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# FORT ST. JOHN PILOT PROJECT REGULATION

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## PART 1 – INTERPRETATION AND APPLICATION

### Interpretation

1 (1) In this regulation:

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

“applicable performance standard” means the specific level to which a participant or holder of a minor timber sale licence must perform a requirement of this regulation determined in decreasing order of priority as follows:

- (a) as specified in a higher level plan unless the higher level plan
  - (i) was in effect less than 4 months before the submission for approval of a sustainable forest management plan or forest development plan for the area that specifically addressed the standard of performance, and
  - (ii) does not otherwise specify that the higher level plan is to prevail despite any sustainable forest management plan or forest development plan;
- (b) as specified in a variance with respect to the standard of performance;
- (c) as specified in a sustainable forest management plan unless a forest development plan
  - (i) was approved for the area before the sustainable forest management plan was approved for the area, and
  - (ii) specifically addressed the standard of performance;
- (d) as specified in the forest development plan;
- (e) as specified in a site level plan referred to in section 9;

“coniferous area” means an area that under

- (a) a declaration under section 11 with respect to a forest development plan in effect on the effective date of this regulation,
- (b) a forest development plan, or
- (c) a forest operations schedule

is to be reforested as a coniferous stand, in accordance with the reforestation regime that under section 32 applies;

**“coniferous stand”** means an area in which, at rotation age, the coniferous trees, collectively, represent a minimum of 80% of the net merchantable volume of timber on the area;

**“cutblock”** includes an area of land, other than a road right of way,

- (a) identified in a forest development plan referred to in section 12, in a forest operations schedule or in a site level plan for areas in which timber harvesting is to be carried out,
- (b) identified in a site level plan for any of the following areas that are to be reforested:
  - (i) an area in which a contravention of section 96 of the Act has occurred;
  - (ii) an area that has been naturally disturbed;
  - (iii) a backlog area,
- (c) identified in a site level plan for areas in which silviculture treatments on well-growing stands are to be carried out, and
- (d) referred to in paragraph (a), (b) or (c), for which the district manager has exempted the participant from the requirement to prepare the forest development plan or site level plan as the case may be;

**“crop tree”** means a healthy tree that is of a species that is

- (a) ecologically suitable for the site, and
- (b) commercially valuable;

**“deciduous area”** means an area that under

- (a) a declaration under section 11 with respect to a forest development plan in effect on the effective date of this regulation,
- (b) a forest development plan, or
- (c) a forest operations schedule

is to be reforested as a deciduous stand, in accordance with the reforestation regime under section 32 that applies;

**“deciduous stand”** means an area in which, at rotation age, the deciduous trees, collectively, represent a minimum of 80% of the net merchantable volume of timber on the area;

**“designated environmental official”** means a person employed in the Ministry of Water, Land and Air Protection who is designated by name or title to be a designated environmental official by the minister of that ministry for the purpose of a provision of this regulation that is set out in the designation;

**“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”** in the Operational Planning Regulation,

but does not include a wetland or lake that has a riparian management area established under Schedule D or a stream;

**“greened-up”** means greened-up under Schedule E;

**“harvested area”** means the area in a cutblock, other than that which is occupied by permanent access structures, in which timber harvesting has occurred;

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

(a) contained in a higher level plan, or

(b) otherwise identified or made available to a participant by the district manager or designated environmental official at least 4 months before the forest development plan, forest operations schedule or site level plan for the area was prepared;

**“landscape level strategy”** means those activities that are required to be undertaken in order to achieve forest management objectives identified in a sustainable forest management plan;

**“minor timber sale licence”** means a timber sale licence described in section 3 (1) (d);

**“mixedwood area”** means an area that under

(a) a declaration under section 11 with respect to a forest development plan in effect on the effective date of this regulation,

(b) a forest development plan, or

(c) a forest operations schedule

is to be reforested as a mixedwood stand, in accordance with the reforestation regime that under section 32 applies;

**“mixedwood stand”** means an area in which, at rotation age,

- (a) the coniferous trees, collectively, and
- (b) the deciduous trees, collectively,

each represent a minimum of 20% of the net merchantable volume of timber on the area;

**“naturally disturbed area”** means an area in which timber has been damaged or destroyed by causes other than harvesting;

**“participant”** means the government, in relation to the small business forest enterprise program, and a person who

- (a) is referred to in section 3 (1) (a) to (c) and has consented in writing to take part in the pilot project, or
- (b) becomes a participant under section 6 and has consented in writing to take part in the pilot project;

**“performance indicator”** means a measurable variable that is specified in a sustainable forest management plan and is used to report progress toward the achievement of a goal;

**“permanent access structure”** means a road, landing, logging trail, pit, quarry or other similar structure in a cutblock that

- (a) is constructed by a participant or holder of a minor timber sale licence and is
  - (i) required to be used for timber harvesting or other forest management activities and whose use will continue long enough to prevent the production of a commercial crop of trees on the area occupied by the structure that will be harvestable concurrently with the crop of adjacent trees, or
  - (ii) either constructed through material that is not suitable, or contains materials that are not suitable, for use in carrying out the soil rehabilitation treatments necessary to grow a commercial crop of trees, or

- (b) was constructed by a person other than a participant or holder of a minor timber sale licence;

**“pilot project”** means the Fort St. John pilot project, proposed by the participants, that is the subject of this regulation;

**“pilot project area”** means the Fort St. John Timber Supply Area;



- “public advisory group”** means a public advisory group established under section 46;
- “qualified auditor”** means a person who is competent to assess compliance with this regulation;
- “qualified registered professional”** means, with respect to an activity for which this regulation requires a qualified registered professional, a person who
- (a) has the education and experience that is appropriate 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 carrying out the activity;
- “reforest”** means to establish on a harvested area, a naturally disturbed area, or a backlog area, as the case may be, a well-growing stand in accordance with section 32;
- “regional director”** means a regional director employed in the Ministry of Water, Land and Air Protection;
- “rehabilitate”** means to restore to a stable condition and to a condition that does not prevent the reforestation requirement from being met;
- “resource agencies”** means any government agency, ministry or department having jurisdiction over a resource that may be affected by any activity or operation proposed under a higher level plan or plan required under this regulation;
- “riparian class”** means the riparian class determined under Schedule D;
- “riparian management area”** means an area of a width determined in accordance with Schedule D that
- (a) is adjacent to a stream or wetland or a lake with a riparian class of L3, and
  - (b) consists of a riparian management zone and, depending on the riparian class of the stream, wetland or lake, a riparian reserve zone;
- “riparian management zone”** means that portion of the riparian management area that is outside of any riparian reserve zone or if there is no riparian reserve zone, that area located adjacent to a stream, wetland or lake of a width determined in accordance with Schedule D;

“**riparian reserve zone**” means that portion, if any, of the riparian management area or lakeshore management area located adjacent to a stream, wetland or lake of a width determined in accordance with Schedule D;

“**site level plan**” means a site level plan

- (a) referred to in section 9 or 10, or
- (b) required under Part 3, Division 3;

“**small business forest enterprise program**” means the government program administered by the Ministry of Forests that facilitates the entering into agreements under the *Forest Act* that generate small business forest enterprise revenue;

“**sustaining soil productivity**” means ensuring that, at the conclusion of harvesting operations in a cutblock, the capacity of the site to produce stands of timber is not less than the preharvest capacity of the site to produce stands of timber.

- (2) Words and expressions used in this regulation that are not defined in the Act or this regulation have the meaning given to them in the Operational Planning Regulation and the Tree Cone, Seed and Vegetative Material Regulation.
- (3) Distances referred to in this regulation are horizontal distances except for the distances referred to in Schedule D, which are slope distances.

### **Special circumstances when Crown timber may be cut, etc.**

- 2 (1) For the purposes of section 96 (1) of the Act, a participant or holder of a minor timber sale licence is authorized to cut, damage or destroy Crown timber in the course of fire control or suppression operations.
- (2) For the purposes of section 96 (1) (g) (iii) of the Act, this regulation, the *Workers Compensation Act* and the regulations under that Act are prescribed enactments.

### **Inapplicable provisions of the Act and regulations**

- 3 (1) For the purposes of the pilot project, the enactments listed in subsection (4) do not apply to each of the following:
  - (a) Canadian Forest Products Ltd. as the holder of forest licence A18154;
  - (b) Slocan Forest Products Ltd. as the holder of pulpwood agreement 12;

- (c) Louisiana-Pacific Canada Limited as the holder of
    - (i) pulpwood agreement 13, and
    - (ii) forest licences A60049, A60972 and A60050;
  - (d) each person who
    - (i) is the holder of a timber sale licence that
      - (A) authorizes harvesting of timber in the pilot area, and
      - (B) is not a major licence, and
    - (ii) has consented to participate in the pilot project;
  - (e) an agreement holder, referred to in paragraphs (a) to (d), as the holder of a road permit associated with the agreement;
  - (f) a holder of a minor timber sale licence, as the holder of a road permit associated with the licence;
  - (g) a holder of a pulpwood agreement, referred to in paragraphs (b) and (c), as the holder of a timber sale licence issued under section 23 (1) (a) of the *Forest Act* to satisfy the obligations of the government under the pulpwood agreement.
- (2) Subject to subsection (3), for the purposes of the pilot project,
- (a) the enactments listed in subsection (4) do not apply in relation to the small business forest enterprise program, to the district manager of the Fort St. John Forest District or to the government, and
  - (b) this regulation applies in respect of
    - (i) a road that is constructed after the effective date of this regulation for the primary purpose of providing access to timber to be harvested under a minor timber sale licence, and
    - (ii) a road that was constructed before the effective date of this regulation if
      - (A) the road has not been permanently deactivated, and
      - (B) the district manager is satisfied that the primary purpose of the road when it was constructed was to provide access to timber to be harvested under the small business forest enterprise program.
- (3) Subsection (2) does not affect the application of the enactments listed in subsection (4) in relation to forest licence A59959.

- (4) The following are the listed enactments referred to in subsections (1) to (3):
- (a) Part 3 of the Act;
  - (b) Part 4 of the Act, except sections 50 to 52 and sections 66 and 69 of the Act;
  - (c) the Operational Planning Regulation, except sections 1, 69, 70 and 71 of that regulation;
  - (d) the Forest Road Regulation;
  - (e) the Timber Harvesting Practices Regulation;
  - (f) the Silviculture Practices Regulation.
- (5) For the purposes of the pilot project, a provision of the *Forest Act*, the *Forest Practices Code of British Columbia Act* or the regulations under either of those Acts that requires the holder of an agreement, for a road or cutblock, to obtain a road permit, road use permit or cutting permit does not apply to a participant if the participant receives an authorization from the district manager under section 23 for that road or cutblock.

#### **Prescriptions excluded from application of this regulation**

- 4 (1) This regulation does not apply in respect of either of the following held by a participant referred to in section 3:
- (a) a silviculture prescription if the commencement date, under section 70 of the Act, for the silviculture prescription predates November 15, 2001;
  - (b) a stand management prescription that was approved before the effective date of this regulation.
- (2) This regulation does not apply in respect of either of the following held by a participant referred to in section 6:
- (a) a silviculture prescription if the commencement date, under section 70 of the Act, for the silviculture prescription predates the date on which its holder becomes a participant;
  - (b) a stand management prescription that was approved before the date on which its holder becomes a participant.

### **Balancing competing values and interests**

- 5** For the balancing of competing values and interests for the purposes of section 221.1 (5) of the Act,
- (a) there are established in the pilot project area the 24 management zones that are
    - (i) named under column 1 in items 1 to 24 of Part A1 of Schedule A, under the heading “Management Zones and Their Objectives” and
    - (ii) shown in the map set out in Part A2 of Schedule A under the heading “Fort St. John Pilot Project Management Zone Map”, and
  - (b) the objectives for each management zone named under column 1 of an item of Part A1 of Schedule A are the objectives set out in that item under column 2 of Part A1 of that schedule.

## **PART 2 – PARTICIPANTS**

### **Becoming a participant**

- 6** (1) A holder of an agreement under the *Forest Act* who carries out forest practices in the pilot project area may apply in writing to the regional manager to become a participant.
- (2) On receiving an application under subsection (1), the regional manager must publish notice of the application in a newspaper published in the pilot project area.
- (3) The regional manager may approve an application under subsection (1) only if
- (a) the approval of the application will not result in the pilot project accounting for more than the proportion specified in section 221.1 (4) (a) of the Act of the total of all allowable cuts in effect in the Prince George forest region on July 15, 1999, and
  - (b) the regional manager has considered any comments received in writing within 3 weeks after the date of publication of the notice under subsection (2).

### **Ceasing to be a participant**

- 7** (1) A participant may apply in writing to the regional manager to cease to be a participant.
- (2) The regional manager may approve an application under subsection (1) only if satisfied that doing so will not result in material economic hardship to the other participants.
- (3) An approval under subsection (2) may be made subject to conditions.
- (4) An approval that is subject to conditions under subsection (3) does not take effect until the regional manager is satisfied that the conditions have been fulfilled.
- (5) If the holder of an agreement who has ceased to be a participant because of an approval under this section has commenced
- (a) harvesting timber in a cutblock, or
  - (b) construction of a road
- this regulation, despite the approval, continues to apply to that holder with respect to the holder's obligations for the cutblock or road.
- (6) If the government, in relation to the small business forest enterprise program, has ceased to be a participant because of an approval under this section and a holder of a minor timber sale licence has commenced
- (a) harvesting timber in a cutblock, or
  - (b) construction of a road,
- this regulation, despite the approval, continues to apply to
- (c) the government with respect to the government's obligations for the cutblock or road, and
  - (d) the holder of the minor timber sale licence with respect to the holder's obligations for the cutblock and road.

## **PART 3 – BASIC PLANNING AND PERFORMANCE REQUIREMENTS**

### **Division 1 – Pre-existing Plans, Prescriptions and Permits**

#### **Pre-existing forest development plans**

- 8** (1) A forest development plan that is in effect immediately before the effective date of this regulation continues in effect until December 31, 2003.
- (2) The district manager may extend the term of a forest development plan referred to in subsection (1) until December 31, 2004.

#### **Pre-existing silviculture prescriptions**

- 9** (1) A silviculture prescription must be treated under this regulation as a site level plan referred to in section 16 of this regulation if
- (a) the silviculture prescription was in effect immediately before the effective date of this regulation, and
  - (b) the commencement date of the silviculture prescription under section 70 of the Act has not occurred before November 15, 2001.
- (2) Subject to subsection (3), a participant must comply with Part 3 Division 5 when carrying out operations on the area of a site level plan referred to in subsection (1).
- (3) If a site level plan, referred to in subsection (1), immediately before the effective date of this regulation contained a performance requirement for
- (a) a higher proportion of the cutblock area that may be occupied with permanent access structures than referred to in section 30 (1),
  - (b) a reforestation period that is longer than specified in section 32 (4),
  - (c) a stocking requirement that is lower than those specified in section 32 (5),  
or
  - (d) an attribute of a well-growing crop tree that is less restrictive than that specified in section 32 (6),

the applicable performance requirement under this regulation is that higher proportion, longer period, lower stocking requirement or less restrictive attribute, as the case may be.

### **Pre-existing cutting permits, road permits and road use permits**

- 10** (1) A cutting permit, road permit or road use permit that was in effect immediately before the effective date of this regulation must be treated under this regulation as an authorization of the district manager under section 23.
- (2) If an
- (a) approved road layout and design associated with a cutting permit or road permit referred to in subsection (1), or
  - (b) approved road deactivation prescription associated with a cutting permit, road permit or road use permit referred to in subsection (1)
- was in effect immediately before the effective date of this regulation, the approved road layout and design or approved road deactivation prescription must be treated under this regulation as a site level plan referred to in section 18.

## **Division 2 – Forest Development Plans**

### **Information required for pre-existing forest development plans**

**11(1)**A participant, for each Category A cutblock that

- (a) is identified in a forest development plan referred to in section 8, and
- (b) is a cutblock for which there is no silviculture prescription described in section 9 (1),

before requesting an authorization under section 23, must declare to the district manager, for the purposes of section 32 and Schedule F, if the participant proposes to reforest the cutblock as a coniferous area, a deciduous area or a mixedwood area.

- (2) The district manager must give notice to the participant within 14 days after receiving the declaration under subsection (1) if the district manager is not satisfied that the reforestation of the cutblock as a coniferous area, a deciduous area or a mixedwood area, whichever is proposed by the participant, will adequately manage and conserve the forest resources of the area.
- (3) For the cutblocks identified in a notice under subsection (2), a participant who receives the notice, as a condition precedent to receiving the district manager's approval, must modify the declaration to propose the reforestation of the cutblock as a coniferous area, a deciduous area or a mixedwood area, as necessary in the opinion of the district manager to adequately manage and conserve the forest resources of the area.



- (4) A declaration under this section that the cutblock is to be reforested as a coniferous area, a deciduous area or a mixedwood area becomes, for the purposes of section 32 and Schedule F, the type of reforestation to be carried out in a cutblock that is the subject of the declaration, if the declaration
- (a) has received the district manager's approval under this section, or
  - (b) is a declaration to which the district manager has not responded within the 14 day period under subsection (2).

### **Forest development plans required**

- 12** (1) Subject to sections 8 and 45, a participant must not harvest timber under an agreement unless
- (a) the area to be harvested has been identified in a forest development plan that complies with Schedule B, and
  - (b) the forest development plan has been approved under this Division.
- (2) Subject to sections 8 and 45, the government may not enter into a timber sale licence that generates small business forest enterprise revenue unless
- (a) the area to be harvested has been identified in a forest development plan that complies with Schedule B, and
  - (b) the forest development plan has been approved under this Division.
- (3) The district manager may exempt a participant from subsection (1) or the government from subsection (2) if the district manager determines that
- (a) the only timber to be harvested under the agreement is
    - (i) the felling and removal of trees to eliminate a safety hazard,
    - (ii) the felling of trees to facilitate the collection of seed and the proposed harvesting will not result in an opening of greater than 1 ha,
    - (iii) the removal of trees that have already been felled, from landings and road rights of way,
    - (iv) the removal of trees from recreation sites or recreation trails, or
    - (v) the felling and removal of trees that have been or will be treated to facilitate the entrapment of pests, and
  - (b) there is no road construction required to provide access for harvesting of the timber.

- (4) One or more participants may prepare and submit to the district manager for approval a single forest development plan.
- (5) A forest development plan referred to in subsection (4) must
  - (a) identify which participant is responsible for each road and cutblock proposed on the plan, and
  - (b) contain the signature of each participant who submitted the plan.

### **Approval of forest development plans or amendments**

- 13**
- (1) The district manager must approve a forest development plan submitted under this Part or an amendment to one if
    - (a) the plan or the plan as amended was prepared and submitted in accordance with Schedule B, and
    - (b) the district manager is satisfied that the plan or plan as amended will adequately manage and conserve the forest resources of the area to which it applies.
  - (2) Before approving a forest development plan or amendment, the district manager may require the participant to submit information that the district manager reasonably requires in order to determine if the plan or amendment complies with subsection (1).
  - (3) The district manager may not approve a forest development plan or amendment unless
    - (a) it was prepared and submitted in accordance with Schedule B, and
    - (b) the district manager is satisfied as set out in subsection (1) (b).
  - (4) The district manager may make his or her approval of a forest development plan or amendment subject to conditions.

### **Areas requiring consent of a designated environmental official**

- 14**
- (1) If a portion of a forest development plan or amendment is for an area of a type
    - (a) specified in a higher level plan as requiring the district manager to obtain the consent of a designated environmental official, or

(b) determined by the district manager and a designated environmental official as being appropriate for requiring the consent of a designated environmental official in the circumstances,

that portion of the plan or amendment requires the district manager to approve the plan or amendment under section 13 only with the consent of the designated environmental official.

(2) If a portion of a forest development plan or amendment requires the consent of a designated environmental official under subsection (1), the district manager

(a) may approve as a forest development plan under section 13 a part of the forest development plan that does not require consent, or

(b) may approve a part of the amendment that does not require consent

if the part complies with section 13 and the district manager is satisfied that the part of the plan or amendment being approved will adequately manage and conserve the forest resources in the area that requires consent.

### **Term of forest development plans**

- 15** (1) A forest development plan approved under this Division for a participant
- (a) takes effect on the date specified in the approval, and
  - (b) expires 2 years after the date specified in the approval.
- (2) The district manager may extend the term of a forest development plan referred to in subsection (1) for a period or periods not exceeding one year in total.
- (3) If the term of a forest development plan is extended under subsection (2), the participant who prepared the plan must promptly amend the plan as necessary to ensure compliance with this regulation.

### **Division 3 – Site Level Planning**

#### **Site level plans required before timber harvesting or reforestation**

- 16** (1) The government must prepare a site level plan for the following areas of Crown land:
- (a) a cutblock, before the area is harvested under a minor timber sale licence;

- (b) an area in which the timber was cut, removed, damaged or destroyed in contravention of section 96 of the Act by a holder of a minor timber sale licence, as soon as is practicable after a determination has been made with respect to the contravention.
- (2) A participant who is the holder of an agreement under the *Forest Act* must prepare a site level plan for the following areas of Crown land:
- (a) a cutblock, before the participant harvests timber in the cutblock area;
  - (b) an area in which the timber was either cut, removed, damaged or destroyed in contravention of section 96 of the Act by the participant, as soon as is practicable after a determination has been made with respect to the contravention;
  - (c) if required by the district manager, a naturally disturbed area;
  - (d) a backlog area, before the participant carries out a silviculture treatment to reforest the area.
- (3) The district manager may exempt a participant from
- (a) subsection (1) (a) or (2) (a) if the area to be harvested in the cutblock does not exceed 2 ha and is not adjacent to an area for which a previous exemption was granted, unless that area has become well-growing,
  - (b) subsection (1) (b) or (2) (b) if
    - (i) the area in which the contravention occurred is less than 1 ha, and
    - (ii) the district manager considers that a site level plan is not necessary to facilitate the adequate management and conservation of the forest resources on the area, or
  - (c) subsection (2) (d) if the area
    - (i) does not exceed 2 ha and is not adjacent to a previously exempted area unless the previously exempted area has become well-growing, or
    - (ii) the only treatment proposed is the carrying out of planting to supplement previous planting or natural regeneration
- and, in the opinion of the district manager, a site level plan is not necessary to facilitate the adequate management and conservation of the forest resources on the area.

- (4) The district manager may not require a participant to prepare a site level plan under subsection (2) (c) unless the naturally disturbed area is
- (a) located in reasonable proximity to
    - (i) a proposed cutblock or road that is identified in the participant's forest development plan or forest operations schedule, or
    - (ii) a cutblock or road for which the participant is responsible, and
  - (b) of sufficient size to warrant preparation of a site level plan.

### **Site level plans required before treatment of well-growing stands**

- 17** (1) Before a participant who is the holder of an agreement under the *Forest Act* carries out a silviculture treatment on a well-growing stand on an area of Crown land, the participant must prepare a site level plan for the area to be treated.
- (2) The district manager may exempt a participant from subsection (1) if the area to be treated
- (a) does not exceed 2 ha, and
  - (b) is not adjacent to a previously exempted area unless the exemption for that area was given more than 2 years ago.

### **Site level plans required before construction, modification or deactivation of roads**

- 18** A participant must prepare a site level plan for an area in which a road is to be
- (a) constructed or modified, or
  - (b) deactivated
- before commencement of the construction, modification or deactivation, as the case may be.

### **Site level plan content**

- 19** (1) A participant must ensure that a site level plan referred to in section 16 or 17
- (a) is signed and sealed by a professional forester,
  - (b) is consistent with
    - (i) any forest development plan in effect for the area at the time the site level plan is prepared, or

- (ii) if there is no forest development plan in effect for the area,
    - (A) the sustainable forest management plan in effect at the time the site level plan is prepared, and
    - (B) the forest operations schedule that applies to the area,
  - (c) includes a map showing the location of
    - (i) the cutblock,
    - (ii) any resource features and mappable reserves in the cutblock, and
    - (iii) the approximate location of roads in the cutblock,
  - (d) includes the information the professional forester determines necessary for the professional forester to have reasonable grounds to believe that the participant will comply with Division 5 if forest practices are carried out in accordance with the site level plan, and
  - (e) is signed by the participant.
- (2) A participant must ensure that a site level plan referred to in section 18
- (a) is prepared by a qualified registered professional unless, with respect to a site level plan referred to in section 18 (b), the participant has determined that the area has a low likelihood of landslides,
  - (b) is consistent with
    - (i) any forest development plan in effect for the area at the time the site level plan is prepared, or
    - (ii) if there is no forest development plan in effect for the area,
      - (A) the sustainable forest management plan in effect at the time the site level plan is prepared, and
      - (B) the forest operations schedule that applies to the area,
  - (c) includes a map showing the approximate location of the road,
  - (d) includes the information the preparer determines necessary for the preparer to have reasonable grounds to believe that the participant will comply with Division 5 if the road is constructed or deactivated in accordance with the site level plan, and
  - (e) is signed by the participant.

- (3) A participant may amend a site level plan and, if so, must ensure that the amendment
- (a) complies with the relevant requirements of
    - (i) subsection (1), if it is an amendment to a site level plan referred to in section 16 or 17, or
    - (ii) subsection (2), if it is an amendment to a site level plan referred to in section 18, and
  - (b) is signed by the participant.

### Notification of site level plans and of amendments to them

- 20** (1) In this section “**site level plan review period**” means the 30 day period commencing on the date the district manager receives the notice referred to in subsection (4).
- (2) The district manager may specify cutblocks and roads for which, under subsection (4), the participant must give notice of a site level plan associated with the cutblock or road or of an amendment to such a site level plan if the district manager does so by notice given to the participant,
- (a) when a forest development plan is approved, or
  - (b) within 14 days after the participant submits to the district manager the information required after the forest operations schedule is made available for review and comment.
- (3) The district manager may establish policies for matters not addressed in Schedules E and F, describing circumstances in addition to those under subsection (2), in which the participant must give notice under subsection (4) if a site level plan or amendment to a site level plan is inconsistent with the policies.
- (4) A participant must give notice to the district manager of a site level plan or amendment to a site level plan if
- (a) the district manager has required,
    - (i) under a notice under subsection (2), or
    - (ii) under a policy referred to in subsection (3),the participant to provide notice of the plan or amendment, or
  - (b) the plan is a site level plan referred to in section 17 or an amendment to a site level plan referred to in that section.

- (5) At any time during the site level plan review period, the district manager may require a participant to
- (a) refer a site level plan or amendment to a site level plan to resource agencies specified by the district manager, and
  - (b) provide copies of one or more of the assessments, that are related to the site level plan or amendment to the site level plan, to the resource agencies specified by the district manager.
- (6) A participant must
- (a) review all written comments received from resource agencies during the site level plan review period,
  - (b) make any revisions to the site level plan or amendment to the site level plan that the participant considers appropriate, and
  - (c) submit to the district manager
    - (i) a copy of each written comment received under paragraph (a), and
    - (ii) a summary of all revisions made under paragraph (b).
- (7) If within
- (a) 5 days after receiving a submission from the participant under subsection (6), or
  - (b) the site level plan review period if
    - (i) no referral was requested under subsection (5), or
    - (ii) no written comments were received by the participant as a result of the referral process,
- the district manager determines that the operations described in the site level plan or amendment to the site level plan will not adequately manage and conserve the forest resources of the area affected by the plan, the district manager may notify the participant in writing that the participant must not carry out on the area under the site level plan
- (c) any forest practices, or
  - (d) one or more specified forest practices.
- (8) A notice under subsection (7) must include the rationale for the district manager's determination under that subsection.



- (9) A participant who is required to give notice of a site level plan or amendment to a site level plan under this section must not carry out,
- (a) if notified by the district manager under subsection (7), the forest practice or forest practices to which the notice applies, until being advised by the district manager that the forest practice or forest practices may proceed, or
  - (b) in another case, any forest practice on the area that is subject to the site level plan or amendment, until the earlier of
    - (i) the date of expiry of the period in which the district manager may make a determination under subsection (7), and
    - (ii) the date of being advised by the district manager that the operations may proceed.
- (10) This section does not apply to a site level plan referred to in section 9 but does apply to an amendment to such a site level plan.

### **Archaeological impact assessment**

- 21** A participant must carry out an archaeological impact assessment in accordance with the requirements of the minister responsible for the *Heritage Conservation Act* before carrying out a forest practice on an area, if the district manager is satisfied that the assessment is necessary to adequately manage and conserve archaeological sites in the area.

## **Division 4 – Authorizations and Variances**

### **Authority to commence operations required**

- 22** (1) A participant or holder of a minor timber sale licence must not harvest or remove Crown timber or carry out road construction, modification or deactivation operations unless authorized to do so under
- (a) this regulation,
  - (b) an agreement under the *Forest Act*, or
  - (c) the *Forest Act*.
- (2) A participant or holder of a minor timber sale licence must not use a road on Crown land, other than a road that is subject to the *Highway Act*, *Land Act* or *Local Government Act*, for the purposes of timber harvesting and related purposes unless authorized to do so under this regulation.
- (3) A participant or holder of a minor timber sale licence must not carry out any treatment on a backlog area or a treatment on a well-growing stand unless authorized under this regulation.

### **District manager may authorize timber harvesting and road construction**

- 23** (1) At any time, a participant or holder of a minor timber sale licence may submit to the district manager a request for an authorization under this section.
- (2) The district manager must not give an authorization for one or more cutblocks and roads unless
- (a) the cutblock or road was identified in
    - (i) a forest development plan in effect for the area, or
    - (ii) a forest operations schedule that
      - (A) complies with section 45, and
      - (B) was made available for public review and comment in accordance with Schedule C, and
  - (b) the district manager is satisfied that the proposed cutblocks or roads for which the authorization is sought are identified in an acceptable form and scale.
- (3) The district manager may refuse to give an authorization for a cutblock or road if the district manager has reasonable grounds to believe that
- (a) giving the authorization would infringe a treaty right, or
  - (b) the forest operations proposed in the area of the proposed cutblock or road would not comply with Division 5.

### **Effect of authorization**

- 24** (1) An authorization given under section 23 is effective on the date it is given and expires
- (a) if it is an authorization to harvest a cutblock, 3 years after the date it is given, and
  - (b) if it is an authorization for a road, when the participant or holder of a minor timber sale licence, as the case may be, has complied with section 31 (2).
- (2) Despite subsection (1), if notified by the district manager, a participant must not commence harvesting under an authorization

- (a) in a block or group of blocks, or
- (b) in a road right of way

until after the participant submits appraisal data required for the determination of a stumpage rate.

- (3) If harvesting of a cutblock identified in an authorization under section 23 has commenced but, in the opinion of the district manager, will not be completed by the date on which the authorization expires, the district manager may extend the authorization for the cutblock for one year.

### **Authority of the district manager to vary a performance requirement**

- 25**
- (1) A participant may submit to the district manager, at any time, a request for a variance under this section.
  - (2) A request for a variance must specify all of the following:
    - (a) the area in the pilot project area for which the variance is requested;
    - (b) the requirement of this regulation to which the variance relates;
    - (c) the proposed performance requirement, including whether it is to
      - (i) provide relief from a requirement of Division 5,
      - (ii) establish an applicable performance standard for the purposes of Division 5, or
      - (iii) provide a variance from a performance requirement established under section 42;
    - (d) a rationale for making the request.
  - (3) The district manager may give a variance only if satisfied that
    - (a) implementing the variance will adequately manage and conserve the forest resources on the area affected by the application, or
    - (b) the variance is necessary for the safety of the public.
  - (4) The district manager may not give a variance to a participant to perform a forest practice that is inconsistent with
    - (a) section 28 (1) (d) or (g) (iv), or
    - (b) section 100 (d) of Schedule F.
  - (5) The district manager may make a variance subject to conditions.

### **Compliance with notices, authorizations, conditions and variances**

- 26** A participant must comply with any notice, authorization, condition or variance given by the district manager under this regulation.

### **Division 5 – Field Performance Requirements**

#### **General**

- 27** (1) This Division is subject to section 42.
- (2) A participant or holder of a minor timber sale licence does not contravene a requirement of this Division if, with respect to the requirement, the participant is
- (a) acting in accordance with a variance, or
  - (b) carrying out fire control or suppression in accordance with the Act and the regulations.
- (3) Subject to subsection (1) and (2), this Division applies to any forest practice carried out on the pilot project area by a participant or holder of a minor timber sale licence and includes areas where harvesting or road construction or modification began on or after November 15, 2001.

#### **General constraints on forest practices**

- 28** (1) A participant or holder of a minor timber sale licence who carries out a forest practice on an area must ensure that the forest practice
- (a) is consistent with any sustainable forest management plan, forest development plan and site level plan,
  - (b) does not result in any of the following:
    - (i) the felling or modifying of trees in an area that is
      - (A) a riparian reserve zone except at a stream crossing for a road,  
or
      - (B) a reserve identified in a site level plan;
    - (ii) damage to any resource feature;
    - (iii) equipment fueling and servicing fluids damaging forest resources;
    - (iv) the harvesting of areas adjacent to areas that are not greened-up except as permitted under Schedule E,

- (c) if the area is a known scenic area, is consistent with any established visual quality objectives for the area,
- (d) if the area is a known wildlife habitat area, is consistent with known general wildlife measures that are
  - (i) established for application in the wildlife habitat area, and
  - (ii) made available to the participant by the district manager or designated environmental official at the time the wildlife habitat area is made known,
- (e) conserves the soil by
  - (i) maintaining slope stability,
  - (ii) maintaining surface drainage patterns,
  - (iii) minimizing surface soil erosion, and
- (f) protects the productive capacity of harvested areas, by
  - (i) sustaining soil productivity,
  - (ii) rehabilitating compacted areas, and
  - (iii) rehabilitating areas occupied by access structures if the rehabilitation is necessary to sustain soil productivity, and
- (g) protects water quality, water quantity, fish and fish habitat by
  - (i) maintaining shade over known temperature sensitive streams,
  - (ii) providing for safe passage of fish in streams for the purposes of spawning, rearing or migration,
  - (iii) maintaining fisheries-sensitive zones,
  - (iv) complying with any timing windows and measures established by a designated environmental official to adequately manage and conserve aquatic resources that apply to forest practices in and around streams, unless relieved of that requirement by the designated environmental official,
  - (v) protecting stream bank and stream channel stability, including minimizing or mitigating stream bank and stream channel disturbances at any crossing or immediately upstream or downstream from that crossing,
  - (vi) minimizing sediment entering into streams, and

(vii) protecting the structural integrity of any associated road and drainage structures.

(2) A participant or holder of a minor timber sale licence who

- (a) carries out a forest practice, and
- (b) knows that the carrying out of that forest practice contravenes subsection (1)

must take reasonable measures to mitigate any damage to the environment resulting directly or indirectly from that contravention.

### **Stand level biodiversity**

- 29** (1) A participant must ensure that the total area in cutblocks that is occupied by wildlife trees or wildlife tree patches is
- (a) at least the total area in cutblocks specified in the applicable performance standard for wildlife tree or wildlife tree patches, or
  - (b) if there is not an applicable performance standard, for each calendar year, at least 4% of the total area of the cutblocks in which harvesting was completed during the calendar year.
- (2) A participant must ensure that the total amount of coarse woody debris located on cutblocks in which harvesting is complete is
- (a) at least the total amount for cutblocks specified in the applicable performance standard for retention of coarse woody debris, or
  - (b) if there is not an applicable performance standard, for each calendar year, at least 50% of the estimated total amount of pre-harvest coarse woody debris remains among the cutblocks in which harvesting was completed that year.

### **Permanent access structures**

- 30** (1) At the end of timber harvesting operations in a cutblock, a participant or holder of a minor timber sale licence must not cause the proportion of the cutblock area occupied by permanent access structures to exceed
- (a) the applicable performance standard, or
  - (b) if there is no applicable performance standard, 7% of the total cutblock area.
- (2) A participant or holder of a minor timber sale licence, at the conclusion of using a permanent access structure that was constructed by the participant or holder, must deactivate the permanent access structure.

## Roads

- 31** (1) A participant or holder of a minor timber sale licence who constructs a road must ensure that the road adequately provides for safe usage by the types and levels of traffic for which the road was intended.
- (2) A participant or holder of a minor timber sale licence who
- (a) constructs or modifies a road, or
  - (b) is authorized to use a road that is not subject to another authorization or permit
- must maintain the road until
- (c) it is deactivated, or
  - (d) the district manager notifies the participant or holder of a minor timber sale licence that the road is required by others and that use will preclude permanent deactivation.
- (3) A participant or holder of a minor timber sale licence may
- (a) use a road that was constructed or modified by another participant, and
  - (b) for a road referred to in paragraph (a), enter into agreements with that participant for road maintenance and deactivation of that road.

## Reforestation

- 32** (1) In this section:
- “commencement date”** means the date of
- (a) the commencement of harvesting in the cutblock, other than harvesting associated with roads and landings,
  - (b) the determination for areas in which there was a contravention of section 96 of the Act,
  - (c) the district manager’s request under section 16 (2) (c) of this regulation for naturally disturbed areas, and
  - (d) the first silviculture treatment for backlog areas;
- “overtopping vegetation”** means vegetation that is
- (a) taller than the crop tree,
  - (b) within 1 m of the trunk of the crop tree, and
  - (c) impedes the growth of the crop tree.

- 
- (2) Despite subsection (1), a participant is not required to reforest an area if the district manager
- (a) has exempted the participant from the requirement to prepare a site level plan, or
  - (b) determines that the nature and extent of harvesting operations on the area is limited to
    - (i) minor salvage operations, or
    - (ii) minor harvesting operations.
- (3) A participant, in accordance with this section and Schedule F, must reforest
- (a) harvested areas if the participant is responsible for the harvesting or for authorizing the harvesting,
  - (b) naturally disturbed areas for which the participant was required to prepare a site level plan under section 16, and
  - (c) backlog areas
- by establishing, during the reforestation period, a well-growing stand of crop trees that meets or exceeds the stocking requirements for the area.
- (4) For the purposes of subsection (3), the reforestation period is the period determined by moving forward from the commencement date
- (a) the number of years specified in the applicable performance standard, or
  - (b) if there is no applicable performance standard, 15 years.
- (5) For the purposes of subsection (3), the stocking requirements are that the stand of trees includes
- (a) if the silvicultural system is other than single tree selection, at least the minimum number of well-growing trees
    - (i) specified in the applicable performance standard, or
    - (ii) if there is no applicable performance standard,
      - (A) for coniferous areas and deciduous areas, determined in accordance with Table A in Schedule F, and
      - (B) for mixedwood areas, established by the district manager, and



- (b) if the silvicultural system is single tree selection, for at least one layer of the stand, at least the minimum number of well growing crop trees
  - (i) specified in the applicable performance standard, or
  - (ii) if there is no applicable performance standard, established by the district manager.
- (6) For the purposes of subsection (3), a well-growing crop tree must
  - (a) have achieved the minimum height for its species
    - (i) specified in the applicable performance standard, or
    - (ii) if there is no applicable performance standard, determined in accordance with Table A of Schedule F,
  - (b) for coniferous areas, other than those described in paragraph (c), have no overtopping vegetation unless otherwise specified in the applicable performance standard,
  - (c) for coniferous areas in which a brushing treatment has been carried out, have no overtopping vegetation as assessed at least
    - (i) 2 years following a chemical brushing treatment, or
    - (ii) 3 years following a manual brushing treatmentunless otherwise specified in the applicable performance standard,
  - (d) be at least the following distance apart from the nearest crop tree:
    - (i) the applicable performance standard, or
    - (ii) if there is no applicable performance standard, then
      - (A) 1.5 m for coniferous areas,
      - (B) 0.5 m for deciduous areas, and
      - (C) 0.75 m for mixedwood areas, and
  - (e) have been growing on the area for a period of time that is at least
    - (i) the specified applicable performance standard, or
    - (ii) if there is no applicable performance standard, 9 years from the commencement of harvesting.
- (7) Before establishing standards under subsection (5), the district manager must consult with the participants.

- (8) A participant who is required to reforest a cutblock must carry out silviculture regimes that
- (a) are designed to achieve target stocking specified in the applicable performance standard, or
  - (b) if there is no applicable performance standard, are consistent with achieving the values for managed stand yield tables used by the chief forester in making the most recent annual allowable cut determination for the Fort St. John timber supply area.

### **Forest health**

- 33** A participant who uses trap trees or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge.

## **PART 4 – SUSTAINABLE FOREST MANAGEMENT PLANS**

### **Division 1 – Content**

#### **Requirement for a single plan**

- 34** The participants, within 2 years after the effective date of this regulation, must jointly submit a single sustainable forest management plan to the regional manager and regional director for approval in accordance with this Part.

#### **Content of the plan**

- 35** (1) The participants must ensure that the sustainable forest management plan required under section 34
- (a) addresses the entire pilot project area, and
  - (b) is consistent with Schedule A and any higher level plan in effect in the pilot project area on the date the sustainable forest management plan is submitted for approval.
- (2) A sustainable forest management plan at a minimum must include landscape level strategies for all of the following:
- (a) timber harvesting;
  - (b) road access management;
  - (c) patch size, seral stage distribution and adjacency;
  - (d) riparian management;

- (e) visual quality management;
  - (f) forest health management;
  - (g) range and forage management.
- (3) A sustainable landscape level plan may also include strategies for one or more of the following:
- (a) reforestation;
  - (b) biodiversity management, including habitat management for wildlife;
  - (c) soil management;
  - (d) water quality management;
  - (e) recreation management;
  - (f) forest protection;
  - (g) forest resource inventory;
  - (h) research and operational trials;
  - (i) public review and comment;
  - (j) any other forest management attribute approved by the regional manager and regional director.
- (4) The participants must ensure that a sustainable forest management plan, for each landscape level strategy contained in the plan, specifies the performance indicators for evaluating whether or not the strategy has been successfully implemented.
- (5) The participants must ensure that the sustainable forest management plan
- (a) specifies the provisions, if any, of Part 3 Division 5 and the Schedules that are to be affected through the application of the proposed landscape level strategy, and
  - (b) includes a rationale on how the proposed landscape level strategy will
    - (i) provide at least equivalent protection for forest resources and resource features as that provided in the provisions referred to in paragraph (a),
    - (ii) be consistent with the preamble to the Act, and
    - (iii) provide for adequate management and conservation of forest resources.

- (6) The participants must ensure that the sustainable forest management plan includes any applicable performance standards that are to be used for the purposes of Part 3 Division 5 and the associated Schedules.
- (7) The sustainable forest management plan must be signed by each participant.

## **Division 2 – Approval Process**

### **Interpretation**

- 36** Section 37 and 38 do not apply to an amendment of an administrative nature to a sustainable forest management plan or to an amendment that does not materially change the objectives or results of the plan.

### **Public advisory group review and comment**

- 37**
- (1) The participants must ensure that a proposed sustainable forest management plan is submitted to the public advisory group for review and comment before a notice is published under section 38 (1).
  - (2) The public advisory group that receives a proposed sustainable forest management plan under subsection (1) may make written comments and recommendations for improvement that it considers appropriate.
  - (3) The participants must
    - (a) consider all comments and recommendations received under subsection (2), and
    - (b) notify the public advisory group on how the recommendations were addressed.
  - (4) On receiving a notice under subsection (3), the public advisory group must specify in writing whether or not
    - (a) the recommendations of the group under subsection (2) have been adequately addressed by the participants, and
    - (b) any concerns have arisen as a result of changes made to the proposed sustainable forest management plan since it was initially reviewed by the group.
  - (5) The participants must append the comments of the public advisory group received under subsections (2) and (4) to the sustainable forest management plan when the plan is submitted to the regional manager and regional director under section 38 (1) (b).

### **Public review and comment**

- 38** (1) Before the participants submit a sustainable forest management plan for approval, the participants must
- (a) publish a notice, in a form acceptable to the regional manager, in a newspaper stating that the sustainable forest management plan is available for public review and comment,
  - (b) submit to the regional manager and regional director a copy of the proposed sustainable forest management plan in the form that will be made available for review
    - (i) at substantially the same time as a person first publishes the notice referred to in paragraph (a), or
    - (ii) at any other time agreed to by the regional manager and the participants, and
  - (c) at the request of the regional manager or regional director, submit to the regional manager or regional director, as the case may be, a copy of any assessments associated with any landscape level strategies contained in the plan.
- (2) The participants must provide an opportunity to review a proposed sustainable forest management plan to members of the public interested in or affected by operations under the proposed plan.
- (3) If an assessment is required as part of a landscape level strategy specified in the proposed sustainable forest management plan, the participants, on the request of a person conducting a review of the plan, must make the assessment available for viewing to that person to assist their review of the plan.
- (4) Unless otherwise specified by the regional manager, the opportunity for a review under subsection (2) must be for a period of at least 90 days beginning on the date of the publication referred to in subsection (1).
- (5) During the period referred to in subsection (4), a person who reviews a proposed sustainable forest management plan under this section may submit written comments to the participants.
- (6) The participants must consider all written comments received under subsection (5) and may make any revisions to the proposed sustainable forest management plan that the participants consider appropriate.

- (7) The participants who submit a sustainable forest management plan to the regional manager and regional director for approval must submit with the proposed plan
- (a) a copy of the notice published under subsection (1),
  - (b) a copy of each written comment received under subsection (5), and
  - (c) a summary of all revisions made to the proposed plan under subsection (6).

### **Approval**

- 39** (1) The regional manager and regional director must approve a sustainable forest management plan or amendment if the regional manager and regional director are satisfied that the plan
- (a) is consistent with the content requirements of this regulation,
  - (b) is consistent with the preamble to the Act,
  - (c) provides at least the equivalent protection for forest resources and resource features as that provided by the Act and its regulations, and
  - (d) adequately manages and conserves the forest resources on those portions of the pilot project area that are affected by the proposed strategies.
- (2) If the regional manager and regional director are not satisfied that a proposed sustainable forest management plan or amendment complies with subsection (1), the regional manager and regional director may approve portions of the plan or amendment that they are satisfied do comply and may make that approval subject to conditions.
- (3) An approval of a sustainable forest management plan or amendment under subsection (1) or (2) is valid for a term of 6 years beginning on the effective date of the approval unless the participants request a shorter period.

### **Division 3 – Effect of Approval of Sustainable Forest Management Plan**

#### **Effect of approval on operational plans**

- 40** (1) The approval of a sustainable forest management plan does not affect any
- (a) forest development plan or amendment
    - (i) referred to in section 8, or

- (ii) approved under this regulation before the approval of a sustainable forest management plan, or
  - (b) site level plan or amendment
    - (i) referred to in section 9, or
    - (ii) prepared in accordance with this regulation before the approval of the sustainable forest management plan.
- (2) A participant who amends a forest development plan that was approved before a sustainable forest management plan was approved is not required to ensure that the amendment is consistent with the sustainable forest management plan for the area.

### **Effect of approval on permits and authorizations**

- 41** The approval of a sustainable forest management plan does not affect any
- (a) cutting permit, road permit or road use permit referred to in section 10, or
  - (b) any authorization under section 23 given before the approval of the sustainable forest management plan.

### **Effect of approval on performance requirements**

- 42** Despite Part 3 Division 5, a participant or holder of a minor timber sale licence must carry out forest practices in a manner that, as measured by the performance indicators, is consistent with the landscape level strategies contained in the approved sustainable forest management plan, if the participant or holder
- (a) has prepared or amended
    - (i) the forest development plan or forest operations schedule, as the case may be, and
    - (ii) the site level plan for an areato be consistent with the approved sustainable forest management plan, or
  - (b) is exempt under this regulation from having to prepare a forest development plan or site level plan, as the case may be.

## Division 4 – Amendments

### Optional amendments

- 43** (1) The participants may apply to the regional manager and regional director at any time to amend a sustainable forest management plan.
- (2) An amendment to a sustainable forest management plan proposed under this section may address any aspect of the plan, including
- (a) adding an additional landscape level strategy,
  - (b) modifying an existing landscape level strategy, or
  - (c) removing a landscape level strategy.
- (3) An amendment must comply with section 35 (4) to (6) with respect to the affected landscape level strategy.

### Required amendments

- 44** (1) If a sustainable forest management plan has been approved and a higher level plan comes into effect for the pilot project area, the participants, within 6 months after the effective date of the higher level plan, must submit to the regional manager and regional director
- (a) an assessment of whether or not the sustainable forest management plan is consistent with the higher level plan, and
  - (b) if the sustainable forest management plan is inconsistent with the higher level plan, a proposal for amending the sustainable forest management plan to make it consistent with the higher level plan.
- (2) The regional manager and regional director may approve a proposal submitted under subsection (1) if the regional manager and regional director are satisfied that
- (a) the proposal adequately addresses the areas of inconsistency, and
  - (b) implementation of the proposal will address the areas of inconsistency in a timely manner.
- (3) If the regional manager and regional director approve the proposal under subsection (2), the participants must implement that proposal.



## **Division 5 – Forest Operations Schedules**

### **Preparation and submission of forest operations schedule**

- 45** (1) After a sustainable forest management plan has been approved, a participant is not required to prepare a forest development plan.
- (2) After a sustainable forest management plan has been approved, the participants may prepare and submit to the district manager a forest operations schedule that
- (a) identifies the areas in which timber harvesting and associated road construction is proposed by the participant,
  - (b) is consistent with the sustainable forest management plan, and
  - (c) complies with Schedule C.

## **PART 5 – PUBLIC ACCOUNTABILITY**

### **Division 1 – Public Advisory Group**

#### **Establishment**

- 46** (1) The participants must establish and maintain a public advisory group.
- (2) The participants must
- (a) confirm membership to the public advisory group and may confirm advisors to the public advisory group, and
  - (b) publish annually a notice specifying the membership of the public advisory group.

#### **Mandate**

- 47** (1) The mandate of the public advisory group is to ensure that the participants' forest management decisions, as contained in the sustainable forest management plan, are made as a result of informed, inclusive and fair consultation with local people who are directly affected by or have an interest in sustainable forest management.
- (2) Without limiting subsection (1), the public advisory group must review
- (a) in accordance with section 37, proposed sustainable forest management plans and amendments to sustainable forest management plans,
  - (b) audits carried out under section 50, and

- (c) annual reports prepared under section 51.

## **Operation**

- 48** (1) The public advisory group must submit to the participants proposed policies and procedures concerning the operation of the public advisory group, including but not limited to the following:
- (a) frequency of meetings;
  - (b) rules respecting conduct of meetings;
  - (c) decision making;
  - (d) communications;
  - (e) replacement of representatives.
- (2) The participants must consider any submission received under subsection (1) and may
- (a) confirm the policies and procedures as submitted, or
  - (b) amend the proposed policies and procedures and confirm them as amended.
- (3) The public advisory group must follow any policies and procedures confirmed by the participants under subsection (2).
- (4) All meetings of the public advisory group are open to the public.
- (5) Membership of the public advisory group is on a voluntary basis with no remuneration payable to the representatives by the participants.
- (6) Expenses of the public advisory group are recoverable under and in accordance with policies and procedures referred to in subsection (2).

## **Division 2 – Pilot Project Monitoring and Evaluation**

### **Maintenance and production of records**

- 49** (1) A participant or holder of a minor timber sale licence must maintain
- (a) records of its survey and inspection activities concerning the requirements under this regulation, and
  - (b) each site level plan
- until a declaration referred to in section 59 for the area to which the record or site level plan relates has been accepted by the district manager.

- (2) A participant, at the request of the district manager or of an official, must produce the records and plans referred to in subsection (1).

### **Periodic independent audit of participants**

- 50** (1) A participant must submit to and pay for periodic independent audits by a qualified auditor of the participant's compliance with this regulation and any matters specified in the sustainable forest management plan as being subject to audit, as follows:
- (a) once, on or before December 1, 2003;
  - (b) at least once in every 2 year period after that date, subject to paragraph (c);
  - (c) if a shorter period than 2 years, for the second and subsequent audits under this section, is specified in the sustainable forest management plan, at least once in each of those shorter periods.
- (2) A qualified auditor must
- (a) conduct the audit in accordance with audit principles that are generally accepted for use in the forest industry,
  - (b) provide the participant with opportunity to comment on the findings of the audit before they are finalized, and
  - (c) submit a copy of the audit report to the participant and the regional manager.
- (3) The participant may submit to the regional manager a response to the audit report and the regional manager must append the participant's response to the audit report.

### **Annual report**

- 51** (1) On or before October 31, 2003, a participant must submit to the ministers a report, in compliance with subsection (3), concerning the operations carried out by the participant during the period beginning on the effective date of this regulation and ending on March 31, 2003.
- (2) On or before October 31 of each year after 2003, a participant must submit to the ministers a report, in compliance with subsection (3), concerning the operations carried out by the participant during the preceeding fiscal year of the government.

- (3) A report under this section must contain the following:
- (a) a summary of the access management and timber harvesting carried out by the participant;
  - (b) a summary of the reforestation activities carried out by the participant, including the regeneration method, year of establishment, estimated species composition at establishment, and estimated density at establishment;
  - (c) a summary of the stand tending activities carried out by the participant;
  - (d) a statement of the degree to which the landscape level strategies contained in the sustainable forest management plan were followed by the participant;
  - (e) a summary of any variances given to the participant;
  - (f) a summary of any contraventions reported to the senior official by the participant;
  - (g) a summary of any compliance and enforcement measures imposed on the participant by the government under Part 6 of the Act.
- (4) A participant must provide to the district manager and the public advisory group a copy of the report submitted under this section.
- (5) The ministers must make a copy of a report submitted under this section available to the public on request.

### **Monitoring of participants by government**

- 52** (1) The regional manager must annually monitor the level of performance of each of the participants under this regulation by considering the following:
- (a) the audit reports submitted under section 50;
  - (b) the annual reports submitted under section 51;
  - (c) information provided by the Forest Practices Board;
  - (d) other information the regional manager considers relevant.
- (2) The regional manager must make the result of the monitoring under subsection (1) available to the participant who is monitored.

### Evaluation of pilot project by government

- 53** (1) From time to time the minister may assess the relative success of the pilot project at improving the regulatory framework of forest practices by evaluating, in the pilot project area, whether this regulation
- (a) provides equivalent protection to forest resources and resource features as are provided under the Act and the regulations,
  - (b) is consistent with the preamble to the Act,
  - (c) provides for adequate management and conservation of forest resources,
  - (d) adequately provides for public review and comment respecting forest practices,
  - (e) adequately provides for monitoring of the pilot project,
  - (f) provides adequate public access to
    - (i) planning documents and assessments used in the pilot project, and
    - (ii) records that this regulation requires to be prepared, and
  - (g) is cost effective for one or more of the following:
    - (i) holders of agreements under the *Forest Act*;
    - (ii) the government for the small business forest enterprise program;
    - (iii) the government for administering forest practices.
- (2) Within 6 months after becoming a participant, each participant, including the government, must provide to the regional manager a written estimate of the participant's current costs associated with carrying out forest practices under the Act and regulations, for comparison with the participant's current costs at the time of an evaluation under this section.
- (3) The minister may request relevant information from participants when carrying out an evaluation under subsection (1) and the participants must comply with that request in a timely manner.

### **Role of the Forest Practices Board**

- 54** (1) The mandate of the Forest Practices Board extends to this regulation.
- (2) The Forest Practices Board may request a review of the approval of a sustainable forest management plan if the board believes that, in relation to the preparation of the plan or amendment, there has been a contravention of this regulation.
- (3) The Act and regulations apply to a review under subsection (2) as if the review were a review of a forest development plan approval.
- (4) If the Forest Practices Board requests a review of the approval of a forest development plan under section 128 of the Act, the Board must specify which portions of the forest development plan are subject to the request for review.
- (5) For the purposes of subsection (4), the Forest Practices Board must only specify those portions of the plan that are directly affected by the grounds for requesting the review.
- (6) Those portions of a forest development plan that are not subject to a request for review by the Forest Practices Board under section 128 of the Act remain in effect.

### **Division 3 – Enforcement**

#### **Administrative remedies**

- 55** (1) A penalty set out in column 3 of Schedule G is the maximum penalty, in dollars, which may be levied under section 117 (1) of the Act on a participant or holder of a minor timber sale licence for the contravention of the enactment described in columns 1 and 2 opposite the penalty.
- (2) For the purposes of section 117 (4) (b) (vii) of the Act, before a senior official levies a penalty under section 117 (1) of the Act or section 119 of the Act against a participant or holder of a minor timber sale licence, the senior official may consider the following:
- (a) whether or not the contravention was reported to the senior official by the participant or holder;
  - (b) whether or not the participant or holder had carried out measures to mitigate the impact of the contravention, and the appropriateness, timeliness and success of those measures;

- (c) whether or not there is any residual damage to the forest resources on the area in which the contravention occurred after the participant or holder had carried out the measures referred to in paragraph (b);
  - (d) whether or not it is in the public interest to make a determination under section 117 and 119 of the Act, having considered all of the factors specified in section 117 (4) (b) of the Act.
- (3) If the district manager determines that an area in a cutblock has sustained damage as a result of a forest practice, the district manager, by written notice, may direct that the participant or holder of a minor timber sale licence responsible for the damage take measures necessary to rehabilitate the area.
  - (4) If, after the conclusion of timber harvesting in a cutblock, the district manager determines that a participant or holder of a minor timber sale licence has contravened section 28 (1) (f) (i) by not sustaining soil productivity, the district manager by written notice may direct that the participant or holder of a minor timber sale licence responsible take measures necessary to rehabilitate the area.
  - (5) A notice under subsection (3) or (4) must include the rationale for the district manager's determination under that subsection.
  - (6) A participant who receives a notice under subsection (3) or (4) may request a review and appeal of the district manager's determination, and Division 4 of Part 6 of the Act applies to that review and appeal.

## Offences

- 56** (1) A participant or holder of a minor timber sale licence who contravenes section 28 (2) commits an offence and is liable on conviction to a maximum penalty of \$1 000 000, or to imprisonment for not more than 2 years, or to both.
- (2) A participant or holder of a minor timber sale licence who contravenes section 22 (1), (2) or (3), 28 (1), 30 (1) or (2), 31 (2) or 32 (3) commits an offence and is liable on conviction to a maximum penalty of \$500 000, or to imprisonment for not more than 2 years, or to both.
- (3) A participant or holder of a minor timber sale licence who contravenes section 24 (2), 29, 33, 42, 44 (1) or (3) or 60 (5) commits an offence and is liable on conviction to a maximum penalty of \$100 000, or to imprisonment for not more than one year, or to both.

- (4) A participant or holder of a minor timber sale licence who contravenes section 31 (1), 49 (1) or (2), 50 (1), 51 (1) or 53 (2) commits an offence and is liable on conviction to a maximum penalty of \$5000, or to imprisonment for not more than 6 months, or to both.
- (5) The maximum fine to which a person is liable on a second or subsequent conviction for the same offence under subsections (1) to (4) is double the amount set out in those subsections.

#### **Division 4 – Public Access to Information**

##### **Ongoing public access to information**

- 57** (1) A participant must make copies of all relevant planning documents and associated assessments available at any reasonable time to
- (a) the district manager,
  - (b) the public advisory group,
  - (c) the Forest Practices Board, and
  - (d) persons carrying out audits under this regulation.
- (2) The participants must ensure that a copy of any proposed sustainable forest management plan that has been submitted for approval is available for review by the public for the period required under section 38 during business hours at one or more of the business premises of the participants in the pilot project area.
- (3) A participant must ensure that the following information is reasonably available for review by the public during business hours at one or more of the business premises of the participant in the pilot project area:
- (a) a copy of any approved sustainable forest management plan;
  - (b) a copy of any active operational plans and related assessments of the participant that are in the pilot project area;
  - (c) a copy of the most recent forest operations schedule, if any;
  - (d) a copy of any audit report submitted under section 50 during the previous 5 years;
  - (e) a copy of any annual report submitted under section 51 during the previous 5 years;
  - (f) a copy of any compliance and enforcement determinations referred to in Division 3 of this Part in respect of the participant's performance in the pilot project area during the previous 5 years;



- (g) a copy of the maps referred to in section 5 and set out in Part A2 of Schedule A under the heading “Fort St. John Pilot Project Management Zone Maps”.

## **PART 6 – GENERAL**

### **Assignability**

- 58** (1) A participant may enter into an agreement with another participant to assume the latter’s obligations under the Act and this regulation in respect of a cutblock or road.
- (2) An agreement under subsection (1) is ineffective unless it is in writing and approved by the district manager.

### **Declaration of completed obligations**

- 59** (1) A participant who considers that the applicable requirements of the Act and the regulations in respect of
- (a) a road,
  - (b) timber harvesting activities in a cutblock,
  - (c) reforestation in a cutblock or in an identifiable portion of a cutblock, or
  - (d) treatment on a well-growing stand
- have been met may declare, in a written notice to the district manager, that the requirements of the Act and the regulations in respect of the road, timber harvesting, reforestation, or silvicultural treatment, as the case may be, have been met.
- (2) A participant who considers that the requirements, described in subsection (1), have substantially but not completely been met may declare, in a written notice to the district manager, that the requirements have been met to the fullest extent that is practical if
- (a) the participant did not contribute by the participant’s actions or omissions to not meeting the requirements, and
  - (b) it is unlikely that the requirements can be met without taking extraordinary measures.
- (3) A participant must ensure that a notice under subsection (1) or (2)
- (a) identifies the roads or cutblocks, as the case may be,

- (b) specifies the nature of the requirements of the Act and the regulations to which the declaration applies, and
  - (c) if a declaration is being made under subsection (2), includes a rationale for making the request.
- (4) If the district manager agrees with the declaration in a notice under subsection (1) or (2) that the requirements of the Act and the regulations specified in the declaration have been met, the district manager must notify the participant who submitted the declaration that the participant has no further obligations with respect to those requirements in those areas.
- (5) For the purposes of subsection (4), even if some requirements of the Act and the regulations remain outstanding, the district manager may accept a declaration that the requirements of the Act or regulations have been met if the district manager considers that
  - (a) the participant did not by its actions or omissions contribute to not meeting the requirements,
  - (b) it is unlikely that the requirements can be met without taking extraordinary measures, and
  - (c) it is not in the public interest to continue to try to fully comply with the requirement.
- (6) Subject to subsection (5), if the district manager determines that the requirements of the Act and the regulations specified in the declaration
  - (a) have not been met, as declared in a notice under subsection (1), or
  - (b) have not been substantially met, as declared in a notice under subsection (2),the district manager must notify the participant who submitted the notice of the location and nature of any remaining requirements.
- (7) Before making a determination under this section, the district manager may require the participant to submit information that the district manager reasonably requires in order to make the determination.

### **Cancellation of pilot project and transition**

- 60** (1) The minister
- (a) by order may cancel the pilot project on a date, in this section called the “cancellation date”, at least 2 years after the date on which the order is made, and

- (b) must give a copy of the order to each of the participants and holders of minor timber sale licences.
- (2) If the minister makes an order under subsection (1), the Act and the regulations apply, effective on the cancellation date, in respect of the pilot project area, the participants and the holders of minor timber sale licences.
- (3) The minister may exempt participants or holders of minor timber sale licences from obligations under this regulation if the minister considers the exemption necessary or advisable for the purpose of
  - (a) facilitating the transition, after the date of an order under this section, from the application, in respect of the pilot project area, of the Act and this regulation to the application, in respect of the pilot project area, on and after the cancellation date, of the Act and the regulations, without this regulation, or
  - (b) remedying difficulties encountered during the transition period between the date of the minister's order under subsection (1) and the cancellation date.
- (4) An exemption granted by the minister under subsection (3) may be of general or specific application and may be conditional or unconditional.
- (5) A participant or holder of a minor timber sale licence must comply with any condition imposed by the minister under subsection (4).

### **Definitions for Schedule A**

**61** In items 1 to 24 of Schedule A:

**“priority fish species”** means bull trout and grayling and includes those other species that are

- (a) specified as red and blue listed species by the Ministry of Water, Land and Air Protection, and
- (b) referred to as red and blue listed species in publications of that ministry, including on the website maintained by that ministry;

**“priority furbearing species”** means fisher, marten and lynx;

**“ROS”** means the Ministry of Forests Recreation Opportunity Spectrum;

**“stream flow regime”** means water quality, quantity and timing of flow;

**“visually sensitive areas”** includes travel and recreation corridors identified by the Ministry of Forests visual landscape inventory.

**SCHEDULE A – BALANCING COMPETING  
VALUES AND INTERESTS**

*(Sections 5, 35 and 61)*

**PART A1 – MANAGEMENT ZONES AND THEIR OBJECTIVES**

<i>Item</i>	<i>Column 1 Management Zones</i>	<i>Column 2 Objectives</i>
1	Agriculture Settlement Area	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Ensure future infrastructure requirements are considered when exploring for oil and gas.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Minimize losses to the timber harvesting land.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain or increase land supply for agriculture including access to Crown land.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Provide opportunities for the growth of agriculture.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Control the spread of noxious weeds.</li> <li>• Maintain existing access, coordinate industrial access development including linear development to minimize negative effects on other resource values.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development particularly aggregates and industrial minerals and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Maintain groundwater quality and quantity.</li> </ul>

		<ul style="list-style-type: none"> <li>• Ensure that all land and resource management planning activities within the planning area provide for consultation with local municipal governments.</li> </ul>
2	Aikman - Deadhorse	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Minimize losses to the timber harvesting land base.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Maintain livestock grazing opportunities on existing tenures.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Restore and rehabilitate negatively impacted ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Maintain groundwater quality and quantity.</li> </ul>
3	Alaska Highway Corridor	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Maintain historical significance of the Alaska Highway.</li> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> </ul>

		<ul style="list-style-type: none"> <li>• Maintain fish habitat at highway stream crossings.</li> <li>• Ensure that all land and resource management planning activities within the planning area provide for consultation with local municipal governments.</li> <li>• Manage visually sensitive areas within the Alaska Highway area.</li> </ul>
4	Besa- Halfway-  Chowade	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain guide outfitting opportunities.</li> <li>• Maintain and enhance ecological integrity in areas subject to resource impacts from recreational use.</li> <li>• Provide a full range of wilderness recreation opportunities identified in the ROS as primitive, semi-primitive non-motorized and semi-primitive motorized.</li> <li>• Maintain opportunities for commercial and non-commercial livestock grazing associated with recreation.</li> <li>• Manage backcountry recreation and tourism opportunities in a natural or natural appearing condition.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Manage wildlife populations to provide opportunities for non-commercial hunting.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Maintain high quality fisheries in natural settings.</li> <li>• Maintain the headwaters of major rivers and streams as a source of water for current and future generations.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Maintain groundwater quality and quantity.</li> <li>• Manage visually sensitive areas along existing access corridors/trails and adjacent to protected areas.</li> </ul>

5	Bluegrave-Horseshoe	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Minimize losses to the timber harvesting land base.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain guide-outfitting opportunities.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain and enhance ecological integrity in areas subject to</li> <li>• Minimize or mitigate wildlife impact on agriculture enterprises.</li> <li>• Provide opportunities for the growth of agriculture.</li> <li>• Maintain livestock grazing opportunities on existing tenures.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation and maintain existing large mammalian predator-prey system.</li> <li>• Restore and rehabilitate negatively affected ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Maintain groundwater quality and quantity.</li> </ul>
6	Upper Cameron	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain or increase land supply for agriculture including access to Crown land.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> </ul>

		<ul style="list-style-type: none"> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>
7	Cecil Lake and Boundary Lake	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil &amp; gas exploration, development and transportation.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Control the spread of noxious weeds.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Control the spread of noxious weeds.</li> <li>• Coordinate access and linear development to minimize negative effects on other resources.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Manage critical wetland habitats for waterfowl and other wildlife</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>
8	Charlie Lake Water Supply Area	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Manage critical wetland habitats for waterfowl and other wildlife</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Protect heritage sites and trails.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> </ul>



		<ul style="list-style-type: none"> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Protect water quality and quantity.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Ensure that all land and resource management planning activities within the planning area provide for consultation with local municipal governments.</li> </ul>
9	Chinchaga	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Protect heritage sites and trails.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> </ul>
10	Conroy	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> </ul>

		<ul style="list-style-type: none"> <li>• Protect heritage sites and trails.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Manage visually sensitive areas within Tommy Lakes area.</li> </ul>
11	Crying Girl	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain guide outfitting opportunities.</li> <li>• Provide a full range of wilderness recreation opportunities identified in the ROS as semi-primitive non-motorized.</li> <li>• Maintain opportunities for commercial and non-commercial livestock grazing that is associated with recreation.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect significant fish and wildlife habitats, alpine areas and recreation values.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation and maintain existing large mammalian predator/prey system.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>
12	Farrell Creek	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> </ul>

		<ul style="list-style-type: none"> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain or increase land supply for agriculture including access to Crown land.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Control the spread of noxious weeds.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Manage critical wetland habitats for waterfowl and other wildlife</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Ensure that all land and resource management planning activities within the planning area provide for consultation with local municipal governments.</li> </ul>
13	Graham South	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Ensure that timber harvesting in the Graham River Watershed recognizes the watershed's other important resource values such as wilderness, guide outfitting, trapping, wildlife, fish, recreation,</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain guide outfitting opportunities.</li> <li>• Provide a full range of wilderness recreation opportunities identified in the ROS as semi-primitive non-motorized.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect significant wildlife and recreation</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> </ul>

		<ul style="list-style-type: none"> <li>• Minimize wildlife habitat fragmentation.</li> <li>• Restore and rehabilitate negatively affected ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Manage visually sensitive areas as scenic areas.</li> </ul>
14	Graham North	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Ensure that timber harvesting in the Graham River Watershed recognizes the watershed's other important resource values such as wilderness, guide outfitting, trapping, wildlife, fish, recreation,</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain guide outfitting opportunities.</li> <li>• Provide a full range of wilderness recreation opportunities identified in the ROS as semi-primitive non-motorized.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect significant wildlife and recreation</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation.</li> <li>• Restore and rehabilitate negatively affected ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Manage visually sensitive areas as scenic areas.</li> </ul>
15	Grassy-Minaker	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and exploration, development and appropriate regulatory framework.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide a full range of recreation opportunities.</li> </ul>

		<ul style="list-style-type: none"> <li>• Maintain and enhance ecological integrity in areas subject to resource impacts from recreational use.</li> </ul>
		<ul style="list-style-type: none"> <li>• Maintain opportunities for commercial and non-commercial livestock grazing that is associated with recreation.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation and maintain existing large mammalian predator-prey systems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Maintain groundwater quality and quantity.</li> </ul>
16	Grazing Reserves	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Integrate recreational activities with grazing and resource</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Control the spread of noxious weeds.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Manage critical wetland habitats for waterfowl and other wildlife</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>
17	Jedney	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Provide opportunities for the growth of agriculture.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> </ul>

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	<ul style="list-style-type: none"><li>• Coordinate access and linear development to minimize negative effects on other resource values.</li><li>• Maintain habitat for priority furbearing species.</li></ul>
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		<ul style="list-style-type: none"> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>
18	Kobes Creek	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Minimize losses to the timber harvesting land base.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Maintain guide outfitting opportunities.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain or increase land supply for agriculture including access to Crown land.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect significant sensitive wildlife habitat areas adjacent to Butler Ridge.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation and maintain existing large mammalian predator-prey system.</li> <li>• Restore and rehabilitate negatively affected ecosystems.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>

19	Osborn	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Enhance timber harvesting and a sustainable long-term timber</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain or increase land supply for agriculture including access to Crown land.</li> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Manage critical wetland habitats for waterfowl and other wildlife</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Protect heritage sites and trails.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Sustain natural stream flow regime.</li> </ul>
20	Peace River Corridor	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Manage for forest health.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide tourism opportunities.</li> <li>• Recognize the high agricultural values within the Peace River</li> <li>• Maintain livestock grazing opportunities on existing tenures.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Protect or enhance habitats for red and blue listed species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain site specific habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Protect heritage sites and trails.</li> </ul>



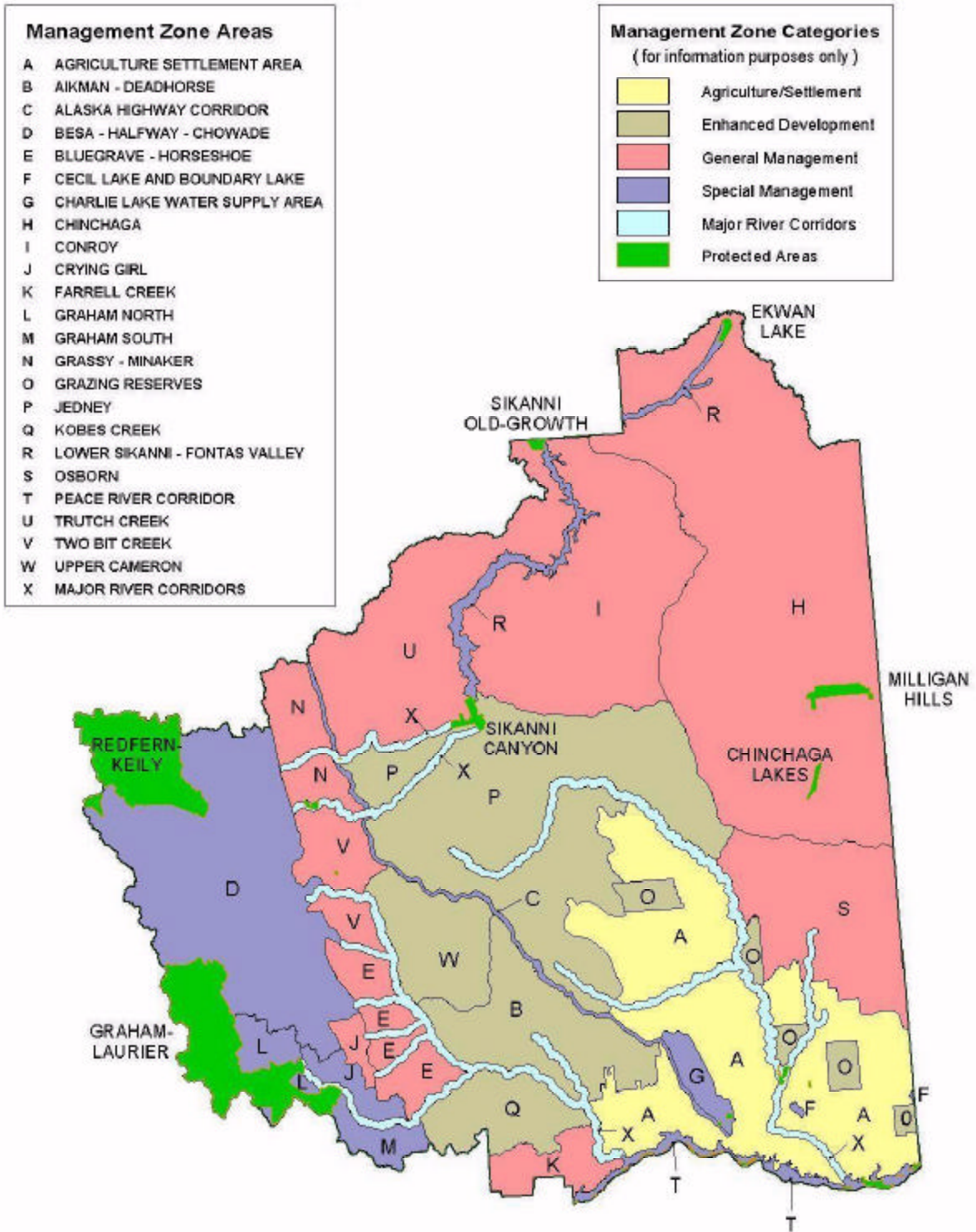
		<ul style="list-style-type: none"> <li>• Maintain opportunities for mineral exploration and development (particularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Maintain water quality in the Peace River.</li> <li>• Promote water stewardship to manage for other resources.</li> <li>• Manage visually sensitive areas within the Peace River Valley.</li> </ul>
21	Major River Corridors	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Manage for forest health.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Provide opportunities for the growth and expansion of the agriculture and food production industries.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect significant riparian habitats, fish, wildlife and visual quality.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Manage visually sensitive areas as scenic areas.</li> </ul>
22	Lower Sikanni Fontas Valley	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, development and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect significant wildlife and riparian areas.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> </ul>

		<ul style="list-style-type: none"> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities-for mineral exploration and development (partic ularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Maintain high quality fisheries in natural settings.</li> </ul>
23	Trutch Creek	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas exploration, develop ment and transportation.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Minimize losses to the timber harvesting land base.</li> <li>• Maintain guide outfitting opportunities.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain opportunities for commercial and non-commercial livestock grazing associated with recreation.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Maintain habitat for priority furbearing species.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain site specific habitats.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation.</li> <li>• Protect heritage sites and trails.</li> <li>• Identify and provide for the protection of historical sites and trails.</li> <li>• Maintain opportunities for mineral exploration and development (partic ularly aggregates and industrial minerals) and allow for</li> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Manage visually sensitive areas as scenic areas.</li> </ul>
24	Two Bit Creek	<ul style="list-style-type: none"> <li>• Maintain opportunities and access for oil and gas.</li> <li>• Maintain timber harvesting and forest management opportunities.</li> <li>• Provide quality public and commercial recreational opportunities and values.</li> <li>• Provide a full range of recreation opportunities.</li> <li>• Maintain and enhance ecological integrity in areas subject to resource impacts from recreational use.</li> <li>• Maintain or increase land supply for agriculture including access to Crown land.</li> </ul>

		<ul style="list-style-type: none"> <li>• Minimize or mitigate wildlife impact on agricultural enterprises.</li> <li>• Maintain or enhance opportunities for livestock grazing.</li> <li>• Maintain livestock grazing opportunities on existing tenures.</li> <li>• Coordinate access and linear development to minimize negative effects on other resource values.</li> <li>• Manage access to protect alpine areas.</li> <li>• Maintain high capability ungulate winter habitat.</li> <li>• Maintain medium and high quality grizzly bear habitat.</li> <li>• Maintain caribou habitat.</li> <li>• Maintain functioning and healthy ecosystems.</li> <li>• Minimize wildlife habitat fragmentation.</li> <li>• Maintain opportunities for mineral exploration and development and allow for access.</li> </ul>
		<ul style="list-style-type: none"> <li>• Maintain fish habitat and water quality for priority fish species.</li> <li>• Promote water stewardship to manage for other resources.</li> </ul>



# Fort St. John Pilot Project Management Zone Map





## Schedule B – Forest Development Plans

*(Sections 11 to 15)*

### PART B1 – PREPARATION

#### Forest development plans: content

- 62** (1) A forest development plan must be consistent with any higher level plan that is in effect 4 months before the date the forest development plan is submitted for the district manager's approval, unless the higher level plan specifies otherwise.
- (2) A forest development plan must be signed and sealed by a professional forester.
- (3) A forest development plan must be signed by the participant.

#### Site-specific variation under plans

- 63** A participant who prepares a forest development plan must provide detail for site-specific areas in the area under the plan if characteristics of that area result in
- (a) different operations being proposed,
  - (b) similar operations being subject to different constraints, or
  - (c) different operations being subject to different constraints.

#### Area under forest development plans

- 64** (1) A participant must ensure that a forest development plan addresses an area sufficient in size to include all areas affected by the timber harvesting and road construction or modification operations proposed under the plan.
- (2) If the district manager determines that the area under a proposed forest development plan does not comply with subsection (1), the district manager, in a notice given to the participant, may specify the area that the plan must address.
- (3) A participant who receives a notice under subsection (2) may request a review and appeal of the district manager's determination, and Division 4 of Part 6 of the Act applies to that review and appeal.

### Maximum cutblock size

- 65** (1) The maximum size of a cutblock must not exceed 60 ha.
- (2) The maximum size for a cutblock specified under subsection (1) does not apply to a cutblock located in an area under a higher level plan if
- (a) the higher level plan specifies that cutblocks may be larger, or
  - (b) the higher level plan specifies conditions precedent to approval of larger cutblock sizes and the district manager is satisfied that the conditions are met.
- (3) Despite subsection (1), the district manager may
- (a) refuse to approve a forest development plan that includes a cutblock that complies with that subsection if the district manager is of the opinion that a cutblock smaller than that specified in subsection (1) is required
    - (i) for hydrological reasons,
    - (ii) to manage wildlife values,
    - (iii) to manage recreation or scenic values, or
    - (iv) for other similar reasons, or
  - (b) approve a forest development plan that includes a cutblock that is larger than that specified in subsection (1) if one or more of the following apply:
    - (i) the harvesting is being carried out to recover timber that was damaged by fire, insects, wind or other similar events and, if possible, the cutblock incorporates structural characteristics of natural disturbance;
    - (ii) the silvicultural system proposed for the area
      - (A) is other than clearcut or seed tree, and
      - (B) retains 40% or more of the pre-harvest basal area;
    - (iii) the district manager is of the opinion that the larger cutblock is designed to be consistent with the structural characteristics and the temporal and spatial distribution of natural openings.



### Forest health assessment required before review of forest development plans

- 66** Before making a forest development plan available for review under section 73, a participant must
- (a) record and evaluate the occurrence of detected forest health factors currently causing damage or which may potentially cause damage in the area under the plan, and
  - (b) conduct a forest health assessment, if required by the district manager, to determine the nature and extent of the forest health factors.

### Map and information requirements for all forest development plans

- 67** (1) A participant must ensure that a forest development plan includes the following information for the area under the plan:
- (a) forest cover;
  - (b) the topography of the area, and the location of those streams, wetlands and lakes that are shown on forest cover maps or fish and fish habitat inventory maps or terrain resource inventory maps;
  - (c) for terrain stability
    - (i) one of the following:
      - (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%, and
    - (ii) any areas identified by the district manager as having unstable or potentially unstable terrain;
  - (d) if required by the district manager, the operability line;
  - (e) the following known items:
    - (i) protected areas;
    - (ii) designated areas under Part 13 of the *Forest Act*;
    - (iii) wilderness areas;

- (iv) sensitive areas established in accordance with the Act;
- (v) subject to subsection (3), wildlife habitat areas;
- (vi) forest ecosystem networks;
- (vii) old growth management areas;
- (viii) scenic areas;
- (ix) ungulate winter ranges;
- (x) community water supply intakes and related water supply infrastructures;
- (xi) fish streams;
- (xii) riparian class of streams, wetlands and lakes;
- (f) the following public utilities on Crown land:
  - (i) transmission lines;
  - (ii) gas and oil pipelines;
  - (iii) railways;
- (g) the approximate location of
  - (i) construction of a road, including construction of a bridge or major culvert that is part of the road, if the road is proposed to be authorized under this regulation,
  - (ii) proposed replacement or addition of a bridge or major culvert, if the bridge or major culvert is part of a road authorized under this regulation,
  - (iii) construction of a bridge or major culvert proposed to be authorized under this regulation or agreement under the *Forest Act*, and
  - (iv) replacement or addition of a bridge or major culvert authorized under this regulation or agreement under the *Forest Act*,and the year the work is proposed to take place if the timing is critical to the management of non-timber forest resources;
- (h) the location of each road that has been included on the most recently approved forest development plan;
- (i) the forest operations for which road construction or modification is required, for operations other than harvesting;

- (j) for any proposed bridges, whether the bridge will be a temporary or permanent bridge;
- (k) with respect to an existing road that both provides access to the area and is required by the Act to be maintained by the participant, the following information:
  - (i) its approximate location;
  - (ii) whether it is intended to be for seasonal use only;
  - (iii) a description or map of how it links up with a public road system, processing plant or log dump;
- (l) a list or map notation indicating the roads that must be maintained by the participant;
- (m) the following road deactivation operations that have been or are to be conducted by the participant on the area under the plan:
  - (i) roads that were permanently deactivated during the previous year;
  - (ii) roads that are currently deactivated to a temporary or semi-permanent level;
  - (iii) roads that are to be deactivated and the year the work is proposed to take place if the timing is critical to the management of non-timber forest resources;
  - (iv) the level of deactivation of roads referred to in subparagraph (iii);
  - (v) the types of vehicle usage, if any, that are proposed to be accommodated on the roads referred to in subparagraph (iii) after deactivation;
- (n) the known location of roads that are proposed by other persons;
- (o) the known location of temporary or permanent barriers to vehicle access;
- (p) the approximate location of cutblocks proposed to achieve Category A status if the proposed forest development plan is approved;
- (q) for each Category A cutblock referred to in paragraph (p), specify for the purposes of section 35 and Schedule F if the cutblock is to be reforested as a coniferous area, a deciduous area or a mixedwood area;

- (r) the location of a cutblock that has been included as an approved Category A cutblock on the most recently approved forest development plan, and whether an authorization for the cutblock has been given under section 23;
  - (s) the location of cutblocks that have been harvested, but are not yet greened- up and that are adjacent to cutblocks referred to in paragraph (p) or (r);
  - (t) if significant risks to forest resources are recorded or disclosed by the forest health assessment, measures to reduce those risks that do not, themselves, cause new or significantly increased risks;
  - (u) any applicable performance standards that are to apply for the purposes of Part 3 Division 5 and the associated Schedules;
  - (v) the general objectives for riparian management zones, including the range of basal area retention by riparian class;
  - (w) the known objectives for known ungulate winter ranges.
- (2) Despite subsection (1), a participant is not required to include the information specified in that subsection for an area in a forest development plan in which only minor salvage operations will be carried out, unless the district manager, by written notice, requires some or all of that information, in which case the participant must comply with the requirements in that notice.
- (3) The location of any of the wildlife habitat areas referred to in subsection (1) (e) (v) must not be shown if the district manager or designated environmental official makes it known that the location of the wildlife habitat area is not to be included, in which case only the name of the identified wildlife protected by the wildlife habitat area must be included.

### **Category I cutblocks and roads for information purposes only**

- 68** (1) A cutblock that does not meet the requirements for Category A, under section 69, may be shown on a forest development plan only as a Category I cutblock, and a Category I cutblock is for information purposes only, and is not part of the forest development plan.
- (2) A road may be shown as a Category I road on a forest development plan for information purposes only, and a Category I road is not part of the forest development plan.

### Category A cutblocks

- 69** (1) A cutblock may be shown as a proposed Category A cutblock on a proposed forest development plan only if the proposed plan meets the following requirements:
- (a) the plan includes, in the form of a map, for areas that are in or adjacent to the cutblock, the location of the following items, if the items may be impacted directly or indirectly by the cutblock:
    - (i) known resource features other than wildlife habitat features, domestic water supply intakes and archaeological sites;
    - (ii) known private property;
    - (iii) known licensed domestic water supply intakes and related water supply infrastructure;
  - (b) the plan describes for the cutblock the following:
    - (i) the year of harvest, if timing is critical to the management of non-timber forest resources;
    - (ii) the location of any area of water that will be used as a helicopter or balloon log drop area;
    - (iii) whether or not the cutblock will be clearcut;
    - (iv) measures, if any, proposed to achieve higher level plan objectives;
    - (v) measures, if any, for the management of known ungulate winter ranges;
    - (vi) whether the cutblock will be harvested by cable, aerial or ground based harvesting methods or a combination of those methods;
    - (vii) the riparian class of streams, wetlands and lakes.
- (2) A cutblock may be shown as an approved Category A cutblock on a proposed forest development plan if
- (a) the cutblock was included as an approved Category A cutblock on the most recently approved forest development plan, and
  - (b) the information required under subsection (1) for the cutblock in that most recently approved plan is carried forward, without being updated, in the proposed plan.

## PART B2 – REVIEW AND COMMENT

### District manager may require referral of plan

- 70** (1) By notice in writing, the district manager may require a participant who submits for approval a forest development plan or amendment to refer the proposed plan or amendment for the period required in the notice to
- (a) the resource agencies specified in the notice by the district manager,
  - (b) any government agency that is identified in the notice by the district manager, and
  - (c) any person that may be materially affected by the proposed plan or amendment, and that is specified in the notice by the district manager.
- (2) A participant who receives a notice under subsection (1) must
- (a) comply with the requirements of the notice,
  - (b) review all written comments received during the referral period, and
  - (c) make any revisions to the proposed plan or amendment that the participant considers appropriate.
- (3) A participant who receives a notice under subsection (1) must submit to the district manager with the proposed plan or amendment
- (a) a copy of each written comment received under subsection (2) in respect of the proposed plan or amendment, and
  - (b) a summary of all revisions made to the proposed plan or amendment under subsection (2).
- (4) If a forest development plan is referred to a resource agency, the agency may request that the participant who received the notice under subsection (1) send one or more of the assessments that are related to the plan to the resource agency within a reasonable time required in the notice, and the person must comply with the request.
- (5) A participant who is required to make a forest development plan available under subsection (1) (b) or (c) must make the assessments that are related to the plan, other than an archaeological impact assessment, available for review at the participant's place of business nearest to the area under the plan, or at another location specified by the district manager.

## Notice

- 71** (1) Before a participant submits a forest development plan or amendment for approval, the participant must publish in a newspaper a notice, in a form acceptable to the district manager, stating that the forest development plan is available for public review and comment.
- (2) Despite subsection (1), notice is not required under that subsection if the district manager determines that
- (a) the plan or amendment
    - (i) otherwise complies with this Schedule,
    - (ii) is necessary to enable measures to be taken to address an emergency, and
    - (iii) there is insufficient time to provide for review and comment for at least 10 days, or
  - (b) the amendment
    - (i) otherwise complies with this Schedule,
    - (ii) will adequately provide for managing and conserving the forest resources of British Columbia for the area to which it applies, and
    - (iii) does not materially change the objectives or results of the plan.
- (3) If a notice is not required under subsection (2) and the plan or amendment is approved under section 13, the participant responsible for preparing the amendment to the forest development plan must publish, in an issue of a newspaper, a notice of the exemption and approval, including a statement containing the following information:
- (a) the amendment to the forest development plan has been approved without having been made available for review and comment;
  - (b) the reasons why implementation of the amendment must proceed without review and comment;
  - (c) the date on which the operations are authorized to begin;
  - (d) the number of days, at least 5 clear days, between the date of first publication and the date operations are to begin.

### Submitting forest development plan and assessments

- 72** (1) A participant required to publish a notice under section 71 must submit to the district manager a copy of the forest development plan or amendment in the form that will be made available for review under section 73
- (a) at substantially the same time as a person first publishes the notice referred to in section 71, or
  - (b) at any other time agreed to by the district manager and the participant.
- (2) On the request of the district manager, a participant who is responsible for a forest development plan must submit to the district manager a copy of any forest health assessment.

### Review

- 73** (1) A participant who is required to publish a notice under section 71 must provide an opportunity to review a proposed forest development plan or amendment to members of the public interested in or affected by operations under the proposed plan or amendment in accordance with this Division.
- (2) If a forest health assessment has been completed, a participant who is required to provide an opportunity for review of the forest development plan or amendment, on the request of a person conducting a review of the plan under this section, must make the assessment available for viewing to that person to assist the review of the plan.
- (3) A participant who is required to provide a viewing of an assessment under subsection (2) must make it available at the participant's place of business nearest to the area under the plan or at another location specified by the district manager.
- (4) Subject to subsection (5), the opportunity for a review under subsection (1) must be for
- (a) a period of 60 days commencing on the date of the first publication referred to in section 71, except for a forest development plan or amendment referred to in paragraph (b), or
  - (b) a period of at least 10 days, commencing on the date of the first publication referred to in section 71, if the entire forest development plan or amendment relates to an expedited major salvage operation.



- (5) Despite subsection (4) (a), by notice in writing given before the expiry of the 60 day period under subsection (4) (a) to a participant who is required to provide a review under this section, the district manager may extend the period for review under subsection (4) (a).
- (6) An opportunity for review provided to an interested or affected person under subsection (1) will be adequate only if, in the opinion of the district manager, the opportunity is commensurate with the nature and extent of that person's interest in the area under the plan and any right that person may have to use the area under the plan.

### Comments

- 74** A person who reviews a forest development plan or amendment under this Part may submit comments in writing during the period allowed for review under section 73 to the participant who publishes a notice under section 71.

### Scope of review and comment

- 75** (1) A participant who is required to publish a notice under section 71 must consider all comments received during the period for review under section 73 in relation to proposed Category A cutblocks and proposed road construction, modification and deactivation and make any revisions to the proposed plan or amendment that the person considers appropriate.
- (2) Despite subsection (1), neither the participant who is required to publish a notice under section 71 nor the district manager is required to consider or address a comment with respect to
  - (a) a cutblock that is included as part of the most recently approved forest development plan as a Category A cutblock, or
  - (b) a road that has been included as part of a previously approved forest development plan.

### Submitting a proposed forest development plan and comments

- 76** A participant who submits a forest development plan or amendment for approval must submit with the proposed forest development plan or amendment
  - (a) a copy of the notices that were published under section 71 in respect of the proposed forest development plan or amendment,
  - (b) a copy of each written comment received in respect of the proposed forest development plan or amendment, and

- (c) a summary of all revisions made to the proposed forest development plan or amendment under section 75 (1).

### **PART B3 – APPROVAL**

#### **Limited protection for cutblocks and roads**

- 77** (1) After a cutblock has been included as part of an approved forest development plan as a Category A cutblock, or a road has been included as part of an approved forest development plan, the district manager may refuse to approve a subsequently proposed forest development plan on the grounds that the part of the subsequently proposed forest development plan that is the cutblock or road does not comply with section 13, only if any of the following occurs in the period referred to in subsection (2):
- (a) an enactment is made or amended or a higher level plan is established or varied, and
    - (i) the enactment or higher level plan applies to the cutblock or road, and
    - (ii) the district manager is satisfied that the proposed cutblock or road makes the forest development plan inconsistent with that enactment or higher level plan;
  - (b) a wildlife habitat area is established over any area of the proposed forest development plan, and the chief forester and the deputy minister of the Ministry of Water, Land and Air Protection have specified that the cutblock cannot be harvested as planned or the road cannot be located, constructed, modified or deactivated as planned;
  - (c) catastrophic damage or destruction of timber occurs in the vicinity of the cutblock, as a result of which harvesting the cutblock, as planned, no longer adequately manages and conserves the forest resources;
  - (d) a watershed assessment is completed for an area under the forest development plan, and
    - (i) the assessment reveals a condition that negatively affects the watershed,
    - (ii) either there was no previous watershed assessment, or there was a previous watershed assessment, but it did not reveal the condition, and

- (iii) the recommendations in the current assessment specify that the cutblock should not be harvested as planned or the road should not be located, constructed, modified or deactivated as planned;
  - (e) the timber harvesting or other operation for which the road was to provide access will not be proceeding.
- (2) The period referred to in subsection (1) is the period from 4 months before the forest development plan that is in effect was submitted for approval until 4 months before the proposed forest development plan is submitted for approval.

### **Protection for cutblocks and roads**

- 78**
- (1) The district manager may not refuse to approve a forest development plan on the grounds that the part of the forest development plan that is a cutblock does not meet the requirements of that section if
    - (a) an authorization has been given for the cutblock under section 23, or
    - (b) the cutblock has been included as part of an approved forest development plan.
  - (2) The district manager may not refuse to approve a forest development plan on the grounds that the part of the forest development plan that is a road does not meet the requirements of section 13 if
    - (a) an authorization has been given for the road under section 23, or
    - (b) the road has been included as part of an approved forest development plan.

## SCHEDULE C – PREPARING FOREST OPERATIONS SCHEDULES

*(Sections 23 and 45)*

### When information not required

- 79** Nothing in this Schedule requires information to be included in a forest operations schedule if
- (a) the information is included in a sustainable forest management plan in effect for the area, or
  - (b) the sustainable forest management plan provides that the information is not required.

### Forest operations schedule general content

- 80** (1) A forest operations schedule must cover a period of at least 6 years unless the district manager consents to a shorter period.
- (2) A forest operations schedule must be consistent with
- (a) any higher level plan in effect 4 months before the date the schedule is submitted to the district manager unless the higher level plan specifies otherwise, and
  - (b) the sustainable forest management plan in effect on the date that the schedule is submitted to the district manager.
- (3) A forest operations schedule must be signed and sealed by a professional forester.
- (4) A forest operations schedule must be signed by the participant.

### Map and information requirements for all forest operations schedules

- 81** (1) A participant must ensure that a forest operations schedule includes the following information for the area affected by the proposed timber harvesting and road construction or modification operations:
- (a) forest cover;
  - (b) the topography of the area, and the location of those streams, wetlands and lakes that are shown on forest cover maps or fish and fish habitat inventory maps or terrain resource inventory maps;
  - (c) the following known items:
    - (i) protected areas;

- (ii) designated areas under Part 13 of the *Forest Act*;
- (iii) wilderness areas;
- (iv) sensitive areas established in accordance with the Act;
- (v) wildlife habitat areas,

but the location of the wildlife habitat area must not be shown if the district manager or designated environmental official makes it known that the location of the wildlife habitat area is not to be included, in which case only the name of the identified wildlife protected by the wildlife habitat area must be included:

- (vi) forest ecosystem networks;
  - (vii) old growth management areas;
  - (viii) scenic areas;
  - (ix) ungulate winter ranges;
  - (x) community water supply intakes and related water supply infrastructures;
  - (xi) fish streams;
  - (xii) riparian class of streams, wetlands and lakes;
- (d) the following public utilities on Crown land:
- (i) transmission lines;
  - (ii) gas and oil pipelines;
  - (iii) railways;
- (e) the approximate location of
- (i) proposed construction of a road, including construction of a bridge or major culvert that is part of the road,
  - (ii) proposed replacement or addition of a bridge or major culvert,
  - (iii) proposed construction of a bridge or major culvert, and
  - (iv) proposed replacement or addition of a bridge or major culvert authorized under this regulation or under an agreement under the *Forest Act*,

and the year in which the work is proposed to take place if the timing is critical to the management of non-timber forest resources;

- (f) for any proposed bridges, whether the bridge will be a temporary or permanent bridge;
  - (g) the following road deactivation operations that have been, or are to be conducted by the participant:
    - (i) roads that are currently deactivated to a temporary or semi-permanent level;
    - (ii) roads that are to be deactivated in the next 3 years and the year the work is proposed to take place if the timing is critical to the management of non-timber forest resources;
    - (iii) the level of deactivation of roads referred to in subparagraph (ii);
    - (iv) the types of vehicle usage, if any, that are proposed to be accommodated on the roads referred to in subparagraph (ii) after deactivation;
  - (h) the known location of temporary or permanent barriers to vehicle access;
  - (i) the approximate location of cutblocks proposed that are not the subject of the request for authorization under section 23;
  - (j) the location of cutblocks proposed that are the subject of the request for authorization under section 23;
  - (k) for each cutblock referred to in paragraph (j), specify for the purposes of section 32 and Schedule F if the cutblock is to be reforested as a coniferous area, a deciduous area or a mixedwood area;
  - (l) the location of cutblocks that are currently the subject of an authorization under section 23;
  - (m) the location of cutblocks that have been harvested, but are not yet greened-up and that are adjacent to cutblocks referred to in paragraph (j).
- (2) Despite subsection (1), a participant is not required to include the information specified in that subsection for an area in a forest operations schedule in which only minor salvage operations will be carried out, unless the district manager, by written notice, requires some or all of that information, in which case the participant must comply with that notice.

### **District manager may require referral of forest operations schedule**

- 82** (1) By notice in writing, the district manager may require a participant who submits a forest operations schedule or amendment to refer the proposed schedule or amendment for the period required in the notice to
- (a) the resource agencies specified in the notice by the district manager,
  - (b) any government agency that is identified in the notice by the district manager, and
  - (c) any person that may be materially affected by the proposed schedule or amendment, and that is specified in the notice by the district manager.
- (2) A participant who receives a notice under subsection (1) must
- (a) comply with the notice,
  - (b) review all written comments received during the referral period, and
  - (c) make any revisions to the proposed schedule or amendment that the participant considers appropriate.
- (3) A participant who receives a notice under subsection (1) must submit to the district manager with the proposed schedule or amendment
- (a) a copy of each written comment received under subsection (2) in respect of the proposed schedule or amendment, and
  - (b) a summary of all revisions made to the proposed schedule or amendment under subsection (2).

### **Notice**

- 83** (1) Before a participant submits a forest operations schedule or amendment, the participant must publish a notice, in a form acceptable to the district manager, in a newspaper stating that the forest operations schedule is available for public review and comment.
- (2) Despite subsection (1), notice is not required under that subsection if the district manager determines
- (a) that the forest operations schedule or amendment otherwise complies with this Schedule and is necessary to enable measures to be taken to address an emergency, and

- (b) that there is insufficient time to provide for review and comment for a period of at least 10 days.
- (3) Despite subsection (1), notice is not required under that subsection if the district manager determines that the amendment
  - (a) otherwise complies with this Schedule,
  - (b) will adequately provide for managing and conserving the forest resources of British Columbia for the area to which it applies, and
  - (c) either
    - (i) does not materially change the objectives or results of the schedule, or
    - (ii) does not result in an increase in cutblock size for any cutblock in excess of 10% from the size of the cutblock when the cutblock was identified in the forest operations schedule that last made available for public review and comment.
- (4) If a notice is not required under subsection (1), the participant responsible for preparing the amendment to the forest operations schedule must publish, in an issue of a newspaper, a notice of the exemption, including a statement containing the following information:
  - (a) the amendment to the forest operations schedule;
  - (b) the reasons why implementation of the amendment must proceed without review and comment;
  - (c) the date on which the operations are authorized to begin;
  - (d) the number of days, at least 5 clear days, between the date of first publication and the date operations are to begin.

### **Submitting a forest operations schedule**

- 84** A participant who is required to publish a notice under section 83 must submit to the district manager a copy of the forest operations schedule or amendment in the form that will be made available for review under section 85
- (a) at substantially the same time as a person first publishes the notice referred to in section 83, or
  - (b) at any other time agreed to by the district manager and the participant.



## Review

- 85** (1) A participant who is required to publish a notice under section 83 must provide an opportunity to review a proposed forest operations schedule or amendment to members of the public interested in or affected by operations under the proposed schedule or amendment in accordance with this Schedule.
- (2) Subject to subsection (4), the opportunity for a review under subsection (1) must be for
- (a) a period of 60 days commencing on the date of the first publication referred to in section 83, except for a forest operations schedule or amendment referred to in paragraph (b), or
  - (b) a period of at least 10 days commencing on the date of the first publication referred to in section 83, if the entire forest operations schedule or amendment relates to an expedited major salvage operation.
- (3) Despite subsection (2) (a), by notice in writing given before the expiry of the 60 day period under subsection (2) (a) to a person required to provide a review under this section, the district manager may extend the period for review under subsection (2) (a) and, with respect to the extension, is not required to provide an opportunity to be heard or to give reasons.
- (4) An opportunity for review provided to an interested or affected person under subsection (1) will be adequate only if, in the opinion of the district manager, the opportunity is commensurate with the nature and extent of that person's interest in the area under the Schedule and any right that person may have to use the area under the Schedule.

## Comments

- 86** A person who reviews a forest operations schedule or amendment under this Schedule may submit comments in writing during the period allowed for review under section 85 to the participant who publishes a notice under section 83.

### **Scope of review and comment**

- 87** (1) A participant who is required to publish a notice under section 83 must consider all comments received during the period for review under section 85 in relation to proposed cutblocks and proposed road construction, modification and deactivation and make any revisions to the proposed schedule or amendment that the participant considers appropriate.
- (2) Despite subsection (1), neither the participant who is required to publish a notice under section 83 nor the district manager is required to consider or address a comment with respect to a cutblock or road that is the subject of an authorization under section 23.

### **Submitting a proposed forest operations schedule and comments**

- 88** A participant who submits a forest operations schedule or amendment must submit with the proposed forest operations schedule or amendment
- (a) a copy of the notices that were published under section 83 in respect of the proposed forest operations schedule or amendment,
  - (b) a copy of each written comment received in respect of the proposed forest operations schedule or amendment, and
  - (c) a summary of all revisions made to the proposed forest operations schedule or amendment under section 87 (1).

## SCHEDULE D – RIPARIAN MANAGEMENT

(Section 1)

### Definition

**89** In this Schedule “**active flood plain**” means the 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.

### Riparian classes of streams

**90** (1) Fish streams are of the following riparian classes:

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

(2) Streams that are not fish streams are of the following riparian classes:

<i>Stream Width (m)</i>	<i>Riparian Class</i>
> 3	S5
3	S6

### Minimum widths of riparian reserve zones and riparian management zones

**91** (1) For each riparian class referred to in section 90, the minimum riparian reserve zone width and riparian management zone width on each side of the stream are as follows:

<i>Riparian Class</i>	<i>Riparian Reserve Zone (m)</i>	<i>Riparian Management Zone (m)</i>	<i>Riparian Management Area (m)</i>
S1	50	20	70
S2	30	20	50
S3	20	20	40
S4	0	30	30
S5	0	30	30
S6	0	20	20

- (2) Despite subsection (1), if a stream has, on average, over a one km length,
- (a) a channel width of 100 m or greater, and
  - (b) an active flood plain width of 100 m or greater,
- 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.
- (3) Despite subsection (1), for any stream the district manager, with the agreement of a designated environmental official, may vary the width of the riparian reserve zone or riparian management zone referred to in that subsection.
- (4) Despite subsection (2), for a stream referred to in that subsection, the district manager, with the agreement of a designated environmental official, may
- (a) require a riparian reserve zone, and
  - (b) specify the width of that zone.
- (5) The riparian reserve zone extends the widths specified in subsection (1), (3) or (4) from the edge of the stream channel bank.
- (6) The riparian management zone extends from
- (a) the outer edge of the riparian reserve zone, or
  - (b) if there is no riparian reserve zone, the edge of the stream channel bank
- to
- (c) the top of the inner gorge of the stream, or
  - (d) whichever of the following is the greater:
    - (i) the widths specified in subsection (1), (3) or (4);
    - (ii) the outer edge of any
      - (A) active flood plain, or
      - (B) wetland that is less than 1 ha in size and is within the widths of the riparian management area specified in subsection (1), (3) or (4).

**Riparian classes of wetlands**

- 92** Wetlands are of the following riparian classes:
- (a) W1 if it is greater than 5 ha in size;
  - (b) W3 if it is between one ha and 5 ha in size;
  - (c) W5 if the area consists of 2 or more individual wetlands with overlapping riparian management areas and the combined size of the wetlands is 5 ha or larger.

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

- 93** (1) For each riparian class referred to in section 92, the minimum reserve zone and riparian management zone width is the following:

<i>Riparian Class</i>	<i>Riparian Reserve Zone (m)</i>	<i>Riparian Management Zone (m)</i>	<i>Riparian Management Area (m)</i>
W1	10	40	50
W3	0	30	30
W5	10	40	50

- (2) Despite subsection (1), upland terrain in a wetland larger than 1 000 ha has no riparian reserve zone or riparian management zone.
- (3) Despite subsection (1), for any wetland or portion of a wetland, the district manager, with the agreement of a designated environmental official, may vary the widths referred to in that subsection.
- (4) Despite subsection (2), for a wetland referred to in that subsection or a portion of that wetland, the district manager, with the agreement of a designated environmental official, may
  - (a) require a riparian reserve zone or a riparian management zone, and
  - (b) specify the widths of those zones.
- (5) The riparian reserve zone extends the widths specified in subsection (1), (3) or (4) from the edge of the wetland.
- (6) The riparian management zone extends the widths specified in subsection (1), (3) or (4) from
  - (a) the outer edge of the riparian reserve zone, or
  - (b) if there is no riparian reserve zone, the edge of the wetland.

### **Riparian classes of lakes**

- 94** Lakes are of the following riparian classes:
- (a) L1 if the lakes are
    - (i) greater than 5 ha in size, or
    - (ii) designated by the district manager;
  - (b) L3 if the lakes are between one ha and 5 ha in size.

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

- 95**
- (1) A lake of a riparian class of L1 has a riparian reserve zone width of 10 m, unless otherwise specified by the district manager.
  - (2) A lake of a riparian class of L3 has a riparian reserve zone of 0 m and a riparian management zone width of 30 m.
  - (3) Despite subsections (1) and (2), a lake greater than 1 000 ha has no riparian reserve zone.
  - (4) Despite subsections (1) and (2), for any lake or portion of a lake, the district manager, with the agreement of a designated environmental official, may vary the widths referred to in those subsections.
  - (5) Despite subsection (3), for a lake referred to in that subsection or a portion of that lake, the district manager, with the agreement of a designated environmental official, may
    - (a) require a riparian reserve zone, and
    - (b) specify the width of that zone.
  - (6) The riparian reserve zone extends the widths specified in subsection (1), (2), (4) or (5) from the edge of
    - (a) the natural boundary of the lake, or
    - (b) the wetland that is contiguous to the lake if the wetland is up to 5 ha in size.
  - (7) The riparian management zone extends from
    - (a) the outer edge of the riparian reserve zone, or
    - (b) if there is no riparian reserve zone, the edge of the wetland.

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## SCHEDULE E – GREEN UP

(Sections 1, 28 and 67)

### Greened-up

- 96** An area is greened-up if
- (a) at least 75% of the previously harvested cutblock area meets the minimum stocking requirements specified in Schedule F, and
  - (b) the average height of the tallest 10% of the trees is a minimum of 3m.

### Harvesting adjacent to areas that are not greened-up

- 97** For the purposes of section 28 (1) (b) (iv), a participant may harvest a cutblock that is adjacent to a previously harvested cutblock that is not greened-up, if the requirements in any of the following paragraphs are met:
- (a) the previously harvested cutblock was harvested under a licence to cut or a Christmas tree permit;
  - (b) a partial cut silvicultural system is used that retains trees in a uniform distribution throughout the cutblock to be harvested, and 40% or more of the pre- harvest basal area will be retained;
  - (c) the total area of
    - (i) the cutblock to be harvested, and
    - (ii) the harvested cutblocks that are not greened-up and that are adjacent to the cutblock to be harvesteddoes not exceed the maximum size for cutblocks specified or varied under Schedule B;
  - (d) the harvesting of the cutblock is necessary to achieve established visual quality objectives;
  - (e) the resultant opening has been authorized by the district manager, in a written notice given to the person, on the grounds that it will be consistent with the structural characteristics and the temporal and spatial distribution of natural openings;
  - (f) the proposed harvesting will recover timber that was damaged by fire, insects, wind or other similar events and, if possible, the cutblock to be harvested incorporates structural characteristics of natural disturbance.

## SCHEDULE F – REFORESTATION

(Sections 11, 25, 32, 67, 81 and 96)

### Stocking requirements

- 98 (1) Table A presents the stocking requirements for coniferous areas and deciduous areas.

TABLE A

<i>Type of Area</i>	<i>Type of Site</i>	<i>Min. No. of Trees per ha</i>	<i>Minimum Height (m)</i>
Coniferous	Xeric-Subxeric	500	ESSF/SWB PI 1.2 Other .6; BWBS PI 2.0 Other 1.0
Coniferous	Submesic-Mesic	700	ESSF/SWB PI 1.6 Other .8 BWBS PI 2.0 Other 1.0
Coniferous	Subhygric	500	ESSF/SWB PI 1.6 Other .8 BWBS PI 2.0 Other 1.0
Coniferous	Hygric-Subhydric	400	PI 1.4 Other 1.0
Deciduous	All Sites	4000 (with a maximum component of 15% of birch and cottonwood)	All Species 1.5

- (2) In Table A,

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

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

“**other**” means species of crop tree other than lodgepole pine;

“**PI**” means lodgepole pine;

“**SWB**” means the spruce willow birch biogeoclimatic zone.

- (3) When determining type of site for the purposes of Table A, the following applies:

- (a) the minimum strata size that is

(i) a 2 ha contiguous area, or

(ii) 20% of the cutblock area if the cutblock is less than 10 ha;



- (b) for strata that do not meet the minimum requirements of paragraph (a), the stocking requirements of the largest adjacent strata in the cutblock apply;

- (c) despite paragraph (b), if a strata does not meet the requirements of paragraph (a) but the professional forester who prepared the site level plan for the area is of the opinion that the area in the cutblock in which reforestation is required is a complex of different types of sites interspersed, then the stocking requirements for the complex is the number of trees per hectare determined by the following procedure:
- (i) first, estimate the amount of area in each type of site;
  - (ii) second, for each type of site, multiply the amount of area of that type by the stocking requirement for that type of site determined in accordance with Table A;
  - (iii) third, add the total number of well spaced trees required for all types of sites as determined under subparagraph (ii);
  - (iv) fourth, divide the total number of trees required for the complex by the area of the cutblock.

### **Use of seed**

- 99** A participant who carries out planting to reforest an area must
- (a) use only seedlots or vegetative lots collected and registered in accordance with the Tree Cone, Seed and Vegetative Material Regulation,
  - (b) use the best genetic quality source available,
  - (c) store tree seeds with the ministry,
  - (d) if the participant knows or should know of forest health concerns that affect the health of the species of trees that are required by the prescription, use only naturally or genetically improved resistant seed sources, seedlings or vegetative propagules if they are available,
  - (e) not exceed the limits for seed or vegetative material transfer specified in the Ministry of Forests' publication "Seed and Vegetative Material Guidebook", as amended from time to time, and
  - (f) keep a record of the registration numbers of the seedlots or vegetative lots used and the locations in which they are planted.

### **Use of livestock in site preparation**

- 100** A participant who uses livestock for site preparation or brush control must
- (a) ensure that all necessary measures are taken to
    - (i) minimize conflict between livestock and animals that could prey on livestock,
    - (ii) prevent transmission of disease from livestock to wildlife, and
    - (iii) maintain the health of livestock,
  - (b) establish a buffer zone on the area if required to do so by a designated environmental official and prevent livestock from entering the zone,
  - (c) notify a designated forest official and a designated environmental official before the arrival of the livestock, and
  - (d) use livestock only if they have been inspected and certified as required by the Minister of Agriculture, Food and Fisheries.

**SCHEDULE G – MAXIMUM ADMINISTRATIVE PENALTIES**

(Section 55)

<b>Column 1 Enactment</b>	<b>Column 2 Description</b>	<b>Column 3 Penalty</b>
11 (1)	Did not submit declaration before requesting an authorization	\$2 000
16 (2)	Did not prepare a site level plan where required	\$5 000
18	Did not prepare a site level plan where required	\$5 000
19 (1)	Did not ensure that a site level plan met the specified requirements	\$5 000
19 (2)	Did not ensure that a site level plan met the specified requirements	\$5 000
20 (4)	Did not notify the district manager as required	\$5 000
20 (5)	Did not comply with specified review and comment requirements	\$2 000
20 (6)	Did not comply with a request to forward assessments to resource agencies	\$2 000
20 (9)	Carried out a forest practice contrary to section 20 (9)	\$10 000
21	Did not carry out a required archaeological impact assessment	\$5 000
22 (1)	Carried out timber harvesting in a cutblock without having met the specified requirements	\$20 000
22 (2)	Carried out road construction, modification or deactivation operations without having met the specified requirements	\$20 000
22 (3)	Used a specified road for the purposes of timber harvesting and related purposes without having met the specified requirements	\$5 000
22 (4)	Carried out a treatment on a backlog area or on a well-growing stand without having met the specified requirements	\$5 000
23 (2)	Carried out harvesting under an authorization before specified appraisal data submitted	\$20 000
26	Did not comply with the requirements of any notice, authorization or condition specified by the district manager	\$20 000
28 (1) (a), (b), (c), (d) or (f)	Did not ensure that a forest practice met the prescribed requirements	\$50 000
28 (1) (e)	Did not ensure that a forest practice met the prescribed requirements	\$100 000
28 (2)	Did not take reasonable measures to mitigate any damage to the environment resulting from a contravention of section 28 (1)	\$100 000
29 (1)	Did not ensure maintenance of the required amount of area in cutblocks in wildlife trees or wildlife tree patches	\$20 000
29 (2)	Did not ensure maintenance of the required proportion of pre-harvesting coarse woody debris in cutblocks	\$20 000
30 (1)	Exceeded the specified limit for the area that may be occupied by permanent access structures	\$50 000
30 (2)	Did not deactivate permanent access structures where required	\$50 000

31 (1)	Did not ensure that roads provide for safe usage by the types and levels of traffic for which the road was intended	\$2 000
31 (2)	Did not maintain a specified road until the deactivation of the road or the notification referred to in section 31 (2)	\$50 000
31 (3)	Did not obtain the consent of the district manager or the regional manager where required before connecting a road to a forest service road	\$5 000
32 (3)	Did not reforest specified areas in accordance with the specified requirements	\$100 000
32 (8)	Did not carry out silviculture regimes that are designed to achieve the specified target stocking requirements	\$5 000
33	Did not ensure the destruction of insect broods within the specified time when using trap trees or pheromones to concentrate insect populations	\$5 000
34	Did not prepare a sustainable forest management prescription during the prescribed period	\$10 000
42	Did not carry out forest practices in a manner consistent with the landscape level strategies contained in the sustainable forest management plan	\$50 000
44 (1)	Did not submit the required assessment and proposal within the specified time where a higher level plan has come into effect after the approval of a sustainable forest management plan	\$20 000
44 (3)	Did not implement a proposal approved by the regional manager	\$20 000
46 (1)	Did not establish and maintain a public advisory group	\$10 000
46 (2) (a)	Did not confirm membership to the public advisory group as required	\$2 000
46 (2) (b)	Did not publish a notice specifying the membership of the public advisory group as required	\$2 000
49 (1)	Did not maintain records and plans as required	\$5 000
49 (2)	Did not produce records and plans as required	\$5 000
50 (1)	Did not submit to and pay for a periodic independent audit as required	\$10 000
50 (2)	Did not have the audit carried out within the prescribed period	\$10 000
51 (1)	Did not submit an annual report as required	\$10 000
51 (2)	Did not submit an annual report as required	\$10 000
51 (3)	Did not provide a copy of the annual report to the district manager and the public advisory group as required	\$2 000
53 (3)	Did not comply with the minister's request related to an evaluation of the pilot project	\$5 000
55 (3)	Did not take the measures specified by the district manager to rehabilitate the area	\$50 000
55 (4)	Did not take the measures specified by the district manager to rehabilitate the area	\$50 000
57 (1)	Did not make copies of all plans and assessments available as required	\$10 000

57 (2)	Did not make a copy of a proposed sustainable forest management plan available to the public as required	\$5 000
57 (3)	Did not make the specified information available for review by the public	\$5 000
60 (5)	Did not comply with a condition imposed by the minister	\$10 000