


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

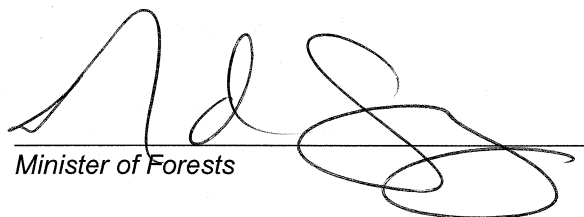
154 , Approved and Ordered FEB 24 2005



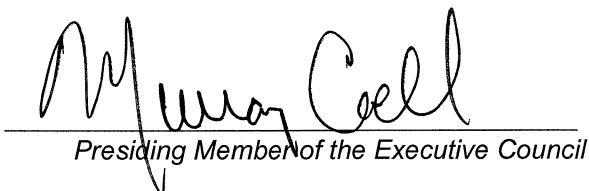
Lieutenant Governor

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule.



Minister of Forests



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:- Forest and Range Practices Act, S.B.C. 2002, c. 69, ss. 5, 13, 17, 18, 141, 142, 146, 147,  
149 to 151, 154 to 157, 159, 160 and 162

Other (specify):- oic 17/2004

## SCHEDULE

**1** *Section 1 (1) of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended*

(a) *by striking out* “In the Act and this regulation:” *and by substituting* “In this regulation:”;

(b) *by repealing the definition of “declared area” and substituting the following:*

“declared area” means an area that has been identified under section 14 (4), *and*

(c) *by repealing the definition of “net area to be reforested”.*

**2** *The following sections are added:*

### **Objectives set by government for fish habitat in fisheries sensitive watersheds**

**8.1** (1) In this section, “**fisheries sensitive watershed**” means an area identified in Schedule 2 of this regulation

(a) with significant downstream fisheries values continued under section 180 (f) of the Act and significant watershed sensitivity continued under section 180 (g) of the Act, and

(b) for which there is no fisheries sensitive watershed objective.

(2) Until December 31, 2005 the objective set by government for fish habitat in fisheries sensitive watersheds is to prevent to the extent described in subsection (3) the cumulative hydrological effects of primary forest activities in the fisheries sensitive watershed from resulting in a material adverse impact on the habitat of the fish species for which the fisheries sensitive watershed was established.

(3) The objective set by government under subsection (2) applies only to the extent that it does not unduly reduce the supply of timber from British Columbia’s forests.

(4) If satisfied that the objective set out in subsection (2) is not required to provide special management, the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective.

(5) If satisfied that the objective set out in subsection (2) is addressed, in whole or in part, by an enactment, the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective set out in subsection (2) to the extent that the objective is already addressed.

## Objectives set by government for water in community watersheds

- 8.2** (1) In this section, “**community watershed**” means a community watershed
- (a) that is continued under section 180 (e) of the Act, and
  - (b) for which a water quality objective has not been
    - (i) continued under section 181 of the Act, or
    - (ii) established under the Government Actions Regulation.
- (2) The objective set by government for water being diverted for human consumption through a licensed waterworks in a community watershed is to prevent to the extent described in subsection (3) the cumulative hydrological effects of primary forest activities within the community watershed from resulting in
- (a) a material adverse impact on the quantity of water or the timing of the flow of the water from the waterworks, or
  - (b) the water from the waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under
    - (i) an enactment, or
    - (ii) the licence pertaining to the waterworks.
- (3) The objective set by government under subsection (2) applies only to the extent that it does not unduly reduce the supply of timber from British Columbia’s forests.
- (4) If satisfied that the objective set out in subsection (2) is not required to provide special management the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective.
- (5) If satisfied that the objective set out in subsection (2) is addressed, in whole or in part, by an enactment, the minister responsible for the *Wildlife Act* must exempt a person from the requirement to specify a result or strategy in relation to the objective set out in subsection (2) to the extent that the objective is already addressed.

**3** *Sections 12 (1), 16 (2), 24 (1) and (2) (a) and (b), 25 (1) (c), 26 (1) and (2) (a) and (b) are amended by striking out “the Schedule” and substituting “Schedule 1”.*

**4** *Section 12 (3) is amended by striking out “result and strategy” and substituting “result or strategy”.*

**5** *The following sections are added:*

### Conditional exemption – section 55, 56 or 57

- 12.31** (1) A person required to prepare a forest stewardship plan is exempt from section 55 as it pertains to cumulative hydrological effects on fish habitat in fisheries sensitive watershed if the person

- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (2) A person required to prepare a forest stewardship plan is exempt from section 56 as it pertains to cumulative hydrological effects on fish habitat in fisheries sensitive watershed if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (3) A person required to prepare a forest stewardship plan is exempt from section 57 as it pertains to cumulative hydrological effects on fish habitat in fisheries sensitive watershed if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for fish habitat in a fisheries sensitive watershed set out in section 8.1, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.

**Conditional exemption – section 59, 60 or 61**

- 12.32** (1) A person required to prepare a forest stewardship plan is exempt from section 59 as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (2) A person required to prepare a forest stewardship plan is exempt from section 60 (2) as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for water in a community watershed set out in section 8.2, in relation to the areas of primary forest activity under the plan, and
  - (b) receives the minister's approval to the plan.
- (3) A person required to prepare a forest stewardship plan is exempt from section 61 as it pertains to cumulative hydrological effects on water quality affecting human health in community watersheds if the person
- (a) prepares and submits to the minister the proposed plan, including an intended result or strategy for water in a community watershed set out in

section 8.2, in relation to the areas of primary forest activity under the plan,  
and

(b) receives the minister's approval to the plan.

**6 Section 14 (3) (k) is repealed and the following substituted:**

(k) road permit or timber sales licence granted or entered into by the timber sales manager if he or she is the person required to prepare the plan.

**7 Section 48 (3) is amended by striking out "Subject to subsections (5) and (6)" and substituting "Subject to subsections (4) and (5)".**

**8 Section 49 (2) is amended by striking out "For" and substituting "Subject to subsection (3), for".**

**9 Section 50 is amended**

(a) *in subsection (1) by striking out "Unless exempted under section 13 (b) [when result or strategy not required], a person" and substituting "A person",*

(b) *in subsection (2) by striking out "Unless exempted under section 91 (1) [minister may grant exemptions], if" and substituting "If", and*

(c) *in subsection (3) by striking out "Unless exempted under section 91 (1), a person" and substituting "A person".*

**10 Section 51 is amended**

(a) *in subsection (1) by striking out "Unless exempted under section 13 (b) [when result or strategy not required], or 91 (1) [minister may grant exemptions], an agreement holder", and substituting "An agreement holder", and*

(b) *in subsection (3) by striking out "Unless exempted under section 13 (b), an agreement holder" and substituting "An agreement holder".*

**11 Section 86 (4) (a) is repealed and the following substituted:**

(a) the following information about road construction, during the reporting period, by the timber sales manager, a holder of a timber sale licence or a holder of a road permit that was granted under the *Forest Act* by the timber sales manager: .

**12 Sections 86.1 and 86.2 are repealed and the following substituted:**

**Exemptions respecting the annual reports**

**86.1** (1) Despite section 86, information as to an update of the forest cover inventory need not be reported in accordance with subsections (3) (d) and (5) of that section if that information has previously been furnished under section 97.

- (2) Despite section 86, on or before December 31, 2005, an agreement holder and the timber sales manager must furnish to the district manager the information respecting road construction and deactivation for the period between April 1, 2003 and March 31, 2005 that is referred to in section 86 (2) unless,
  - (a) for road construction, the information has been reported previously under section 8 (3) of the Forest Road Regulation, or
  - (b) for road deactivation, the information has been shown previously on a forest development plan.
- (3) Section 86 (3) (a) and (5) (a) does not apply to a cutblock of less than 1 ha unless
  - (a) the cutblock is immediately adjacent to another cutblock of less than 1 ha, and
  - (b) the combined area of both cutblocks exceeds 1 ha.

**Annual report requirements inapplicable to certain agreements**

**86.2** Sections 86 and 86.1 do not apply to

- (a) the holder of a forestry licence to cut entered into under the *Forest Act* between the timber sales manager and the holder of the licence to cut, or
- (b) the holder of
  - (i) a timber sale licence if eligibility was restricted to one or more categories of BC timber sales enterprises, or
  - (ii) a road permit associated with a timber sale licence referred to in subparagraph (i)
 entered into under the *Forest Act* between
  - (iii) the district manager and the holder of the licence or permit, or
  - (iv) the timber sales manager and the holder of the licence or permit.

**13** *Section 94 (1) (b) is repealed and the following substituted:*

- (b) if security is requested by the minister, has provided the security to the minister in the form and in the amount specified by the minister.

**14** *The following section is added:*

**Obligation to establish a free growing stand for pulpwood agreements**

- 110.1**
- (1) A holder of a pulpwood agreement to whom section 191 (1) of the Act applies must ensure that a site plan in accordance with section 11.1 of the Code is prepared for each area harvested on or after December 17, 2002.
  - (2) A holder of a pulpwood agreement to whom section 192 (1) of the Act applies must ensure that a site plan in accordance with section 11.1 of the Code is prepared for each area harvested on or after the effective date.
  - (3) Section 69.1 of the Code applies to the holder of a pulpwood agreement referred to in subsection (1) or (2) in respect of a site plan required under this section.

**15** *Section 111 (6) is repealed and the following substituted:*

- (6) An exemption under subsection (1) does not become effective until the person who is the subject of the exemption has complied with subsection (2).

**16 Section 112 is repealed and the following substituted:**

**Reporting requirements for roads**

- 112** (1) An agreement holder and the timber sales manager who, under Part 11 of the Act, have an obligation to construct, maintain or deactivate a road in accordance with the Code and the Code regulations are exempt from the requirements of section 8 (3) of the Forest Road Regulation, B.C. Reg. 351/2002, as it was immediately before its repeal.
- (2) Subject to section 86.2, an agreement holder who is exempt under subsection (2) must comply with section 86 (2) and 86.1 (2).
- (3) A timber sales manager must comply with section 86 (4) and 86.1 (2) in respect of a road that is
- (a) a forest service road shown on a forest development plan that was given effect to by the district manager under section 40 of the *Forest Practices Code of British Columbia Act*, or
  - (b) constructed by a holder of an agreement who is exempt under subsection (1) if the agreement is
    - (i) a timber sale licence in which eligibility was restricted to one or more categories of BC timber sales enterprises, or
    - (ii) a road permit associated with a timber sale licence referred to in subparagraph (i)entered into under the *Forest Act* between
    - (iii) the district manager and the holder of the licence or permit, or
    - (iv) the timber sales manager and the holder of the licence or permit.
- (4) Information required under this section must be prepared in a form and manner satisfactory to the minister.
- (5) Nothing in this section requires a person to submit road deactivation information if that information has already been included in a forest development plan.

**17 Section 113 is repealed.**

**18 The Schedule is renamed as Schedule 1.**

19 The following Schedule is added:

**SCHEDULE 2**

**FISHERIES SENSITIVE WATERSHEDS**

(Section 8.1)

<b>Item</b>	<b>Fisheries Sensitive Watershed</b>	<b>Forest District</b>
1	Effingham River	South Island
2	Escalante River	South Island
3	Gordon River	South Island
4	Harris Creek	South Island
5	Hatton Creek	South Island
6	Hemmingsen Creek	South Island
7	Klanawa River	South Island
8	Macktush Creek	South Island
9	Nahmint River	South Island
10	San Juan River	South Island
11	Toquart River	South Island
12	Artlish River	Campbell River
13	Memekay River	Campbell River
14	Finn Creek	Headwaters
15	Gold Creek (Upper Adams Watershed)	Headwaters
16	Raft River	Headwaters
17	Upper Adams River	Headwaters
18	Otter Creek	Headwaters
19	Hiuhill Creek	Kamloops
20	Barriere River	Kamloops
21	Bonaparte River	Kamloops
22	Deadman River	Kamloops
23	Nicol/Upper Lussier River	Rocky Mountain
24	Coyote Creek	Rocky Mountain
25	Thunder River	Rocky Mountain
26	Albert River	Rocky Mountain
27	Palliser River (source to Albert River)	Rocky Mountain
28	Bradford River	Rocky Mountain
29	Horsefly River	Central Cariboo
30	Cottonwood River	Quesnel
31	Bonaparte River	100 Mile House
32	Boucher Creek (Babine landscape unit)	Skeena Stikine



## SCHEDULE 2

### FISHERIES SENSITIVE WATERSHEDS

(Section 8.1)

<b>Item</b>	<b>Fisheries Sensitive Watershed</b>	<b>Forest District</b>
33	Nilkitkwa Lake (Babine landscape unit – consists of several watersheds tributary to the lake to be managed on a individual basis)	Skeena Stikine
34	West Babine (Torkelson landscape unit – 9mile and 5 mile creeks only)	Skeena Stikine
35	Gramophone Creek (Reiseter landscape unit)	Skeena Stikine
36	Toboggan Creek (Trout Creek landscape unit)	Skeena Stikine
37	Jonas Creek (Telkwa landscape unit)	Skeena Stikine
38	Cumming Creek (Telkwa landscape unit)	Skeena Stikine
39	Pacofi Creek	Queen Charlotte Islands
40	Awun River (Talking Bear Creek Sub-basin)	Queen Charlotte Islands
41	Bolean Creek	Okanagan Shuswap
42	Wap River	Okanagan Shuswap
43	Harris Creek	Okanagan Shuswap
44	Naswhito Creek	Okanagan Shuswap