

WOODLOT LICENCE FOREST MANAGEMENT REGULATION (UNOFFICIAL CONSOLIDATION WITH TRANSITION A AMENDMENTS)

PART 1 - DEFINITIONS AND INTERPRETATION

Definitions

1 (1) In this regulation:

“**access trail**” means a trail that

- (a) provides access for equipment between areas of harvesting, or between such areas and roads or landings, and
- (b) is constructed, modified, excavated or bladed, or through frequent use has become established;

“**Act**” means the *Forest Practices Code of British Columbia Act*;

“**active flood plain**” means a level area, with alluvial soils, adjacent to streams that is flooded by stream water on a periodic basis and is at the same elevation as areas showing evidence of

- (a) flood channels free of terrestrial vegetation,
- (b) recently rafted debris or fluvial sediments newly deposited on the surface of the forest floor or suspended on trees or vegetation, or
- (c) recent scarring of trees by material moved by flood waters;

“**adjacent**” means an area contiguous to, or in close proximity to,

- (a) a road or proposed road,
- (b) a cutblock, or
- (c) an area under a stand management prescription

that due to its location could directly impact on, or be impacted by, a forest practice within the area of the road, cutblock or prescription; “**all layers**” means the mature layer, the pole layer, the regeneration layer and the sapling layer;

“**archaeological impact assessment**” means an assessment of archaeological values that meets the requirements of the minister responsible for the *Heritage Conservation Act*;

“**area to be treated**” means the total of the areas that are proposed for treatments under a stand management prescription, but does not include any of the following:

- (a) an area occupied by permanent access structures;

- (b) an area, including an area of rock or wetland, that in its natural state is not capable of supporting a free growing stand of trees;
- (c) an area of non-commercial forest cover except and to the extent that it is specifically identified in the stand management prescription as an area for treatment;
- (d) an area indicated in a stand management prescription map as a reserve area where the treatment of a free growing stand is not proposed;

“biogeoclimatic ecosystem classification” means a hierarchical classification system of ecosystems that

- (a) integrates regional, local and chronological factors, and
- (b) combines climatic, vegetation and site factors;

“bridge” means a temporary or permanent structure carrying a road above a stream or other opening;

“clearcut” means a silvicultural system that

- (a) removes the entire stand of trees in a single harvesting operation from an area that is
 - (i) one ha or greater, and
 - (ii) at least 2 tree heights in width, and
- (b) is designed to manage the area as an even-aged stand;

“clearing width” means the width required to be cleared of standing timber to accommodate road construction maintenance or use;

“Coast” means that geographic area contained in

- (a) the Vancouver forest region, and
- (b) the following portions of the Prince Rupert forest region:
 - (i) the North Coast forest district;
 - (ii) the Kalum forest district;

“comprehensive plan for wildlife tree retention” means a forest cover map of the woodlot licence area that

- (a) identifies the forest cover attributes, size, shape and location of wildlife tree patches that area, in whole or in part, composed of trees that
 - (i) have at least 2 of the following characteristics:
 - (A) internal decay, heartrot or cavities;
 - (B) crevices, cracks or loose bark that is suitable for wildlife;
 - (C) large brooms;

- (D) active or recent wildlife use;
- (E) current insect infestation;
- (F) structure suitable for wildlife use including, a large nest, a hunting perch or a bear den;
- (G) it is one of the largest trees on site as determined by height or diameter;
- (H) it is a veteran tree;
- (I) it is a locally important wildlife tree species, or
- (ii) are large and stable and will likely develop two or more of the characteristics referred to in subparagraph (i),
- (b) describes in general terms, the species and characteristics of any individual wildlife trees that
 - (i) will be retained in addition to wildlife tree patches, and
 - (ii) have at least one of the characteristics described in paragraph (a) (i) or are the type of trees described in paragraph (a) (ii), and
- (c) is consistent with objectives for wildlife tree retention specified,
 - (i) by the district manager, if there is no higher level plan that specifies wildlife tree retention objectives for the area, or
 - (ii) in a higher level plan that applies to the area;

“consistent” means not in material conflict;

“culvert” means a transverse drain pipe or log structure covered with soil and lying below the road surface;

“direct tributary” means the reaches of a tributary stream that have the same stream order as the most downstream reach of the tributary;

“fish stream” means a stream that

- (a) is frequented by any of the following species:
 - (i) anadromous salmonids;
 - (ii) rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike;
 - (iii) identified threatened or endangered fish classified under section 97.5 (1);
 - (iv) regionally important fish classified under section 97.5 (2), or

- (b) has a slope gradient, determined in accordance with the Fish-stream Identification Guidebook, of less than 20%,
 - (i) unless the stream has been identified in a fish inventory carried out in accordance with the Fish-stream Identification Guidebook, as not containing any of the species of fish specified in paragraph (a), or
 - (ii) unless
 - (A) the stream is located upstream of a known barrier to fish passage, identified on a fish and fish habitat inventory map,
 - (B) all reaches upstream of the barrier are simultaneously dry at any time during the year, and
 - (C) no perennial fish habitats exist upstream of the barrier;

“fisheries-sensitive zone” means a flooded depression, pond or swamp, that

- (a) either perennially or seasonally contains water, and
- (b) is seasonally occupied by a species of fish listed in the definition of “fish stream”,

but does not include a wetland or lake that has a riparian management zone established under Part 7 or a stream;

“forest ecosystem network” means an area

- (a) established under a higher level plan, or
- (b) approved by the district manager and an employee of the Ministry of Environment, Lands and Parks before June 15, 1995,

for the purpose of maintaining or restoring the natural connectivity within an area, but a forest ecosystem network established under paragraph (b) expires on June 15, 2003;

“free growing date” means the free growing date referred to in section 78 (1);

“general wildlife measure” means a general wildlife measure established under section 97.4;

“greened-up” means greened-up under section 97.2;

“harvesting” means the practice of felling and removing trees or the removal of dead or damaged trees from an area;

“harvesting of bark beetle infested timber” means harvesting timber that is infested with larvae or adult bark beetles or must be removed incidentally to facilitate the removal of bark beetle infested timber;

“identified wildlife” means a wildlife species classified as identified wildlife under section 97.4;

“indicators of potential slope instability” means the indicators of potential slope instability as determined in accordance with the procedure set out in the Mapping and Assessing Terrain Stability Guidebook;

“Interior” means that geographic area in British Columbia that is not the Coast;

“intermediate cuttings” means

- (a) the harvesting of timber if
 - (i) the harvesting takes place before the final harvest or regeneration cut, and does not result in a requirement to establish a free growing stand on the area, and
 - (ii) the majority of the pre-harvest stand volume is not removed, or
- (b) the harvesting of bark beetle infested timber by harvesting scattered trees, small clumps of trees or for access trails required to harvest the timber if, in the opinion of the district manager, the area harvested is too small to require the establishment of a free growing stand;

“known” means, when used to describe a feature, objective or other thing referred to in this regulation as “known”, a feature, objective or other thing that is

- (a) contained in a higher level plan, or
- (b) otherwise made available to the holder of the woodlot licence by the district manager or designated environment official at least 4 months before the operational plan is submitted for approval;

“likelihood of landslides” means the likelihood of landslides as determined by a terrain stability field assessment unless the context indicates otherwise;

“major culvert” means a stream culvert having a pipe diameter of 2 000 mm or greater, or a maximum design discharge of 6 m³/sec or greater;

“marine-sensitive zones” means herring spawning areas, shellfish beds, marsh areas, aquaculture sites, juvenile salmonid rearing areas and adult salmon holding areas;

“mature layer” means the layer of trees that have a stem diameter of 12.5 cm or greater measured at a height of 1.3 m;

“minor harvesting operations” means, over the 5 year cut control period referred to in the woodlot licence agreement, timber harvesting operations, including the harvesting of special forest products, of a volume not exceeding the greater of

- (a) 500 m³, and

(b) 10% of the 5 year allowable cut, as defined in section 53 (1) of the *Forest Act*;

“modification” means, with respect to trails, a significant alteration of an existing trail that involves rebuilding or relocating the trail;

“old growth management area” means an area established under a higher level plan which contains or is managed to replace structural old growth attributes;

“permanent bridge” means a bridge whose expected life at its current location is greater than 15 years;

“pole layer” means the layer of trees that have a stem diameter greater than or equal to 7.5 cm, but less than 12.5 cm, measured at a height of 1.3 m;

“preferred and acceptable species” means the preferred and acceptable species of trees specified in an operational plan, including an expired forest development plan referred to in section 9 (3);

“qualified registered professional” means, with respect to an activity for which this regulation requires a qualified registered professional, a person who

(a) has appropriate education and experience to carry out the activity, and

(b) is a member of, or licensed by, a regulatory body in British Columbia that has the legislated authority to regulate its members or licensees performing the activity;

“reach” has the meaning defined in the Fish-stream Identification Guidebook;

“reconnaissance terrain stability map” means a map produced from aerial photographs, with few or no ground checks, that identifies unstable and potentially unstable terrain;

“regeneration date” means the regeneration date referred to in section 77 (1);

“regeneration layer” means the layer of trees that is less than 1.3 m in height;

“riparian class” means a riparian class determined under Part 7;

“riparian management zone” means the area that is contiguous to any riparian reserve zone or if there is no riparian reserve zone, that area located contiguous to a stream, wetland or lake, of a width determined in accordance with Part 7;

“riparian reserve zone” means the area located contiguous to a stream, wetland or lake, of a width determined in accordance with Part 7;

“risk of sediment delivery to streams” means the risk of sediment delivery to streams as determined in accordance with the Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook;

“sanitation treatment” means tree removal or modification operations designed to reduce damage caused by forest pests and to prevent their spread;

“sapling layer” means the layer of trees that have a stem diameter of less than 7.5 cm measured at a height of 1.3 m;

“scenic area” means any visually sensitive area or scenic landscape identified through a visual landscape inventory or planning process carried out or approved by the district manager;

“sensitive slopes” means the following areas:

- (a) areas mapped on terrain stability hazard maps as having a moderate or high likelihood of landslides ;
- (b) if no terrain stability hazard mapping has been done, areas identified on reconnaissance terrain stability maps as having unstable or potentially unstable terrain;
- (c) if no terrain stability hazard mapping or reconnaissance terrain stability mapping has been carried out, areas with a slope gradient greater than 60%;
- (d) areas with indicators of potential slope instability;
- (e) other areas identified by the district manager as having unstable or potentially unstable terrain;

“sidecast” means the act of moving excavated material onto the downslope side of an excavated or bladed trail or a landing during their construction;

“single tree selection” means a silvicultural system in which age classes are created or maintained by the removal, uniformly throughout the stand, of individual trees of all size classes;

“slash” means the residue left on the ground as a result of forest and other vegetation being altered by forest practices or other land use activities;

“snow course” means permanent sample sites established or approved by the government for the purposes of measuring the water content of the snow pack on a given area;

“soil compaction hazard” means the soil compaction hazard as determined in accordance with procedures set out in the Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook;

“soil displacement hazard” means the soil displacement hazard as determined in accordance with procedures set out in the Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook;

“soil erosion hazard” means the soil erosion hazard as determined in accordance with procedures set out in the Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook;

“soil erosion potential” means the result of an interpretation of terrain maps that ranks the potential for soil erosion in accordance with the procedures set out in the Mapping and Assessing Terrain Stability Guidebook;

“standards unit” means a portion of the net area to be reforested that will be managed through the application of the same

- (a) stocking requirements, and
- (b) maximum limit for soil disturbance referred to in section 38;

“stocking requirements” means, in relation to an area where there is no silviculture prescription, the stocking specifications for a stand of trees that must be achieved for an area as specified

- (a) in section 77 by the regeneration date, or
- (b) in section 78 by the free growing date;

“stream” means any reach, flowing on a perennial or seasonal basis having a continuous channel bed, whether or not the bed or banks of the reach are locally obscured by overhanging or bridging vegetation or soil mats, if the channel bed

- (a) is scoured by water, or
- (b) contains observable deposits of mineral alluvium;

“temporary bridge” means a bridge whose expected life at its current location is 15 years or less.

“terrain stability field assessment” means an on-site assessment, by a qualified registered professional, of the potential impact of timber harvesting, road construction, modification or deactivation, or the construction of excavated or bladed trails, on terrain stability, carried out in accordance with the procedure set out in the Mapping and Assessing Terrain Stability Guidebook

“terrain stability hazard map” means a detailed map of terrain stability hazards produced at a terrain survey intensity level B or C, in accordance with procedures set out in the Mapping and Assessing Terrain Stability Guidebook;

“threatened or endangered fish” means a fish species that in the opinion of the Deputy Minister of Water, Land and Air Protection, or a person authorized by that deputy minister, is threatened or endangered;

“ungulate winter range” means an area that is identified as being necessary for the winter survival of an ungulate species by any of the following:

- (a) a higher level plan;

- (b) the chief forester and the Deputy Minister of Water, Land and Air Protection under section 97.3;
- (c) a wildlife management plan or strategy approved before October 15, 1998
 - (i) by
 - (A) the district manager or regional manager, and
 - (B) the designated environment official,
 - (ii) by the chief forester, or
 - (iii) by the ministers authorized to approve such plans

but a wildlife management plan or strategy approved under this paragraph expires on October 15, 2003, unless

 - (iv) modified under paragraphs (a) or (b), or
 - (v) confirmed before that date under section 97.3;

“visual quality objective” means a resource management objective established by the district manager or contained in a higher level plan that reflects the desired level of visual quality based on the physical characteristics and social concern for the area;

“wetland” means a swamp, marsh or other similar area that supports natural vegetation that is distinct from nearby upland areas;

“wildlife habitat area” means a wildlife habitat area established under section 97.4;

“wildlife habitat feature” means

- (a) a significant mineral lick or wallow,
- (b) an active nest of a bald eagle, osprey or great blue heron, or
- (c) any other localized feature agreed to by the district manager and a designated environment official;

“wildlife tree” means a tree with characteristics that provide present or future wildlife habitat;

“wildlife tree patch” means a group of trees that provide present or future wildlife habitat.

(2) In this regulation, and in the Act with respect to woodlot licence areas:

“compacted area” means an area of soil that

- (a) is greater than 100 m² in area and greater than 5 m wide,
- (b) has a moderate, high or very high soil compaction hazard or the assessment of its soil compaction hazard was not documented in an operational plan,

- (c) has been compacted by equipment travelling over it, and
- (d) has one or more of the following attributes:
 - (i) altered soil structure or increased density relative to the surrounding undisturbed soil;
 - (ii) soil puddling;
 - (iii) compacted deposits of forest floor, fine slash, and woody debris overlaying or crushed into the mineral soil;

“corduroyed trail” means logs and woody debris placed side-by-side to form a surface greater than 2 m in length capable of supporting equipment traffic;

“dispersed disturbance” means

- (a) in relation to a cutblock area, a minor harvesting operations area or a minor salvage operations area, where there is no silviculture prescription or stand management prescription, any of the following types of disturbance to the soil caused by a forest practice on the area;
 - (i) an area of soil that is at least 1 m x 2 m in area and that otherwise meets the definition of “compacted area”;
 - (ii) a rut in the soil that
 - (A) is at least 30 cm x 2 m, and
 - (B) has a minimum depth, for a distance of at least 2 m, of
 - (I) 15 cm from the surface of the undisturbed forest floor, or
 - (II) 5 cm from the surface of the undisturbed mineral soil, if the area has a high or very high soil compaction hazard or the assessment of its soil compaction hazard was not documented in an operational plan;
 - (iii) an excavation into mineral soil that is
 - (A) deeper than 30 cm,
 - (B) deeper than 5 cm if it covers
 - (I) at least 80% of a 1.8 m x 1.8 m area, or
 - (II) an area of at least 1 m x 3 m, or
 - (C) to the depth of bedrock;
 - (iv) an area in which the forest floor has been removed from
 - (A) over 80% of a 3 m x 3 m area, or
 - (B) over 80% of a 1.8 m x 1.8 m area if the area

- (I) has a moderate or high likelihood of landslides,
- (II) has a very high soil erosion hazard,
- (III) has a very high soil compaction hazard,
- (IV) has a very high soil displacement hazard, or
- (V) has not had hazards relating to soil compaction, soil displacement or soil erosion documented in an operational plan, or

- (b) in relation to an area covered by a silviculture prescription or stand management prescription, any type of disturbance to the soil described in paragraph (a) that is caused by a forest practice on the area, unless the disturbance is part of a temporary access structure that was rehabilitated to the satisfaction of the district manager;

“excavated or bladed trail” means a constructed trail that has

- (a) an excavated or bladed width greater than 1.5 m, and
- (b) a mineral soil cutbank height greater than 30 cm;

“minor salvage operation” means any harvesting of timber that

- (a) is dead, infested with pests or otherwise damaged or that is required to be harvested to facilitate the removal of the dead, infested or damaged timber, or

- (b) is required as part of a sanitation treatment, and

is of a total volume not exceeding 2 000 m³, excluding the volume harvested from any road clearing width, if the road is required to facilitate the removal of timber referred to in paragraph (a) or (b);

“permanent access structure” means

- (a) a road, landing, pit or quarry, within a cutblock, unless it is identified in an operational plan as requiring rehabilitation, and
- (b) a trail or other similar structure that is identified in an operational plan as being a permanent access structure;

“resource feature” means a resource feature as defined in section 51 (1) of the Act, and includes the following:

- (a) wildlife habitat feature;
- (b) stream, wetland and lake;
- (c) government approved experimental project, growth and yield plot, operational trial and research installation;
- (d) recreation facility;
- (e) snow course;

- (f) domestic water supply intake and related water supply infrastructure;
- (g) marine-sensitive zone;

“stocking requirements” means, in relation to an area where there is a silviculture prescription, the stocking specifications set out in section 22.1 (3) (e) and (f);

“temporary access structure” means

- (a) an excavated or bladed trail that is not identified in an operational plan as a permanent access structure,
- (b) a main skid trail, backspar trail, corduroyed trail or similar structure, that is identified in an operational plan as a temporary access structure, or
- (c) a road, landing, pit or quarry, that is identified in an operational plan as a temporary access structure;

Interpretation

- 2** (1) Distances referred to in this regulation are horizontal distances except in relation to the widths of riparian reserve zones and riparian management zones, which are slope distances.
- (2) In this regulation, references to the district manager include references to a designated forest official authorized by the district manager unless
- (a) the reference is with respect to the approval of
 - (i) a forest development plan, or
 - (ii) an amendment to a forest development plan other than a minor amendment, or
 - (b) the context dictates otherwise.
- (3) In this regulation, references to the following are references to Ministry of Forests’ publications of the same name, as amended from time to time:
- (a) Fish-stream Identification Guidebook;
 - (b) Gully Assessment Procedure Guidebook;
 - (c) Hazard Assessment Keys for Evaluating Site Sensitivity to Soil Degrading Processes Guidebook;
 - (d) Mapping and Assessing Terrain Stability Guidebook;
 - (e) Seed and Vegetative Material Guidebook.
- (4) For the purposes of section 96 (1) (g) of the Act, a holder of a woodlot licence is authorized to cut, damage or destroy Crown timber in the course

of carrying out activities under a silviculture prescription for a backlog area or a stand management prescription.

- (5) For the purposes of section 96 (1) (e), (f) and (f.1) of the Act, a person is authorized to cut, damage or destroy Crown Timber in the course of carrying out
 - (a) duties as a land surveyor,
 - (b) fire control or suppression operations, or
 - (c) silviculture treatments that are approved by the district manager or funded under the Forest Investment Vote in the estimates of the ministry.a land

Application

- 3 (1) This regulation applies to the holder of a woodlot licence, and that person's employee, agent, contractor or subcontractor, who is carrying out an activity, or who is required to carry out an activity,
 - (a) on or in relation to the woodlot licence area, or
 - (b) on or in relation to an area under a road permit that provides access to the woodlot licence area.
- (2) The Forest Road Regulation, Operational Planning Regulation, Silviculture Practices Regulation and Timber Harvesting Practices Regulation do not apply to a person referred to in subsection (1), despite any provision in those regulations to the contrary.
- (3) This regulation applies, despite any provision in the Operational Planning Regulation to the contrary, to district managers who prepare or amend
 - (a) a silviculture prescription under section 23 (1) of the Act for an area within a woodlot licence, or
 - (b) a stand management prescription under section 24 (1) of the Act for an area within a woodlot licence.

Workers Compensation Act prevails

- 4 If there is a conflict between the *Workers Compensation Act* or a regulation made under that Act, and this regulation, the *Workers Compensation Act* or the regulation made under that Act prevails.

PART 2 - OPERATIONAL PLANS

Division 1 – General

Best information available

- 5 Subject to any requirement to use known information, a holder of a woodlot licence who is required to prepare an operational plan must, when preparing the plan, use the most comprehensive and accurate information available to the holder.

Additional watershed assessment information

- 6 If requested by the district manager, a holder of a woodlot licence must provide to the district manager information respecting the woodlot licence area that the district manager requires for watershed assessments.

Division 2 – Forest Development Plans

Additional exemptions for forest development plans

- 6.1 The holder of a woodlot licence is exempt from the requirement for a forest development plan for an area under the woodlot licence, if the district manager is satisfied that the only harvesting that will take place in that area is proposed by a person other than the holder and is for one or more of the following purposes:
 - (a) establishment of seismic lines;
 - (b) development of a gravel pit or rock pit;
 - (c) mining or oil or gas extraction;
 - (d) widening of a road;
 - (e) facilitating construction or modification of a road by another person who is authorized to carry out the construction or modification under, or pursuant to a permit issued under, the *Forest Act* or any other enactment;
 - (f) establishment of a utility right of way;
 - (g) clearing a fence line;
 - (h) a purpose that the district manager determines is similar to those in paragraphs (a) to (g).

February 2001 (B.C. Reg. 18/01)

Review and comment for forest development plans

- 7 (1) In this section “**newspaper**” means a newspaper circulating in the area of a plan, or if no newspaper circulates in that area, then a newspaper that

circulates nearest to that area, and includes a newspaper that is free and one that does not have subscribers.

- (2) For the purposes of section 39 (1) of the Act, before submitting a forest development plan or amendment for approval, the holder of a woodlot licence must
 - (a) publish a notice, in a form acceptable to the district manager, in a newspaper,
 - (b) refer the plan or amendment for a period specified by the district manager, to any resource agencies or other persons specified by the district manager, and
 - (c) submit to the district manager a copy of the forest development plan or amendment in the form that will be made available for review and comment
 - (i) at substantially the same time as the publication of the newspaper, or
 - (ii) at any other time agreed to by the district manager and the holder of the woodlot licence.
- (3) Despite subsection (2) (a), if the amendment is one to which section 43 of the Act applies, no notice of an amendment to a forest development plan need be published before it may be submitted for approval.
- (4) A holder of a woodlot licence who publishes a notice under subsection (2) (a) must provide opportunity for review and comment to persons interested or affected by operations under the plan or amendment for a period of
 - (a) 30 days from the date of publication unless the district manager determines that a longer period is required to provide adequate opportunity for review, or
 - (b) at least 5 days from the date of publication if the plan or amendment is one to which section 42 (1) of the Act applies.
- (5) A holder of a woodlot licence who
 - (a) publishes a notice under subsection (2) (a), or
 - (b) refers the plan or amendment under subsection (2) (b)must ensure that the professional forester who signed the plan or amendment reviews all written comments received during the specified period of review and makes any revisions to the plan or amendment that the holder and the professional forester consider to be appropriate.
- (6) A holder of a woodlot licence who submits for approval a forest development plan or amendment, must submit with the plan or amendment

- (a) a copy of the notice required under subsection (2) (a),
- (b) a copy of each written comment received
 - (i) during the period of public review specified in subsection (4), and
 - (ii) as a result of any referral process specified by the district manager in subsection (2) (b), and
- (c) a summary of all revisions made to the plan or amendment under subsection (5).

8 [Repealed, B.C. Reg. 201/02]

Period and effective term of a forest development plan

- 9** (1) A holder of a woodlot licence must ensure that a forest development plan covers a period of at least 5 years unless
- (a) the remaining term of the woodlot licence is less than 5 years, or
 - (b) the district manager is satisfied that the plan cannot be developed for a period of 5 years because
 - (i) the woodlot licence was entered into shortly before the commencement of the harvesting season for the proposed cutblocks and as a result there is insufficient time to prepare a forest development plan that covers a period of 5 years,
 - (ii) a significant portion of the plan is for the harvesting of timber that is damaged by wind, insects or fire and the exact location of the timber cannot be determined, or
 - (iii) of reasons beyond the control of the holder.
- (2) Unless otherwise specified by the district manager, a forest development plan expires 5 years from the date specified in the approval of the plan under Division 5 of Part 3 of the Act.
- (2.1) The holder of a woodlot licence is exempt from the requirement to amend a forest development plan under section 19 (5) of the Act if the district manager is satisfied that, without amending the plan, the only cutting permits that the holder will apply for during the period of extension are for the areas of minor salvage operations or minor harvesting operations.
- (3) Despite the expiry of a forest development plan, if before the expiry of the forest development plan the holder of a woodlot licence is required to produce a free growing stand on a proposed cutblock in that plan, the holder must establish regeneration and produce the free growing stand in accordance with all of the following requirements, if these requirements are contained in the expired plan:

- (a) the silvicultural system and harvesting method referred to in section 13;
- (b) the preferred and acceptable species and the regeneration method referred to in section 14;
- (c) the stand structure to be achieved at the completion of proposed harvesting operations referred to in section 14;
- (d) the stocking requirements for the indicated biogeoclimatic ecosystem classification referred to in section 14;
- (e) any other commitments that are made in the plan for specific cutblocks that have not been completed before the expiry of the plan.

General content requirements of forest development plans

- 10**
- (1) A holder of a woodlot licence must ensure that a forest development plan addresses the entire woodlot licence area unless the district manager is satisfied that a smaller area is sufficient.
 - (2) A holder of a woodlot licence must ensure that a forest development plan includes information and maps, at a scale sufficient to permit adequate assessment by the district manager and resource agencies, of
 - (a) the topography,
 - (b) the following proposed operations to be carried out by the holder:
 - (i) harvesting;
 - (ii) road construction to provide access to cutblocks, including the construction of any bridge or major culvert that is part of the road;
 - (iii) bridge and major culvert construction within a cutblock;
 - (iv) the replacement or addition of a bridge or major culvert, and
 - (c) the location of standards units, and of areas with different biogeoclimatic ecosystem classifications, within a proposed cutblock, if the holder submits information under section 14 related to that cutblock.
 - (3) The holder of a woodlot licence must include in the forest development plan the timing of proposed timber harvesting and related forest practices, including road construction, modification, maintenance and deactivation, if the district manager determines that the timing is critical to the management of forest resources.
 - (4) If the district manager is satisfied that a known watershed assessment is applicable to a woodlot licence area, the holder of the woodlot licence

must ensure that the forest development plan is consistent with that assessment.

- (5) A holder of a woodlot licence must ensure that a forest development plan contains the signature of the holder or of a person who has authority to sign the plan on behalf of the holder.

Information required for the entire woodlot licence area

- 11** (1) The requirements of this section apply to
 - (a) the entire woodlot licence area, or
 - (b) a smaller area approved by the district manager under section 10 (1).
- (2) A holder of a woodlot licence must ensure that a forest development plan describes or identifies the following:
 - (a) the forest cover;
 - (b) the location of streams, wetlands and lakes shown on
 - (i) forest cover maps,
 - (ii) terrain resource inventory maps, or
 - (iii) fish and fish habitat inventory maps;
 - (c) public utilities on Crown land including
 - (i) transmission lines,
 - (ii) gas and oil pipelines, and
 - (iii) railways.
- (3) A holder of a woodlot licence must ensure that a forest development plan identifies and describes the following known items:
 - (a) sensitive areas established in accordance with the Act;
 - (b) wildlife habitat areas, but the location of the wildlife habitat area must not be shown if the district manager or designated environment official makes it known that the location of the wildlife habitat area must not be included in an operational plan or road layout and design, in which case only the name of the identified wildlife protected by the wildlife habitat area must be included;
 - (c) forest ecosystem networks;
 - (d) scenic areas;
 - (e) ungulate winter ranges;
 - (f) community watersheds;

- (g) community and licensed domestic water supply intakes and related water supply infrastructures;
 - (h) water quality objectives for community watersheds;
 - (i) fish streams;
 - (j) the riparian class of streams, wetlands and lakes;
 - (k) roads proposed by others;
 - (l) temporary or permanent barriers to vehicle access;
 - (m) private property;
 - (n) resource features, other than wildlife habitat features, domestic water supply intakes and archaeological sites;
 - (o) old growth management areas.
- (4) A holder of a woodlot licence must ensure that a forest development plan specifies
- (a) the general objectives for retention of coarse woody debris, and
 - (b) measures to reduce any losses that are identified after evaluation of the occurrence of significant forest health factors which are causing or may cause damage.
- (5) Unless otherwise specified by the district manager, a comprehensive plan for wildlife tree retention must be included with the forest development plan when the forest development plan is
- (a) referred to resource agencies and other persons specified by the district manager,
 - (b) made available for review and comment, and
 - (c) submitted for approval.
- (6) A comprehensive plan for wildlife tree retention does not form part of the approved forest development plan, but may be considered by the district manager under section 41 (1) (b) of the Act in determining whether to approve the forest development plan.
- (7) A comprehensive plan for wildlife tree retention that was included as part of a forest development plan before the effective date of this section is not part of the forest development plan on and after the effective date. [ttresource](#)

Information required for portions of the woodlot licence affected by proposed operations

- 12 (1) A holder of a woodlot licence must ensure that a forest development plan, for the area that may be affected by the proposed harvesting or road construction or modification operations, describes all of the following:
- (a) the location of proposed cutblocks;
 - (b) the location of previously harvested areas within the woodlot licence area that are contiguous to the proposed cutblocks and that are not currently greened-up;
 - (c) [Repealed, B.C. Reg. 201 /02]
 - (c.1) the location of sensitive slopes;
 - (d) the approximate location of road construction operations to be carried out under the plan to provide access to the proposed cutblocks;
 - (d.1) the approximate location of the construction, addition or replacement of a bridge or major culvert if it is to be carried out by the holder to provide access to or within a proposed cutblock;
 - (e) for any proposed bridge, whether the bridge will be temporary or permanent;
 - (f) Repealed (B.C. Reg. 232/00 effective July 1, 2000)
 - (g) the road deactivation operations that have been conducted or are to be conducted under the plan, including a description of roads that are
 - (i) currently deactivated to a temporary or semi-permanent level, and
 - (ii) to be deactivated under the plan and the level of that deactivation.t
- (2) If proposed harvesting or road construction or modification operations under the forest development plan are in a known scenic area with established visual quality objectives, the holder of the woodlot licence must demonstrate, to the satisfaction of the district manager, how the proposed operations will achieve the visual quality objectives.

Information required for portions of the woodlot licence within proposed cutblocks

- 13 (1) A holder of a woodlot licence must ensure that a forest development plan, for each proposed cutblock, specifies
- (a) the silvicultural system, or if the proposed harvesting is limited to intermediate cuttings, and

- (b) whether the cutblock will be harvested by cable, aerial or ground based harvesting methods or a combination of those methods.
- (2) Unless the information referred to in section 14 (6) to (8) is included in the forest development plan, a holder of a woodlot licence must ensure that a forest development plan specifies general objectives for riparian management zones within proposed cutblocks, including the species of trees to be retained and one or more of the following indicators of tree retention for each possible riparian class of stream, wetland or lake:
- (a) the range of basal area to be retained, per hectare;
 - (b) the range for the number of trees to be retained, per hectare, that are greater than a specific minimum diameter;
 - (c) the range for the number of trees to be retained, per hectare, by diameter class;
 - (d) the range for the number of trees to be retained by diameter class, for a specific length of riparian management zone;
 - (e) other similar indicators of tree retention acceptable to the district manager.
- (3) A holder of a woodlot licence must ensure that a forest development plan specifies, for any proposed cutblock within a known ungulate winter range, the known objectives for the ungulate winter range.
- (4) A holder of a woodlot licence must ensure for each proposed cutblock where the silvicultural system provides for the retention of less than 40% of the pre-harvest basal area, that at the time a proposed cutblock is scheduled for harvest, all previously harvested cutblocks within the woodlot licence area that are contiguous to the proposed cutblock are greened-up, unless
- (a) the aggregate area of the proposed cutblock and the contiguous harvested area that is not greened-up is less than
 - (i) 60 ha for areas within the Cariboo, Prince Rupert or Prince George forest regions, or
 - (ii) 40 ha for areas within the Kamloops, Nelson or Vancouver forest regions,
 - (b) the proposed harvesting is necessary to allow the recovery of timber that was damaged from fire, insects, wind or other similar events, or
 - (c) the proposed harvesting is consistent with
 - (i) a higher level plan that applies to the woodlot licence area, or
 - (ii) structural characteristics and the temporal and spatial distribution of natural openings.

- (5) The district manager may refuse to approve a forest development plan that includes a cutblock that meets the requirements of subsection (4) on the grounds that a cutblock smaller than that specified in subsection (4) is required for any of the following reasons:
 - (a) for hydrological concerns;
 - (b) to manage wildlife values;
 - (c) to manage recreation or scenic values;
 - (d) for other similar reasons.

Terrain stability field assessments

- 13.1** (1) The provisions of this section do not apply to harvesting that is necessary to construct or modify a road.
- (2) A holder of a woodlot licence who proposes to carry out harvesting on a sensitive slope, including the construction of excavated or bladed trails, must ensure that a terrain stability field assessment is carried out, and that the assessment is made available to the district manager on request.
- (3) Despite subsection (2), the terrain stability field assessment is not required in an area outside a community watershed if
- (a) for an area of proposed harvesting located in the Interior, all the following conditions are met:
 - (i) the area of proposed harvesting is shown on a terrain stability hazard map as having a moderate likelihood of landslides or, if terrain stability hazard mapping has not been done, the area is shown on a reconnaissance terrain stability map as having potentially unstable terrain;
 - (ii) the proposed timber harvesting method is cable or aerial;
 - (iii) excavated or bladed trails will not be constructed, or
 - (b) the assessment has been carried out for the purposes of locating a road and the assessment included the area of proposed harvesting.
- (4) Despite subsection (2), the terrain stability field assessment is not required in an area inside a community watershed if
- (a) for an area of proposed harvesting located in the Interior, all the following conditions are met:
 - (i) the area of proposed harvesting is shown on a terrain stability hazard map as having a moderate likelihood of landslides, or if terrain stability hazard mapping has not been done, the area is shown on a reconnaissance terrain stability map as having potentially unstable terrain;

- (ii) the proposed timber harvesting method is cable or aerial;
 - (iii) the silvicultural system will not be clearcut or clearcut with reserves;
 - (iv) excavated or bladed trails will not be constructed, or
 - (b) the assessment has been carried out for the purposes of locating a road and the assessment included the area of proposed harvesting.
- (5) A terrain stability field assessment required under this section does not form part of an operational plan.

Additional required information for proposed cutblocks that must be contained in a forest development plan or a site plan

- 14** (1) For each proposed cutblock, the holder of a woodlot licence must include all of the following information either entirely in a forest development plan or entirely in a site plan, whichever plan the holder chooses:
- (a) the biogeoclimatic ecosystem classification of the area within each standards unit;
 - (b) the total area of each cutblock;
 - (c) the net area to be reforested and non-productive areas for each cutblock;
 - (d) the net area to be reforested for each standards unit within each cutblock;
 - (e) areas where the regeneration method is planting or natural;
 - (f) the elevation range if planting is proposed;
 - (g) the preferred and acceptable species for each standards unit;
 - (h) if the proposed cutblock is within a known ungulate winter range
 - (i) the stand structure that will be retained after the proposed harvesting operations are completed, and
 - (ii) the characteristics, species and function of trees that will be retained after the proposed harvesting operations are completed;
 - (i) fish streams that are both in a community watershed and in or adjacent to the cutblock;
 - (j) the riparian class of streams, wetlands and lakes that are in or adjacent to the cutblock;
 - (k) if the harvesting is proposed for areas that are within a riparian management zone or, in accordance with section 35, in a riparian reserve zone, whether falling or yarding across streams will be

undertaken and, if falling or yarding across streams will be undertaken, the measures for debris management;

- (l) the selection criteria and level of retention for wildlife trees and wildlife tree patches;
 - (m) the location of a known resource feature in or adjacent to the cutblock, other than an archaeological site, and
 - (i) any measures to protect the resource feature, or
 - (ii) the reason for not protecting the resource feature;
 - (n) if a terrain stability field assessment is required under section 13.1,
 - (i) a statement that the assessment has been carried out in accordance with procedures required by this regulation for a terrain stability field assessment,
 - (ii) a statement that the proposed harvesting complies with sections 60 and 61, and
 - (iii) a statement
 - (A) that the proposed forest development plan or site plan is consistent with the results and recommendations of the assessment, or
 - (B) if the proposed forest development plan or site plan is inconsistent with the results and recommendations of the assessment, that explains the reason for the inconsistency and the reason why the plan should be approved despite the inconsistency.
- (2.1) Despite subsection (1), the requirements of subsection (1) (l) do not apply if the holder has submitted a comprehensive plan for wildlife tree retention.
- (2) Despite subsection (1), the requirements of subsection (1) (e) to (g) do not apply to proposed cutblocks if the holder of a woodlot licence is not required to produce a free growing stand on that cutblock.

- (3) The size, shape and location of a proposed cutblock in a forest development plan that is submitted for approval must be based on a field traverse, if the holder of a woodlot licence includes in the forest development plan information required by this section for that cutblock.
- (4) If the holder of a woodlot licence includes in a site plan the information referred to subsections (1) and (5) to (8) for a proposed cutblock
 - (a) the holder of the woodlot licence is exempt from the requirements of section 10 (1) (b) (i) (A) of the Act, and the forest development plan need only show the approximate size, shape and location of the cutblock, and
 - (b) the information in the site plan must be based on a field traverse.
- (5) The holder of a woodlot licence must ensure that the forest development plan or site plan includes a map that identifies, for each proposed cutblock,
 - (a) the standards unit and the biogeoclimatic ecosystem classification of the area within each standards unit, and
 - (b) the approximate location of any reserve areas greater than .25 ha, including wildlife tree patches and riparian reserve zones.
- (6) The holder of a woodlot licence must ensure, for each riparian management zone within a proposed cutblock, that the forest development plan or site plan specifies the characteristics, species and function of trees to be retained within the cutblock and, in relation to those trees, provides the information described in one or more of the following paragraphs:
 - (a) the minimum basal area to be retained per hectare;
 - (b) the minimum number of trees to be retained, per hectare, that are greater than a specified minimum diameter;
 - (c) the minimum number of trees to be retained, per hectare, by diameter class;
 - (d) the minimum number of trees to be retained by diameter class, for a specified length of riparian management zone or for the entire riparian management zone;
 - (e) other similar indicators of tree retention acceptable to the district manager.
- (7) Without limiting subsection (6), if within a cutblock harvesting is proposed in the riparian management zone of a stream that
 - (a) has a riparian class of S4, S5 or S6,
 - (b) is a direct tributary to a stream with a riparian class of S1, S2, S3 or S4 that is a known temperature sensitive stream, and

- (c) currently has sufficient numbers and distribution of trees to provide the shade necessary to prevent the stream temperature from increasing,

the holder of a woodlot licence must specify in the forest development plan or a site plan, a stand structure in the riparian management zone that will continue to provide the shade necessary to prevent the stream temperature from increasing.

- (8) Without limiting subsection (6), if within a cutblock harvesting is proposed in the riparian management zone of a stream that
 - (a) has a riparian class of S4, S5 or S6,
 - (b) is a direct tributary to a
 - (i) stream with a riparian class of S1, S2 or S3, or
 - (ii) marine-sensitive zone, and
 - (c) currently has sufficient numbers and distribution of trees to provide, or contribute significantly to the maintenance of, stream bank or channel stability, or both,

the holder of a woodlot licence must specify in the forest development plan or a site plan, a stand structure in the riparian management zone that will continue to provide, or contribute significantly to the maintenance of, stream bank or channel stability, or both, as the case may be.

- (9) Despite subsections (6) to (8), if the information required by those subsections is included in a forest development plan, for a cutblock, it need not be included in a site plan for the cutblock.
- (10) The district manager may exempt the holder of a woodlot licence from any or all of the requirements of this section if the district manager is satisfied that the harvesting of the timber will adequately manage and conserve the forest resources of the area and that the harvesting
 - (a) is on land that is, or will be, used for
 - (i) grazing or growing of hay in accordance with an agreement under the *Range Act*,
 - (ii) an experimental purpose,
 - (iii) growing Christmas trees, or
 - (iv) any use that is incompatible with the establishment of a free growing stand,
 - (b) is an intermediate cutting that will remove an estimated volume not exceeding 2 000 m³ of timber that is damaged or in danger of being significantly reduced in value, lost or destroyed, or

- (c) will remove an estimated volume not exceeding 500 m³ and both of the following criteria are met:
 - (i) the holder is not required to produce a free growing stand on the area;
 - (ii) the timber to be harvested is one or more of the following:
 - (A) associated with a minor harvesting operation;
 - (B) damaged or in danger of being significantly reduced in value, lost or destroyed;
 - (C) being felled or removed to eliminate a safety hazard;
 - (D) to facilitate the collection of seed for reforestation;
 - (E) required for trap trees to concentrate insect populations.
- (11) If the district manager exempts the holder of a woodlot licence from the requirement to prepare and obtain the district manager's approval of a site plan and the harvesting will remove an estimated volume in excess of 500 m³, the district manager must impose terms and conditions on the harvesting for wildlife tree retention, unless the holder has submitted a comprehensive plan for wildlife tree retention.

Archaeological impact assessment may be required

- 15** (1) The holder of a woodlot licence must carry out an archaeological impact assessment, and make the assessment available to the district manager, if the district manager
 - (a) determines that an archaeological impact assessment is necessary to adequately manage and conserve archaeological sites in the area, and
 - (b) notifies the holder in writing.
- (2) The archaeological impact assessment does not form part of an operational plan.

Information not required for minor salvage and minor harvesting operations

- 16** (1) Despite sections 10 to 13 of this regulation, a holder of a woodlot licence is not required to include the information specified in those sections if only minor salvage operations will be carried out, unless the district manager, by written notice, requires some or all of that information.
- (2) For minor harvesting operations, a holder of a woodlot licence
 - (a) is exempt from the requirements of section 10 (1) (b) (i) and (c) (i) of the Act, and

- (b) is not required to include the information specified in sections 10 to 13 of this regulation, unless the district manager, by written notice, requires some or all of that information.

Protection of issued cutting permits and road permits

- 17** Despite sections 10 (1) (d) and 41 of the Act, the district manager may not refuse to approve a forest development plan on the grounds that the part of the plan where a cutting permit or road permit has already been issued fails to meet the requirements of section 10 (1) (d) or 41 of the Act.

Division 3 – Site Plans

Requirement for site plan if information was not included in the forest development plan

- 18** (1) If information under section 14 relating to a cutblock, an area of minor salvage operations or an area of minor harvesting operations was not included in the forest development plan, the holder of the woodlot licence must, before the commencement of harvesting on the area, prepare and obtain the district manager's approval of a site plan for the area that specifies the information referred to in that section.
- (2) For the purposes of areas of minor salvage operations and areas of minor harvesting operations referred to in subsection (1), references in section 14 to a cutblock are deemed to be references to proposed areas of minor harvesting operations, or minor salvage operations, excluding any roads that provide access to these areas.
- (3) The location of a wildlife habitat area must not be shown on a site plan if the district manager or designated environment official makes it known that the location of the wildlife habitat area is not to be included in operational plans.
- (4) Subsections (1) and (2) do not apply if under section 14 (10) the district manager exempts the holder of the woodlot licence from all of the requirements of that section.
- (5) For the purposes of subsections (1) and (2), if under section 14 (10) the district manager exempts the holder of the woodlot licence from some, but not all, of the requirements of that section, the holder must, before the commencement of harvesting on the area, prepare and obtain the district manager's approval of a site plan for the area that addresses the requirements of section 14 from which the holder is not exempt.
- (6) A site plan prepared under this section must be consistent with the forest development plan in effect when the site plan is submitted for approval.

Requirement for a site plan

- 19** (1) For a proposed cutblock, minor salvage operation or minor harvesting operation, for which a cutting permit has not been issued, the district manager may require the holder of the woodlot licence to prepare and obtain the district manager's approval of a site plan that contains information listed in subsection (2) required by the district manager, if
- (a) the district manager is of the opinion that additional site level information is necessary to adequately manage and conserve the forest resources within that area, or
 - (b) a temperature sensitive stream that will be affected by the proposed harvesting has been identified by a designated environment official.
- (2) A site plan required under subsection (1) must include any of the following, if required by the district manager:
- (a) maps describing the approximate location of
 - (i) access structures that will be rehabilitated, and the time frame to complete their rehabilitation,
 - (ii) permanent access structures, and
 - (iii) harvesting and related forest practices;
 - (b) information related to the area occupied by permanent access structures or soil disturbance and the rehabilitation of these areas, if a variance from the amounts established under this regulation has been requested by the holder of the woodlot licence;
 - (c) the results of soil hazard assessments;
 - (d) a detailed description of the silvicultural system;
 - (e) the stand structure that will be retained at the completion of the proposed harvesting;
 - (f) stocking requirements referred to in Division 2 of Part 6, if the stocking requirements are different than those specified in Division 2 of Part 6 and Schedule A;
 - (g) a description of measures, to accommodate non-timber forest resources that have not been included in the forest development plan;
 - (h) with respect to excavated or bladed trails, all of the following:
 - (i) a description or map of the areas where excavated or bladed trails may be constructed;
 - (ii) the maximum and average height of cutbanks into mineral soil;
 - (iii) the equipment to be used for trail construction if other than an excavator;

- (iv) if excavated or bladed trails are proposed for construction in a community watershed, the soil erosion hazard and risk of sediment delivery to streams;
 - (v) the time frame to complete rehabilitation of the trails;
 - (i) the results of a forest health assessment;
 - (j) measures that will be taken to reduce significant forest health risks.
- (3) A site plan prepared under this section must be consistent with the forest development plan in effect when the site plan is submitted for approval.

Holder of a woodlot licence may submit a site plan

- 20** A holder of a woodlot licence may submit to the district manager a site plan that proposes a variance from a requirement under this regulation with respect to the area of a cutblock, minor salvage operation or minor harvesting operation.

Site plan may cover an area larger than the area of proposed harvesting

- 21** (1) A holder of a woodlot licence may prepare a site plan for an area that covers an area larger than a cutblock, minor salvage operation or minor harvesting operation.
- (2) The district manager may approve that portion of a site plan in subsection (1) that applies to an area of proposed harvesting as either the site plan for the area or as an amendment to a site plan.

Authorized signatures

- 22** (1) A holder of a woodlot licence must ensure that a site plan contains
- (a) the signature and seal of a professional forester, and
 - (b) the signature of the holder or of a person who has authority to sign the plan on behalf of the holder.
- (2) The requirements of subsection (1) (a) need not be met with respect to a site plan or amendment that is limited to
- (a) an area not greater than 1 ha, or
 - (b) one or more of the following:
 - (i) an extension of time;
 - (ii) minor changes to the harvesting method and related practices;
 - (iii) minor changes to the location of access structures.
- (3) The signature and seal of a professional forester on a site plan that covers an area larger than the area proposed for harvesting applies to any portion

of that site plan that is submitted for approval as a site plan or amendment to a site plan.

Exemptions for harvesting

- 22.01** (1) Subject to subsection (3), a holder of a woodlot licence is exempt from section 19 (1) and (1.2) of the Act if the cutting permit being applied for is for the harvesting of bark beetle infested timber, timber damaged by wind or any proposed road construction that is necessary to facilitate such harvesting.
- (2) Despite section 18 of this regulation, the district manager may exempt a holder of a woodlot licence from the requirement to prepare, and obtain the district manager's approval of, a site plan for an area of proposed harvesting of bark beetle infested timber or timber damaged by wind if
- (a) the estimated volume to be harvested under the exemption is not more than 5 000 m³, and
 - (b) the district manager is satisfied that the exemption is necessary to expedite measures to be taken to limit the spread of the bark beetle or prevent deterioration of timber that has been damaged by wind.
- (3) Before the district manager issues a cutting permit referred to in subsection (1), the district manager, by written notice, may require the holder to provide an opportunity for review and comment of the proposed harvesting and road construction associated with the cutting permit.
- (4) The review and comment referred to in subsection (3) must substantially meet the requirements for review and comment described in section 7.

Requirements in an exempted area

- 22.02** (1) If a holder of a woodlot licence is exempted under section 22.01 (2), the district manager may require the holder to establish a free growing stand on the area in accordance with section 76 and the requirements of this section.
- (2) If a holder of a woodlot licence is required to establish a free growing stand under subsection (1) then, within 3 years of the commencement of harvesting on the area, the holder must submit to the district manager a map based on a field traverse, identifying the size, shape and location of the area harvested, the location of any access trails to the area and indicating the size and location of the net area to be reforested.
- (3) When preparing the map required under subsection (2), the holder may amalgamate areas that are geographically close if harvesting has taken place over one or more seasons and the district manager agrees that this would simplify future administration.

- (4) When indicating the net area to be reforested under subsection (2), the holder must exclude from the net area to be reforested any access trails to the area, unless the district manager requires the establishment of a free growing stand on the access trail.
- (5) If a holder of a woodlot licence is required to establish a free growing stand under subsection (1), the following silviculture stocking specifications apply and are considered to be the site plan for the area, unless other silviculture stocking specifications are specified or approved by the district manager:
 - (a) the preferred species are
 - (i) lodgepole pine,
 - (ii) spruce, and
 - (iii) Douglas-fir if Douglas-fir is present in the area prior to harvesting;
 - (b) subalpine fir is an acceptable species if present in the area prior to harvesting;
 - (c) for purposes of Division 2 of Part 6, the following apply:
 - (i) the silvicultural system approved for the area is other than single tree selection;
 - (ii) the regeneration date is 7 years;
 - (iii) the free growing date is 15 years;
 - (iv) the target stocking standard is 1200;
 - (v) the minimum number of healthy, well spaced trees of the preferred and acceptable species per hectare is 700;
 - (vi) the minimum number of healthy, well spaced trees of the preferred species per hectare is 600;
 - (vii) the minimum free growing heights by species are:
 - (A) 2.0 m for lodgepole pine;
 - (B) 1.4 m for Douglas-fir, and
 - (C) 1.0 m for other species;
 - (viii) the height relative to competing vegetation within a 1 m radius of the tree trunk is 150%.
- (6) If a holder of a woodlot licence is exempted under section 22.01 (2), the maximum proportion of the net area to be reforested that may be occupied by soil disturbance is 10%.

- (7) The district manager may authorize a greater amount of soil disturbance than allowed by subsection (6) if
 - (a) a disturbance is unavoidable while carrying out the harvesting of bark beetle infested timber or timber damaged by wind, and
 - (b) the proposed activities will not cause or increase the risk of damage to other forest resources.
- (8) Section 38 (4) applies as if the maximum limit for soil disturbance established under subsection (6) or (7) was specified in a site plan for the area.

Division 3.1 – Silviculture Prescriptions

Content of silviculture prescriptions

- 22.1** (1) A holder of a woodlot licence is exempt from the requirement, under section 12 (d) of the Act, to have a silviculture prescription or amendment signed and sealed by a professional forester, if the prescription or amendment is limited as referred to in section 22 (2) of this regulation.
- (2) Despite section 12 of the Act, a silviculture prescription or amendment need not contain long term management objectives.
 - (3) The holder of a woodlot licence must ensure that a silviculture prescription contains the following information for the area under the prescription:
 - (a) the biogeoclimatic ecosystem classification for the area;
 - (b) the total area under the prescription, including areas of rock, water, swamp and any other area whether or not it is capable of growing a stand of trees;
 - (c) the net area to be reforested, non-productive areas and any reserve areas;
 - (d) areas where the regeneration method is planting or natural;
 - (e) if the silvicultural system is other than single tree selection, the following stocking specifications:
 - (i) the preferred and acceptable species of trees;
 - (ii) the minimum allowable horizontal distance between trees of the preferred and acceptable species required for the trees to be considered to be well spaced;
 - (iii) the target number of healthy, well spaced trees of the preferred and acceptable species per hectare;
 - (iv) the minimum number of healthy, well-spaced trees of the preferred and acceptable species required per hectare;

- (v) the minimum number of healthy, well spaced trees of the preferred species required per hectare;
- (vi) the maximum and minimum number of coniferous trees allowed per hectare after a spacing treatment has been carried out under section 81 (3) or (4);
- (vii) the required standards that must be met by a healthy, well spaced tree of a preferred or acceptable species in a free growing stand, including
 - (A) the minimum height, and
 - (B) the height of the tree relative to competing vegetation within a radius of one metre of the tree trunk;
- (f) if the silvicultural system is single tree selection, the following stocking specifications:
 - (i) for all layers, the preferred and acceptable species of trees;
 - (ii) for the regeneration, sapling and pole layers, the minimum allowable horizontal distance between trees of the preferred and acceptable species required for the trees to be considered to be well spaced;
 - (iii) for all layers, the target number of healthy and well spaced trees of the preferred and acceptable species per hectare;
 - (iv) for all layers, the minimum number of healthy, well spaced trees of the preferred and acceptable species required per hectare;
 - (v) for all layers, the minimum number of healthy, well spaced trees of the preferred species required per hectare;
 - (vi) for the sapling layer, the maximum and minimum number of coniferous trees allowed per hectare after a spacing treatment has been carried out under section 81 (3) or (4);
 - (vii) the required standards that must be met by a healthy, well spaced tree of a preferred or acceptable species in a free growing stand, including
 - (A) the minimum height for the regeneration, and
 - (B) the height of the tree relative to competing vegetation within a radius of one metre of the tree trunk for the regeneration;
- (g) the regeneration date as defined in section 70 of the Act;
- (h) the free growing assessment period as defined in section 70 of the Act;

- (i) the maximum proportion of the net area to be reforested that may be occupied by soil disturbance;
 - (j) if temporary access structures will be constructed, the maximum proportion of the net area to be reforested that may be occupied by those temporary access structures;
 - (k) actions that will be taken to address the sediment and debris transport potential if the area is a gully on the Coast;
 - (l) maps describing the approximate location of
 - (i) the area under the prescription, including non-productive areas, reserve areas and the net area to be reforested, and
 - (ii) the standards units, if any;
 - (m) the signature of the holder of the woodlot licence or a person who has authority to sign on behalf of the holder.
- (4) Without limiting subsection (3), the holder of a woodlot licence must ensure that a silviculture prescription describes, for the area under the prescription and the areas adjacent to this area, the following:
- (a) the location of all known resource features, other than archaeological sites, and
 - (i) any measures to protect the resource features, or
 - (ii) the reason for not protecting the resource features;
 - (b) the riparian class of streams, wetlands and lakes;
 - (c) if harvesting is proposed for an area that is within a riparian management zone or, in accordance with section 35, a riparian reserve zone.
 - (i) whether falling or yarding across streams will be undertaken, and
 - (ii) if falling or yarding across streams will be undertaken, the measures for debris management;
 - (d) any proposed wildlife trees or wildlife tree patches;
 - (e) measures to accommodate coarse woody debris objectives.
- (5) The holder of a woodlot licence must ensure, for each riparian management zone within the area under the silviculture prescription, that the prescription specifies the species of trees to be retained within the area and, in relation to those trees, provides the information described in one or more of the following paragraphs:
- (a) the minimum basal area to be retained per hectare;

- (b) the minimum number of trees to be retained, per hectare, that are greater than a specified minimum diameter;
 - (c) the minimum number of trees to be retained, per hectare, by diameter class;
 - (d) the minimum number of trees to be retained by diameter class, for a specified length of riparian management zone or for the entire riparian management zone;
 - (e) other similar indicators of tree retention acceptable to the district manager.
- (6) If the district manager is of the opinion that additional site level information is necessary to adequately manage and conserve the forest resources within the area, the district manager may require that the silviculture prescription include any of the following:
- (a) maps describing the approximate location of
 - (i) access structures that will be rehabilitated, and the time frame to complete their rehabilitation,
 - (ii) permanent access structures, and
 - (iii) harvesting and related forest practices;
 - (b) a regime of silviculture treatments intended to produce the target number of healthy, well spaced trees of the preferred and acceptable species per hectare by the end of the free growing assessment period;
 - (c) information related to the area occupied by permanent access structures, soil disturbance and the rehabilitation of temporary access structures;
 - (d) the results of soil hazard assessments;
 - (e) a detailed description of the silvicultural system;
 - (f) the stand structure that will be retained at the completion of the proposed harvesting;
 - (g) a description of measures to accommodate non-timber forest resources that are not included in the forest development plan;
 - (h) a description of measures that will be taken to reduce significant forest health risks;
 - (i) with respect to excavated or bladed trails, all of the following:
 - (i) a description or map of the areas where excavated or bladed trails may be constructed;
 - (ii) the maximum and average height of cutbanks into mineral soil;

- (iii) the equipment to be used for trail construction if other than an excavator;
 - (iv) if excavated or bladed trails are proposed for construction in a community watershed, the soil erosion hazard and risk of sediment delivery to streams;
 - (v) the time frame to complete rehabilitation of the trails.
- (7) The requirements of subsection (3) (d) to (h) do not apply to the area under a silviculture prescription where the establishment of a free growing stand is not required.
- (8) The requirement of subsection (3) (i) does not apply to a silviculture prescription for a backlog area, unless the silvicultural treatment on the backlog area involves the use of heavy ground based machinery within the net area to be reforested.
- (9) The requirements of subsections (4) and (5) do not apply to a silviculture prescription for a backlog area if the district manager is satisfied that the information is not necessary to adequately manage and conserve the forest resources of the area.

Exemption from backlog silviculture prescription for silviculture treatments

- 22.2** (1) A district manager and the holder of a woodlot licence are exempt from the requirement, under section 23 of the Act, to prepare a silviculture prescription for the silviculture treatment of a backlog area within the woodlot licence area, if the silviculture treatment
- (a) does not involve heavy ground based machinery,
 - (b) does not result in the cutting, damaging or destruction of any tree having a stem diameter of 7.5 cm or greater, measured at a height of 1.3 m, and
 - (c) does not reduce the size, quality or number of healthy, well spaced trees per hectare of a commercially acceptable species.
- (2) A district manager or holder of a woodlot licence who carries out a silviculture treatment on a backlog area in accordance with this section is exempt from section 96 (1) of the Act to the extent necessary to carry out the treatment.
- (3) Before carrying out a silviculture treatment on a backlog area under subsection (1), the holder of a woodlot licence must notify the district manager in writing.

Division 3.2 – Operational Plans for Areas of Unauthorized Harvesting

Operational plans for areas of unauthorized harvesting

- 22.3** (1) This section applies when
- (a) the holder of a woodlot licence
 - (i) harvests timber in contravention of section 96 of the Act, or
 - (ii) without authorization, harvests timber from private land that is subject to the woodlot licence, and
 - (b) the holder is required to establish on that area of unauthorized harvesting a free growing stand under section 76 of this regulation.
- (2) The holder of a woodlot licence under subsection (1) must
- (a) prepare an amendment to a site plan or silviculture prescription extending the plan or prescription to include the area of unauthorized harvesting, and obtain the district manager’s approval of that amendment, or
 - (b) establish a free growing stand in accordance with a site plan referred to in subsection (3).
- (3) For the purposes of subsection (2) (b), the holder must
- (a) prepare a site plan that has at least the content referred to in section 14 (1) (a) to (g), and
 - (b) obtain the district manager’s approval of that site plan,
- and for this purpose a reference in section 14 to “cutblock” or “proposed cutblock” is deemed to be a reference to “area of unauthorized harvesting”.
- (4) A site plan or amendment under this section need not be consistent with the size, shape and location of proposed cutblocks in the forest development plan in effect when the site plan or amendment is submitted for approval, but the site plan or amendment must otherwise be as consistent as possible with the forest development plan.

Division 4 – [Repealed, B.C. Reg. 201/02]

Division 5 – Amendments

Amendments required

- 24** (1) A holder of a woodlot licence who has a forest development plan or site plan and knows or ought reasonably to know that performing the operations specified in the plan will not ensure that the results specified in the plan or this regulation will be achieved,

- (a) must submit to the district manager an amendment to the plan, and
 - (b) must not carry out any operation under the plan on any parts of the plan area that would be materially affected by the proposed amendment until the amendment has been approved.
- (2) If the requirements of the forest development plan or site plan cannot be met as a result of
- (a) the holder of a woodlot licence carrying out, or failing to carry out, a forest practice on the area covered by the plan, or
 - (b) the occurrence of a natural event,
- the holder must
- (c) notify the district manager, and
 - (d) if an amendment to the plan is required, not carry out any operation on an area covered by the plan that would be materially affected by the proposed amendment until the amendment has been approved.
- (3) A holder of a woodlot licence who
- (a) exceeds the limits for permanent access structures referred to in section 37 (2) and complies with section 37 (3),
 - (b) exceeds the limits for soil disturbance referred to in section 38 (4) and complies with section 38 (4), or
 - (c) determines that an area described in a forest development plan as a sensitive slope is not, in fact, a sensitive slope

is not required to amend the operational plan for the area.

Amendments respecting cutblock information

- 25**
- (1) A holder of a woodlot licence may amend a forest development plan with respect to information referred to in section 14 and 19 that is contained in a forest development plan, including an expired forest development plan referred to in section 9 (3), by providing different information in a site plan.
 - (2) Sections 7 and 8 of this regulation do not apply to an amendment under subsection (1).
 - (3) A holder of a woodlot licence who has an operational plan, including an expired forest development plan under section 9 (3), that provides for natural regeneration of an area, may plant some or all of the area without requiring an amendment to the plan.

Division 6 – Transition

26 Repealed [B.C. Reg. 18/01]

27 Repealed [B.C. Reg. 18/01]

Requirement for a site plan – transition

- 28 (1) If the forest development plan was approved before the coming into force of this regulation and there is no silviculture prescription approved for the cutblock, before the holder of a woodlot licence harvests timber under a cutting permit, the holder must prepare and obtain approval of a site plan for the cutblock.
- (2) The site plan required under subsection (1) must
- (a) meet the content requirements of section 14 unless exempted by the district manager on the grounds that the exempted information is not necessary to adequately manage and conserve the forest resources, and
 - (b) comply with any request of the district manager under section 19.

Requirement for a logging plan – transition

- 29 (1) If the silviculture prescription was approved for the cutblock before the coming into force of this regulation and there is no logging plan approved for that cutblock, before the holder of a woodlot licence harvests timber under a cutting permit, the holder must prepare and obtain approval of a logging plan for the cutblock.
- (2) The law as it was immediately before June 15, 1998 with respect to logging plans, including, without limitation, the law respecting offences and administrative remedies related to logging plans, continues to apply to a logging plan referred to in subsection (1), except that
- (a) the provisions set out in sections 106 to 119 of the *Forests Statutes Amendment Act, 1997*, apply when brought into force,
 - (b) a regulation made pursuant to the provisions referred to in paragraph (a) or under the authority of a regulation making power referred to in section 128 or 129 of the *Forests Statutes Amendment Act, 1997*, applies, and
 - (c) an enactment that is made to apply explicitly or by necessary implication, applies.

PART 3 - GENERAL FOREST PRACTICES

Compliance with plans and authorizations

- 30** A holder of a woodlot licence must ensure that forest practices and requirements of this regulation are carried out in a manner consistent with all of the following:
- (a) the objectives and specifications for the area contained in an operational plan, including an expired forest development plan referred to in section 9 (3);
 - (b) the results and measures specified in any assessment required under this regulation, or the holder must
 - (i) submit to the district manager the reason for any inconsistency with the results and measures, and
 - (ii) obtain the district manager's written approval of the inconsistency, and the district manager may only give the approval if satisfied that the forest resources will be adequately managed and conserved;
 - (c) any authorizations, conditions or requirements specified by the district manager or designated environment official under this regulation;
 - (d) any requests of the district manager under this regulation.

District manager's included powers

- 31** (1) If, under this regulation, the district manager is empowered to establish an authorization, condition or requirement, the district manager is also empowered to establish the manner and timing for carrying out the authorization, condition or requirement.
- (2) If the district manager exempts a holder of a woodlot licence from a requirement of the Act or this regulation, the district manager may make the exemption subject to conditions.
- (3) The district manager may require a holder of a woodlot licence to establish a free growing stand on an area that has been exempted from the requirement to prepare a site plan, if there is additional harvesting in the vicinity of the area subject to the exemption.

General wildlife measures

- 32** A holder of a woodlot licence must ensure that harvesting, road construction or modification and silviculture treatments are carried out in accordance with general wildlife measures established for application within a wildlife habitat area that

- (a) is identified in an operational plan or road layout and design, if the general wildlife measures are made available to the holder by the district manager or designated environment official at least 4 months before the operational plan or road layout and design was submitted for approval, or
- (b) is not identified in an operational plan or road layout and design, if
 - (i) at the time the wildlife habitat area is established no cutting permit or road permit has been issued, and
 - (ii) the chief forester and the Deputy Minister of Water, Land and Air Protection jointly specify that the general wildlife measures apply, and cause the measures to be made available to the holder.

Constraining slash and debris in and around aquatic environments

- 33** A holder of a woodlot licence who carries out harvesting or a silviculture treatment must not deposit a volume of slash or debris, capable of damaging fish habitat or reducing water quality, into any of the following:
- (a) a lake;
 - (b) a wetland;
 - (c) a fisheries-sensitive zone or a marine-sensitive zone;
 - (d) a fish stream;
 - (e) a stream in a community watershed;
 - (f) a stream, if a licensed domestic water supply intake has been identified in the forest development plan as being downstream of the harvesting or silviculture treatment;
 - (g) a stream that
 - (i) can transport the slash and debris into any of the areas listed in paragraphs (a) to (f), or
 - (ii) may be destabilized by the accumulated slash and debris and result in increased sediment deposition in the areas listed in paragraphs (a) to (f).

Restrictions on use of machinery

- 34** (1) A holder of a woodlot licence must ensure that the tracks or wheels of ground based machinery used in carrying out harvesting, road construction or modification, or silviculture treatments are not permitted within 5 m of a stream bank except for any of the following:
- (a) for carrying out fire fighting activities;

- (b) in response to natural disasters;
 - (c) at stream crossings identified in an operational plan or otherwise authorized in writing by the district manager;
 - (d) if operations will be conducted in such a manner that they protect stream banks and minimize damage to understory vegetation;
 - (e) if approved in an operational plan or otherwise authorized in writing by the district manager, to
 - (i) construct or maintain a range development,
 - (ii) construct or maintain a work or to carry out an activity within or adjacent to streams for the purpose of controlling soil erosion, protecting stream banks or managing fisheries or wildlife, or
 - (iii) carry out an activity similar to one described in subparagraph (i) or (ii);
 - (f) if in the opinion of the district manager
 - (i) no other practicable option exists , or
 - (ii) operating the machinery more than 5 m from the stream bank will create a higher risk of sediment delivery.
- (2) A holder of a woodlot licence must ensure that machinery used in carrying out harvesting, road construction or modification or a silviculture treatment is not fuelled or serviced within the riparian reserve zone or riparian management zone of a stream or a wetland or within 30 m of a lakeshore unless
- (a) authorized, in writing, by the district manager, or
 - (b) the machinery is
 - (i) on an approved road or landing,
 - (ii) hand held,
 - (iii) required for fire fighting, or
 - (iv) broken down and requires fuelling or servicing to be moved.

Restrictions on harvesting or modification of trees in riparian reserves

35 A holder of a woodlot licence who carries out harvesting or silviculture treatments must not harvest, fell or modify trees in a riparian reserve zone unless the harvesting, felling or modification has been identified in an operational plan or otherwise authorized in writing by the district manager

- (a) for one or more of the following purposes:
 - (i) undertaking recreational facility management;
 - (ii) reducing windthrow potential by topping or pruning;

- (iii) creating corridors for full suspension yarding;
 - (iv) removing any tree that is hazardous to workers because of location, direction of lean, physical damage, overhead hazards, deterioration of limbs, stem or root system or a combination of these;
 - (v) stream crossings, including roads;
 - (vi) carrying out, constructing, modifying or maintaining a range development;
 - (vii) any other similar purpose, or
- (b) with the agreement of the designated environment official, for one or more of the following purposes:**
- (i) recovering trees that have been windthrown or that have been damaged by fire, insects, disease or other causes;
 - (ii) carrying out sanitation treatments;
 - (iii) managing fisheries and wildlife values;
 - (iv) any other similar purpose.

Forest practices within community watersheds

- 36** A holder of a woodlot licence must ensure that harvesting, road construction or modification, and silviculture treatments in a community watershed
- (a) protect community water supply intakes and infrastructures identified in a forest development plan,
 - (b) do not cut or damage a tree that is closer than 100 m upslope of a community water supply intake identified in a forest development plan, except to
 - (i) provide access to, or to maintain, a community water supply intake, or
 - (ii) establish a range fence, if the district manager has consented, in writing, to the cutting or damage on being satisfied that
 - (A) there is no practicable alternative location, and
 - (B) the range fence is compatible with the use of the community water supply intake, and
 - (c) do not cause the quality of water to fail to meet water quality objectives that are
 - (i) specified in a forest development plan, or
 - (ii) established by a designated environment official and made available to the holder in writing at least 4 months before the

harvesting, road construction or modification, or silviculture treatment takes place.

Limits on area that may be occupied by permanent access structures

- 37** (1) The maximum proportion of the total area within a cutblock that may be occupied by permanent access structures is
- (a) the amount specified for the area in an operational plan, or
 - (b) 7% if there is no amount specified for the area in an operational plan.
- (2) A holder of a woodlot licence must not exceed the limit for permanent access structures specified in subsection (1).
- (3) If the limit for permanent access structures specified in subsection (1) is exceeded, the holder of the woodlot licence must
- (a) promptly notify the district manager, and
 - (b) carry out any site rehabilitation measures required by the district manager.

Limits on area that may be occupied by soil disturbance

- 38** (1) The maximum proportion of any standards unit within the net area to be reforested that may be occupied by soil disturbance is
- (a) the amount specified in a forest development plan or site plan, if an assessment of the following hazards has been carried out and documented in the plan:
 - (i) soil compaction hazard;
 - (ii) soil erosion hazard;
 - (iii) soil displacement hazard, or
 - (b) 5%, if the requirements of paragraph (a) have not been met.
- (2) If mechanized ground based stand tending treatments employing heavy machinery are carried out under a stand management prescription, the maximum proportion of the area to be treated that may be occupied by soil disturbance is
- (a) the amount specified in the prescription, or
 - (b) 5% if the amount is not specified in the prescription.
- (3) A holder of a woodlot licence must not exceed the limit for soil disturbance specified in subsection (1) or (2).

- (4) If the limit for soil disturbance specified in subsection (1) or (2) or in a silviculture prescription is exceeded, the holder of the woodlot licence must
- (a) promptly notify the district manager, and
 - (b) carry out any site rehabilitation measures required by the district manager.

PART 4 - ROADS

Division 1 – Interpretation

Definitions

39 In this Part:

“cut slope” means the face of an excavated bank required to lower the natural ground line to the desired road profile;

“fill slope” means the face of an embankment required to raise the desired road profile above the natural ground line;

“overlanding” means placing road construction fill over unstripped organic soil, stumps or other vegetative materials for the purpose of distributing vertical loads over soft ground, whether or not the fill is supported by corduroy or geotextiles;

“qualified inspector” means a person who, in the opinion of the district manager, is qualified by training or experience to inspect bridges and major culverts and interpret the significance of the inspection results;

“road prism” means the area of the ground containing the road surface, cut slope and fill slope;

“road subgrade width” means the width of the top surface of the road fill or excavated surface, before surfacing is applied;

“snow road” means a road constructed of ice and snow;

“soil erosion field assessment” means a site assessment, carried out by a qualified registered professional, of the susceptibility of the soil to erosion along a proposed road location;

“stream culvert” means a culvert used to carry stream flow in an ephemeral or perennial stream channel from one side of the road to the other;

“surface soil erosion hazard” means the ranking of the potential for soil erosion as determined by a soil erosion field assessment;

Application

- 40** This Part applies only to Crown land in a woodlot licence area and to Crown land under a road permit issued to the holder of a woodlot licence.

Authority to construct, modify or use a road on Crown land

- 41** (1) A holder of a woodlot licence is exempt from the requirements of section 58 (2) (b) (iii) and (3) of the Act in respect of the authorization to construct or modify a road on Crown land within a woodlot licence area.
- (2) A holder of a woodlot licence may use a road constructed or modified under a cutting permit after the permit expires and is exempt from section 54 (1) of the Act to the extent necessary to use the road.
- (3) Subject to subsection (4), a holder of a woodlot licence using a road on Crown land for a minor harvesting operation is exempt from section 54 (1) of the Act if
- (a) the road has not been deactivated, and
 - (b) the road is not modified to allow the use.
- (4) A holder of a woodlot licence described in subsection (3) is not exempt under that subsection and section 54 (1) of the Act applies to the holder if the district manager notifies the holder that the district manager believes that the use of the road will
- (a) materially affect the use of the road by others, or
 - (b) adversely impact forest resources.
- (5) A holder of a woodlot licence using a road as described in subsection (3),
- (a) must give to any holders of road permits and road use permits for the road at least 48 hours' notice of the date on which the holder of the woodlot licence will commence to use the road,
 - (b) if the road is not subject to a road permit, road use permit, special use permit, cutting permit or timber sale licence that does not provide for cutting permits, must maintain the road while using it for the minor harvesting operation in accordance with the maintenance requirements that under the Act are applicable to a road permit, and
 - (c) if the road is subject to a road permit, road use permit, special use permit, cutting permit or timber sale licence that does not provide for cutting permits, must
 - (i) contribute a reasonable amount for the routine maintenance of the road, and
 - (ii) pay for, or repair, damage to the road caused by the holder's use of the road.

Exemptions for roads

- 41.1** (1) A holder of a woodlot licence is exempt from the requirements in section 58 of the Act to identify a road in a forest development plan before constructing or modifying the road if the road is to facilitate the harvesting of bark beetle infested timber or timber damaged by wind.
- (2) A holder of a woodlot licence is exempt from the requirement in section 60 (1) of the Act to prepare and obtain the district manager's approval of a road layout and design before constructing or modifying a road to facilitate the harvesting of bark beetle infested timber or timber damaged by wind unless
- (a) the proposed road location is
 - (i) on an area with a moderate or high likelihood of landslides, or
 - (ii) in a community watershed and a soil erosion field assessment indicates that the surface soil erosion hazard is high or very high, or
 - (b) prior to the commencement of road construction or modification the district manager provides written notification requiring the holder to submit for approval a road layout and design on the basis that the district manager believes that the location and layout of the road will
 - (i) materially affect the use of the road by others, or
 - (ii) adversely affect forest resources.

Division 2 – General Road Requirements

General requirements for road construction and modification, maintenance and deactivation

- 42** (1) A holder of a woodlot licence when constructing or modifying, maintaining or deactivating the road, including bridges and major culverts, must do all of the following:
- (a) provide for user safety;
 - (b) protect forest resources;
 - (c) maintain surface drainage patterns;
 - (d) protect water quality;
 - (e) protect stream bank stability;
 - (f) for fish streams, ensure the safe passage of fish for the purposes of spawning, rearing or migration;
 - (g) protect fish habitat;
 - (h) protect structural integrity of the road and drainage structures;

- (i) maintain slope stability;
 - (j) minimize surface soil erosion;
 - (k) minimize sediment entering into streams.
- (2) A holder of a woodlot licence must ensure that the road surface has surface materials of a type necessary to
- (a) allow the road to carry the design wheel loads during the periods of use, or
 - (b) minimize the surface erosion of the road if it would otherwise have adversely affected adjacent streams, wetlands, or lakes.
- (3) A holder of a woodlot licence must, after completion of construction, modification or deactivation, revegetate to the satisfaction of the district manager all exposed soil that will support vegetation in the following areas:
- (a) inactive borrow pits;
 - (b) waste areas;
 - (c) cut slopes;
 - (d) fill slopes;
 - (e) other disturbed areas within the road clearing width.
- (4) A holder of a woodlot licence referred to in subsection (1) must not deposit slash, debris or erodible soil into a lake, wetland, stream, fisheries-sensitive zone or marine-sensitive zone, if the deposit is capable of
- (a) damaging fish habitat, or
 - (b) causing the water in a community watershed to fail to meet its water quality objectives if a designated environment official has
 - (i) established the water quality objectives, and
- (ii) made the water quality objectives available in writing to the holder for at least 4 months.

Division 3 – Layout and Design

Road layout and design and related assessments – general

- 43** (1) Before a holder of a woodlot licence carries out road construction or modification, the holder must:
- (a) determine the riparian class of a stream, wetland or lake, that is in or adjacent to the proposed road or road work;

- (b) subject to subsection (2.1), carry out an archaeological impact assessment, and make the assessment available to the district manager if the district manager notifies the holder in writing that an archaeological impact assessment is necessary to adequately manage and conserve archaeological sites in the area affected by the road or road work.
- (2) Subject to subsection (2.1), if the proposed road is within a scenic area with established visual quality objectives identified in a forest development plan, the holder of a woodlot licence must demonstrate to the satisfaction of the district manager that the road construction or modification is consistent with the established visual quality objectives for that area.
- (2.1) Subsections (1) (b) and (2) do not apply to a road modification, in relation to the repair of, or physical change to, an existing road, if the modification consists of replacing or adding a stream culvert or a bridge, or providing structural repairs to a bridge or major culvert.
 - (3) A holder of a woodlot licence, when identifying the road location must, except for crossings, select a road location outside of any riparian reserve zone or riparian management zone, unless otherwise authorized by the district manager.
 - (4) A holder of a woodlot licence must ensure that a road layout and design is consistent with information provided to the holder by the district manager or designated environment official at least 4 months before the road layout and design is submitted to the district manager for approval.
 - (5) A holder of a woodlot licence must ensure that the road layout and design includes a map showing the location of
 - (a) the road, as determined by a field traverse, by reference to
 - (i) survey references,
 - (ii) any stream or lake crossings, and
 - (iii) any topographic features that control road location, and
 - (b) the outer boundary of any riparian management zone in or adjacent to a proposed road other than at a crossing of a stream, wetland or lake.
 - (6) A holder of a woodlot licence must ensure that a road layout and design includes all of the following:
 - (a) the location of known resource features in or adjacent to the road, other than archaeological sites, and
 - (i) any measures to protect the resource feature, or
 - (ii) the reason for not protecting the resource feature;

- (b) the actions, if any, that are necessary to
 - (i) adequately manage and conserve archaeological sites,
 - (ii) achieve the visual quality objectives, and
 - (iii) adequately manage and conserve the non-timber forest resources that may impact on or be impacted by the road location that are
 - (A) made available by the district manager or designated environment official at least 4 months before the road layout and design is submitted for approval, or
 - (B) identified in an operational plan;
- (c) the road design specifications;
- (d) Repealed [B.C. Reg. 32/02];
- (e) the drainage design specifications, including designs and measures for stream culvert structures that will
 - (i) meet at least the peak flow for the 100 year return period, and
 - (ii) manage anticipated debris;
- (f) the vegetation specifications;
- (g) the signature of the holder or a person who has authority to sign on behalf of the holder.

(6.1) The actions that are referred to in subsection (6) (b) (iii) must, so far as possible, not identify the location of the wildlife habitat area.

(7) Repealed [B.C. Reg. 18/01]

(8) The district manager, in a notice given to a holder of a woodlot licence who submits a road layout and design for approval, may require the holder to refer the proposed road layout and design and any related assessments to resource agencies.

(9) To address unforeseen site conditions, a holder of a woodlot licence, may modify the road layout and design

(a) without the authorization of the district manager, if the change is not expected to adversely impact forest resources, and

(b) with the authorization of the district manager, if the change is expected to adversely impact forest resources.

WLFMR SECTIONS 44 to 57 ARE REPEALED AND REPLACED WITH THE FOLLOWING WORDING THAT PARALLELS SECTIONS 4 TO 17 OF THE REVISED FOREST ROAD REGULATION.

PART 5 - HARVESTING PRACTICES

Wildlife tree retention

- 58** (1) On request, a holder of a woodlot licence must make a comprehensive plan for wildlife tree retention available to the resource agencies for the purposes of auditing.
- (2)
- (2) A holder of a woodlot licence must not harvest trees that are designated as wildlife trees or are within wildlife tree patches identified in a comprehensive plan for wildlife tree retention.
- (3) The holder of a woodlot licence must, at the time of applying for authority to harvest wildlife trees, or trees that are in a wildlife tree patch, submit to the district manager an amendment to the comprehensive plan for wildlife tree retention to replace the trees that will be harvested with trees of equal or better wildlife tree value.
- 59** Repealed [B.C. Reg. 18/01]

Harvesting on sensitive slopes within community watersheds

- 60** (1) The provisions of this section do not apply to harvesting that is necessary to construct or modify a road.
- (2) The holder of a woodlot licence must not harvest an area within a community watershed that is subject to a high likelihood of landslides.
- (3) The holder of a woodlot licence must not sidecast material onto slopes in a community watershed that have a high likelihood of landslides.
- (4) The holder of a woodlot licence must not clearcut an area that is within a community watershed that is subject to a moderate likelihood of landslides and a high risk of landslide debris entering directly into streams, unless a terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that clearcutting the area will not significantly increase the risk of a landslide.
- (5) The holder of a woodlot licence must not construct an excavated or bladed trail on an area within a community watershed that is subject to a moderate likelihood of landslides, unless the result of a terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that
- (a) the excavated or bladed trail can be located, constructed and rehabilitated in a manner that will not significantly increase the risk of a landslide, and

- (b) there is a low likelihood of landslide debris
 - (i) entering into a perennial stream in a community watershed, or
 - (ii) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites, or any other similar structures.
- (6) Without limiting subsection (5) a holder of a woodlot licence must not construct an excavated or bladed trail on an area that is within a community watershed if
- (a) the soil erosion hazard and risk of sediment delivery to streams have not been assessed, or
 - (b) the results of the soil erosion hazard assessment and risk of sediment delivery to streams assessment indicate that both of the following conditions are met:
 - (i) the soil erosion hazard is high or very high, and
 - (ii) the risk of sediment delivery to streams is moderate, high or very high.

Harvesting on sensitive slopes outside of community watersheds

- 61** (1) The provisions of this section do not apply to harvesting that is necessary to construct or modify a road.
- (2) The holder of a woodlot licence must not clearcut an area that is outside a community watershed that is subject to a high likelihood of landslides, unless a terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that clearcutting the area will not significantly increase the risk of a landslide and that there is a low likelihood of landslide debris
- (a) entering into a fish stream or a perennial stream that is a direct tributary to a fish stream, or
 - (b) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites or any other similar structures.
- (3) The holder of a woodlot licence must not construct an excavated or bladed trail on an area that is outside a community watershed and that is subject to a high likelihood of landslides.
- (4) The holder of a woodlot licence must not construct an excavated or bladed trail on an area that is outside a community watershed that is subject to a moderate likelihood of landslides, unless a terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that

- (a) the excavated or bladed trail can be located, constructed and rehabilitated in a manner that will not significantly increase the risk of a landslide, and
 - (b) there is a low likelihood of landslide debris
 - (i) entering into a fish stream or a perennial stream that is a direct tributary to a fish stream, or
 - (ii) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites, or any other similar structures.
- (5) The holder of a woodlot licence must not sidecast material onto slopes that have a high likelihood of landslides.

Excavated or bladed trails

- 62** (1) For purposes of section 68 (1) (c) of the Act, the holder of a woodlot licence need not obtain the consent of the district manager before constructing an excavated or bladed trail if the holder obtained written authorization from the district manager for that construction before this subsection comes into force.
- (2) A holder of a woodlot licence must ensure that excavated or bladed trails are constructed to achieve all of the following:
- (a) to prevent subsurface seepage water from being diverted onto potentially unstable slopes or into stream channels or gullies that would not naturally have received the water;
 - (b) to maintain stability of cut slopes and fill slopes;
 - (c) to maintain surface drainage patterns;
 - (d) to facilitate any rehabilitation treatments required under subsection (3) or (5);
 - (e) to minimize soil erosion and the amount of sediment entering streams.
- (3) A holder of a woodlot licence who, before December 15, 1999, constructs or modifies an excavated or bladed trail that is not a permanent access structure must rehabilitate the area occupied by the excavated or bladed trail in accordance with subsection (6), if the trail is located on an area that
- (a) has a moderate or high likelihood of landslides, a high or very high soil erosion hazard, or for which the soil erosion hazard has not been documented in an operational plan, or
 - (b) is within a community watershed.

- (4) A holder of a woodlot licence is exempt from section 67 of the Act and section 30 of this regulation to act in accordance with the silviculture prescription or logging plan to the extent that the prescription or plan contains a requirement for rehabilitating an excavated or bladed trail that is both
 - (a) constructed or modified before December 15, 1999, and
 - (b) not located on an area referred to in subsection (3).
- (5) A holder of a woodlot licence who, on or after December 15, 1999, constructs or modifies an excavated or bladed trail that is not a permanent access structure must rehabilitate the area occupied by the trail in accordance with subsection (6).
- (6) Excavated or bladed trails requiring rehabilitation under subsection (3) or (5) must be rehabilitated
 - (a) by
 - (i) carrying out to the satisfaction of the district manager all of the following:
 - (A) decompacting the running surface, unless the soil is sand, loamy sand, or contains in excess of 70% coarse fragments by volume;
 - (B) placing sidecast fill material on the excavated portion of the trail;
 - (C) recontouring the slope;
 - (D) re-establishing surface drainage patterns;
 - (E) scattering woody debris on exposed mineral soil surfaces, or
 - (ii) carrying out other measures approved in an operational plan or otherwise authorized in writing by the district manager, and
 - (b) by completing the rehabilitation before or immediately following the conclusion of harvesting, or within another time that is approved in the operational plan for the area or is authorized in writing by the district manager.
- (7) The district manager may exempt a holder from the requirement to rehabilitate an area occupied by an excavated or bladed trail under subsection (3) or (5) on the grounds that
 - (a) the area is too small to warrant rehabilitation,
 - (b) rehabilitating the area is unlikely to restore productivity to an acceptable level, or

- (c) rehabilitating the area will create an unacceptable risk of further damage or harm to, or impairment of, forest resources.

Requirement to rehabilitate a road that is not a permanent access structure

- 62.1** (1) A holder of a woodlot licence must complete rehabilitation of a road that is not a permanent access structure before or immediately following the conclusion of harvesting, or within another time that is approved in the operational plan for the area or is authorized in writing by the district manager.
- (2) Unless otherwise approved in an operational plan, or authorized by the district manager in writing with or without conditions, a holder of a woodlot licence rehabilitating a road must do all of the following:
- (a) carry out measures to ensure that the area that was occupied by the road prism is stable, and that sediment delivery to streams is minimized;
 - (b) decompact the soil below the road surface;
 - (c) spread retrievable soil material that was displaced to construct the road over the surface of the road;
 - (d) re-establish natural surface drainage;
 - (e) revegetate exposed mineral soil.

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Requirements for access trails

- 62.2** (1) The holder of a woodlot licence who creates an access trail must carry out whatever measures are necessary on an access trail to
- (a) maintain natural surface drainage,
 - (b) minimize soil erosion and the amount of sediment entering streams, and
 - (c) prevent subsurface seepage water, intercepted by the trails, from being diverted into areas that would not naturally have received the water, and that are
 - (i) sensitive slopes, or
 - (ii) stream channels or gullies.
- (2) If a holder of a woodlot licence has been granted an exemption under section 22.01 (2), the holder is exempt from the requirement to obtain the consent of the district manager, under section 68 of the Act, to construct

an excavated or bladed trail to facilitate the harvesting of bark beetle infested timber or timber damage by wind.

Landings

- 63** (1) A holder of a woodlot licence must construct landings at least 30 m from a fish stream or a stream in a community watershed unless
- (a) there is no other practicable location for the landing,
 - (b) constructing the landing closer to the stream will not create a higher risk of sediment delivery to the stream, and
 - (c) the landing is identified in an operational plan as being closer than 30 m to the stream.
- (2) If the requirement to rehabilitate a landing is specified in an operational plan, the holder of a woodlot licence must
- (a) carry out the rehabilitation measures specified in the operational plan, or
 - (b) if rehabilitation measures are not specified in the operational plan or otherwise authorized in writing by the district manager, do all of the following:
 - (i) incorporate drainage systems to minimize runoff flowing onto the landing and erosion of the landing fill and material;
 - (ii) carry out measures to ensure that the landing is stable;
 - (iii) decompact the landing area;
 - (iv) spread retrievable soil material, that was displaced to construct the landing, over the surface of the landing;
 - (v) re-establish natural surface drainage;
 - (vi) place woody debris over exposed mineral soil.

Restrictions on harvesting in gullies on the Coast

- 64** (1) In this section “**gully**” means an area containing a stream where
- (a) the overall stream gradient is at least 25%, and
 - (b) a reach of that stream, greater than 100 m long, has
 - (i) a side wall greater than 3 m,
 - (ii) a side slope greater than 50%, and
 - (iii) a stream channel gradient greater than 20%;
- (2) Before a holder of a woodlot licence carries out harvesting in a gully that is on the Coast,

- (a) the holder must submit the results of a gully assessment, carried out in accordance with the Gully Assessment Procedure Guidebook, that provides measures to ensure that the harvesting activity will
 - (i) protect gully banks from erosion,
 - (ii) minimize damage to the understory, and
 - (iii) not increase sediment and debris transport potential, and
- (b) the district manager must determine that the harvesting will adequately manage and conserve the forest resources of the area.

Restrictions on minor harvesting operations or minor salvage operations in sensitive ecosystems

- 65** A holder of a woodlot licence must not carry out minor harvesting operations or minor salvage operations
- (a) in a riparian management zone, or
 - (b) in any of the following areas identified in an operational plan:
 - (i) wildlife tree patches;
 - (ii) forest ecosystem networks;
 - (iii) old growth management areas;
 - (iv) ungulate winter ranges

unless the holder has received in writing from the district manager the terms and conditions that apply to the harvesting operations.

Harvesting adjacent to streams, wetlands and lakes not identified or incorrectly classified

- 66** Despite section 30, if a stream, wetland or lake was not identified or was incorrectly classified in an operational plan,
- (a) the riparian reserve zone and riparian management zone have the widths established in Part 7, and
 - (b) a holder of a woodlot licence must not carry out harvesting within
 - (i) the riparian reserve zone except in accordance with an approval under section 35, based on the correct classification, or
 - (ii) the riparian management zone, except in accordance with the district manager's written authorization, and the district manager may give the authorization only if satisfied, based on the correct classification, that the harvesting will adequately manage and conserve the forest resources.

Restrictions on clearcutting – old growth management areas

- 67** A holder of a woodlot licence carrying out harvesting in a known old growth management area must not clearcut in the area unless
- (a) clearcutting in the area has been approved in the forest development plan, or
 - (b) if there is no forest development plan that approves clearcutting in the area, clearcutting in the area has been authorized in writing by the district manager with the agreement of a designated environment official, with or without conditions.

Temporary stream crossings

- 68** A holder of a woodlot licence carrying out harvesting must comply with all of the following:
- (a) not construct a temporary stream crossing unless authorized by the district manager;
 - (b) locate, design, construct, use, repair and remove temporary stream crossings in a manner that
 - (i) protects the stream channel and stream bank immediately above and below the stream crossing, and
 - (ii) mitigates disturbance to the stream channel or stream bank at the crossing;
 - (c) locate, design, construct, use, repair and remove temporary stream crossings in a manner that is consistent with timing windows and measures provided in writing by the designated environment official, if the crossing is for a fish stream;
 - (d) remove all temporary stream crossings at the completion of harvesting, unless otherwise directed by the district manager.

Maintaining stream bank stability

- 69** A holder of a woodlot licence carrying out harvesting or stream cleaning, for purposes other than constructing or modifying an authorized stream crossing, must not remove stable natural material that is in a stream or that is embedded in a stream bank, or a root system that contributes to stream bank stability and fish habitat, unless authorized by a designated environment official.

Restrictions on the location of helicopter or balloon log drop areas

- 70** A holder of a woodlot licence must not locate an aerial harvesting log drop area in

- (a) the littoral zone of a marine or fresh water system,
- (b) water that is less than 10 m deep, or
- (c) a marine-sensitive zone.

Felling, yarding and skidding

- 71** A holder of a woodlot licence must ensure that timber is
- (a) felled onto a stream, lake, wetland, marine-sensitive zone or fisheries-sensitive zone, only if
 - (i) approved in an operational plan or otherwise authorized in writing by the district manager, or
 - (ii) it is the only practicable way that the timber can be felled for worker safety, or
 - (b) yarded or skidded through or over any stream or fisheries-sensitive zone, only if approved in an operational plan or otherwise authorized in writing by the district manager.

Landing and roadside slash accumulations

- 72** Unless otherwise authorized by the district manager, a holder of a woodlot licence must burn the combustible slash that accumulates at landings and roadside work areas within the following time periods:
- (a) if the slash is insect-infested, before the insects emerge;
 - (b) if the slash is not insect-infested, before the end of the first burning season after harvesting is completed.

Rehabilitation of compacted areas and corduroyed trails

- 73** (1) Unless subsection (3) applies, the holder of a woodlot licence must complete the rehabilitation of compacted areas and areas occupied by corduroyed trails to the satisfaction of the district manager
- (a) within the time frame specified by the district manager, or
 - (b) if no time frame is specified under paragraph (a), before or immediately following the conclusion of harvesting.
- (2) A holder of a woodlot licence who is required to rehabilitate a corduroyed trail or compacted area must rehabilitate the trail or area to the extent necessary to
- (a) establish a free growing stand on the area,
 - (b) re-establish natural surface drainage, and
 - (c) minimize sediment delivery to streams.

- (3) The district manager may exempt the holder of a woodlot licence from the requirement in subsection (1) on the grounds that
- (a) the area is too small to warrant rehabilitation,
 - (b) rehabilitating the area is unlikely to restore productivity to an acceptable level, or
 - (c) rehabilitating the area will create an unacceptable risk of further damage or harm to, or impairment of, forest resources.

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PART 6 - SILVICULTURE

Division 1 – Definitions

Definitions

74 (1) In this Part and in Schedule A:

“**BG**” means the bunch grass biogeoclimatic zone;

“**BWBS**” means the boreal white and black spruce biogeoclimatic zone;

“**CDF**” means the coastal Douglas-fir biogeoclimatic zone;

“**commencement of harvesting**” means

- (a) for an area harvested under a cutting permit where the holder of a woodlot licence is required to establish a free growing stand under section 76, the date harvesting, excluding road and landing construction, begins on the area,
- (b) for an area where the holder of the woodlot licence harvests Crown timber in contravention of section 96 of the Act, the date the contravention begins, or
- (c) for private land subject to the woodlot licence where the holder of the woodlot licence harvests timber without authorization, the date the harvesting begins;

“**CWH**” means the coastal western hemlock biogeoclimatic zone;

“**ESSF**” means the Engelmann spruce subalpine fir biogeoclimatic zone;

“**ICH**” means the interior cedar hemlock biogeoclimatic zone;

“**IDF**” means the interior Douglas-fir biogeoclimatic zone;

“**MH**” means the mountain hemlock biogeoclimatic zone;

“**MS**” means the montane spruce biogeoclimatic zone;

“PP” means the ponderosa pine biogeoclimatic zone;

“SBPS” means the sub-boreal pine spruce biogeoclimatic zone;

“SBS” means the sub-boreal spruce biogeoclimatic zone;

“**target stocking standard**” means the optimum number of healthy, well spaced and free growing trees of the preferred and acceptable species per hectare as determined in accordance with section 80;

“**target stocking standard for single tree selection**” means the optimum number of healthy, well spaced and free growing trees of the preferred and acceptable species per hectare for a layer within a stand to be considered fully stocked under a single tree selection silvicultural system as determined in accordance with section 80;

“**well spaced**” means

(a) for other than a mature layer in single tree selection silvicultural systems, trees that are at least the following minimum distance apart:

(i) the distance specified in an operational plan for the area;

(ii) if there is no distance specified in an operational plan for the area,

(A) for the BG, BWBS, ESSF, ICH, IDF, MS, PP, SBPS, and SBS biogeoclimatic zones,

(I) 1.5 m for planted areas, and

(II) 2.0 m for naturally regenerated areas, and

(B) for the CDF, CWH and MH biogeoclimatic zones, 2.0 m, and

(b) for the mature layer in single tree selection silvicultural systems, any distance apart.

(2) Despite the definition of “**commencement of harvesting**”, the district manager may authorize, in writing, a different date as the commencement of harvesting, if harvesting of bark beetle infested timber or timber damaged by wind occurs before harvesting the majority of the cutblock volume.

Division 2 – Obligations to Produce a Free Growing Stand

Application

75 Nothing in this Division applies to the establishment of a free growing stand on an area under a silviculture prescription, or otherwise affects the requirements of the Act with respect to the establishment of a free growing stand on an area under a silviculture prescription.

Producing a free growing stand on required areas

- 76** (1) A holder of a woodlot licence must produce, in accordance with sections 77 to 80, a free growing stand on
- (a) the net area to be reforested, except on areas of intermediate cuttings,
 - (b) areas where the timber was harvested by the holder in contravention of section 96 of the Act, and
 - (c) private land subject to the woodlot licence where timber was harvested by the holder without authorization.
- (2) The district manager may exempt the holder of a woodlot licence from the requirements of subsection (1) if the harvesting is limited to one or more of the following:
- (a) harvesting timber on land that is, or will be, used for
 - (i) grazing or growing of hay in accordance with an agreement under the *Range Act*,
 - (ii) an experimental purpose,
 - (iii) growing Christmas trees, or
 - (iv) any use that is incompatible with the establishment of a free growing stand;
 - (b) harvesting activities limited to
 - (i) removing a safety hazard,
 - (ii) facilitating the collection of seed for reforestation, or
 - (iii) facilitating the entrapment of pests;
 - (c) the felling and removal of special forest products;
 - (d) minor salvage operations;
 - (e) minor harvesting operations.

February 2001 (B.C. Reg. 18/01)

Stocking requirements at regeneration date

- 77** (1) When establishing a free growing stand under section 76, the holder of a woodlot licence must establish a stand that meets the stocking requirements of this section on or before the regeneration date, which is
- (a) the date that is determined by moving forward from the commencement of harvesting the number of years that is the number specified for the regeneration date in an operational plan for the area, or
 - (b) if no number is specified for the regeneration date in an operational plan for the area, the date that is,

- (i) for BG, BWBS, ESSF, ICH, IDF, MH, MS, PP, SBPS, and SBS biogeoclimatic zones,
 - (A) 4 years after commencement of harvesting, for areas where planting is specified in an operational plan, and
 - (B) 7 years after commencement of harvesting, for areas where natural regeneration is specified in an operational plan, and
 - (ii) for CDF and CWH biogeoclimatic zones,
 - (A) 3 years after commencement of harvesting, for areas where planting is specified in an operational plan, and
 - (B) 6 years after commencement of harvesting, for areas where natural regeneration is specified in an operational plan.
- (2) If the silvicultural system approved for the area is other than single tree selection, the stand of trees must contain at least
- (a) the minimum number of healthy, well spaced trees of the preferred and acceptable species per hectare, and
 - (b) the minimum number of healthy, well spaced trees of the preferred species per hectare
- specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A.
- (3) If the silvicultural system approved for the area is single tree selection, the stand of trees must contain, for at least one layer of the stand,
- (a) at least the minimum number of healthy, well spaced trees of the preferred and acceptable species per hectare, and
 - (b) at least the minimum number of healthy, well spaced trees of the preferred species per hectare
- specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A.
- (4) The holder must maintain the stocking requirements of this section from the regeneration date referred to in subsection (1) until the free growing date.

Stocking requirements at free growing date

- 78** (1) When establishing a free growing stand under section 76, the holder of a woodlot licence must establish a free growing stand that meets the stocking requirements of this section on or before the free growing date, which is

- (a) the date that is determined by moving forward from the commencement of harvesting the number of years that is the number specified for the free growing date in an operational plan for the area, or
 - (b) if no number is specified for the free growing date in an operational plan for the area, the date that is
 - (i) 15 years after commencement of harvesting for the BG, BWBS, ESSF, ICH, IDF, MH, MS, PP, SBPS, and SBS biogeoclimatic zones, and
 - (ii) 12 years after commencement of harvesting for the CDF and CWH biogeoclimatic zones.
- (2) Repealed [B.C. Reg. 18/2001]
- (3) If the silvicultural system approved for the area is other than single tree selection, the stand of trees must contain at least
 - (a) the minimum number of healthy, well spaced trees of the preferred and acceptable species per hectare, and
 - (b) the minimum number of healthy, well spaced trees of the preferred species per hectare
 specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A.
- (4) If the silvicultural system approved for the area is single tree selection, the stand of trees must contain, for at least one layer of the stand,
 - (a) at least the minimum number of healthy, well spaced trees of the preferred and acceptable species per hectare, and
 - (b) at least the minimum number of healthy, well spaced trees of the preferred species per hectare
 specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A.
- (5) Healthy, well spaced trees of a preferred or acceptable species, referred to in subsection (3) or (4), must have achieved
 - (a) the minimum height for their species as specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A, and
 - (b) the height, relative to competing vegetation within a 1 m radius of the tree trunk,
 - (i) specified in an operational plan for the area, or

- (ii) if there is no amount specified in an operational plan for the area,
 - (A) 125% for the ESSF, IDF, MS, MH, PP and BG biogeoclimatic zones, and
 - (B) 150% for the CDF, CWH, BWBS, ICH, SBPS and SBS biogeoclimatic zones.
- (6) For healthy, well spaced trees of a preferred or acceptable species to be considered free growing, they must have been growing on the area for at least 5 years from the commencement of harvesting, unless the district manager specifies, in writing, another period.
- (7) Despite the requirement in section 30 to comply with an operational plan, the maximum number of coniferous trees allowed per hectare before a spacing treatment is required under section 79 is
 - (a) a number established by the regional manager, in writing, in accordance with section 81 (6), or
 - (b) 10 000 trees per hectare, if a number has not been established under paragraph (a).
- (8) If a spacing treatment is required under section 79, the number of coniferous trees per hectare that remain after the spacing treatment must not exceed
 - (a) the post spacing density number specified in an operational plan for the area, or
 - (b) if there is no post spacing density number specified in an operational plan for the area, then
 - (i) if a silvicultural system other than single tree selection is approved for the area
 - (A) 2 000 coniferous trees per hectare for the BG, BWBS, ESSF, ICH, IDF, MS, PP, SBPS, and SBS biogeoclimatic zones, or
 - (B) 1 500 coniferous trees per hectare for the CDF, CWH and MH biogeoclimatic zones, and
 - (ii) if single tree selection is approved for the area, 1 500 coniferous trees per hectare in the sapling layer.

Maximum density spacing treatment requirement

- 79** (1) When establishing a free growing stand under section 76, if the maximum number of coniferous trees per hectare on an area exceeds the number specified in section 78 (7), the holder of a woodlot licence must carry out a

spacing treatment before the free growing date to reduce the number of coniferous trees per hectare on the area to

- (a) a number not greater than the post spacing density number specified in an operational plan for the area, or
 - (b) if there is no post spacing density number specified in an operational plan for the area, a number not greater than the number specified in section 78 (8).
- (2) For the purposes of determining if the number of trees per hectare before a spacing treatment is required has been exceeded, the following coniferous trees must be counted:
- (a) a tree that is at least 20% of the median height of the preferred and acceptable well spaced trees in the survey plot;
 - (b) if the silvicultural system is single tree selection, a tree that is at least 1.3 m in height and less than 7.5 cm in diameter measured at a height of 1.3 m;
 - (c) a tree that meets criteria established by the chief forester under section 81 (9).

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Target stocking standard

- 80** (1) When establishing a free growing stand under section 76,
- (a) if the silvicultural system approved for the area is other than single tree selection, the holder of a woodlot licence must carry out a regime of silviculture treatments designed to achieve the target stocking standard, as specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A, or
 - (b) if the silvicultural system approved for the area is single tree selection, the holder of a woodlot licence must carry out harvesting and a regime of silviculture treatments that is designed to achieve the target stocking standard for single tree selection for at least one layer of the stand, as specified in an operational plan for the area, or if not specified in an operational plan for the area, as determined in accordance with Schedule A.
- (2) The district manager may require a holder of a woodlot licence to prepare and obtain the district manager's approval of a site plan, or amendment, that outlines a regime of silviculture treatments designed to achieve a target stocking standard required under subsection (1), if the district manager is of the opinion that the holder is not complying with subsection (1).

Division 3 – Free Growing Requirements for Areas Under Silviculture Prescriptions

Maximum density spacing treatment requirement if there is a silviculture prescription for the area

- 81**
- (1) A holder of a woodlot licence is exempt from the requirement under section 70 (3) of the Act to act in accordance with a silviculture prescription to the extent that the prescription contains a requirement for carrying out a spacing treatment before the end of the free growing assessment period to reduce the density of trees to a density specified in the prescription.
 - (2) A holder of a woodlot licence who has an approved silviculture prescription is exempt from the requirements of section 70 (4) (f) and section 70 (6) of the Act.
 - (3) If
 - (a) a silviculture prescription for an area is approved on or after April 1, 1994, and the holder of the woodlot licence is required to establish a free growing stand on the area, and
 - (b) before the end of the free growing period, the number of coniferous trees per hectare in that area exceeds 10 000 or another number specified by the regional manager under subsection (6),the holder must carry out a spacing treatment on the area before the end of the free growing assessment period to reduce the number of coniferous trees per hectare to within the range limited by the maximum and minimum numbers specified in the prescription.
 - (4) If a silviculture prescription for an area was approved before April 1, 1994, and the holder of the woodlot licence is required to establish a free growing stand on the area, the holder must, if the density of lodgepole pine or drybelt Douglas-fir trees per hectare exceeds 10 000 or another number specified by the regional manager under subsection (6), carry out a spacing treatment on the area before the end of the free growing assessment period to reduce the number of trees
 - (a) to within the range limited by the maximum and minimum numbers specified in the prescription, or
 - (b) if a range described in paragraph (a) is not indicated in the prescription, to within the range limited by the maximum and minimum numbers specified by the district manager in a written notice.
 - (5) For the purposes of subsection (4), if a range is not specified in the prescription and the district manager does not specify a range in a written

notice, then the holder of the woodlot licence must carry out a spacing treatment before the end of the free growing assessment period to reduce the number of trees to a number that does not exceed

- (a) if a silvicultural system other than single tree selection is approved for the area,
 - (i) 2 000 coniferous trees per hectare for the BG, BWBS, ESSF, ICH, IDF, MS, PP, SBPS, and SBS biogeoclimatic zones, or
 - (ii) 1 500 coniferous trees per hectare for the CDF, CWH and MH biogeoclimatic zones, and
 - (b) if single tree selection is approved for the area, 1 500 coniferous trees per hectare in the sapling layer.
- (6) For the purposes of subsections (3) and (4), the regional manager may specify a number other than 10 000, if
- (a) satisfied that a number other than 10 000 is necessary to ensure that forest resources are adequately managed and conserved in an area, and
 - (b) the chief forester has established policies and guidelines under subsection (9).
- (7) The regional manager is not required to specify a number other than 10 000 under subsection (6).
- (8) When specifying a number under subsection (6), the regional manager
- (a) may specify different numbers for different areas and species, and
 - (b) must give written notice of the specification to a holder of a woodlot licence before that holder is bound by the specification.
- (9) The chief forester may
- (a) establish, vary or cancel policies and guidelines respecting
 - (i) the regional manager's specification of a number of trees per hectare other than 10 000, under subsection (6),
 - (ii) the characteristics of trees that must be counted for the purpose of determining if the number of trees per hectare before a spacing treatment is required has been exceeded, and
 - (iii) any other matters related to stand density management, and
 - (b) make different policies and guidelines for different areas and species.
- (10) The regional manager must follow policies and guidelines under subsection (9).

- (11) The policies and guidelines under subsection (9) must be made available to the public, on request, at regional and district offices of the Ministry of Forests.
- (12) For the purposes of determining if the number of trees per hectare before a spacing treatment is required has been exceeded, the following coniferous trees must be counted:
 - (a) **well-spaced** a tree that is at least 20% of the median height of the preferred and acceptable well spaced trees in the survey plot;
 - (b) if the silvicultural system is single tree selection, a tree that is at least 1.3 m in height and less than 7.5 cm in diameter measured at a height of 1.3 m;
 - (c) a tree that meets criteria established by the chief forester under subsection (9).

Division 4 – Silviculture Treatment Constraints

Use of seeds and vegetative material

82 (1) In this section:

“**seedlot**” means a quantity of cones or seeds having the same species, source, quality and year of collection;

“**source**” means

- (a) the geographic source of cones, seeds and vegetative material including the latitude, longitude and elevation of the source, or
- (b) the name and licence number of the seed orchard, cutting orchard or production facility;

“**vegetative lot**” means a quantity of vegetative material or vegetative propagules having the same species, source and year of collection;

“**vegetative material**” means plant parts or tissues used to produce vegetative propagules through asexual means;

“**vegetative propagule**” means a plant that has been produced through asexual means.

(2) If the holder of a woodlot licence carries out planting to produce a free growing stand or carries out planting on a backlog area under section 22.2, the holder must comply with all of the following:

- (a) use only seedlots or vegetative lots collected and registered in accordance with the Tree Cone, Seed and Vegetative Material Regulation;
- (b) unless otherwise authorized by the district manager, use the best genetic quality source available;
- (c) not exceed the limits for seed or vegetative material transfer specified in the Seed and Vegetative Material Guidebook, unless otherwise permitted by the district manager;
- (d) store seeds for reforestation with the Ministry of Forests;
- (e) keep a record of the registration numbers of the seedlots or vegetative lots used and the locations where they are planted;
- (f) use only seedlings or vegetative propagules that indicate on their shipping containers whether or not the seedlings or vegetative propagules have been treated with pesticides;
- (g) if the holder knows or should know of forest health concerns that affect the health of the species of trees that are required by the operational plan, use only naturally or genetically improved resistant seed sources, seedlings or vegetative propagules if they are available.

Pruning required for white pine blister rust

83 Unless otherwise approved in an operational plan or otherwise authorized in writing by the district manager, a holder of a woodlot licence who establishes western white pine as a preferred or acceptable species must prune the western white pine that are crop trees to a height of 1.3 m from the ground before the free growing date or the end of the free growing assessment period, if the holder

- (a) is required to produce a free growing stand of trees, and
- (b) does not use seed that is resistant to blister rust.

Use of livestock for silviculture purposes

- 84** (1) A holder of a woodlot licence who uses livestock for site preparation or brush control must ensure that all of the following are complied with:
- (a) all necessary measures, including any specified by the district manager, are taken to
 - (i) protect fish, wildlife and their habitat,
 - (ii) minimize conflict between livestock and animals that could prey on livestock,
 - (iii) protect irrigation and licensed domestic water supply intakes,
 - (iv) prevent transmission of disease from livestock to wildlife, and

- (v) maintain the health of livestock;
 - (b) a livestock corral is not constructed
 - (i) within a riparian reserve zone or riparian management zone, or
 - (ii) on a site that drains directly into a stream, lake or other watercourse bearing fish or used as a potable water source;
 - (c) the district manager is notified before the arrival of livestock;
 - (d) all livestock health certifications and health inspections required by the Ministry of Agriculture and Food are carried out.
- (2) Without limiting subsection (1), a holder of a woodlot licence must not use livestock to carry out site preparation or brush control within a riparian reserve zone or riparian management zone in a community watershed.

Use of pesticides for silviculture purposes

- 85** (1) If applying a pesticide within a community watershed, the holder of a woodlot licence must comply with the following:
- (a) the water licence holder, or a representative of the holder, must be provided with a copy of the pesticide use permit or pest management plan for the area and notified of the proposed treatment, before any pesticide is applied;
 - (b) a pesticide must not be applied closer than 100 m upslope of a community water intake;
 - (c) pesticides must not be stored outside of a permanent structure for a period exceeding
 - (i) 24 hours before the application, or
 - (ii) 7 days beyond the conclusion of the application;
 - (d) a 10 m pesticide free zone must be maintained around all streams, unless the pesticide is a biological pesticide.
- (2) If the holder of a woodlot licence is applying a pesticide as a silviculture treatment within a community watershed and a pesticide, or a product of pesticide breakdown, is detected at a community water intake, the holder must not use a pesticide in the community watershed until the medical health officer is satisfied that all necessary measures have been taken to preserve water quality.

Use of fertilizer for silviculture purposes

- 86** (1) A holder of a woodlot licence must ensure that fertilizer used in silviculture treatments is stored, handled and applied in a manner that protects forest resources.

- (2) In a community watershed, the holder of a woodlot licence who, for silviculture purposes, broadcasts fertilizer rather than using it for a spot treatment, must ensure that it
 - (a) is not applied
 - (i) closer than 100 m upslope of a water intake, or
 - (ii) within 10 m of a perennial stream that is observable from the air, at the height it will be applied, unless authorized by the district manager and the medical health officer,
 - (b) does not result in
 - (i) nitrate nitrogen levels in a stream measured immediately below the area where it is applied, exceeding 10 ppm,
 - (ii) chlorophyll levels exceeding
 - (A) 2 micrograms/litre in a lake, or
 - (B) 50 milligrams/square metre in a stream, or
 - (iii) water quality falling below any water quality objectives for the community watershed that
 - (A) are specified in a forest development plan, or
 - (B) were established by a designated environment official and made available to the holder in writing at least 4 months before the application of the fertilizer.

Insect behaviour modifying treatments

- 87** Unless exempted by the district manager, the holder of a woodlot licence who uses trap trees or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge.

Division 5 - Surveys and Reports

Silviculture surveys

- 88** (1) If required by the district manager, a holder of a woodlot licence must carry out a survey of the nature and extent of
 - (a) the total area of the cutblock that is occupied by permanent access structures, and
 - (b) soil disturbance within the net area to be reforested.
- (2) A holder of a woodlot licence who is required to establish a free growing stand on an area must carry out an assessment for the net area to be reforested by the regeneration date, showing whether or not the stocking requirements for the regeneration date have been met.

- (3) A holder of a woodlot licence must carry out a survey for the net area to be reforested, on or before the free growing date or within the free growing assessment period for areas under a silviculture prescription, identifying all of the following:
 - (a) the area for which the free growing stocking requirements have been met;
 - (b) the number of healthy, well spaced free growing trees per hectare of preferred and acceptable species;
 - (c) the number of healthy, well spaced free growing trees per hectare of the preferred species;
 - (d) the total number of countable coniferous trees per hectare for the purpose of determining compliance with the maximum number of coniferous trees allowed per hectare under section 79 or 81;
 - (e) for any areas for which the free growing stocking requirements have not been met, the areas that are
 - (i) satisfactorily stocked, or
 - (ii) not satisfactorily restocked;
 - (f) the inventory label and silviculture label, including species component, age, height, density and site index.
- (4) A holder of a woodlot licence who has carried out intermediate cuttings must carry out a survey, between 1 and 3 years after the completion of harvesting on the area, that identifies
 - (a) the area,
 - (b) the inventory label including species component, age, height, density and site index, and
 - (c) the incidence of damage by forest health factors affecting trees.
- (4.1) Despite subsection (4), the district manager may exempt the holder of a woodlot licence from the requirement to carry out a survey on an area of intermediate cuttings if
 - (a) the area is too small to warrant the survey, or
 - (b) the extent of harvesting does not significantly change the inventory label.
- (5) Without limiting subsections (1) to (4.1), a holder of a woodlot licence must
 - (a) carry out surveys and assessments to the satisfaction of the district manager,
 - (b) redo them if required by the district manager,
 - (c) keep a record of each of those surveys or assessments, and

- (d) provide a copy of those records to the district manager when submitting the annual report for the year in which the survey or assessment was carried out, unless the district manager requires the copy at a different time.

Reporting obligations

- 89** A holder of a woodlot licence must submit to the district manager, on or before April 30 each year, an annual report in the form, and with the content, required by the chief forester.

PART 7 - RIPARIAN WIDTHS

Division 1 – General

Determining the applicable riparian widths

- 90** (1) The district manager, with the agreement of a designated environment official, may
 - (a) vary the width of a riparian reserve zone or riparian management zone established under this Part,
 - (b) require a riparian reserve zone or riparian management zone and specify the width of that zone, if a riparian reserve zone or riparian management zone is not established under this Part, and
 - (c) notify the holder of the woodlot licence of any specification or variance under paragraph (a) or (b).
- (2) If the holder of a woodlot licence receives a notice under subsection (1), then for any identified stream, wetland or lake, the specifications or variances contained in the notice apply to the riparian reserve zone or riparian management zone associated with the identified stream, wetland or lake.
- (3) If the holder of a woodlot licence does not receive a notice under subsection (1), then the riparian reserve zone or riparian management zone widths specified in this Part apply to the woodlot licence area.

Measuring riparian widths

- 91** (1) Riparian reserve zones are the area of a width specified in this Part that is measured from
 - (a) the edge of a stream channel bank,
 - (b) the edge of a wetland, and
 - (c) the edge of

- (i) the natural boundary of a lake, or
 - (ii) a wetland that is contiguous to a lake, if the wetland is up to 5 ha in size.
- (2) Riparian management zones are the area of a width specified in this Part that is measured from
- (a) for streams,
 - (i) the outer edge of the riparian reserve zone, or
 - (ii) if there is no riparian reserve zone, the edge of the stream channel bank, to the widest of
 - (A) the top of the inner gorge of the stream,
 - (B) the width specified under section 90 (1) or in 93 (1), or
 - (C) the outer edge of any
 - (I) active flood plain, or
 - (II) wetland that is less than 1 ha in size and is within the width of the riparian management zone.
 - (b) for wetlands or lakes,
 - (i) the outer edge of the riparian reserve zone, or
 - (ii) if there is no riparian reserve zone, the edge of the wetland or lake.

Division 2 – Streams

Riparian classes of streams

- 92 (1) Streams in community watersheds and fish streams have the following riparian classes:

Stream Width (m)	Riparian Class
>20	S1
>5≤20	S2
1.5≤5	S3
<1.5	S4

- (2) Streams outside of community watersheds that are not fish streams have the following riparian classes:

Stream Width (m)	Riparian Class
>3	S5
≤3	S6

Minimum widths of riparian reserve zones and riparian management zones

- 93 (1) For each riparian class referred to in section 92, the minimum riparian reserve zone width and riparian management zone width on each side of the stream are as follows:

Riparian Class	Riparian Reserve Zone (m)	Riparian Management Zone (m)
S1	50	20
S2	30	20
S3	20	20
S4	0	30
S5	0	30
S6	0	20

- (2) Despite subsection (1), if a stream has, on average, over a 1 km length,
- (a) a channel width of 100 m or greater, and
 - (b) an active flood plain width of 100 m or greater

then the stream has no riparian reserve zone, but does have a riparian management zone of 100 m or the width of the active flood plain, whichever is greater.

Division 3 – Wetlands

Riparian classes of wetlands

- 94 A wetland has a riparian class of
- (a) W1 if the wetland is greater than 5 ha in size,
 - (b) W2 if the wetland is between 1 and 5 ha in size and is in the following biogeoclimatic zones and subzones:
 - (i) Ponderosa Pine;
 - (ii) Bunch Grass;
 - (iii) Interior Douglas-fir, very dry hot, very dry warm or very dry mild;
 - (iv) Coastal Douglas-fir;
 - (v) Coastal Western Hemlock very dry maritime, dry maritime or dry subarctic,

- (c) W3 if the wetland is between 1 ha and 5 ha in size and is in a biogeoclimatic zone or subzone other than those referred to in paragraph (b),
- (d) W4 if the wetland is
 - (i) between 0.25 and 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b) (i), (ii) or (iii), or
 - (ii) between 0.5 ha and 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b) (iv) or (v), or
- (e) W5 if the area consists of 2 or more individual wetlands with overlapping riparian management zones and the combined size of the wetlands is 5 ha or larger.

Minimum widths of riparian reserve zones and riparian management zones for wetlands

- 95** (1) For each riparian class referred to in section 94, the minimum reserve zone and riparian management zone width is the following:

Riparian Class	Riparian Reserve Zone (m)	Riparian Management Zone (m)
W1	10	40
W2	10	20
W3	0	30
W4	0	30
W5	10	40

- (2) Despite subsection (1), upland terrain within a bog dominated or muskeg dominated wetland larger than 1 000 ha in boreal, sub-boreal or hyper maritime climates has no riparian reserve zone or riparian management zone.

Division 4 – Lakes

Riparian classes of lakes

- 96** A lake has a riparian class of
- (a) L1 if the lake is
 - (i) greater than 5 ha in size, or
 - (ii) designated by the district manager,
 - (b) L2 if the lake is between 1 ha and 5 ha in size and is in the following biogeoclimatic zones and subzones:
 - (i) Ponderosa Pine;

- (ii) Bunch Grass;
 - (iii) Interior Douglas-fir, very dry hot, very dry warm or very dry mild;
 - (iv) Coastal Douglas-fir;
 - (v) Coastal Western Hemlock very dry maritime, dry maritime or dry subarctic,
- (c) L3 if the lake is between 1 ha and 5 ha in size and is in a biogeoclimatic zone or subzone other than those referred to in paragraph (b), or
- (d) L4 if the lake is
- (i) between 0.25 and 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b) (i), (ii) or (iii), or
 - (ii) between 0.5 and 1 ha in size and is in a biogeoclimatic zone or subzone referred to in paragraph (b) (iv) or (v).

Minimum widths of riparian reserve zones and riparian management zones for lakes

- 97** (1) A lake with a riparian class of L1 has a riparian reserve zone width of 10 m, unless otherwise specified by the district manager, and a riparian management zone of a width established by the district manager.
- (2) A lake with a riparian class other than L1 has the following minimum riparian reserve zone and riparian management zone widths:

Riparian Class	Riparian Reserve Zone (m)	Riparian Management Zone (m)
L2	10	20
L3	0	30
L4	0	30

- (3) Despite subsections (1) and (2), a lake greater than 1 000 ha has no riparian reserve zone.

PART 7.1 - GREEN-UP, UNGULATE WINTER RANGE AND IDENTIFIED WILDLIFE

Definitions

97.1 In this Part:

“adequately stocked” means having

- (a) on the Coast, 800 or more trees per ha, and
- (b) in the Interior, 1 000 or more trees per ha,

that are a commercially valuable species and at least 1.3 m in height;

“cutblock” means a cutblock as defined in the Act, except that the licence, forest development plan or permit referred to in that definition means the most recently approved licence, plan or permit for the area, whether or not it has expired;

“net area” means, with respect to a cutblock,

- (a) the net area to be reforested as identified in the most recent operational plan for the cutblock, whether or not the plan has expired, or
- (b) if no operational plan identifies a net area to be reforested for the cutblock, the area of the cutblock excluding all of the following:
 - (i) any area occupied by permanent access structures;
 - (ii) any area of rock, wetland or other area that in its natural state is incapable of growing commercially valuable trees;
 - (iii) any contiguous area within the cutblock of more than 4 ha that is composed of non-commercial forest cover;
 - (iv) any area reserved from harvesting because of wildlife trees or riparian reserve zones.

Greened-up

97.2 (1) When exercising a discretion under subsection (3) or (5) to (8), the district manager

- (a) may exercise the discretion with respect to a cutblock or all or part of the forest district, and
- (b) must give written notice of the applicable requirement or variation to any holder of a woodlot licence who may be affected.

(2) When exercising a discretion under subsection (3) (a) or (6), the district manager must be satisfied that

- (a) any increase in green-up requirements is necessary to adequately manage and conserve hydrological, wildlife, recreational and scenic values, and
- (b) any decrease in green-up requirements will adequately manage and conserve these values.

(3) A cutblock is greened-up if the following portion or percentage of the cutblock meets the requirements of subsections (4) to (8):

- (a) 75% of the net area, or another percentage of its net area specified by the district manager;
 - (b) another portion of the cutblock specified by the district manager, that is
 - (i) adjacent to the cutblock proposed for harvest, and
 - (ii) sufficient in size to adequately manage and conserve the forest resource.
- (4) If a higher level plan specifies a requirement that is different than a requirement referred to in this section, the requirement specified in the higher level plan prevails to the extent of the difference.
- (5) If no higher level plan specifies a green-up requirement that applies to the cutblock, the cutblock is greened-up if it is
- (a) adequately stocked and the average height of those trees that are
 - (i) the tallest tree in each 0.01 ha plot included in a representative sample, and
 - (ii) a commercially valuable species or other species acceptable to the district manager
 is at least 3 m or another height specified under subsection (8), or
 - (b) not adequately stocked, and
 - (i) the average height of those trees that are
 - (A) the tallest tree in each 0.01 ha plot included in a representative sample, and
 - (B) a commercially valuable species or other species acceptable to the district manager
 is at least 3.5 m or another height specified under subsection (8), and
 - (ii) either
 - (A) the cutblock is stocked with at least 500 trees per ha for the Coast or 700 trees per ha for the Interior, that are commercially valuable species and at least 1.3 m in height, or
 - (B) the person proposing the harvest areas adjacent to the cutblock satisfies the district manager that the cutblock is stocked with a sufficient number of trees per ha of a species that will result in adequate management and conservation of hydrological, wildlife, recreational and scenic values.

- (6) In addition to the requirements under subsection (5), if the district manager has specified that a number of trees per ha of at least 3 m in height is required for a cutblock to be greened-up, the cutblock must have at least that number to be greened-up.
- (7) For the purpose of subsection (5), the district manager may specify that a species is excluded from being counted for the purpose of determining the average height of the tallest trees, if the district manager determines that the species
 - (a) if deciduous, does not result in adequate management and conservation of hydrological, wildlife, recreational or scenic values, or
 - (b) may be subject to removal or modification.
- (8) The district manager may vary an average height requirement referred to in subsection (5)
 - (a) to a height that is less than 3 m, if the district manager and designated environment official are satisfied that the reduced height will adequately manage and conserve the forest resources, or
 - (b) to a height that is greater than 3 m, if the district manager is satisfied that a greater height is necessary to adequately manage and conserve hydrological, wildlife, recreational and scenic values.

Ungulate winter range

- 97.3** (1) The chief forester and the Deputy Minister of Water, Land and Air Protection may, by written order, establish an ungulate winter range by identifying in the order
- (a) an area of land that is necessary for the winter survival of an ungulate species, and
 - (b) objectives for the management of that area.
- (2) An ungulate winter range that is identified in a wildlife management plan or strategy approved before October 15, 1998 ceases to be an ungulate winter range on October 15, 2003 unless confirmed before that date by the chief forester and Deputy Minister of Water, Land and Air Protection.
- (3) If an ungulate winter range identified in a wildlife management plan or strategy under paragraph (c) of the definition of “ungulate winter range” has no objectives specified for the management of the winter range, the district manager and designated environment official may, by written order, establish objectives for the winter range.

Identified wildlife and general wildlife measures

- 97.4** (1) The Deputy Minister of Water, Land and Air Protection, or a person authorized by the Deputy Minister, and the chief forester, acting jointly, may, by written order,
- (a) classify a species at risk as identified wildlife, if they agree that the species needs to be managed through a higher level plan, wildlife habitat area or general wildlife measure,
 - (b) establish a mapped area of land as a wildlife habitat area, if satisfied that the mapped area is necessary to meet the habitat requirements of identified wildlife,
 - (c) establish a management practice, that applies inside wildlife habitat areas, as a general wildlife measure, if satisfied that the management practice is necessary to maintain the identified wildlife within those areas, and
 - (d) establish a management practice, that applies within a specified ecosystem unit as a general wildlife measure, if satisfied that the management practice is necessary to maintain a specified habitat.
- (2) The classification of a species at risk as identified wildlife, and the establishment of a general wildlife measure and a wildlife habitat area, may be varied or cancelled by a written order signed by both
- (a) the Deputy Minister of Water, Land and Air Protection or a person authorized by the Deputy Minister, and
 - (b) the chief forester.
- (3) An order made under subsection (1) or (2) is effective when a notice that the order has been made and the locations where the details of the order may be obtained are published in the Gazette.
- (4) An order establishing a wildlife habitat area under subsection (1) may provide that the location of the area is not to be published under subsection (3), in which case subsection (3) does not require the location to be published.
- (5) If an order provides that the location of a wildlife habitat area is not to be published, no person may disclose the location of the wildlife habitat area, except in terms that are not precise enough to allow a person to find the area, to anyone other than a person who needs to know the location in order to administer or comply with an enactment of British Columbia or Canada, or a law, or for purposes of protecting or studying the wildlife protected by the wildlife habitat area.
- (6) An order made under subsection (1) (c) or (d) may delegate the authority to vary some or all management practices in the order to the district

manager in the Ministry of Forests and the regional fish and wildlife manager in the Ministry of Water, Land and Air Protection, acting jointly.

- (7) A delegation under subsection (6) may
- (a) confer a discretion on the district manager and regional fish and wildlife manager, and

(b) provide differently for different persons, places or transactions. Regionally important and identified threatened or endangered fish

- 97.5** (1) The Deputy Minister of Water, Land and Air Protection, or a person authorized by the Deputy Minister, and the chief forester may, by written order, classify a species of fish as identified threatened or endangered fish for the purposes of the definition of “fish stream” in section 1.
- (2) The Deputy Minister of Water, Land and Air Protection, or a person authorized by the Deputy Minister, and the district manager may, by written order, classify a species of fish as regionally important fish for the purposes of the definition of “fish stream” in section 1.
- (3) An order made under subsection (1) or (2) is effective when a notice that the order has been made and the locations where the details of the order may be obtained are published in the Gazette.

PART 8 - OFFENCES

Offences

- 98** (1) A person who contravenes section 37 (3), 38 (4), 62 (6), 73 or 76 (1) commits an offence and is liable, on conviction, to a fine not exceeding \$500 000 or to imprisonment for not more than 2 years or to both.
- (2) A person who contravenes section 18 (1), 19 (2), 24 (1) or (2), 37 (2) or 38 (3) commits an offence and is liable, on conviction, to a fine not exceeding \$100 000 or to imprisonment for not more than one year or to both.
- (3) A person who contravenes section 33, 34, 35, 82 (2) (f), 85 (1) (b) or (d) or (2) or 86 (2) commits an offence and is liable, on conviction, to a fine not exceeding \$5 000 or to imprisonment for not more than 6 months or to both.

SCHEDULE A - STOCKING STANDARDS

Stocking standards for silvicultural systems other than single tree selection

- 1 (1) This section applies to all silvicultural systems other than single tree selection.
- (2) In Table A, for each area that is within a region listed in column 1 that has a biogeoclimatic ecosystem classification listed in columns 2 and 3 in the same row as the region, the following apply:
 - (a) the target stocking standard in column 4;
 - (b) the minimum number of healthy, well spaced trees of the preferred and acceptable species per hectare in column 5;
 - (c) the minimum number of healthy, well spaced trees of the preferred species per hectare in column 6.
- (3) In Table A, column 7 lists the minimum height for a tree species, identified by an abbreviation listed in subsection (4), for the region in column 1 that has a biogeoclimatic ecosystem classification listed in columns 2 and 3 that matches the biogeoclimatic ecosystem classification identified for the area in an operational plan.
- (4) In column 7 of Table A:
 - “All” means all tree species identified in an operational plan as preferred or acceptable;
 - “Ba” means amabilis fir;
 - “Bg” means grand fir;
 - “Bl” means subalpine fir;
 - “Bp” means noble fir;
 - “Cw” means western red cedar;
 - “Fd” means Douglas-fir;
 - “Hm” means mountain hemlock;
 - “Hw” means western hemlock;
 - “Lw” means western larch;
 - “Other” means a preferred or acceptable species other than those listed in the row in which the term “other” appears;
 - “Pl” means lodgepole pine;

“Pw” means white pine;
“Py” means ponderosa pine;
“Ss” means Sitka spruce;
“Sx” means hybrid spruce or interior spruce;
“Sxs” means hybrid Sitka spruce;
“Yc” means yellow cedar.

**NOTE: THERE WERE NO AMENDMENTS TO TABLE A OR TABLE
B OF SCHEDULE A.**