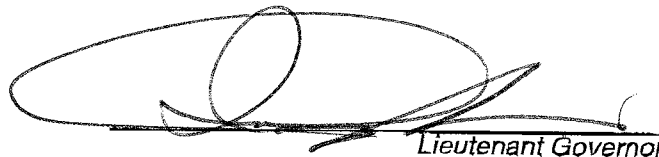


PROVINCE OF BRITISH COLUMBIA


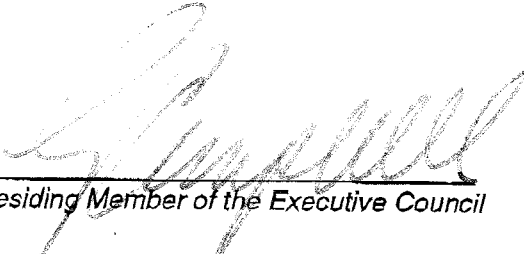
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 568 , Approved and Ordered JUL 20 2006

  
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 Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule.

  
Minister of Forests and Range and Minister  
Responsible for Housing  
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, s. 141, 146, 151, 154 (1) and 155 (g)

Other (specify):- OIC 17/2004

June 23, 2006

## SCHEDULE

### ***1 The Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended by adding the following section to Part 1:***

#### **Removing Crown timber to protect a community from wildfire**

**4.01** The minister may exempt a person from section 52 (3) of the Act if the minister is satisfied that the Crown timber to be removed

- (a) is non-merchantable timber,
- (b) is to be removed for the purpose of protecting a community from wildfire, and
- (c) will not be sold to others.

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

#### **Road use under a forestry licence to cut**

- 79.2** (1) In this section, “**holder**” means the holder of a forestry licence to cut.
- (2) Section 22.1 (1) of the Act does not apply to a holder in respect of a road if
- (a) the road is located within the area covered by the holder’s forestry licence to cut,
  - (b) the forestry licence to cut authorizes the holder to use the road, and
  - (c) the circumstances set out in section 22.1 (1) (c) to (e) of the Act do not apply.
- (3) If a holder’s forestry licence to cut authorizes the holder to use a road, other than a road that was constructed under authorization of the forestry licence to cut, the holder, as soon as is practicable after completion of use of the road, but before the forestry licence to cut expires or is surrendered or cancelled, must ensure that the condition of the road surface and road drainage, including ditches, is compatible with the condition of the road surface and drainage as they were immediately before the commencement of the use.
- (4) If a holder constructs a road under authorization of a forestry licence to cut, the holder must deactivate the road before the forestry licence to cut expires or is surrendered or cancelled, unless
- (a) the district manager notifies the holder that the road should not be deactivated because of use, or potential use, of the road by others,
  - (b) a road permit or special use permit for the road is issued to another person, or
  - (c) the road is declared a forest service road under the *Forest Act*.

#### **Restricting road access to protect a community from wildfire**

- 79.3** (1) The holder of a forestry licence to cut that authorizes the construction or use of a road may close the road or restrict its use if

- (a) the forestry licence to cut was issued for the purpose of protecting a community from wildfire, and
  - (b) the holder has approval from the minister under subsection (2).
- (2) The minister may give approval for the purposes of subsection (1) if, in the opinion of the minister, use of the road would likely
  - (a) cause significant damage to the road,
  - (b) cause significant sediment delivery to a stream, wetland or lake, or
  - (c) endanger other forest resources.