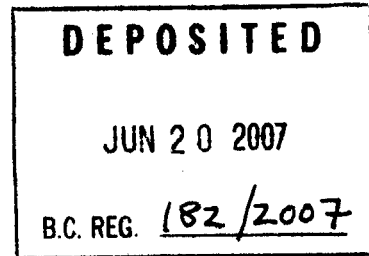
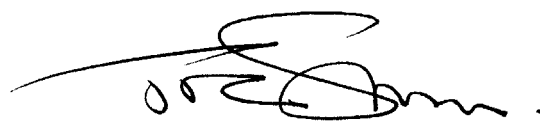


# COUNCIL REGULATION

The Private Managed Forest Land Council orders that, effective September 1, 2007, the Private Managed Forest Land Council Regulation, B.C. Reg. 336/2004 is repealed, and the attached Private Managed Forest Land Council Regulation, 2007 is made.



MAY 24<sup>TH</sup>, 2007  
Date

  
Chair

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

Authority under which Order is made:  
Act and section:- Private Managed Forest Land Act, S.B.C. 2003, c. 80, section 43  
Other (specify):- \_\_\_\_\_

- (a) 1 000 m upslope of a licensed waterworks intake, and
- (b) 10 m of a stream that
  - (i) is observable from the air, at the height from which the fertilizer will be applied,
  - (ii) contains flowing water at the time of the application, and
  - (iii) flows directly into the stream on which the licensed waterworks intake is located.
- (3) An owner who carries out a broadcast application of fertilizer containing nitrogen on an area upslope of a licensed waterworks intake must not cause
  - (a) nitrate levels in a stream to exceed 10 ppm measured immediately downstream of the area where the fertilizer is applied, or
  - (b) water quality to fail to meet any water quality objectives established under the Private Managed Forest Land Council Matters Regulation.
- (4) An owner must not apply fertilizers by aerial broadcast within 10 m of a fish stream.

**Water quality problems identified by a holder of a licence for a licensed waterworks intake**

- 25**
- (1) If a holder of a licence for a licensed waterworks intake
    - (a) can demonstrate that a reduction in water quality has occurred, and
    - (b) has reasonable cause to believe that the source of the reduction in water quality is on private managed forest land,
 the holder may notify the owner of the private managed forest land of the reduction in water quality.
  - (2) If the source of the reduction in water quality is on the owner's land, the owner must
    - (a) provide to the holder of the licence a description of the source of the problem,
    - (b) if the problem is the result of the owner's actions under the Act or this regulation, provide to the holder of the licence
      - (i) a description of the measures that will be carried out to address the problem, and
      - (ii) an implementation schedule for carrying out those measures, and
    - (c) carry out the measures in accordance with the implementation schedule referred to in paragraph (b).
  - (3) If a holder of a licence for a licensed waterworks intake has reasonable cause to believe that an owner has not complied with subsection (2), the holder may notify the council.

**Notification of landslides and debris flows**

- 26** An owner must notify the council, within 24 hours of becoming aware that a landslide or debris flow has occurred on the owner's land, if the owner knows that the landslide or debris flow has deposited debris or sediment into a class A, B, C, D or E stream.

### **Retention of trees adjacent to class A streams**

- 27 (1) An owner carrying out timber harvesting in a cutblock adjacent to a class A stream must, on each side of every 100 m of that stream that is adjacent to the cutblock, retain at least 30 trees that are selected in accordance with subsections (2) and (4).
- (2) For the purposes of subsection (1), the owner must select trees sequentially in accordance with the criteria set out in paragraphs (a) to (f), until a total of at least 30 trees have been selected:
- (a) all trees that are
    - (i) within 10 m from the edge of the stream channel,
    - (ii) 30 cm or more in diameter,
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
    - (iv) necessary to maintain the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand;
  - (b) all trees that are
    - (i) within 10 m from the edge of the stream channel,
    - (ii) 20 cm or more in diameter, and
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand;
  - (c) all trees that are
    - (i) within 20 m from the edge of the stream channel,
    - (ii) 30 cm or more in diameter,
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
    - (iv) necessary to maintain the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand;
  - (d) all trees that are
    - (i) within 20 m from the edge of the stream channel,
    - (ii) 20 cm or more in diameter, and
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand;
  - (e) all trees that are
    - (i) within 30 m from the edge of the stream channel,
    - (ii) 30 cm or more in diameter,
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
    - (iv) necessary to maintain the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand;
  - (f) all trees that are
    - (i) within 30 m from the edge of the stream channel,

- (ii) 20 cm or more in diameter, and
  - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand.
- (3) Despite subsection (1), if fewer than 30 trees meet any of the criteria set out in subsection (2) (a) to (f), the owner is required to retain only those trees within that area that meet the criteria.
  - (4) The trees selected under subsection (1) must be distributed as evenly as is practicable along all of the 100 m length of the stream unless
    - (a) the area on the opposite side of that 100 m portion of the stream meets the tree retention requirements of subsection (1), and
    - (b) the tree species present on the area to be harvested are not suitable for partial cutting silvicultural systems.
  - (5) An owner may remove a tree that is otherwise required to be retained under subsections (1) to (4) only if the tree falls by natural causes outside the stream channel.
  - (6) This section does not apply to any plantation of hybrid poplar or cottonwood located on the islands and banks of the Fraser River, downstream of the municipality of Hope.

**Retention of trees adjacent to class B streams**

- 28 (1) An owner carrying out timber harvesting activities in a cutblock adjacent to a class B stream must, on each side of every 100 m of that stream that is adjacent to the cutblock, retain at least 25 trees that are selected in accordance with subsections (2) and (4).
- (2) For the purposes of subsection (1), the owner must select trees sequentially in accordance with the criteria set out in paragraphs (a) to (f), until a total of at least 25 trees have been selected:
  - (a) all trees that are
    - (i) within 10 m from the edge of the stream channel,
    - (ii) 30 cm or more in diameter,
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
    - (iv) necessary to maintain the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand;
  - (b) all trees that are
    - (i) within 10 m from the edge of the stream channel,
    - (ii) 20 cm or more in diameter, and
    - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand;
  - (c) all trees that are
    - (i) within 20 m from the edge of the stream channel,
    - (ii) 30 cm or more in diameter

- (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
  - (iv) necessary to maintain the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand;
- (d) all trees that are
- (i) within 20 m from the edge of the stream channel,
  - (ii) 20 cm or more in diameter, and
  - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand;
- (e) all trees that are
- (i) within 30 m from the edge of the stream channel,
  - (ii) 30 cm or more in diameter,
  - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
  - (iv) necessary to maintain the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand;
- (f) all trees that are
- (i) within 30 m from the edge of the stream channel,
  - (ii) 20 cm or more in diameter, and
  - (iii) necessary to maintain the same proportion of coniferous to deciduous trees as in the pre-harvest stand.
- (3) Despite subsection (1), if fewer than 25 trees meet any of the criteria set out in subsection (2) (a) to (f), the owner is required to retain only those trees within that area that meet the criteria.
- (4) The trees selected under subsection (1) must be distributed as evenly as is practicable along all of the 100 m length of the stream unless
- (a) the area on the opposite side of that 100 m portion of the stream meets the tree retention requirements of subsection (1), and
  - (b) the tree species present on the area to be harvested are not suitable for partial cutting silvicultural systems.
- (5) An owner may remove a tree that is otherwise required to be retained under subsections (1) to (4) only if the tree falls by natural causes outside the stream channel.

**Retention of trees adjacent to class C streams**

- 29** (1) An owner carrying out timber harvesting activities in a cutblock adjacent to a class C stream must, on each side of every 100 m of the stream that is adjacent to the cutblock, retain at least 15 trees that
- (a) are within 10 m of the edge of the stream channel,
  - (b) are 20 cm or more in diameter, and
  - (c) maintain

- (i) the same proportion of coniferous to deciduous trees as in the pre-harvest stand, and
  - (ii) the same range of sizes, for both coniferous and deciduous trees, as in the pre-harvest stand, if the gradient of the stream is 8% or less.
- (2) Despite subsection (1), if fewer than 15 trees meet the criteria set out in that subsection, the owner is required to retain only those trees within that area that meet the criteria in that subsection.
  - (3) If the stream referred to in subsection (1) has a stream gradient of more than 8%, the owner must not harvest a tree selected to be retained under subsection (1) or (2) unless the owner selects and retains in its place another tree that is 20 cm or greater in diameter.
  - (4) If the stream referred to in subsection (1) has a stream gradient of 8% or less, the owner must not harvest a tree selected to be retained under subsection (1) or (2) unless the tree falls by natural causes outside the stream channel.

**Retaining non-commercial trees and understory vegetation**

- 30 (1) An owner carrying out a primary forest activity must retain all non-commercial trees and understory vegetation within
- (a) 30 m of a class A stream,
  - (b) 30 m of a class B stream,
  - (c) 10 m of a class C stream,
  - (d) 10 m of a class D stream, and
  - (e) 10 m of a class E stream.
- (2) Despite subsection (1), an owner may
- (a) fall and remove non-commercial trees, or
  - (b) disturb understory vegetation
- if the falling and removal of the trees or the disturbance of the vegetation
- (c) is necessary to enable the owner to comply with section 31
  - (d) is associated with a road constructed under section 16 or 17,
  - (e) is associated with a logging trail constructed under section 17, or
  - (f) will not cause a material adverse effect on fish habitat or water that is diverted by a licensed waterworks intake.

**Division 4 – Reforestation**

**Reforestation of areas where timber harvested or destroyed**

- 31 (1) In this section:
- “**completion of timber harvesting**” means the date that timber harvesting within a cutblock is concluded and is determined by
- (a) the date the area is declared as a cutblock in an annual declaration, or

- (b) if an area is not included in a declaration, a date that does not exceed two consecutive operating seasons from the commencement of harvesting in the cutblock;

**“crop tree”** means a tree that

- (a) is of a commercial species that is consistent with the species of trees specified in the management commitment for use in reforestation, and
- (b) is unencumbered by pathogens;

**“disturbed area”** means all or part of private managed forest land where

- (a) timber harvesting has been completed within a cutblock, or
- (b) timber was destroyed

but does not include an area occupied by roads referred to in section 13 or logging trails referred to in section 14 (1);

**“restock”** means to establish a stand of trees that contains at least

- (a) 400 crop trees per hectare reasonably well distributed across the disturbed area if the stand is on the Coast, and
- (b) 600 crop trees per hectare reasonably well distributed across the disturbed area if the stand is in the Interior;

**“successfully regenerated stand”** means a stand of trees

- (a) that contains at least
  - (i) 400 crop trees per hectare reasonably well distributed across the disturbed area if the stand is on the Coast, and
  - (ii) 600 crop trees per hectare reasonably well distributed across the disturbed area if the stand is in the Interior, and
- (b) where the crop trees exceed the height of competing vegetation within 1 m of the crop tree by
  - (i) 50% if the area is on the Coast, and
  - (ii) 25% if the area is in the Interior.

(2) This section does not apply to an owner of a disturbed area if

- (a) the area where the timber was harvested or destroyed is a contiguous area that is under 1 ha in size, or
- (b) the trees remaining on the area meet the definition of a successfully regenerated stand.

(3) If all or part of private managed forest land becomes a disturbed area after the area becomes an owner’s land, the owner must reforest the disturbed area by

- (a) restocking the disturbed area within 5 years of the completion of timber harvesting activity on the cutblock, or the date the timber was destroyed, as applicable, and
- (b) establishing a successfully regenerated stand on the disturbed area within 15 years of the completion of timber harvesting activity on the cutblock, or the date the timber was destroyed, as applicable.

- (4) Subject to subsection (5), if all or part of private managed forest land became a disturbed area before the area became an owner's land, the owner must reforest the disturbed area by
  - (a) restocking the area within 10 years of the area becoming the owner's managed forest land, and
  - (b) establishing a successfully regenerated stand on the area within 20 years of the area becoming the owner's managed forest land.
- (5) If, in relation to a disturbed area, the council determines that
  - (a) the present owner is a corporation,
  - (b) the previous owner is a corporation and was the owner of the area when the area became a disturbed area, and
  - (c) the present owner is
    - (i) a subsidiary of the previous owner, or
    - (ii) has control of the previous owner,the council may order that the present owner reforest the disturbed area in accordance with subsection (3).
- (6) Nothing in this section requires an owner to reforest a disturbed area if the timber on the area was
  - (a) destroyed and the disturbed area is not sufficiently productive to support a successfully regenerated stand, or
  - (b) harvested or destroyed and the disturbed area becomes occupied by buildings or other structures or installations.



## SCHEDULE

### Stream riparian classes

- 1 (1) A portion of a stream that is a fish stream or is located upstream of the point where water is diverted by a licensed waterworks intake has the following riparian class:
  - (a) A, if the stream channel width is 10 m or wider;
  - (b) B, if the stream channel width is 3 m or wider but narrower than 10 m;
  - (c) C, if the stream channel width is 1.5 m or wider but narrower than 3 m;
  - (d) D, if the stream channel width is narrower than 1.5 m.
- (2) A portion of a stream has a riparian class E if the portion of the stream
  - (a) has a stream channel width of 1.5 m or wider, and
  - (b) is a direct tributary to a class A, B, C or D stream.

# PRIVATE MANAGED FOREST LAND COUNCIL REGULATION, 2007

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### **SCHEDULE – STREAM RIPARIAN CLASSES**

## PART 1 – DEFINITIONS AND INTERPRETATION

### Definitions

- 1 (1) In this regulation:
  - “**Class A stream**” means a stream with a riparian class A as determined under the Schedule;
  - “**Class B stream**” means a stream with a riparian class B as determined under the Schedule;
  - “**Class C stream**” means a stream with a riparian class C as determined under the Schedule;
  - “**Class D stream**” means a stream with a riparian class D as determined under the Schedule;
  - “**Class E stream**” means a stream with a riparian class E as determined under the Schedule;
  - “**cutblock**” means an area of private managed forest land in which timber is harvested, but does not include areas where timber is harvested for the purpose only of facilitating road construction;
  - “**deactivated**” means a road that has been treated in accordance with section 22;
  - “**logging trail**” means a structure, other than a road, that is used to transport timber or equipment, and includes excavated or bladed trails;
  - “**primary forest activity**” means timber harvesting, road construction, maintenance or deactivation or silviculture treatments;
  - “**stream channel**” means the area between the outermost opposing stream banks measured at the point where rooted terrestrial vegetation begins;
  - “**stream crossing**” means a bridge, culvert or ford.
- (2) Words and expressions not defined in this regulation have the meaning given to them in section 1 of the Private Managed Forest Land Council Matters Regulation.

### Interpretation

- 2 (1) Nothing in this regulation authorizes an owner of private managed forest land to make changes in and about a stream as that expression is defined in the *Water Act*.
- (2) Distances referred to in this regulation are horizontal distances except for the following references, which are slope distances:
  - (a) section 16 (1);
  - (b) section 20 (2);
  - (c) section 23;
  - (d) section 24;
  - (e) section 27 (1), (2) and (4);
  - (f) section 28 (1), (2) and (4);
  - (g) section 29 (1);
  - (h) section 30 (1).

- (3) Widths of streams are determined as the average distance across the stream channel measured at right angles to stream flow.
- (4) Diameters of trees are measured at a height of 1.3 m above the ground on the upslope side of the tree.
- (5) Divisions 2 and 3 of Part 3 do not apply to land that is within 30 m of the high water mark of a reservoir used for generating hydroelectric power.

**Limited exemption from compliance**

- 3 (1) An owner is exempt from a requirement of Part 3 to the extent that the requirement cannot be met due to the actions of a person who has been authorized to act by the government.
- (2) An owner is exempt from a requirement of Part 3 to the extent necessary to conform to the requirements of the *Workers Compensation Act* or a regulation made under that Act.
- (3) An owner is exempt from a requirement of Part 3 to the extent necessary to allow the owner to
  - (a) prevent damage to the environment from occurring or continuing, or
  - (b) protect the safety of the public.

**PART 2 – COUNCIL POWERS AND ADMINISTRATIVE  
REQUIREMENTS**

**Council may make exemptions with or without conditions**

- 4 (1) The council, in a written notice given to an owner, may exempt the owner, in whole or in part, from a requirement of Part 3 and may make the exemption with or without conditions.
- (2) The council may exempt an owner under subsection (1) only if the council is satisfied that the exemption
  - (a) is necessary in the interests of public safety, or
  - (b) is not inconsistent with either of the following:
    - (i) the public interest;
    - (ii) the forest management objectives in Division 1 of Part 3 of the Act unless the exemption is necessary to address management of forest health factors.
- (3) If an owner is the subject of an exemption or condition under this section, the owner must comply with the exemption or condition.

**Powers of the council under section 32 of the Act**

- 5 (1) A request referred to in section 32 (1) of the Act must
  - (a) be in writing,
  - (b) identify the order, decision or determination of the council that is the subject of the request, and

- (c) specify the grounds of the request.
- (2) A request referred to in subsection (1) must be submitted to the council.
- (3) If the council receives a request under subsection (2), the council may require the person who made the request to provide written submissions in respect of the request.
- (4) If the council requires a person to provide written submissions under subsection (3), the council is not required to consider the request under subsection (1) until the person complies with the requirement.

**Annual administration fee and levy**

- 6 (1) For the purpose of section 9 (2) of the Act, the date by which an owner must pay an annual administration fee is March 15 of the calendar year to which the annual administration fee relates.
- (2) The notice referred to in section 9 (7) (a) of the Act must
  - (a) be in writing, and
  - (b) be served a minimum of 30 days before the date referred to in subsection (1).

**Disposition of surplus**

- 7 If the council determines that there is a surplus referred to in section 9 (6) of the Act, the council must, within 30 days of making the determination, give written notice of the surplus to the owners.

**Notification of local government required**

- 8 If the assessor notifies the council that an area has been
  - (a) classified as managed forest land under section 24 of the *Assessment Act*, or
  - (b) declassified as managed forest land under section 24 (3) (b) of the *Assessment Act*,the council must give written notice to the affected local government of the classification or declassification of the area.

**PART 3 – OWNER REQUIREMENTS**

**Division 1 – Administrative**

**Management commitments**

- 9 (1) For the purpose of section 17 (1) (a) of the Act, a management commitment in respect of an area must contain the following information:
  - (a) the size and location of the area;
  - (b) a commitment to use the land for the production and harvesting of timber;
  - (c) the long term forest management objectives for the owner's land;
  - (d) the strategies that will be used to attain the long term forest management objectives described in paragraph (c);

- (e) a soil quality assessment for the purpose of section 24 (6) of the *Assessment Act*;
  - (f) an inventory of existing roads that are 500 m or longer;
  - (g) an inventory of forest cover;
  - (h) the commercial species of trees that will be used during reforestation;
  - (i) the signature or, with the permission of the council, the digital code of the owner or a person authorized to sign on behalf of the owner.
- (2) For the purpose of section 17 (2) of the Act, an owner who submits to the council an amendment to a management commitment must ensure that the amendment contains
- (a) all of the information referred to in subsection (1) to which the amendment relates, and
  - (b) the signature or, with the permission of the council, a digital code of the owner or a person authorized to sign on behalf of the owner.
- (3) The council may specify the form with which a management commitment or amendment to a management commitment must conform.

**Notification of withdrawal of management commitment**

- 10 (1) For the purpose of section 18 of the Act, a notice that an owner is withdrawing his or her management commitment in respect of an area must contain the following information:
- (a) the legal description of the land that is the subject of the notice;
  - (b) the size and location of the area;
  - (c) the signature or, with the permission of the council, a digital code of the owner or a person authorized to sign on behalf of the owner.
- (2) The council may specify the form with which a notice referred to in subsection (1) must conform.

**Notification of sale of private managed forest land**

- 11 (1) If the holder of a management commitment under section 17 of the Act disposes of the land to which the management commitment applies, the holder must give notice to the council within 30 days of the disposal.
- (2) A notice referred to in subsection (1) must be in writing and include all of the following:
- (a) the date of completion of the sale;
  - (b) the name and address of the purchaser;
  - (c) the legal description of the property.

**Annual declarations**

- 12 (1) For the purpose of section 20 (c) and (d) of the Act, a declaration must contain all of the following:
- (a) the location of areas that were restocked under section 31 (2) (a) or (3) (a);

- (b) the location of areas that were successfully regenerated under section 31 (2) (b) or (3) (b);
- (c) the location of roads that were deactivated;
- (d) a description of the location and approximate length of any roads that are 500 m or longer and that were constructed during the preceding operating season;
- (e) sufficient maps and supporting documentation to enable the council to evaluate the declaration;
- (f) the signature or, with the permission of the council, the digital code of the owner or a person authorized to sign on behalf of the owner.

## **Division 2 – Soil Conservation**

### **Limits on areas that may be occupied by roads**

- 13** An owner who carries out timber harvesting in a cutblock must restrict the amount of productive forest land within the cutblock that is converted to roads to the minimum necessary for the safe and efficient conduct of timber harvesting operations.

### **Limits on areas that may be occupied by logging trails**

- 14** (1) An owner who carries out timber harvesting in a cutblock must restrict the amount of productive forest land within the cutblock that is converted to logging trails to the minimum necessary for the safe and efficient conduct of the timber harvesting operations.
- (2) Subject to subsection (3), an owner who constructs logging trails when carrying out timber harvesting in a cutblock must rehabilitate the logging trails to the extent necessary to meet any reforestation requirements under section 31 for the cutblock.
- (3) Subsection (2) does not apply to logging trails that, at the time of the construction of the logging trail, are reasonably expected to provide access for timber harvesting and other activities that are not wholly contained in the cutblock.

## **Division 3 – Protecting Water Quality and Fish Habitat**

### **Sediment transport or deposition**

- 15** An owner carrying out a primary forest activity must not cause sediment or other material to be transported to, or deposited in, a stream if that sediment or material will have a material adverse effect on
- (a) fish habitat, or
  - (b) water that is diverted by a licensed waterworks intake.

### **Roads adjacent to streams**

- 16** An owner must not construct a road within
- (a) 30 m of a class A stream,
  - (b) 30 m of a class B stream,
  - (c) 10 m of a class C stream,

- (d) 10 m of a class D stream, or
- (e) 10 m of a class E stream

unless one or more of the following applies:

- (f) complying with paragraphs (a) to (e) would create a higher risk of sediment delivery to the stream than not complying with paragraphs (a) to (e);
- (g) there is no other practicable option for locating the road;
- (h) the road construction is part of a stream crossing.

#### **Stream crossings**

- 17 (1) An owner who builds a stream crossing as part of a road or logging trail must locate, build and use the 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 to the extent necessary to avoid causing a material adverse effect on fish habitat or water that is diverted by a licensed waterworks intake.
- (2) An owner who builds a stream crossing as part of a logging trail must remove the crossing when it is no longer required by the owner.

#### **Natural surface drainage patterns**

- 18 (1) An owner who constructs a road or logging trail must maintain natural surface drainage patterns in the surrounding area both during and after the construction to the extent necessary to avoid causing a material adverse effect on fish habitat or water that is diverted by a licensed waterworks intake.
- (2) If it is not practicable for an owner to comply with subsection (1), the owner must make the altered surface drainage pattern compatible with the original natural surface drainage pattern, to the extent necessary to avoid causing a material adverse effect on fish habitat or water that is diverted by a licensed waterworks intake, by the earlier of
- (a) the end of the construction, or
  - (b) the next freshet.

#### **Measures respecting exposed soils**

- 19 If, during road construction or deactivation, an owner exposes soil on an area
- (a) that is outside of the running surface of the road, and
  - (b) where it is reasonably foreseeable that the surface erosion of the soil would cause a material adverse effect on fish habitat or water that is diverted by a licensed waterworks intake,

the owner must, within two years of the completion of the road construction or deactivation activity, revegetate the area or carry out other measures that will materially reduce the likelihood of surface soil erosion from the area.



### **Protecting licensed waterworks intake**

- 20 (1) An owner carrying out a primary forest activity must ensure that the activity does not damage a licensed waterworks intake.
- (2) An owner must not construct a road within a 100 m radius upslope of a licensed waterworks intake, unless
- (a) the road construction will not increase sediment delivery to the licensed waterworks intake, or
  - (b) the owner obtains prior approval from the holder of the licence for that licensed waterworks intake.

### **Road maintenance**

- 21 (1) An owner who constructs or uses a road for a purpose related to timber harvesting must maintain the road in accordance with this section until the road is deactivated.
- (2) Despite subsection (1), if an owner uses for timber harvesting purposes a portion of a road that was constructed under another enactment, the owner must maintain that portion of the road in accordance with this section for the period that the owner
- (a) uses the road for timber harvesting purposes, and
  - (b) is the primary user of that portion of the road.
- (3) For the purposes of this section, an owner must maintain
- (a) the structural integrity of the road prism and clearing width, and
  - (b) the proper functioning of the drainage systems of the road
- to the extent necessary to avoid causing a material adverse effect on fish habitat or on water that is diverted by a licensed waterworks intake.

### **Road deactivation**

- 22 An owner who no longer requires a road and who intends to cease maintaining it must
- (a) remove round-pipe stream culverts, and
  - (b) remove any other culverts or bridges and stabilize the road prism, if doing so will reduce the likelihood of a material adverse effect in relation to fish habitat or water diverted by a licensed waterworks intake.

### **Notice – roads located upstream of licensed waterworks intake**

- 23 At least 48 hours before commencing road construction or deactivation within 1 km upstream of a licensed waterworks intake, an owner must notify the holder of a licence for the licensed waterworks intake of the pending construction or deactivation.

### **Management of fertilizer near streams**

- 24 (1) An owner must not carry out a broadcast application of fertilizer within a 100 m upslope of a licensed waterworks intake.
- (2) An owner must not carry out a broadcast application of fertilizer on an area that is within