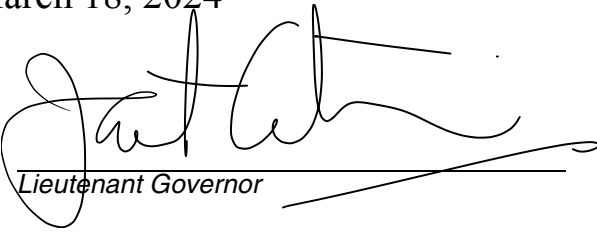


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 145

, Approved and Ordered March 18, 2024



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 April 1, 2024,

- (a) section 76 of the *Forests Statutes Amendment Act, 2021*, S.B.C. 2021, c. 37, is brought into force,
- (b) sections 1 to 9, 11, 12, 14 to 17, 20, 22 to 25, 27 to 39, 41 to 48, 50, 51, 53 to 62, 64, 66 to 76, 79, 80, 82, 84, 85, 89 to 125, 127, 129 to 132, 134, 135, 139 to 141, 143, 145, 147, 149, 151 to 153, 155, 156, 158, 160, 162, 163, 166 and 172 to 185 of the *Forests Statutes Amendment Act, 2023*, S.B.C. 2023, c. 43, are brought into force,
- (c) paragraph (g) (i) of B.C. Reg. 163/2023 is amended by striking out “sections 10, 43 and 48 to 55” and substituting “sections 10 and 43”,
- (d) the Innovative Forestry Practices Regulation, B.C. Reg. 197/97, is repealed,
- (e) the Performance Based Harvesting Regulation, B.C. Reg. 175/95, is repealed,
- (f) the Stillwater Pilot Project Regulation, B.C. Reg. 96/2001, is repealed,
- (g) the Tree Farm Licence Area-Based Allowable Annual Cut Trial Program Regulation, B.C. Reg. 482/2004, is repealed, and
- (h) the regulations set out in the attached Schedule are amended as set out in that 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 Act*, R.S.B.C. 1996, c. 157, ss. 75.07, 75.1, 111, 151, 151.01, 151.3, 265 to 269, 276, 279; *Forest and Range Practices Act*, S.B.C. 2002, c. 69, ss. 141, 142, 146, 151, 154, 155, 156, 157, 162, 163, 173; *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, ss. 198 and 205; *Forests Statutes Amendment Act, 2021*, S.B.C. 2021, c. 37, s. 111; *Forests Statutes Amendment Act, 2023*, S.B.C. 2023, c. 43, s. 188; *Wildfire Act*, S.B.C. 2004, c. 31, ss. 69 and 72

Other: OICs 403/2023; 267/2005; 162/2006; 51/2011; 300/2003; 26/2014; 1242/2004; 599/2007; 389/2023; 986/94; 529/2012; 17/2004; 1033/2001; 425/95; 388/2023; 655/2018; 386/2023; 833/97; 649/2019; 94/2005; 24/2004; 694/97; 432/95; 427/2001; 1055/2004

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## SCHEDULE

### *Administrative Orders and Remedies Regulation*

**1** *Section 2 (1) of the Administrative Orders and Remedies Regulation, B.C. Reg. 101/2005, is amended*

(a) *by striking out* “For the purposes of sections 74 (1) (b) and 77 (1) of the Act” *and substituting* “For the purposes of sections 74.2 (1) (b) and 77 (1) of the Act”, *and*

(b) *in paragraph (c) by striking out* “obligations referred to in paragraph (c) of that section” *and substituting* “obligations referred to in subsection (1) (b) (ii) of that section”.

**2** *Section 8 is amended*

(a) *by striking out everything before paragraph (b) and substituting the following:*

**8** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows:

(a) \$500 000 for a contravention of any of the following sections of the *Forest Act*: 52.09; 105 (5.2); 119.3; 119.4; 141.1; ,

(b) *in paragraph (b) by striking out* “58.21 (5)” *and substituting* “52.11 (4) (a)”, *and*

(c) *by striking out* “, and” *at the end of paragraph (e).*

**3** *Section 9 is amended by striking out everything before “5 (1), (2), (3) (a) or (b)” and substituting* “For a contravention of any of the following provisions of the Log Salvage Regulation for the Vancouver Log Salvage District, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is \$2 000:”.

**4** *Section 10 is amended*

(a) *by striking out everything before paragraph (a) and substituting the following:*

**10** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows: , *and*

(b) *by striking out* “, and” *at the end of paragraph (b).*

**5** *Section 11 is repealed and the following substituted:*

#### **Penalties – Timber Marking and Transportation Regulation**

**11** For a contravention of any of the following provisions of the Timber Marking and Transportation Regulation, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is \$50 000: 2 (1); 10 (1), (3) or (4).

**6** *Section 11.1 is repealed and the following substituted:*

## **Penalties – Waste Assessment Regulation**

- 11.1** For a contravention of section 2 of the Waste Assessment Regulation, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is \$25 000.

### **7 Section 12 is amended**

**(a) by striking out everything before paragraph (a) and substituting the following:**

- 12** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows: , **and**

**(b) by striking out “and” at the end of paragraph (e).**

### **8 Section 13 is amended**

**(a) in subsection (1) by striking out everything before paragraph (a) and substituting the following:**

- (1) For a contravention of section 50 (2) of the *Forest and Range Practices Act*, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of that Act is equal to the product of ,

**(b) in subsection (2) by striking out everything before paragraph (a) and substituting the following:**

- (2) For a contravention of section 52 (1) or (3) of the *Forest and Range Practices Act*, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of that Act is the greatest of the following amounts: , **and**

**(c) in subsection (3) by striking out “in a penalty levied under section 71 (2) of that Act” and substituting “in the amount of an administrative penalty imposed under section 74 (1) of that Act”.**

### **9 The following section is added:**

## **Penalties – failure to comply with remedial work order**

- 13.1** The maximum amount of an administrative penalty that may be imposed on a person under section 74.4 (1) (d) of the *Forest and Range Practices Act* for failing to comply with a remedial work order is as follows:

- (a) if the minister carries out the action referred to in section 74.4 (1) (b) of that Act, an amount that is equivalent to the costs referred to in section 74.4 (1) (c) of that Act;
- (b) in any other case, an amount that the minister considers is equivalent to the direct and indirect costs that would be incurred by the government in carrying out the action if the government were to carry it out.

### **10 Section 14 is amended**

**(a) by striking out everything before paragraph (a) and substituting the following:**

**14** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows: , **and**

**(b) by striking out “and” at the end of paragraph (d).**

**11 Section 15 is amended**

**(a) by striking out “under section 71 (2) of the Act” and substituting “under section 71 of the *Forest and Range Practices Act*”,**

**(b) by striking out “section 21 (1) of the Act” and substituting “section 21 (1) of that Act”, and**

**(c) by striking out “the maximum penalty for which the holder is liable is” and substituting “the maximum amount of an administrative penalty that may be imposed on the holder under section 74 (1) of that Act is”.**

**12 Section 16 is amended**

**(a) by striking out everything before paragraph (a) and substituting the following:**

**16** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows: , **and**

**(b) by striking out “and” at the end of paragraph (d).**

**13 Section 17 is amended**

**(a) by striking out everything before paragraph (a) and substituting the following:**

**17** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows: , **and**

**(b) by striking out “and” at the end of paragraph (d).**

**14 Section 18 is repealed and the following substituted:**

**Penalties – Security for Forest and Range Practice Liabilities Regulation**

**18** For a contravention of section 1 (4) of the Security for Forest and Range Practice Liabilities Regulation, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is equal to twice the amount of the security that was required, but not provided, under section 1 (4) of that regulation.

**15 Section 18.1 is repealed and the following substituted:**

**Penalties – Special Tree Regulation**

**18.1** For a contravention of section 3 (2) of the Special Tree Protection Regulation, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is \$100 000.

**16 The following section is added to Division 3 of Part 3:**

## **Penalties – Provincial Forest Use Regulation**

- 20.1** The maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* is as follows:
- (a) \$500 000 for a contravention of section 15 (3) of the Provincial Forest Use Regulation;
  - (b) \$100 000 for a contravention of section 9 (2.01) or 16 (3) of the Provincial Forest Use Regulation.

### ***Advertising, Deposits, Disposition and Extension Regulation***

**17** *Section 1 of the Advertising, Deposits, Disposition and Extension Regulation, B.C. Reg. 55/2006, is amended by repealing the definition of “supplemental forest licence”.*

**18** *Section 18 is amended*

- (a) *in subsection (1) by striking out “district manager” and substituting “minister”,*
- (b) *in subsection (2) by striking out “Before an extension of a cutting permit is approved, the applicant is required to pay to the government a fee equal to the amount calculated according to the following formula” and substituting “Subject to subsection (3) of this section, the amount of the fee for the purposes of section 52.10 (3) of the Act is to be determined in accordance with the following formula”, and*
- (c) *in subsection (3) by striking out “the fee payable under subsection (2) is reduced” and substituting “the amount of the fee determined under subsection (2) is to be reduced”.*

### ***Allowable Annual Cut Partition Regulation***

**19** *Section 6.2 (1) of the Allowable Annual Cut Partition Regulation, B.C. Reg. 32/2011, is amended by repealing paragraphs (a) and (b) and substituting the following:*

- (a) the volume of partitioned timber cut or removed under that licence, including
  - (i) any volume of partitioned timber that, under section 72 (9) [*removal of dead or damaged timber*] or 73 (8) [*removal of dead or damaged timber from a timber supply area*] of the Act, is deemed to be cut or removed under the licence,
  - (ii) any volume of partitioned timber that, under Division 3.1 [*Cut Control*] of Part 4 [*General Tenure Provisions*] of the Act, is attributed to another licence, and
  - (iii) any volume of partitioned timber that, under section 119.2 (2) [*volume cut under road permit deemed to be harvested under licence for cut control purposes*] of the Act, is deemed to be harvested under the licence;

- (a.1) the volume of partitioned timber cut or removed under road permits associated with that licence, unless a person other than the holder of the licence holds an agreement under the Act that grants rights with respect to that timber;
- (b) the volume of partitioned timber, other than volume already counted under paragraph (a) or (a.1) of this subsection, estimated to be wasted or damaged under that licence and under road permits associated with that licence, including
  - (i) any volume of partitioned timber that, under section 72 (9) or 73 (8) of the Act, is deemed to be wasted or damaged under the licence,
  - (ii) any volume of partitioned timber that, under Division 3.1 of Part 4 of the Act, is attributed to another licence, and
  - (iii) in relation to a road permit described in section 119.1 (3) [*road permit content – right to cut timber in right-of-way*] of the Act that is associated with the licence, any volume of partitioned timber described in section 119.1 (3) (a) (i) or (ii) of the Act; .

**20 Section 6.3 is amended by adding the following paragraphs:**

- (a.1) for certainty, a volume of partitioned timber referred to in section 6.2 (1) (b), if the holder of the licence is or would be relieved under section 119.1 (3) (b) of the Act from any requirement in the licence to pay waste assessments in relation to that timber;
- (a.2) a volume of partitioned timber referred to in section 6.2 (1) (b) (iii) that is in the licence area of an area-based licence; .

***Annual Rent Regulation***

**21 Section 1 of the Annual Rent Regulation, B.C. Reg. 122/2003, is amended by repealing the definition of “supplemental forest licence”.**

**22 The table in section 1.1 (1) is amended in column 1 of item 4 by striking out “Cutting permit issued under” and substituting “Cutting permit issued for”.**

***BC Timber Sales Account Regulation***

**23 Section 1 (c) of the BC Timber Sales Account Regulation, B.C. Reg. 9/2014, is amended by striking out “a road permit granted” and substituting “a road permit issued”.**

***Cut Control Regulation***

**24 Section 18 of the Cut Control Regulation, B.C. Reg. 578/2004, is amended by repealing the definition of “supplemental forest licence”.**

### ***Cutting Permit Postponement Regulation***

- 25 ***Section 1 of the Cutting Permit Postponement Regulation, B.C. Reg. 284/2007, is amended in the definition of “deferred timber” by striking out “section 58.21 (1) of the Act” and substituting “section 52.11 (1) of the Act”.***
- 26 ***Section 2 is amended by striking out “For the purposes of section 58.21 [postponement of operation of cutting permits] of the Act” and substituting “For the purposes of section 52.11 (1) [postponement of cutting permit] of the Act”.***
- 27 ***Section 3 is amended by striking out “For the purposes of section 58.21 of the Act” and substituting “For the purposes of section 52.11 (1) of the Act”.***

### ***Deletions and Expropriations (for Parks, Conservancies and Recreation Areas) Regulation***

- 28 ***Sections 13 (2), 25 (2) and 26 (1), of the Deletions and Expropriations (for Parks, Conservancies and Recreation Areas) Regulation, B.C. Reg. 156/2023, are amended by striking out “cutting permit issued under” and substituting “cutting permit issued for”.***
- 29 ***Section 27 is amended***
- (a) by renumbering the section as section 27 (1), and***
- (b) in subsection (1) by striking out “cutting permit issued under” and substituting “cutting permit issued for”.***
- 30 ***Sections 28, 30, 32 and 35 (3) are amended by striking out “cutting permit issued under” and substituting “cutting permit issued for”.***

### ***Effective Director Regulation***

- 31 ***Section 1 of the Effective Director Regulation, B.C. Reg. 243/94, is amended by striking out “section 53 (1)” and substituting “section 1.3 (1)”.***

### ***Forest Licence Regulation***

- 32 ***Section 1 (1) of the Forest Licence Regulation, B.C. Reg. 203/2012, is amended***
- (a) in the definition of “affiliate” by striking out “section 53” and substituting “section 1 (1)”, and***
- (b) by repealing the definition of “control of a corporation”.***

### *Forest Planning and Practices Regulation*

- 33 *Section 12.1 (5) (a) of the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended by striking out “road permit granted” and substituting “road permit issued”.*
- 34 *Section 14 (3) (k) is amended by striking out “granted” and substituting “issued”.*
- 35 *Section 16 (5) is repealed.*
- 36 *Section 43.2 (3) (a) (iii) is amended by striking out “entered into by the regional manager or district manager” and substituting “entered into by the regional manager, district manager or minister”.*
- 37 *Section 45.1 is repealed.*
- 38 *Section 46 (1) (a) is repealed and the following substituted:*  
(a) a cutblock is harvested under a forestry licence to cut that is not a major licence or a minor tenure, and .
- 39 *Sections 77 (3), 79 (2) (b), (4), (7), (8) and (9) and 79.2 (4) (a) are amended by striking out “district manager” wherever it appears and substituting “minister”.*
- 40 *Section 82 is amended*  
(a) *in subsection (2) by striking out “district manager” and substituting “minister”, and*  
(b) *in subsection (4) by striking out “cutting permit issued under” and substituting “cutting permit issued for”.*
- 41 *Sections 85 (1), 86 (3) and (5) and 86.2 (b) (iii) are amended by striking out “district manager” and substituting “minister”.*
- 42 *Section 95 (1) is amended*  
(a) *in the definition of “affiliate” by striking out “section 53 [interpretation and application] of the Forest Act” and substituting “section 1 (1) of the Forest Act”, and*  
(b) *by repealing the definition of “control”.*
- 43 *Section 95 (4) (b) is amended by striking out “first application for a cutting permit under the agreement under the Forest Act” and substituting “first application under the Forest Act for a cutting permit for the agreement”.*
- 44 *Sections 97.1 (1) and (4) (a) and 111 (5) are amended by striking out “district manager” wherever it appears and substituting “minister”.*



### ***Fort St. John Pilot Project Regulation***

**45** *Section 55 of the Fort St. John Pilot Project Regulation, B.C. Reg. 278/2001, is amended*

**(a)** *by repealing subsection (1) and substituting the following:*

- (1) For the contravention of an enactment itemized in column 1 of Schedule G and described in column 2 of that item, the maximum amount of an administrative penalty that may be imposed under section 74 (1) of the *Forest and Range Practices Act* against a participant or holder of a minor timber sale licence is the amount in column 3 of that item. , **and**

**(b)** *by repealing subsection (2).*

### ***Provincial Forest Use Regulation***

**46** *Section 9 of the Provincial Forest Use Regulation, B.C. Reg. 176/95, is amended by adding the following subsection:*

- (2.01) The holder of a special use permit must comply with the conditions of the permit, if any.

**47** *Section 16 is amended by adding the following subsection:*

- (3) A holder or former holder of a special use permit must comply with any conditions imposed by the minister under subsection (2).

### ***Reductions for First Nation Purpose or BCTS Licence Purpose Regulation***

**48** *Section 4 (1) (a) of the Reductions for First Nation Purpose or BCTS Licence Purpose Regulation, B.C. Reg. 155/2023, is amended*

**(a)** *in subparagraph (i) by striking out “under the holder’s” and substituting “for the holder’s”, and*

**(b)** *in subparagraph (ii) by striking out “under other licences or agreements” and substituting “for other licences or agreements”.*

### ***Refusal of Cutting Permit or Road Permit Regulation***

**49** *Section 2 of the Refusal of Cutting Permit or Road Permit Regulation, B.C. Reg. 252/2018, is repealed and the following substituted:*

#### **Prescribed government objective**

- 2** For the purposes of sections 52.05 (a) and 117 (a) of the Act, the prescribed government objective is ensuring that BCTS generates adequate cost and price information and data respecting the harvest of representative timber from Crown land

through the planning, development and auction of the authority to harvest timber in BCTS operating areas.

**50** *Section 3 is amended by striking out everything before paragraph (a) and substituting the following:*

- 3** For the purposes of sections 52.05 (a) and 117 (a) of the Act, the following are prescribed as matters to be taken into account by the minister in determining whether the issuance of a cutting permit or road permit would compromise the government objective prescribed under section 2 of this regulation: .

**51** *Section 4 is repealed and the following substituted:*

**Reasons for determination**

- 4** If the minister determines under sections 52.05 (a) or 117 (a) of the Act that the issuance of a specified cutting permit or road permit would compromise a government objective prescribed in this regulation, the minister must notify the applicant in writing of the reasons for the determination.

*Special Purpose Areas Regulation*

**52** *Section 5 (1) (a) of the Special Purpose Areas Regulation, B.C. Reg. 153/2023, is amended by striking out “cutting permit issued under” and substituting “cutting permit issued for”.*

**53** *Section 9 (a) is amended*

*(a) in subparagraph (i) by striking out “under the holder’s” and substituting “for the holder’s”, and*

*(b) in subparagraph (ii) by striking out “under other licences or agreements” and substituting “for other licences or agreements”.*

**54** *Section 14 (2) is amended by striking out “subject to a postponement under section 58.21 [postponement of operation of cutting permits] of the Act” and substituting “subject to a postponement under section 52.11 [postponement of cutting permit] of the Act”.*

**55** *Sections 25, 27, 28, 29, 31 (1), 32, 36 (2), 37, 40 (2), 49 (2) and 73 (2) (b) (i) are amended by striking out “cutting permit issued under” and substituting “cutting permit issued for”.*

*Timber Marking and Transportation Regulation*

**56** *Sections 3 (2) and 4 (2) of the Timber Marking and Transportation Regulation, B.C. Reg. 253/97, are amended by striking out “or in a cutting permit”.*

### ***Waste Assessment Regulation***

**57** *Section 3 of the Waste Assessment Regulation, B.C. Reg. 262/2019, is amended*

**(a)** *by repealing subsection (1) and substituting the following:*

(1) This section applies in relation to the holder of

(a) an agreement, or

(b) a road permit referred to in section 103.2 of the Act

that provides for the submission to the government of a proposed waste assessment. , *and*

**(b)** *in subsection (2) by striking out everything before paragraph (a) and substituting the following:*

(2) The minister may impose the following penalties on the holder of an agreement or road permit referred to in section 103.2 of the Act who fails to submit to the government a proposed waste assessment in accordance with the agreement or road permit: .

### ***Wildfire Regulation***

**58** *Section 1 (1) of the Wildfire Regulation, B.C. Reg. 38/2005, is amended in paragraph (b) (ii) (B) of the definition of “qualified holder” by striking out “cutting permit issued under” and substituting “cutting permit issued for”.*

### ***Woodlot Licence Planning and Practices Regulation***

**59** *Section 82 (1) of the Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, is amended*

**(a)** *in the definition of “affiliate” by striking out “section 53 [interpretation and application] of the Forest Act” and substituting “section 1 (1) of the Forest Act”, and*

**(b)** *by repealing the definition of “control”.*

**60** *Section 82 (4) (b) is amended by striking out “first application for a cutting permit under the agreement under the Forest Act” and substituting “first application under the Forest Act for a cutting permit for the agreement”.*