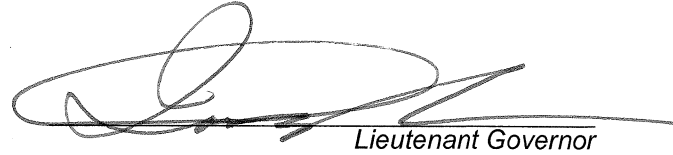


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

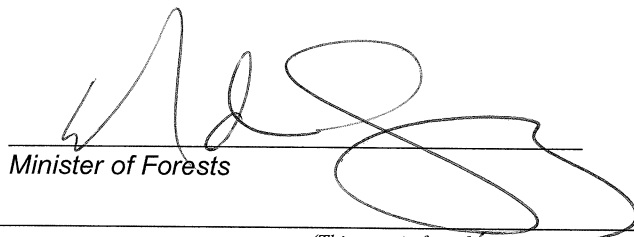
Order in Council No.— **272** , Approved and Ordered **MAR 17 2005**



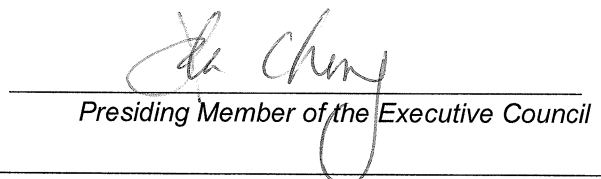
Lieutenant Governor

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 Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, 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, ss. 5, 13, 17, 18, 141, 142, 146, 147, 149 to 151, 154 to 157, 159, 160 and 162

Other (specify):- oic 24/2004

SCHEDULE

- 1 **Section 2 (8) of the Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, is amended by striking out “or designated official”.**
- 2 **Section 8 (2) is repealed and the following substituted:**
 - (2) The minister may exempt a woodlot licence holder from subsection (1) (b), (e) or (h).
- 3 **Section 9 (3) is amended by striking out “Minister of Water, Land and Air Protection, or a designated official” and substituting “minister responsible for the *Wildlife Act*”.**
- 4 **Section 13 is repealed and the following substituted:**

Alternative performance requirements

- 13 (1) A woodlot licence holder may propose in a woodlot licence plan an alternative performance requirement that specifies in relation to the plan
 - (a) an amount of soil disturbance for the purposes of section 24 (1) (a),
 - (b) an area for occupation by permanent access structures for the purposes of sections 25 (1) (a), (2) (a) or (3) (a),
 - (c) the stocking standards, regeneration date and free growing date for the purposes of section 35 (1) (a),
 - (d) the minimum riparian management area width, riparian reserve zone width and riparian management zone width for the purposes of one or more of section 36 (4) (a), 37 (3) (a) or 38 (2) (a),
 - (e) the circumstances in which cutting, modification or removal of trees may occur in a riparian reserve zone for the purposes of section 39 (1),
 - (f) the circumstances in which road construction may occur in a riparian management zone for the purposes of section 40 (1) (a),
 - (g) the proportion of the woodlot licence area that may consist of wildlife tree retention areas for the purposes of section 52 (1) (b),
 - (h) the quantity of logs to be retained for the purposes of section 54 (1) (a), and
 - (i) the measures that relate to resource features for the purposes of section 56 (1) (a).
- (2) In proposing an alternative performance requirement under subsection (1), a woodlot licence holder must
 - (a) specify in the holder’s woodlot licence plan the provision to which the alternative performance requirement relates,
 - (b) specify in the holder’s woodlot licence plan the location to which the alternative performance requirement is applicable, and
 - (c) submit to the minister a rationale for how the alternative performance requirement is consistent with the criteria described in section 9, if any, to which the alternative performance requirement relates.

- 5 ***Section 17 (1) (b) is repealed and the following substituted:***
- (b) if required by the minister, refer a copy of the plan, or a portion of the plan, to
 - (i) any agency of government,
 - (ii) any agency of the Government of Canada, or
 - (iii) a person specified by the minister.

- 6 ***Section 18 (1), (2) (a) and (b) and (4) (d) is amended by striking out “the Schedule” and substituting “Schedule 1”.***

- 7 ***The following section is added to Division 2 of Part 3:***

Requirements if free growing stand cannot be established

- 35.1** (1) Subject to section 108 of the Act, a woodlot licence holder who
- (a) is required to establish a free growing stand under section 35 of this regulation, and
 - (b) knows that the requirements of sections 35 and 36 of this regulation cannot be met
- must
- (c) give notice to the minister that the requirements to establish a free growing stand cannot be met, giving the reasons, and
 - (d) submit to the minister a proposal for establishing a free growing stand on the area, including the stocking standards, the free growing height and the latest date by which the stocking standards and free growing height will be achieved.
- (2) The minister must approve a proposal submitted under subsection (1) if the minister considers that the proposal is consistent with section 18 (3).
 - (3) The minister must give notice to the holder who submitted the proposal if the proposal has been approved or rejected and, if rejected, must provide written reasons.
 - (4) A rejection under subsection (3) is reviewable as set out in sections 80 and 81 of the Act and those sections and sections 82 to 84 of the Act apply in respect of the review.
 - (5) A holder who is notified under subsection (3) that the proposal has been approved must ensure that a free growing stand is established that conforms to the approved proposal.

- 8 ***Section 36.1 is repealed.***

- 9 ***Section 42 is amended by striking out “section 78 (1)” and substituting “section 79 (1)”.***

- 10 ***The following sections are added:***

Protection of fish habitat in fisheries sensitive watersheds

- 57.1** (1) In this section, “**fisheries sensitive watershed**” means an area identified in Schedule 2
- (a) with significant downstream fisheries values continued under section 180 (f) of the Act and significant watershed sensitivity continued under section 180 (g) of the Act, and
 - (b) for which there is no fisheries sensitive watershed objective.
- (2) Until December 31, 2005, the holder of a woodlot licence must ensure that the cumulative hydrological effects of primary forest activities in any part of a fisheries sensitive watershed that is in the woodlot licence area do not result in a material adverse impact on the habitat of the fish species for which the fisheries sensitive watershed was established.

Safeguards for water through licensed waterworks in community watersheds

- 58.1** (1) In this section, “**community watershed**” means a community watershed
- (a) that is continued under section 180 (e) of the Act, and
 - (b) for which a water quality objective has not been
 - (i) continued under section 181 of the Act, or
 - (ii) established under the Government Actions Regulation.
- (2) If water is being diverted for human consumption through a licensed waterworks in a community watershed, the holder of a woodlot licence must ensure that the cumulative hydrological effects of primary forest activities within any part of the community watershed that is in the woodlot licence area do not result in
- (a) a material adverse effect on the quantity of water or the timing of the flow of the water from the licensed waterworks, or
 - (b) the water from the licensed waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under
 - (i) an enactment, or
 - (ii) the licence pertaining to the waterworks.

11 *Sections 95 and 96 are repealed.*

12 *The following section is added:*

Application of Code to forest development plans

- 97** The Code and the Code regulations apply to a forest development plan described in section 199 of the Act and to a forest development plan prepared under section 200 (1) of the Act.

13 *The Schedule is renamed as Schedule 1 and the following Schedule is added:*

SCHEDULE 2
FISHERIES SENSITIVE WATERSHEDS

(Section 57.1)

Item	Fisheries Sensitive Watershed	Forest District
1	Effingham River	South Island
2	Escalante River	South Island
3	Gordon River	South Island
4	Harris Creek	South Island
5	Hatton Creek	South Island
6	Hemmingsen Creek	South Island
7	Klanawa River	South Island
8	Macktush Creek	South Island
9	Nahmint River	South Island
10	San Juan River	South Island
11	Toquart River	South Island
12	Artlish River	Campbell River
13	Memekay River	Campbell River
14	Finn Creek	Headwaters
15	Gold Creek (Upper Adams Watershed)	Headwaters
16	Raft River	Headwaters
17	Upper Adams River	Headwaters
18	Otter Creek	Headwaters
19	Hiuhill Creek	Kamloops
20	Barriere River	Kamloops
21	Bonaparte River	Kamloops
22	Deadman River	Kamloops
23	Nicol/Upper Lussier River	Rocky Mountain
24	Coyote Creek	Rocky Mountain
25	Thunder River	Rocky Mountain
26	Albert River	Rocky Mountain
27	Palliser River (source to Albert)	Rocky Mountain
28	Bradford River	Rocky Mountain
29	Horsefly River	Central Cariboo
30	Cottonwood River	Quesnel
31	Bonaparte River	100 Mile House
32	Boucher Creek (Babine landscape unit)	Skeena Stikine
33	Nilkitkwa Lake (Babine landscape unit –consists of several watersheds tributary to the lake to be managed on an individual basis)	Skeena Stikine
34	West Babine (Torkelson landscape unit – 9 mile and 5 mile creeks only)	Skeena Stikine

Item	Fisheries Sensitive Watershed	Forest District
35	Gramophone Creek (Reiseter landscape unit)	Skeena Stikine
36	Toboggan Creek (Trout Creek landscape unit)	Skeena Stikine
37	Jonas Creek (Telkwa landscape unit)	Skeena Stikine
38	Cumming Creek (Telkwa landscape unit)	Skeena Stikine
39	Pacofi Creek	Queen Charlotte Islands
40	Awun River (Talking Bear Creek Sub-basin)	Queen Charlotte Islands
41	Bolean Creek	Okanagan Shuswap
42	Wap River	Okanagan Shuswap
43	Harris Creek	Okanagan Shuswap
44	Naswhito Creek	Okanagan Shuswap