (1) In this section, “**commencement**” means initial commencement or recommencement after an inactive period of 3 months or more.

(2) A holder of an agreement under the *Forest Act* must notify the district manager, in accordance with subsection (3), before commencement of timber harvesting in a cutblock.

(3) A notice under subsection (2) must specify

- (a) the location of the cutblock,
- (b) the holder of the agreement under the *Forest Act*,
- (c) the name of the holder's representative who is responsible for conducting the timber harvesting, and
- (d) the projected date for commencement.

(4) The district manager may exempt a holder of an agreement under the *Forest Act*, conditionally or unconditionally, from the requirements of subsection (2).

(5) A holder of an agreement under the *Forest Act* who is exempted under subsection (4) must comply with any of the conditions specified in the exemption.

[en. B.C.Reg. 466/2003, Sch. E.]

FORM A



STANDARDS - FORM 'A'

SHADED AREAS ON THIS FORM ARE MANDATORY
UNSHADED AREAS MUST BE COMPLETED IF STANDARDS ID NOT AVAILABLE

A. ADMINISTRATION					
REGION	DISTRICT	LICENSEE CONTACT NAME	LICENSEE E-MAIL ADDRESS	TELEPHONE NO.	DATE (YYYY-MM-DD)

B. TENURE (Enter one of Opening, Timbermark/Block, Licence No./Cutting Permit/Cutblock)									
OPENING		OBLIGATION		LICENCE NO.	CUTTING PERMIT	CUTBLOCK	LICENSEE		
		TIMBER MARK	BLOCK						
PREVIOUS						GROSS AREA (ha)	MAX ALLOWABLE PERMANENT ACCESS %	SITE PLAN EXEMPT (Y/N)	
STAND TYPE	TIMBER TYPE			SITE					
	SPECIES 1	SPECIES 2	CLASSES	INDEX	SRC CODE				

C. STANDARDS																							
SU	NET AREA (ha)	BIOGEOCLIMATIC			MAX ALLOWABLE SOIL DISTURBANCE %	STANDARDS ID	LAYER	TARGET STOCKING (wss/ha)	MIN. STOCKING STANDARD (wss/ha)	MINIMUM PREFERRED (wss/ha)	MINIMUM HORIZ. (m)	BASAL AREA (m ² /ha)	PREFERRED SPECIES		ACCEPTABLE SPECIES		MAX CONIFER	REGEN (yrs)	FG (yrs)		HT. RELATIVE TO COMP. %	cm	
		ZONE	SUBZONE & VARIANT	SITE SERIES									1	2	3	4			EARLY	LATE			
		1	2	3	1	2	3	4															

FS 708A HSP 02/11

