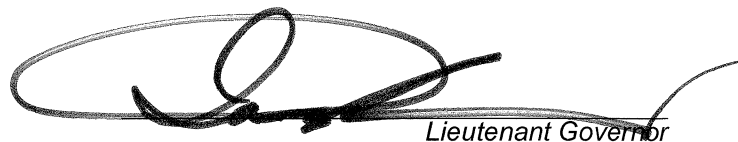


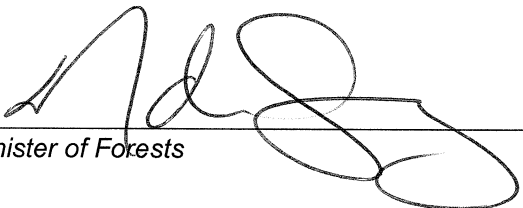
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

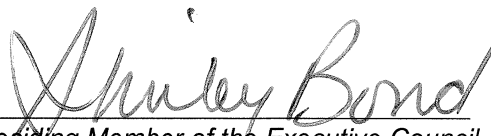
Order in Council No. - - 1247 , Approved and Ordered DEC 11 2004


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 Fort St. John Pilot Project Regulation, B.C. Reg. 278/2001, 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, sections 209 and 211

Forest Practices Code of British Columbia, R.S.B.C. 1996, c. 159, section 221.1

Other (specify):- oic 1033/2001

SCHEDULE

1 Section 1 of the Fort St. John Pilot Project Regulation, B.C. Reg. 278/2001, is amended

- (a) in the definitions of “coniferous area”, “deciduous area” and “mixedwood area” by repealing paragraph (a),**
- (b) in the definition of “participant” by striking out “government, in relation to the small business forest enterprise program,” and substituting “timber sales manager”, and**
- (c) by adding the following definition:**
“timber sales manager” means timber sales manager as defined in section 1 (1) of the *Forest Act*.

2 Section 3 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) For the purposes of the pilot project, the enactments listed in subsection (4) do not apply to each of the following:
 - (a) Canadian Forest Products Ltd. as the holder of
 - (i) forest licence A 18154, and
 - (ii) pulpwood agreement 12;
 - (b) Canadian Forest Products Ltd. and West Moberly First Nation, as the holder of forest licence A56771;
 - (c) Cameron River Logging Ltd., as the holder of forest licence A59959;
 - (d) Tembec Inc., as the holder of forest licence A60972;
 - (e) Louisiana-Pacific Canada Limited, as the holder of forest licences A60049 and A60050;
 - (f) each person who
 - (i) is the holder of a timber sale licence that
 - (A) authorizes harvesting of timber in the pilot area, and
 - (B) is not a major licence, and
 - (ii) has consented to participate in the pilot project;
 - (g) an agreement holder, referred to in paragraphs (a) to (f), as the holder of a road permit associated with the agreement;
 - (h) a holder of a minor timber sale licence, as the holder of a road permit associated with the licence;
 - (i) a holder of a pulpwood agreement, referred to in paragraph (a), as the holder of a timber sale licence issued under section 23 (1) (a) of the *Forest Act*, to satisfy the obligations of the government under the pulpwood agreement. ,
and

(b) by repealing subsection (2) (a) and substituting the following:

- (a) the enactments listed in subsection (4) do not apply in relation to the district manager of the Peace Forest District, to the timber sales manager or to the government, and .

3 *Section 7 (6) is repealed and the following substituted:*

- (6) If the timber sales manager has ceased to be a participant because of an approval under this section and a holder of a minor timber sale licence has commenced
 - (a) harvesting timber in a cutblock, or
 - (b) construction of a road,this regulation, despite the approval, continues to apply to
 - (c) the timber sales manager with respect to the government's obligations for the cutblock or road, and
 - (d) the holder of the minor timber sale licence with respect to the holder's obligations for the cutblock and road.

4 *Section 8 is repealed and the following substituted*

Extension of forest development plans

- 8** The district manager may extend the term of a forest development plan of a participant until December 31, 2005.

5 *Section 11 is repealed.*

6 *Section 12 is amended*

(a) *in subsection (2) by repealing everything before paragraph (a) and substituting the following:*

- (2) Subject to sections 8 and 45, the timber sales manager may not enter into a timber sale licence that generates revenue that is credited to the BC Timber Sales Account unless, ***and***

(b) *in subsection (3) by striking out "government" and substituting "timber sales manager".*

7 *Section 16 (1) is amended by striking out "government" and substituting "timber sales manager".*

8 *Section 23 (1) is repealed and the following substituted:*

- (1) Subject to section 23.1, at any time, a participant may submit to the district manager a request for an authorization under this section.

9 *The following section is added:*

Information required before requesting an authorization

- 23.1** (1) Before or at the time of requesting an authorization under section 23 in respect of a cutblock that
- (a) is a Category A cutblock
 - (i) identified in a forest development plan referred to in section 8, and
 - (ii) for which there is no silviculture prescription described in section 9 (1), or
 - (b) is described in section 81 (1) (i) and identified in a forest operations schedule,
- a participant, for the purposes of section 32 and Schedule F, must submit written notice to the district manager of whether the participant proposes to reforest an area within the cutblock as a coniferous area, a deciduous area or a mixedwood area.
- (2) After receipt of notice under subsection (1) or (5) the district manager, if satisfied that reforestation as proposed will adequately manage and conserve the forest resources of the area, may approve the proposal.
 - (3) If not satisfied that reforestation as proposed will adequately manage and conserve the forest resources of the area, the district manager, within 14 days after receipt of notice under subsection (1) or (5), may
 - (a) refuse to approve the proposal, and
 - (b) give notice of the refusal to the participant, giving the reasons for the refusal.
 - (4) If the district manager does not, within the time limit of 14 days referred to in subsection (3),
 - (a) approve the proposal, or
 - (b) refuse to approve the proposal and give notice of the refusal to the participant,the participant is deemed on the expiry of that time limit of 14 days to have received the district manager's approval under subsection (2) to the proposal.
 - (5) A participant who receives notice under subsection (3) must
 - (a) modify the participant's proposal under subsection (1) to the satisfaction of the district manager, and
 - (b) submit the modified proposal to the district manager for approval under subsection (2).
 - (6) For the purposes of section 32 and Schedule F, a participant who has received the district manager's approval under subsection (2) must ensure that reforestation is carried out in accordance with the proposal that is the subject of the approval.
 - (7) A participant may submit to the district manager an amendment to a proposal under this section and this section applies in respect of the amendment.

(a) *by repealing subsection (1) (g) (ii) and substituting the following:*

(ii) the timber sales manager; , *and*

(b) *in subsection (2) by striking out “government” and substituting “timber sales manager”.*

11 Section 97 is amended

(a) *in paragraph (e) by adding “for areas subject to a forest development plan,” before “the resultant opening has been authorized by the district manager,” , and*

(b) *by adding the following paragraph:*

(g) the resultant opening will be consistent with the patch and seral stage targets identified in a sustainable forest management plan.

12 Schedule B – Forest Development Plans is amended by striking out “(Sections 11 to 15)” and substituting “(Sections 12 to 15)”.

13 Schedule F – Reforestation is amended by striking out “(Sections 11, 25, 32, 67, 81 and 96)” and substituting “(Sections 25, 32, 67, 81 and 96)”.

14 Schedule G – Maximum Administrative Penalties is amended by striking out:

11 (1)	Did not submit declaration before requesting an authorization	\$2 000
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