

PROVINCE OF BRITISH COLUMBIA

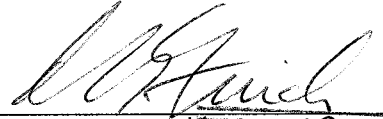
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

468

, Approved and Ordered

JUN 21 2007



Lieutenant Governor

Administrator

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ ^{Administrator}, by and with the advice and consent of the Executive Council, orders that the Stillwater Pilot Project Regulation, B.C. Reg. 96/2001, 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 Practices Code of British Columbia Act, R.S.B.C. 1996, c. 159, section 221.1

Other (specify):- O.I.C. 427/2001

May 18, 2007

R/571/2007/34

SCHEDULE

1 Sections 1 to 88 of this regulation and Schedule A of this regulation are amended by striking out “forest stewardship plan” wherever it appears and substituting “Stillwater pilot forest stewardship plan”.

2 Section 1 (1) is amended

(a) by repealing the definitions of “Act” and “forest stewardship plan”, and

(b) by adding the following definitions:

“Code” means the *Forest Practices Code of British Columbia Act* as it was immediately before January 31, 2004;

“Code regulations” means the regulations under the *Forest Practices Code of British Columbia Act* as they were immediately before January 31, 2004;

“Forest Road Regulation” means the Forest Road Regulation as it was immediately before January 31, 2004;

“FRPA forest stewardship plan” means a forest stewardship plan described in section 3 (1) of the *Forest and Range Practices Act*;

“Operational and Site Planning Regulation” means the Operational and Site Planning Regulation as it was immediately before January 31, 2004;

“Stillwater pilot forest stewardship plan” means a forest stewardship plan approved under Part 6 of this regulation;

“Timber Harvesting and Silviculture Practices Regulation” means the Timber Harvesting and Silviculture Practices Regulation as it was immediately before January 31, 2004;.

3 The following sections are added:

Circumstances where this regulation ceases to apply

- 1.1** (1) If a FRPA forest stewardship plan prepared by the licensee
- (a) includes one or more areas of the Stillwater area within one or more forest development units, and
 - (b) is approved by the minister under the *Forest and Range Practices Act*, this regulation ceases to apply to the following areas within the Stillwater area:
 - (c) the area that, on the coming into force of this section,
 - (i) has not been subject to a cutting permit issued under this regulation, or
 - (ii) is not subject to an application for a cutting permit under this regulation;
 - (d) each area in respect of which
 - (i) a cutting permit has been issued under this regulation, and

- (ii) on or after the coming into force of this section, all obligations under Part 11 of the *Forest and Range Practices Act* and this regulation that apply to the area in respect of the cutting permit are fulfilled;
 - (e) each area that is identified in a notice given to the minister under subsection (2).
- (2) The licensee may, at any time, in a notice given to the minister, identify an area within the Stillwater area in respect of which
 - (a) a cutting permit has been issued or, before the coming into force of this section, was applied for under this regulation, and
 - (b) obligations under Part 11 of the *Forest and Range Practices Act* and this regulation have not been fulfilled.
 - (3) The *Forest and Range Practices Act*, the regulations under that Act and the licensee's FRPA forest stewardship plan apply to those portions of the Stillwater area to which, under subsection (1), this regulation ceases to apply.
 - (4) Nothing in subsection (3) requires the licensee to amend the FRPA forest stewardship plan or the Stillwater pilot forest stewardship plan.

Effect of approval of a FRPA forest stewardship plan on cutting permits

- 1.2 If the term of a FRPA forest stewardship plan under section 1.1 begins before the coming into force of this section,
 - (a) the licensee may not apply for a cutting permit under this regulation after the coming into force of this section, and
 - (b) cutting permits may be issued under this regulation in respect of an application made before the coming into force of this section.

4 Sections 2 to 5 are repealed and the following substituted:

Effect and term of Stillwater pilot forest stewardship plan

- 2 (1) Subject to section 1.1 (1), sections 3 to 88 apply to the licensee's operations in the Stillwater area that are subject to a Stillwater pilot forest stewardship plan.
- (2) A Stillwater pilot forest stewardship plan ceases to have effect
 - (a) if the Stillwater pilot forest stewardship plan is replaced by another Stillwater pilot forest stewardship plan, or
 - (b) in respect of an area if, in accordance with section 1.1 (1), this regulation ceases to apply to the area.

Disapplications of provisions of Code and Code regulations

- 3 The following provisions of the Code and the Code regulations do not apply to the licensee within the Stillwater area in respect of areas that are subject to a Stillwater pilot forest stewardship plan:
 - (a) of the Code: sections 19, 21.1, 34, 41 (1) to (3) and (5), 43, 54 (1), 58, 60 (1), 63 (1), (2) and (5), 64 (1), (2), (3) and (5);
 - (b) of the Operational and Site Planning Regulation: section 7;

(c) of the Timber Harvesting and Silviculture Practices Regulation: section 12 (1).

Disapplications of provisions of *Forest Act*

- 4 Section 35 (1) (d) (i) to (vi) and (ix) of the *Forest Act* does not apply to the licensee within the Stillwater area in respect of areas that are subject to a Stillwater pilot forest stewardship plan.

Application of sections of the Code respecting operational plans

- 5 The provisions of the Code respecting operational plans apply to Stillwater pilot forest stewardship plans as if those plans were operational plans.

5 *Section 12 (1) (b) and (f) is repealed.*

6 *Section 32 is repealed and the following substituted*

Field variances

- 32 (1) In this section, “**field variance**” means a variance from a provision of a Stillwater pilot forest stewardship plan.
- (2) If the licensee wishes to change a provision in a Stillwater pilot forest stewardship plan, the licensee must submit an application for a field variance to the district manager or designated environment official.
- (3) An application for a field variance must be signed and sealed by a professional forester.
- (4) The district manager or the designated environment official may approve a field variance to a Stillwater pilot forest stewardship plan if the district manager or the designated environment official determines that the field variance
- (a) will adequately manage and conserve the forest resources for the area to which it applies, and
 - (b) does not materially change the Stillwater pilot forest stewardship plan.

7 *Section 34 (2) (b) is repealed and the following substituted:*

(b) the Code and the Code regulations.

8 *Section 46 is amended by striking out “The licensee” and substituting “During the term of the Stillwater pilot forest stewardship plan, the licensee”.*

9 *Sections 47 to 51 are repealed.*

10 *Section 54 (2) is repealed.*

11 *Sections 55 and 56 are repealed.*

12 Section 64 is repealed and the following substituted:

Silviculture surveys

64 For areas harvested under a cutting permit, section 47 (1) (c) of the Timber Harvesting and Silviculture Practices Regulation applies to the licensee as if the licensee were the holder of a silviculture prescription.

13 Sections 65 (b), 67 and 68 are repealed.

14 Section 69 is repealed and the following substituted:

Accurate records of forest practices

69 During the term of a Stillwater pilot forest stewardship plan, the licensee must at all times maintain accurate records of the forest practices carried out under the Stillwater pilot forest stewardship plan.

15 Section 70 is repealed.

16 Divisions 1 and 2 of Part 9 are repealed.

17 Section 81 is amended by striking out “Subject to section 80, the board” and substituting “The board” .

18 Sections 84 and 85 are amended by striking out “Act” where ever it appears and substituting “Code” .

19 Section 86 is repealed.

20 Section 87 is amended by striking out “section 117 (1) of the Act” and substituting “section 71 of the *Forest and Range Practices Act*”.

21 Part 11 is repealed.

22 Schedule A is amended by striking out the following:

Column 1	Column 2	Column 3
33 (7)	Improperly requiring payment for use of a road from a person who uses a road under a road use permit or an exemption made under section 54 (4) of the Act.	2 000
64	Failure to comply promptly with the requirements of a notice received under section 27 (1) of the Silviculture Practices Regulation.	2 000

65	Failure to submit each year the required reports at the required times and on the required form.	2 000
67	Failure to submit each year the required report at the required time	2 000
68	Failure to submit the five-year performance review at the required time	2 000
78	Failure to submit third party audits at the required time	2 000