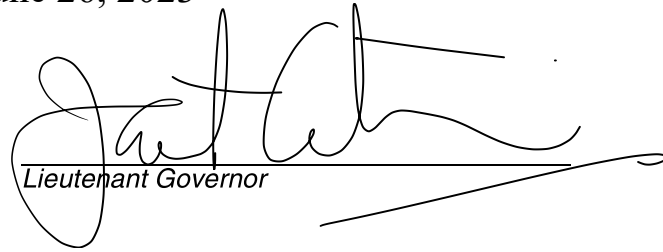


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 389

, Approved and Ordered June 26, 2023



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 15, 2023,

- (a) sections 64, 69, 71, 72, 73, and 74 of the *Forest Amendment Act, 2021*, S.B.C. 2021, c. 38, are brought into force, and
- (b) the attached Deletions and Expropriations (for Parks, Conservancies and Recreation Areas) Regulation is made.



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 Amendment Act, 2021*, S.B.C. 2021, c. 38, s. 75;
Forest Act, R.S.B.C. 1996, c. 157, s. 279

Other:

R10686110

DELETIONS AND EXPROPRIATIONS (FOR PARKS, CONSERVANCIES AND RECREATION AREAS) REGULATION

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PART 1 – INTERPRETATION, GENERAL RULES AND PURPOSE

Definition

- 1** In this regulation, “**Act**” means the *Forest Act*.

Definitions in Parts 15 and 16 of Act apply

- 2** Unless the context indicates otherwise, if a word or expression used in this regulation is defined in Part 15 [*Special Purpose Areas*] or 16 [*Compensation in Relation to Special Purpose Areas*] of the Act, or in the Special Purpose Areas Regulation, the word or expression has the same meaning as in that Part or regulation.

General rules for applying Parts 15 and 16 of Act

- 3** Unless the context indicates otherwise, if a provision of this regulation adopts by reference a provision of Part 15 [*Special Purpose Areas*] or 16 [*Compensation in Relation to Special Purpose Areas*] of the Act, or a provision of the Special Purpose Areas Regulation, the following rules apply:
 - (a) in the case of a provision of this regulation that relates to a *Park Act* deletion, the adopted provision is to be applied as if
 - (i) the area subject to the *Park Act* deletion were an area designated as a special purpose area, and
 - (ii) the effective date of the *Park Act* deletion were the effective date of the special purpose area designation, and
 - (b) in the case of a provision of this regulation that relates to a *Park Act* expropriation, the adopted provision is to be applied as if
 - (i) the road or improvement subject to the *Park Act* expropriation were a road or improvement located in an area designated as a special purpose area, and
 - (ii) the effective date of the *Park Act* expropriation were the effective date of the special purpose area designation.

Purpose of regulation

- 4** This regulation applies for the purposes of Part 18 [*Expropriations and Deletions Under the Park Act*] of the Act.

PART 2 – IMPACTS AND COMPENSATION FOR AREA-BASED LICENCES AND TIMBER LICENCES

Division 1 – Impacts on Area-Based Licences and Timber Licences

Impacts on harvest profile and AAC of area-based licence

- 5** If a *Park Act* deletion deletes Crown land from the licence area of an area-based licence, the chief forester must, in relation to the licence area, specify and determine the matters set out in section 185 (1) [*impacts on harvest profile and AAC of area-based licence*] of the Act.

Rules for applying section 185 (1) of Act

- 6** (1) In applying section 185 (1) [*impacts on harvest profile and AAC of area-based licence*] of the Act for the purposes of section 5 of this regulation, the following rules apply:
- (a) under section 185 (1) (a) of the Act, the chief forester must specify the harvest profile for the licence area, as at the date that is immediately before the effective date of the *Park Act* deletion;
 - (b) under section 185 (1) (b) of the Act, the chief forester must determine the amount by which the allowable annual cut has been reduced, if at all, as a result of the *Park Act* deletion;
 - (c) under section 185 (1) (d) of the Act, and in accordance with the deemed effective date described in section 7 (a) of this regulation, the effective date of the reduction is the effective date of the *Park Act* deletion.
- (2) For the purposes of specifying and determining the matters under section 5, the following provisions of the Act apply:
- (a) section 185 (3);
 - (b) section 187 (1) and (3) to (5) [*request for information by chief forester*].
- (3) The matters under section 5 must be specified and determined within 4 months after the effective date of the *Park Act* deletion or, if an extension is granted in accordance with section 187 (4) of the Act, within 5 months after that effective date.

Effective date of AAC reduction for area-based licence

- 7** If the chief forester determines a reduction under section 5 [*impacts on harvest profile and AAC of area-based licence*] to the allowable annual cut for the licence area of an area-based licence,
- (a) the reduction and the adjusted allowable annual cut specified under that section are deemed to have taken effect on the effective date of the *Park Act* deletion, and
 - (b) the area-based licence is deemed to have been amended, on the effective date of the *Park Act* deletion, to reflect the reduction.

Impacts on non-TFL timber licence

- 8** If a *Park Act* deletion deletes Crown land from the licence area of a non-TFL timber licence, the chief forester must, in relation to the deleted area, specify and determine the matters set out in section 186 (1) [*impacts on non-TFL timber licence*] of the Act.

Rules for applying section 186 (1) of Act

- 9** (1) In applying section 186 (1) (a), (b) and (c) [*impacts on non-TFL timber licence*] of the Act for the purposes of section 8 of this regulation, the following rules apply:
- (a) references to the area of overlap are to be read as references to the deleted area;
 - (b) the determination under section 186 (1) (c) of the Act is to be made as if the *Park Act* deletion had not occurred.
- (2) For the purposes of specifying and determining the matters under section 8, the following provisions of the Act apply:
- (a) section 186 (2);
 - (b) section 187 (2) to (5) [*request for information by chief forester*].
- (3) The matters under section 8 must be specified and determined within 4 months after the effective date of the *Park Act* deletion or, if an extension is granted in accordance with section 187 (4) of the Act, within 5 months after that effective date.

Notice to holder of area-based licence or non-TFL timber licence

- 10** As soon as practicable after the matters under section 5 [*impacts on harvest profile and AAC of area-based licence*] or 8 [*impacts on non-TFL timber licence*] are specified and determined in relation to the licence area of an area-based licence or non-TFL timber licence, the minister must serve notice of those matters on the holder of the licence.

Amendment or cancellation of rights under area-based licence or timber licence

- 11** (1) On the effective date of a *Park Act* deletion that deletes Crown land from the licence area of an area-based licence or timber licence, the licence is deemed to be amended to reflect the deletion.
- (2) The minister may, by order, do either or both of the following in relation to an area-based licence or timber licence to which a *Park Act* deletion relates:
- (a) amend the licence;
 - (b) cancel rights under the licence.
- (3) Unless an order under subsection (2) indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.

Division 2 – Compensation for Area-Based Licences and Non-TFL Timber Licences

Determining compensation for area-based licence

- 12** If a *Park Act* deletion deletes Crown land from the licence area of an area-based licence, the following provisions apply for the purposes of determining the compensation, if any, to which the holder of the area-based licence is entitled:
- (a) section 232 [*compensation for area-based licence for deletion for non-timber production purpose*] of the Act;
 - (b) Part 2 [*Compensation for Area-Based Licences, Non-TFL Timber Licences and Forest Licences*] of the Special Purpose Areas Regulation.

Rules for applying section 232 of Act

- 13** (1) In applying section 232 [*compensation for area-based licence for deletion for non-timber production purpose*] of the Act and Part 2 [*Compensation for Area-Based Licences, Non-TFL Timber Licences and Forest Licences*] of the Special Purposes Area Regulation for the purposes of section 12 of this regulation, the following rules apply:
- (a) the *Park Act* deletion is deemed to be a deletion for a non-timber production purpose;
 - (b) under section 232 (1) (b) of the Act, the reference to one or more previous deletions for a non-timber production purpose is to be read as including both of the following:
 - (i) each previous deletion that is a “deletion for a non-timber production purpose” within the meaning of section 226 (1) [*Definitions for Part 16*] of the Act;
 - (ii) each previous *Park Act* deletion;
 - (c) the remaining term of the area-based licence is the period that
 - (i) starts on the effective date of the *Park Act* deletion, and
 - (ii) ends on the expiry date of the term of the licence as at the effective date of the *Park Act* deletion.
- (2) For certainty, if section 12 [*compensation if licence holder also eligible under cutting permit compensation provision*] of the Special Purpose Areas Regulation applies to the holder of a cutting permit issued under an area-based licence, the compensation, if any, for which the holder is eligible must be determined under Part 4 [*Compensation if Holder Eligible under Licence Compensation Provision and Cutting Permit Compensation Provision*] of that regulation.

Determining compensation for non-TFL timber licence

- 14** If a *Park Act* deletion deletes Crown land from the licence area of a non-TFL timber licence, the following provisions apply for the purposes of determining the compensation, if any, to which the holder of the non-TFL timber licence is entitled:
- (a) section 235 [*compensation for non-TFL timber licence for deletion for non-timber production purpose*] of the Act;

- (b) Part 2 [*Compensation for Area-Based Licences, Non-TFL Timber Licences and Forest Licences*] of the Special Purpose Areas Regulation.

Rules for applying section 235 of Act

- 15 In applying section 235 [*compensation for non-TFL timber licence for deletion for non-timber production purpose*] of the Act and Part 2 [*Compensation for Area-Based Licences, Non-TFL Timber Licences and Forest Licences*] of the Special Purposes Area Regulation for the purposes of section 14 of this regulation, the following rules apply:
- (a) the *Park Act* deletion is deemed to be a deletion for a non-timber production purpose;
 - (b) under section 235 (1) (b) of the Act, the reference to one or more previous deletions for a non-timber production purpose is to be read as including both of the following:
 - (i) each previous deletion that is a “deletion for a non-timber production purpose” within the meaning of section 226 (1) [*Definitions for Part 16*] of the Act;
 - (ii) each previous *Park Act* deletion;
 - (c) the remaining term of the non-TFL timber licence is the period that
 - (i) starts on the effective date of the *Park Act* deletion, and
 - (ii) ends on the expiry date of the term of the licence as at the effective date of the *Park Act* deletion.

**PART 3 – IMPACTS AND COMPENSATION FOR
FOREST LICENCES**

Division 1 – Impacts on Forest Licences

Impacts on harvest profile and AAC of timber supply area

- 16 If a *Park Act* deletion deletes Crown land from the volume-based portion of a timber supply area, the chief forester must, in relation to that volume-based portion, specify and determine the matters set out in section 199 (1) [*impacts on harvest profile and AAC of timber supply area*] of the Act.

Rules for applying section 199 (1) of Act

- 17 (1) In applying section 199 (1) [*impacts on harvest profile and AAC of timber supply area*] of the Act for the purposes of section 16 of this regulation, the following rules apply:
- (a) under section 199 (1) (a) of the Act, the chief forester must specify the harvest profile for the volume-based portion as at the date that is immediately before the effective date of the *Park Act* deletion;
 - (b) under section 199 (1) (b) of the Act, the chief forester must determine the amount by which the allowable annual cut for the volume-based portion has been reduced, if at all, as a result of the *Park Act* deletion;

- (c) under section 199 (1) (d) of the Act, and in accordance with the deemed effective date described in section 18 of this regulation, the effective date of the reduction is the effective date of the *Park Act* deletion.
- (2) The matters under section 16 must be specified and determined within 4 months after the effective date of the *Park Act* deletion.

Effective date of AAC reduction for timber supply area

- 18** If the chief forester determines a reduction under section 16 [*impacts on harvest profile and AAC of timber supply area*] to the allowable annual cut for the volume-based portion of a timber supply area, the reduction and the adjusted allowable annual cut specified under that section are deemed to have taken effect on the effective date of the *Park Act* deletion.

Notice to holders of forest licences

- 19** (1) Within 30 days after the matters under section 16 [*impacts on harvest profile and AAC of timber supply area*] are specified and determined in relation to the volume-based portion of a timber supply area, the minister must serve notice of those matters on the holder of each forest licence in the volume-based portion of the timber supply area.
- (2) Section 200 (2) [*notice to holders of forest licences*] of the Act applies for the purposes of this section.

Reduction to AAC of forest licences

- 20** (1) In this section, and in applying sections 203 [*reduction to AAC available for BCTS licences*] and 204 [*method of reduction if designation made other than for BCTS licence purpose*] of the Act for the purposes of this section, “**AAC reduction for the timber supply area**”, in relation to a timber supply area, means a reduction to the allowable annual cut for the volume-based portion of the timber supply area, as determined by the chief forester under section 16 [*impacts on harvest profile and AAC of timber supply area*] of this regulation.
- (2) The minister must make reductions under this section to the allowable annual cuts of forest licences in a timber supply area if
- (a) a *Park Act* deletion deletes Crown land from the volume-based portion of a timber supply area, and
 - (b) the chief forester determines an AAC reduction for the timber supply area.
- (3) To make reductions under this section, the minister must do both of the following:
- (a) determine how much of the AAC reduction for the timber supply area is to be applied to the AAC available for BCTS licences by using the formula set out in section 203 of the Act;
 - (b) reduce the allowable annual cuts of the forest licences in the timber supply area in accordance with the method set out in section 204 of the Act.

Rules for applying sections 203 and 204 of Act

- 21** (1) In applying section 203 [*reduction to AAC available for BCTS licences*] of the Act for the purposes of section 20 of this regulation, the following rules apply:

- (a) the AAC available for BCTS licences is the allowable annual cut available for BCTS licences in the timber supply area as at the date that is immediately before the effective date of the *Park Act* deletion referred to in section 20 (2) (a) of this regulation;
 - (b) the AAC for TSA is the allowable annual cut for the timber supply area as at the date that is immediately before the effective date of the *Park Act* deletion referred to in section 20 (2) (a) of this regulation.
- (2) The minister's determination under section 20 (2) (a) of this regulation
 - (a) must be made within 40 days after the chief forester determines the AAC reduction for the timber supply area, and
 - (b) is deemed to have taken effect on the effective date of the *Park Act* deletion.
 - (3) The reduction under section 20 (3) (b) must be made, and the notice required under section 22 must be given, within 3 months after the chief forester determines the AAC reduction for the timber supply area.
 - (4) The reduction to the allowable annual cuts of forest licences in the volume-based portion of a timber supply area must not exceed the amount of the AAC reduction for the timber supply area, less the amount applied under section 20 (3) (a) to the AAC available for BCTS licences.

Notice and effective date of reductions to forest licences

- 22** If, as a result of a *Park Act* deletion, a reduction is made under section 20 [*reduction to AAC of forest licences*] to the allowable annual cut of a forest licence,
- (a) the minister must serve notice of the reduction on the holder of the forest licence, and
 - (b) the reduction is deemed to have taken effect on the effective date of the *Park Act* deletion.

Amendment or cancellation of rights under forest licence

- 23** (1) If, as a result of a *Park Act* deletion, a reduction is made under section 20 [*reduction to AAC of forest licences*] to the allowable annual cut of a forest licence, the forest licence is deemed to have been amended, on the effective date of the *Park Act* deletion, to reflect the reduction.
- (2) If a *Park Act* deletion deletes Crown land from a timber supply area, the minister may, by order, do either or both of the following in relation to a forest licence that is in the timber supply area:
- (a) amend the licence;
 - (b) cancel rights under the licence.
- (3) Unless an order under subsection (2) indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion.

Division 2 – Compensation for Forest Licences

Determining compensation for forest licence

- 24** If a *Park Act* deletion deletes Crown land from a timber supply area and the deletion results in a reduction to the allowable annual cut of a forest licence, the following provisions apply for the purposes of determining the compensation, if any, to which the holder of the forest licence is entitled:
- (a) section 239 [*compensation for forest licence for reduction for non-timber production purpose*] of the Act;
 - (b) Part 2 [*Compensation for Area-Based Licences, Non-TFL Timber Licences and Forest Licences*] of the Special Purpose Areas Regulation.

Rules for applying section 239 of Act

- 25** (1) In applying section 239 [*compensation for forest licence for reduction for non-timber production purpose*] of the Act and Part 2 [*Compensation for Area-Based Licences, Non-TFL Timber Licences and Forest Licences*] of the Special Purposes Area Regulation for the purposes of section 24 of this regulation, the following rules apply:
- (a) the reduction to the allowable annual cut of the forest licence is deemed to be a reduction for a non-timber production purpose;
 - (b) under section 239 (1) (b) of the Act, the reference to one or more previous reductions for a non-timber production purpose is to be read as including both of the following:
 - (i) each previous reduction that is a “reduction for a non-timber production purpose” within the meaning of section 226 (1) [*Definitions for Part 16*] of the Act;
 - (ii) each previous reduction that results from a *Park Act* deletion;
 - (c) the remaining term of the forest licence is the period that
 - (i) starts on the effective date of the *Park Act* deletion, and
 - (ii) ends on the expiry date of the term of the licence as at the effective date of the *Park Act* deletion.
- (2) For certainty, if section 12 [*compensation if licence holder also eligible under cutting permit compensation provision*] of the Special Purpose Areas Regulation applies to the holder of a cutting permit issued under a forest licence, the compensation, if any, for which the holder is eligible must be determined under Part 4 [*Compensation if Holder Eligible under Licence Compensation Provision and Cutting Permit Compensation Provision*] of that regulation.

PART 4 – IMPACTS AND COMPENSATION FOR CUTTING PERMITS

Division 1 – Impacts on Cutting Permits

Order to amend or cancel rights under cutting permit under area-based licence or non-TFL timber licence

- 26** (1) The minister may make an order under this section in relation to a cutting permit issued under an area-based licence or non-TFL timber licence if
- (a) a *Park Act* deletion deletes Crown land from the licence area of the area-based licence or non-TFL timber licence, and
 - (b) the cutting permit area overlaps the area deleted from the licence area.
- (2) In the circumstances described in subsection (1), the minister may, by order, do either or both of the following:
- (a) amend the cutting permit;
 - (b) cancel rights under the cutting permit.
- (3) Unless an order under this section indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.

Order to amend or cancel rights under cutting permit under forest licence or forestry licence to cut

- 27** The minister may make an order under this section in relation to a cutting permit issued under a forest licence or forestry licence to cut if
- (a) a *Park Act* deletion deletes Crown land from a timber supply area or the licence area of an area-based licence or non-TFL timber licence, and
 - (b) the cutting permit area overlaps the area deleted from the timber supply area or licence area.
- (2) In the circumstances described in subsection (1), the minister may, by order, do either or both of the following:
- (a) amend the cutting permit;
 - (b) cancel rights under the cutting permit.
- (3) Unless an order under this section indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.
- (4) For certainty, a forestry licence to cut includes a forestry licence to cut issued under a pulpwood agreement.

Division 2 – Compensation for Cutting Permits

Eligibility requirements if cutting permit located in deletion area

- 28** The minister may compensate the holder of a cutting permit issued under a tree farm licence, first nations woodland licence, non-TFL timber licence, forest licence or

forestry licence to cut if rights to harvest in the cutting permit area are cancelled by an order under

- (a) section 26 [*order to amend or cancel rights under cutting permit under area-based licence or timber licence*], or
- (b) section 27.

Determining compensation if cutting permit located in deletion area

29 If the requirements under section 28 are met, the following provisions apply for the purposes of determining the compensation, if any, for which the holder of the cutting permit is eligible:

- (a) section 241 (2) [*compensation if special purpose area overlaps cutting permit area*] of the Act;
- (b) Division 3 [*Determining Compensation for Cutting Permit*] of Part 3 [*Compensation for Cutting Permits*] of the Special Purpose Areas Regulation.

Eligibility requirements if cutting permit located outside deletion area

30 The minister may compensate the holder of a cutting permit issued under a tree farm licence, first nations woodland licence, non-TFL timber licence, forest licence or forestry licence to cut if the cutting permit area does not overlap the area that is deleted, by a *Park Act* deletion, from the licence area or timber supply area, but the minister is satisfied that the following requirements are met:

- (a) the cutting permit was issued before the effective date of the *Park Act* deletion;
- (b) as a result of the *Park Act* deletion, there is no practicable means by which the holder can access the cutting permit area or a portion of the cutting permit area;
- (c) the holder has provided an impact statement and additional information in accordance with section 34 [*impact statement required from holder of cutting permit*].

Determining compensation if cutting permit located outside deletion area

31 If the requirements under section 30 are met, the following provisions apply for the purposes of determining the compensation, if any, for which the holder of the cutting permit is eligible:

- (a) sections 242 (4) [*compensation if special purpose area does not overlap cutting permit area*] of the Act;
- (b) Division 3 [*Determining Compensation for Cutting Permit*] of Part 3 [*Compensation for Cutting Permits*] of the Special Purpose Areas Regulation.

Eligibility requirements for cutting permit under community forest agreement or woodlot licence

- 32** The minister may compensate the holder of a cutting permit issued under a community forest agreement or woodlot licence if the minister is satisfied that the following requirements are met:
- (a) as a result of a *Park Act* deletion, the cutting permit is impacted in one of the following ways:
 - (i) rights to harvest in the cutting permit area are cancelled by an order under section 26 [*order to amend or cancel rights under cutting permit under area-based licence or non-TFL timber licence*];
 - (ii) rights to harvest in the cutting permit area have not been cancelled by an order under section 26 but there is no practicable means by which the holder can access the cutting permit area or a portion of the cutting permit area for the purposes of harvesting timber in that area or portion;
 - (b) the cutting permit was issued before the effective date of the *Park Act* deletion;
 - (c) the rate of stumpage for timber authorized to be harvested under the cutting permit was determined, redetermined or varied using information provided by a relevant timber cruise;
 - (d) in the case of a cutting permit impacted in the way described in paragraph (a) (ii) of this section, the holder has provided an impact statement and additional information in accordance with section 34 [*impact statement required from holder of cutting permit*].

Determining compensation for cutting permit under community forest agreement or woodlot licence

- 33** If the requirements under section 32 are met, the following provisions apply for the purposes of determining the compensation, if any, for which the holder of the cutting permit is eligible:
- (a) section 243 (2) [*compensation for cutting permit under community forest agreement or woodlot licence*] of the Act;
 - (b) Division 3 [*Determining Compensation for Cutting Permit*] of Part 3 [*Compensation for Cutting Permits*] of the Special Purpose Areas Regulation.

Impact statement required from holder of cutting permit

- 34** (1) If the holder of a cutting permit believes that the cutting permit is impacted in the way described in section 30 (b) [*eligibility requirements if cutting permit located outside deletion area*] or 32 (a) (ii) [*eligibility requirements for cutting permit under community forest agreement or woodlot licence*], the holder must provide to the minister, in the form and manner that the minister may require,
- (a) a statement setting out why the holder considers that the impact requirement is met, and
 - (b) any additional information that the minister may require.

- (2) The holder of a cutting permit is not eligible for compensation under section 31 [*determining compensation if cutting permit located outside deletion area*] or 33 unless all of the information required under this section is provided before the date on which the remaining term of the cutting permit ends.

**Rules for Part 4 for applying
Special Purpose Areas Regulation**

- 35** (1) In applying a provision of the Special Purposes Area Regulation for the purposes of considering or determining a matter under this Part, the following rules apply:
- (a) references to section 244 [*duty of cutting permit holder to provide information to minister*] of the Act are to be read as references to section 36 of this regulation;
 - (b) the applicable impact date, in relation to a cutting permit compensation provision, is the effective date of the *Park Act* deletion to which the matter relates;
 - (c) the remaining term of a cutting permit, in relation to a cutting permit compensation provision, is the period that
 - (i) starts on the effective date of the *Park Act* deletion to which the matter relates, and
 - (ii) subject to subsection (2) of this section, ends on the expiry date of the term of the cutting permit, as at the effective date of that *Park Act* deletion.
- (2) If the operation of the cutting permit is, as at the effective date of the *Park Act* deletion, subject to a postponement described in section 14 (2) [*meaning of "remaining term" of cutting permit*] of the Special Purpose Areas Regulation, the expiry date described in that section applies for the purposes of subsection (1) (c) (ii) of this section.
- (3) For certainty, if section 25 [*compensation if holder also entitled under licence compensation provision*] of the Special Purpose Areas Regulation applies to the holder of a cutting permit issued under an area-based licence or forest licence, the compensation, if any, for which the holder is eligible must be determined under Part 4 [*Compensation if Holder Eligible Under Licence Compensation Provision and Cutting Permit Compensation Provision*] of that regulation.

**Duty of cutting permit holder
to provide information to minister**

- 36** (1) The holder of a cutting permit must provide to the minister, on request, information the minister considers necessary for the purposes of considering or determining a matter under this Part.
- (2) Information requested by the minister under this section must be provided in the form and manner and within the time period specified by the minister.

PART 5 – IMPACTS AND COMPENSATION FOR FORESTRY LICENCES TO CUT

Order to amend or cancel rights under forestry licence to cut

- 37** (1) The minister may make an order under this section in relation to a forestry licence to cut if
- (a) a *Park Act* deletion deletes Crown land from a timber supply area or the licence area of an area-based licence or non-TFL timber licence, and
 - (b) the area described in the forestry licence to cut overlaps the deletion area described in paragraph (a).
- (2) In the circumstances described in subsection (1), the minister may, by order, do either or both of the following:
- (a) amend the forestry licence to cut;
 - (b) cancel rights under the forestry licence to cut.
- (3) Unless an order under this section indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.
- (4) For certainty, a forestry licence to cut includes a forestry licence to cut issued under a pulpwood agreement.

Eligibility requirements for compensation for forestry licence to cut

- 38** (1) The minister may compensate the holder of a forestry licence to cut if
- (a) rights under the licence are cancelled by an order under section 37 (2) (b), and
 - (a) the minister is satisfied that the requirements specified for the purposes of section 246 (1) (b) [*compensation for forestry licence to cut*] of the Act are met.
- (2) For certainty, the requirements specified for the purposes of section 246 (1) (b) of the Act are set out in section 43 of the Special Purpose Areas Regulation.

Determining compensation for forestry licence to cut

- 39** If the requirements under section 38 are met, the following provisions apply for the purposes of determining the compensation, if any, for which the holder of the forestry licence to cut is eligible:
- (a) section 246 (2) [*compensation for forestry licence to cut*] of the Act;
 - (b) Part 5 [*Compensation for Forestry Licences To Cut*] of the Special Purpose Areas Regulation.

Rule for Part 5 for applying Special Purpose Areas Regulation

- 40** In applying a provision of the Special Purpose Areas Regulation for the purposes of considering or determining a matter under this Part, references to cancellation order

are to be read as references to the order under section 37 (2) (b) [*order to amend or cancel rights under forestry licence to cut*] of this regulation by which rights under the licence have been cancelled.

PART 6 – IMPACTS AND COMPENSATION FOR TIMBER SALE LICENCES

Order to amend or cancel rights under timber sale licence

- 41** (1) The minister may make an order under this section in relation to a timber sale licence if
- (a) a *Park Act* deletion deletes Crown land from a timber supply area or the licence area of an area-based licence, and
 - (b) the timber sale licence area overlaps the deletion area described in paragraph (a).
- (2) In the circumstances described in subsection (1), the minister may, by order, do either or both of the following:
- (a) amend the timber sale licence;
 - (b) cancel rights under the timber sale licence.
- (3) Unless an order under this section indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.

Eligibility requirements for timber sale licence

- 42** (1) The minister may compensate the holder of a timber sale licence if
- (a) rights under the licence are cancelled by an order under section 41 (2) (b), and
 - (b) the minister is satisfied that the requirements specified for the purposes of section 247 (2) (b) [*compensation for timber sale licence*] of the Act are met.
- (2) For certainty, the requirements specified for the purposes of section 247 (2) (b) of the Act are set out in section 52 of the Special Purpose Areas Regulation.

Determining compensation for timber sale licence

- 43** If the requirements under section 42 are met, the following provisions apply for the purposes of determining the compensation, if any, for which the holder of the timber sale licence is eligible:
- (a) section 247 (3) [*compensation for timber sale licence*] of the Act;
 - (b) Part 6 [*Compensation for Timber Sale Licences*] of the Special Purpose Areas Regulation.

**Rule for Part 6 for applying
Special Purpose Areas Regulation**

- 44** In applying a provision of the Special Purpose Areas Regulation for the purposes of considering or determining a matter under this Part, references to cancellation order are to be read as references to the order under section 41 (2) (b) [*order to amend or cancel rights under timber sale licence*] of this regulation by which rights under the licence have been cancelled.

**PART 7 – IMPACTS AND COMPENSATION FOR
CHRISTMAS TREE PERMITS**

**Order to amend or cancel rights
under Christmas tree permit**

- 45** (1) The minister may make an order under this section in relation to a Christmas tree permit if
- (a) a *Park Act* deletion deletes Crown land from a timber supply area, and
 - (b) the area described in the Christmas tree permit overlaps the deletion area described in paragraph (a).
- (2) In the circumstances described in subsection (1), the minister may, by order, do either or both of the following:
- (a) amend the Christmas tree permit;
 - (b) cancel rights under the Christmas tree permit.
- (3) Unless an order under this section indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.

Eligibility requirements for Christmas tree permit

- 46** (1) The minister may compensate the holder of a Christmas tree permit if
- (a) rights under the permit are cancelled by an order under section 45 (2) (b), and
 - (b) the minister is satisfied that the requirements specified for the purposes of section 249 (1) (b) [*compensation for Christmas tree permit*] of the Act are met.
- (2) For certainty, the requirements specified for the purposes of section 249 (1) (b) of the Act are set out in section 63 of the Special Purpose Areas Regulation.

Determining compensation for Christmas tree permit

- 47** If the requirements under section 46 are met, the following provisions apply for the purposes of determining the compensation, if any, for which the holder of the Christmas tree permit is eligible:
- (a) section 249 (2) [*compensation for Christmas tree permit*] of the Act;

- (b) Part 7 [*Compensation for Christmas Tree Permits*] of the Special Purpose Areas Regulation.

**Rule for Part 7 for applying
Special Purpose Areas Regulation**

- 48 In applying a provision of the Special Purpose Areas Regulation for the purposes of considering or determining a matter under this Part, references to cancellation order are to be read as references to the order under section 45 (2) (b) [*order to amend or cancel rights under Christmas tree permit*] of this regulation.

**PART 8 – IMPACTS AND COMPENSATION
FOR ROADS AND IMPROVEMENTS**

**Order to amend or cancel rights
In relation to road or improvement**

- 49 (1) The minister may, by order, do either or both of the following in relation to a road permit or special use permit that authorizes a road or improvement that is subject to a *Park Act* expropriation:
- (a) amend the permit;
 - (b) cancel rights under the permit.
- (2) The minister may, by order, cancel rights under a road permit or special use permit if
- (a) the rights relate to a road or improvement that is located outside an area that is subject to a *Park Act* deletion, and
 - (b) the minister decides to provide compensation under this Part to the holder of the permit.

Eligibility requirements if road subject to *Park Act* expropriation

- 50 (1) The minister may compensate the holder of a road permit or special use permit that authorizes a road that is subject to a *Park Act* expropriation if the minister is satisfied that the following requirements are met:
- (a) the road permit or special use permit was issued before the effective date of the *Park Act* expropriation;
 - (b) in the case of a road permit, the road permit is associated with
 - (i) a forest licence, timber licence or tree farm licence, or
 - (ii) a licence prescribed for the purposes of section 252 (1) (b) [*compensation for road located in special purpose area*] of the Act;
 - (c) rights in relation to the road are cancelled by an order under section 49 (1) (b) of this regulation;
 - (d) the general requirements under section 253 [*general requirements for compensation for road*] of the Act;
 - (e) the requirements specified in the regulations made for the purposes of section 252 (1) (e) of the Act.
- (2) For certainty,

- (a) the licences prescribed for the purposes of section 252 (1) (b) of the Act are set out in section 74 of the Special Purpose Areas Regulation, and
- (b) the requirements specified for the purposes of section 252 (1) (e) of the Act are set out in section 75 [*requirements if road associated with cutting permit or timber sale licence*] of the Special Purpose Areas Regulation.

Determining compensation if road subject to *Park Act* expropriation

- 51** (1) If the requirements under section 50 are met, the following provisions apply for the purposes of determining the costs, if any, for which the holder of the road permit or special use permit may be compensated:
- (a) section 252 (2) [*compensation for road located in special purpose area*] of the Act;
 - (b) the following provisions of the Special Purpose Areas Regulation:
 - (i) in the case of a road permit that authorizes a road associated with a cutting permit or timber sale licence,
 - (A) section 76 [*matters that minister must determine if road associated with cutting permit or timber sale licence*], and
 - (B) section 77 [*compensation under section 252 (2) of Act if road associated with cutting permit or timber sale licence*];
 - (ii) in the case of a road permit that authorizes a road that is associated with a forest licence, timber licence, area-based licence or forestry licence to cut, but is not associated with a cutting permit,
 - (A) section 78 [*matters that minister must determine if road not associated with cutting permit*], and
 - (B) section 79 [*compensation under section 252 (2) of Act if road not associated with cutting permit*];
 - (iii) in either of the cases described in subparagraphs (i) or (ii) of this paragraph, Division 5 [*Amortization Agreements*] of Part 8 [*Compensation for Roads and Timber Production Improvements*];
 - (iv) in the case of a road authorized under a special use permit,
 - (A) section 80 [*matters that minister must determine if road authorized under special use permit*], and
 - (B) section 81 [*compensation under section 252 (2) of Act if road authorized under special use permit*];
 - (v) in any of the cases described in subparagraphs (i), (ii) and (iv) of this paragraph, section 82 [*interest payable on compensation under section 252 (2) of Act*].
- (2) In applying section 80 (d) or 82 (2) (a) of the Special Purpose Areas Regulation for the purposes of this section, references to the cancellation order referred to in section 252 (1) (c) of the Act are to be read as references to the order referred to in section 50 (1) (c) of this regulation.

Eligibility requirements if road outside deletion area associated with cutting permit

- 52 (1) The minister may compensate the holder of a road permit that authorizes a road located outside an area that is subject to a *Park Act* deletion if the minister is satisfied that the following requirements are met:
- (a) the road is associated with a cutting permit;
 - (b) the cutting permit was issued, before the effective date of the *Park Act* deletion, under
 - (i) a forest licence, timber licence or tree farm licence, or
 - (ii) a licence prescribed for the purposes of section 254 (1) (b) [*compensation for road located outside special purpose area if road associated with cutting permit*] of the Act;
 - (c) costs to construct the road were applied under section 105 [*stumpage rate determined*] of the Act, before the effective date of the *Park Act* deletion, to determine, redetermine or vary the rate of stumpage for timber authorized to be harvested under the cutting permit;
 - (d) harvesting rights under the cutting permit are impacted, as a result of the *Park Act* deletion, in one of the ways described in section 53 of this regulation;
 - (e) the general requirements under section 253 [*general requirements for compensation for road*] of the Act;
 - (f) the requirements, if any, specified in the regulations made for the purposes of section 254 (1) (f) of the Act.
- (2) For certainty, the licences prescribed for the purposes of section 254 (1) (b) of the Act are set out in section 84 of the Special Purpose Areas Regulation.

Impact requirements if road associated with cutting permit

- 53 For the purposes of section 52 (1) (d), harvesting rights under the cutting permit are impacted if either of the following apply:
- (a) in the case of a cutting permit area that is subject to the *Park Act* deletion,
 - (i) harvesting under the cutting permit cannot be completed because rights exercisable in the area subject to the *Park Act* deletion have been cancelled by an order under one of the following sections of this regulation:
 - (A) section 26 [*order to amend or cancel rights under cutting permit under area-based licence or timber licence*];
 - (B) section 27 [*order to amend or cancel rights under cutting permit under forest licence or forestry licence to cut*], and
 - (ii) harvesting under the cutting permit cannot reasonably be completed by harvesting timber from areas located outside the area that is subject to the *Park Act* deletion;
 - (b) in the case of a cutting permit area that is located outside the area that is subject to the *Park Act* deletion, harvesting under the cutting permit is not

longer practicable in the cutting permit area or a portion of the cutting permit area.

Determining compensation if road outside deletion area associated with cutting permit

- 54** (1) If the requirements under section 52 [*eligibility requirements if road outside deletion area associated with cutting permit*] are met, the following provisions apply for the purposes of determining the costs, if any, for which the holder of the road permit may be compensated:
- (a) section 254 (2) [*compensation for road located outside special purpose area if road associated with cutting permit*] of the Act;
 - (b) the following provisions of the Special Purposes Area Regulation:
 - (i) section 85 [*compensation under section 254 (2) of Act*];
 - (ii) section 86 [*interest payable on compensation under section 254 (2) of Act*];
 - (iii) Division 5 [*Amortization Agreements*] of Part 8 [*Compensation for Roads and Timber Production Improvements*].
- (2) In applying section 86 (3) of the Special Purpose Areas Regulation for the purposes of this section, the applicable impact date is as follows:
- (a) in the case of harvesting rights impacted in the way set out in section 53 (a) of this regulation, the effective date of the order referred to in subparagraph (i) (A) or (B), as applicable, of that section;
 - (b) in the case of harvesting rights impacted in the way set out in section 53 (b) of this regulation, the date, as determined by the minister, of the occurrence of the impact described in that section.

Eligibility requirements in other cases if road under road permit located outside deletion area

- 55** (1) The minister may compensate the holder of a road permit that authorizes a road that is located outside an area that is subject to a *Park Act* deletion, and is not associated with a cutting permit, if the minister is satisfied that the requirements specified for the purposes of section 256 (1) [*compensation in other cases if road under road permit located outside special purpose area*] of the Act are met.
- (2) For certainty, the requirements specified for the purposes of section 256 (1) of the Act are set out in the following provisions of the Special Purpose Areas Regulation:
- (a) section 88 [*requirements for section 256 (1) of Act*];
 - (b) section 89 [*impact requirements for section 256 (1) of Act*].

Determining compensation in other cases if road under road permit located outside deletion area

- 56** If the requirements under section 55 are met, the following provisions apply for the purposes of determining the costs, if any, for which the holder of the road permit may be compensated:

- (a) section 256 (2) [*compensation in other cases if road under road permit located in special purpose area*] of the Act;
- (b) the following provisions of the Special Purpose Areas Regulation:
 - (i) section 90 [*compensation under section 256 (2) of Act if road associated with timber sale licence*];
 - (ii) section 91 [*compensation under section 256 (2) of Act if road not associated with timber sale licence*];
 - (iii) section 92 [*interest payable on compensation under section 256 (2) of Act*];
 - (iv) Division 5 [*Amortization Agreements*] of Part 8 [*Compensation for Roads and Timber Production Improvements*].

Eligibility requirements if road under special use permit located outside deletion area

- 57** (1) The minister may compensate the holder of a special use permit that authorizes a road located outside an area that is subject to a *Park Act* deletion if the minister is satisfied that the following requirements are met:
- (a) the special use permit is held by the holder of a forest tenure;
 - (b) the minister is satisfied that the requirements specified for the purposes of section 257 (1) [*compensation if road under special use permit located outside special purpose area*] of the Act are met.
- (2) For certainty, the requirements specified for the purposes of section 257 (1) of the Act are set out in the following provisions of the Special Purpose Areas Regulation:
- (a) section 97 [*requirements for section 257 (1) of Act*];
 - (b) section 98 [*impact requirements for section 257 (1) of Act*].

Determining compensation if road under special use permit located outside deletion area

- 58** If the requirements under section 57 are met, the following provisions apply for the purposes of determining the costs, if any, for which the holder of the special use permit may be compensated:
- (a) section 257 (2) [*compensation if road under special use permit located outside special purpose area*] of the Act;
 - (b) the following provisions of the Special Purpose Areas Regulation:
 - (i) section 99 [*compensation under section 257 (2) of Act*];
 - (ii) section 100 [*interest payable on compensation under section 257 (2) of Act*].

Eligibility requirements if improvement subject to *Park Act* expropriation

- 59** The minister may compensate the holder of a special use permit that authorizes an improvement that is subject to a *Park Act* expropriation if the minister is satisfied that the following requirements are met:

- (a) rights in relation to the improvement are cancelled by an order under section 49 (1) (b) [*order to amend or cancel rights in relation to road or improvement*];
- (b) the costs incurred to construct the improvement have not been paid, and are not payable, by the government;
- (c) the holder has not, under the Act or another enactment, previously received compensation in respect of the improvement;
- (d) payment of compensation is just in the circumstances.

Determining compensation if improvement subject to *Park Act* expropriation

- 60** (1) If the requirements under section 59 are met, the following provisions apply for the purposes of determining the costs, if any, for which the holder of the special use permit may be compensated:
- (a) section 258 (2) [*compensation for timber production improvement located in special purpose area*] of the Act;
 - (b) the following provisions of the Special Purpose Areas Regulation:
 - (i) section 102 [*matters that minister must determine in respect of timber production improvement*];
 - (ii) section 103 [*compensation under sections 258 (2) and 259 (2) of Act*];
 - (iii) section 104 [*interest payable on compensation under sections 258 (2) and 259 (2) of Act*].
- (2) In applying section 102 (c) and 104 (3) (a) of the Special Purpose Areas Regulation for the purposes of this section, the following rules apply:
- (a) in the case of section 102 (c), the reference to the date of the occurrence of the impact described in section 258 (1) (a) or 259 (1) (a) of the Act is to be read as a reference to the effective date of the order referred to in section 59 (a) of this regulation, and
 - (b) in the case of section 104 (3) (a), the reference to the order referred to in section 258 (1) (a) of the Act is to be read as a reference to the order referred to in section 59 (a) of this regulation.

Eligibility requirements if improvement located outside deletion area

- 61** The minister may compensate the holder of a special use permit that authorizes an improvement located outside an area that is subject to a *Park Act* deletion if the minister is satisfied that the following requirements are met:
- (a) the special use permit is held by the holder of a forest tenure;
 - (b) as a result of the *Park Act* deletion,
 - (i) the means by which the holder accesses the improvement can no longer be used, and
 - (ii) there is no practicable alternative means by which the holder can access the improvement;

- (c) the requirements under section 59 (b), (c) and (d) [*eligibility requirements if improvement subject to Park Act expropriation*].

Determining compensation if improvement located outside deletion area

- 62** (1) If the requirements under section 61 are met, the following provisions apply for the purposes of determining the costs, if any, for which the holder of the special use permit may be compensated:
- (a) section 259 (2) [*compensation for timber production improvement located in special purpose area*] of the Act;
 - (b) the provisions of the Special Purpose Areas Regulation that are listed in section 60 (1) (b).
- (2) In applying section 102 (c) [*matters that minister must determine in respect of timber production improvement*] and 104 (3) (b) [*interest payable on compensation under sections 258 (2) and 259 (2) of Act*] of the Special Purpose Areas Regulation for the purposes of this section, the following rules apply:
- (a) in the case of section 102 (c), the reference to the date of the occurrence of the impact described in section 258 (1) (a) or 259 (1) (a) of the Act is to be read as a reference to the date, as determined by the minister, on and after which the access means described in section 61 (b) (i) of this regulation can no longer be used, and
 - (b) in the case of section 104 (3) (b), the reference to the access means described in section 259 (1) (a) (i) of the Act is to be read as a reference to the access means described in section 61 (b) (i) of this regulation.

Duty of holder of permit to provide information to minister

- 63** (1) The holder of a road permit or special use permit must provide to the minister, on request, information the minister considers necessary for the purposes of considering or determining a matter under this Division.
- (2) Section 260 (2) and (3) [*duty of holder of road permit or special use permit to provide information to minister*] of the Act applies for the purposes of this Division.

PART 9 – GENERAL PROVISIONS

Order to amend or cancel rights under certain other licences or permits

- 64** (1) The minister may make an order under this section in relation to a fibre supply licence to cut, pulpwood agreement, free use permit or fibre recovery permit if
- (a) a *Park Act* deletion deletes Crown land from a timber supply area or the licence area of an area-based licence or non-TFL timber licence, and
 - (b) the area described in the fibre supply licence to cut, pulpwood agreement, free use permit or fibre recovery permit overlaps the deletion area described in paragraph (a).

- (2) In the circumstances described in subsection (1), the minister may, by order, do either or both the following in relation to a licence, agreement or permit referred to in that subsection:
 - (a) amend the licence, agreement or permit;
 - (b) cancel rights under the licence, agreement or permit.
- (3) Unless an order under this section indicates otherwise, the order, and the amendment or cancellation made by that order, are deemed to have taken effect on the effective date of the *Park Act* deletion to which the order relates.

Requirement to serve notice of orders

- 65** As soon as practicable after making an order under any of the following provisions, the minister must serve notice of the order on the holder of the licence or permit to which the order relates:
- (a) section 11 (2) [*amendment or cancellation of rights under area-based licence or timber licence*];
 - (b) section 23 (2) [*amendment or cancellation of rights under forest licence*];
 - (c) section 26 [*order to amend or cancel rights under cutting permit under area-based licence or non-TFL timber licence*];
 - (d) section 27 [*order to amend or cancel rights under cutting permit under forest licence or forestry licence to cut*];
 - (e) section 37 [*order to amend or cancel rights under forestry licence to cut*];
 - (f) section 41 [*order to amend or cancel rights under timber sale licence*];
 - (g) section 45 [*order to amend or cancel rights under Christmas tree permit*];
 - (h) section 49 [*order to amend or cancel rights in relation to road or improvement*];
 - (i) section 64.

Extension of time periods

- 66** (1) The minister may, by order, extend a time required for the minister, the chief forester or any other person to do anything required or permitted under this regulation if the minister considers that the extension is necessary to prevent, alleviate or respond to special circumstances.
- (2) Subsection (1) applies despite section 141 [*extension of time*] of the Act.

Compensation may take form of agreement

- 67** (1) On application to the minister by the holder of an area-based licence, non-TFL timber licence or forest licence, the compensation or a portion of the compensation to which the holder is entitled under this regulation may take the form of an agreement listed in section 12 (1) [*form of agreements*] of the Act.
- (2) For the purposes of subsection (1), the minister may enter into an agreement with the holder of the licence without advertising or inviting applications from other persons.

Reductions and exceptions in respect of compensation

- 68** (1) The compensation that the minister provides to a person under this regulation must be reduced by any financial or other benefit that
- (a) the person receives from the government, and
 - (b) arises out of the deletion, reduction, expropriation, order or other impact that gives rise to the compensation.
- (2) If a person waives entitlement, in whole or in part, to compensation under this regulation, the minister, as applicable,
- (a) is not required to provide the compensation, or
 - (b) may reduce the amount of the compensation.

Limit on compensation

- 69** (1) In this section, “**compensation**” includes damages.
- (2) Unless this regulation provides otherwise,
- (a) no compensation is payable by the government because of or arising out of a *Park Act* deletion or *Park Act* expropriation, and
 - (b) no action or other proceeding may be commenced or maintained to claim compensation from the government, or to obtain a declaration that compensation is payable by the government, because of or arising out of a *Park Act* deletion or *Park Act* expropriation.
- (3) In respect of a matter for which compensation is payable to a person under this regulation,
- (a) the compensation payable to the person in respect of the matter is limited to the amount of compensation determined in relation to that person under this regulation, and
 - (b) no action or other proceeding may be commenced or maintained to claim compensation from the government, or to obtain a declaration that compensation is payable by the government, in an amount that exceeds the amount limited under paragraph (a).