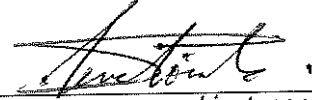


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **520** , Approved and Ordered **JUN 26 2008**



Lieutenant Governor

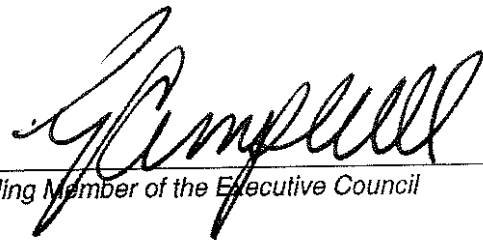
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective July 25, 2008,

- (a) *the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule, and*
- (b) *section 14 (d) of the Administrative Orders and Remedies Regulation, B.C. Reg. 101/2005, is amended by striking out "40; 106.2 (3)," and substituting "40; 43.1 (1); 106.2 (3)."*



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, sections 141, 146, 147, 149, 151, 154, 156, 157, 163

Other (specify):- OIC 17/2004; 267/2005

May 27, 2008

SCHEDULE

1 Section 1 of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended by adding the following subsection:

(4) In sections 12.21, 43.1, 43.2, and section 1.1 in Schedule 1 of this regulation:

“adequate stocking density” means a stand of trees comprised of

- (a) at least 700 trees per ha that are
 - (i) at least 1.6 m apart from each other, and
 - (ii) 6 m or greater in height, or
- (b) at least 900 trees per ha that are
 - (i) at least 1.6 m apart from each other, and
 - (ii) 4 m or greater in height;

“suitable secondary structure” means the saplings, poles, sub-canopy and canopy trees within a stand of trees that are

- (a) likely to survive an attack from mountain pine beetle,
 - (b) a species of tree
 - (i) specified in a forest stewardship plan applicable to the area, or
 - (ii) if there is no forest stewardship plan applicable to the area, specified as a preferred or acceptable species in the publication of the Ministry of Forests and Range, Reference Guide for Forest Development Plan Stocking Standards, as amended from time to time,
- for the purposes of establishing a free growing stand on the site series, and
- (c) of sufficiently good form, health and vigor to provide merchantable trees for future harvesting;

“targeted pine leading stand” means a stand of trees that has all of the following attributes:

- (a) is depicted on a government-endorsed forest cover map that indicates lodgepole pine is the leading tree species;
- (b) is at least 5 ha in size with an adequate stocking density of suitable secondary structure;
- (c) is located in
 - (i) a timber supply area or tree farm licence area designated by the chief forester in an order made under section 43.2 (1) (a), or
 - (ii) an area within
 - (A) the 100 Mile House timber supply area, the Kamloops timber supply area, the Lakes timber supply area, the Merritt timber supply area, the Prince George timber supply area, the Quesnel timber supply area, the Williams Lake timber supply area or the Okanagan timber supply area, or
 - (B) Tree Farm Licence 18, 35, 42, 48, 49, 52 or 53

unless the timber supply area or tree farm licence area is designated by the chief forester in an order made under section 43.2 (1) (b) as an area which may not contain a targeted pine leading stand.

2 *The following section is added:*

Conditional exemption – section 43.1 (1)

- 12.21** (1) An agreement holder who is required to prepare a forest stewardship plan is exempt from section 43.1 (1) if the agreement holder
- (a) prepares and submits to the minister a proposed forest stewardship plan which includes intended results or strategies relating to the objectives set by government for timber in section 6 that address the retention of suitable secondary structure, and
 - (b) receives the minister's approval of the plan.
- (2) A holder of a timber sale licence to which a forest stewardship plan relates and a timber sales manager are exempt from section 43.1 (1) if the timber sales manager
- (a) prepares and submits to the minister a proposed forest stewardship plan which includes intended results or strategies relating to the objectives set by government for timber in section 6 that address the retention of suitable secondary structure, and
 - (b) receives the minister's approval of the plan.

3 *Section 20 is amended by adding the following subsection:*

- (6) Despite subsection (1), a person who prepares and submits to the minister an amendment to a forest stewardship plan under section 12.21 (1) or (2) is not required to publish a notice in a newspaper.

4 *The following sections are added:*

Secondary structure retention in mountain pine beetle affected stands

- 43.1** (1) A holder of a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence must not carry out timber harvesting in a targeted pine leading stand, unless
- (a) it is necessary to fell or modify a tree that is a safety hazard and there is no other practicable option for addressing the safety hazard,
 - (b) the harvesting is necessary to construct a road in the targeted pine leading stand and there is no other practicable option for locating the road, or
 - (c) at the conclusion of timber harvesting, the holder retains an adequate stocking density of suitable secondary structure.
- (2) Despite subsection (1), a holder of a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence may harvest timber in a targeted pine leading stand without retaining an adequate stocking density of suitable secondary structure if
- (a) the timber in the stand is subject to a significant risk of blowdown,

- (b) at the time of harvesting, at least 30% of the pine trees in the stand contain live mountain pine beetles,
 - (c) harvesting the timber is necessary to protect a community, or other area agreed to by the minister prior to harvesting, from wildfire, or
 - (d) harvesting the timber is necessary to facilitate collection of tree seed and the resulting opening does not exceed 1 ha.
- (3) Without limiting the stocking standards applicable under section 29 (1) or (2) of the Act or section 46 of this regulation, if a person referred to in subsection (1) (c) carries out harvesting in a targeted pine leading stand that creates an obligation to establish a free growing stand, each tree of suitable secondary structure retained in the stand is considered to be a tree of a preferred species for the purpose of establishing a free growing stand on the area where the adequate stocking density of suitable secondary structure was retained.
- (4) This section does not apply to
- (a) an occupant licence to cut or a master licence to cut that provides for cutting permits,
 - (b) a forestry licence to cut entered into by a timber sales manager,
 - (c) a road permit,
 - (d) a community forest agreement,
 - (e) an area that is subject to
 - (i) a cutting permit that has been issued,
 - (ii) a timber sale licence that has been advertised or entered into, or
 - (iii) a forestry licence to cut that does not provide for cutting permits which has been entered into by the regional manager or district manager,
 before this section comes into force,
 - (f) an area that is subject to a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence if the timber cruising or field layout for the cutting permit, forestry licence to cut or timber sale licence has been completed before this section comes into force,
 - (g) a cutblock, if the cutblock has been specified in a forest stewardship plan as an area to which section 196 (1) (a) of the Act applies, or
 - (h) an area depicted on a government-endorsed forest cover map which indicates that lodgepole pine is the leading tree species if a timber cruise of the timber on the area, or other process agreed to by the minister prior to harvesting, shows that lodgepole pine is not the leading tree species.

Chief forester may designate timber supply areas or tree farm licence areas

- 43.2** (1) The chief forester may make an order designating a timber supply area or tree farm licence area
- (a) as an area which may contain a targeted pine leading stand for the purposes of paragraph (c) (i) of the definition of “targeted pine leading stand”, or

- (b) as an area which may not contain a targeted pine leading stand for the purposes of paragraph (c) (ii) of the definition of “targeted pine leading stand”,

if satisfied that the designation is appropriate having regard to the allowable annual cut determination for the area.

- (2) An order made under subsection (1) (a)
 - (a) must be contained in the allowable annual cut determination for the area that
 - (i) is most recent, and
 - (ii) includes an increase to the allowable annual cut for mountain pine beetle, and
 - (b) takes effect 4 months after the date the order is made.
- (3) When an order designating an area is made under subsection (1) (a), section 43.1 (1) and (2) do not apply to
 - (a) an area within the designated area that is subject to
 - (i) a cutting permit that has been issued,
 - (ii) a timber sale licence that has been advertised or entered into, or
 - (iii) a forestry licence to cut that does not provide for cutting permits which has been entered into by the regional manager or district manager,before the order takes effect under subsection (2) (b), or
 - (b) an area within the designated area that is subject to a cutting permit, a forestry licence to cut that does not provide for cutting permits or a timber sale licence if the timber cruising or field layout for the cutting permit, forestry licence to cut or timber sale licence has been completed before the order takes effect under subsection (2) (b).

5 Section 91 is amended by adding the following subsection:

- (3) The minister may exempt an agreement holder from section 43.1 (1) or the conditions set out in section 43.1 (2) (a) to (d) if the minister is satisfied that, given the circumstances or conditions applicable to a particular area, granting the exemption is in the public interest.

6 Schedule 1 is amended by adding the following section:

Factors relating to objectives set by government for timber

- 1.1** The following factors apply to a result or strategy for the objectives set out in section 6 [*objectives set by government for timber*]:
 - (a) the importance of retaining suitable secondary structure to maintain or enhance the future timber supply;
 - (b) retaining attributes of suitable secondary structure in terms of
 - (i) density, height or other attributes suitable for assessing expected growth and yield of timber, and

- (ii) the minimum size of areas of suitable secondary structure necessary to provide commercial harvesting opportunities in the future;
- (c) considerations involved in determining where it is practicable to retain suitable secondary structure, including considerations of safety and conservation of forest resources.