

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 439

, Approved and Ordered July 27, 2015

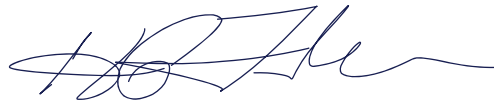

Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that that the Haida Gwaii Timber Exemption Order, Order in Council 518/2010, is repealed and the attached Haida Gwaii Timber Exemption Order (2015) is made.



Minister of Forests, Lands and
Natural Resource Operations



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: Forest Act, R.S.B.C. 1996, c. 157, ss. 128 and 129

Other: OIC 518/2010

July 2, 2015

HAIDA GWAII TIMBER EXEMPTION ORDER (2015)

Definitions

1 In this order:

“**Act**” means the *Forest Act*;

“**exemption area**” means the area outlined and hatched with horizontal lines on the attached map;

“**previous order**” means the Haida Gwaii Timber Exemption Order, Order in Council 518/2010;

“**recorded volume**”, in respect of a tenure and a reference period, means total volume of timber, including western red cedar and cypress, that is shown in stumpage bills and volume statements, as applicable, issued during the reference period by the government in respect of any part of the tenure that is within the exemption area;

“**reference period**”, in respect of a permit under this order, means the 365 days immediately before the date the application for the permit is made;

“**tenure**” means

- (a) an agreement under section 12 of the Act, or
- (b) an interest in a parcel of private land that is described in section 127 of the Act and not subject to an agreement under section 12 of the Act;

“**volume statement**”, in respect of timber, means a statement, based on a scale return delivered in accordance with section 97 (1) (f) of the Act, that shows the volume of the timber broken down by pieces, species and grade.

Exemption

- 2 (1) Subject to subsection (2), all species of timber harvested within the exemption area, other than western red cedar or cypress, are considered surplus to requirements of timber processing facilities in British Columbia, and are therefore exempted from section 127 of the Act to the extent that permits are obtained under section 3 of this order in respect of that timber.
- (2) The volume of timber that is considered surplus and may be exempted in respect of a tenure by the issuance of a permit under section 3, when added to the volumes of timber previously exempted, under this order or under the previous order, in respect of the tenure during the reference period, may not exceed 35% of the recorded volume for that reference period.

Permit

- 3 For the purposes of section 2, the minister may issue to a person a permit in respect of timber harvested under a tenure within the exemption area if
- (a) the person submits to the minister an application in Form FS38,
 - (b) the timber has been scaled in accordance with the Scaling Regulation, B.C. Reg. 446/94, and
 - (c) the government has issued to the tenure holder the following documents, as applicable:

- (i) in respect of any part of the timber for which stumpage is payable under the Act, a bill requiring payment of the stumpage;
- (ii) in respect of any part of the timber not described in subparagraph (i), a volume statement for that part.

Fee in lieu of manufacture

- 4 A person to whom a permit is issued under this order must pay the fee in lieu of manufacture in British Columbia, calculated in accordance with section 5, for the timber exempted by the issuance of the permit.

Calculation of fee in lieu of manufacture

- 5 (1) In this section:
- “**domestic log value**” means the value specified under subsection (2);
 - “**valuation period**”, in respect of a current calendar month, means the period of 3 consecutive calendar months that ends 2 calendar months before the current calendar month.
- (2) The domestic log value of a species and grade of timber in a calendar month is the mean value in dollars per cubic metre of the species and grade of timber on the market in British Columbia over the valuation period, calculated based on sales reported under section 136 (1.1) of the Act.
- (3) The fee per cubic metre of timber of a coniferous species is the higher of \$1 and the following portion of the domestic log value of the timber, as applicable:
- (a) in the case of Douglas fir timber of any grade, 15%;
 - (b) in the case of timber from a species other than Douglas fir, 10% if the grade is J or higher and 5% otherwise.
- (4) The fee per cubic metre of timber of a deciduous species of any grade is \$1.

Order rescinded

- 6 This order is rescinded on July 29, 2018.

Haida Gwaii Timber Exemption Area

