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FOREST ACT

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Content of tree farm licence

- (AM)
Nov
04/03
- 35. (1)** A tree farm licence must
- (a) subject to section 36 (3) (a), be for a term of 25 years,
- (b) subject to sections 33 and 39, describe a tree farm licence area, determined by the minister or a person authorized by the minister, comprising Crown land, the timber on which is unencumbered except by the licence, and if the area includes
- (i) private land, or
- (ii) Crown land subject to a timber licence also comprising that land,
- (c) require its holder to pay to the government, in addition to other amounts payable under this Act and the regulations,
- (i) stumpage under Part 7 for timber harvested under the tree farm licence on Crown land or under a timber licence on Crown land in the tree farm licence area,
- (ii) waste assessments for merchantable Crown timber, whether standing or felled, that could have been cut and removed under the tree farm licence or timber licence, but, at the licensee's discretion, is not cut and removed, and
- (iii) a bonus bid or bonus offer, whichever is required under section 33, in the amount tendered under that section,
- (d) require its holder to submit for the approval of the chief forester, once every 5 years, or more often if the chief forester considers that special circumstances require, a management plan that meets all the following requirements:
- (i) it is prepared by a professional forester in accordance with the requirements of the tree farm licence,
- (ii) it includes inventories, prepared in the manner, presented in the format and meeting the specifications required under the tree farm licence, of the forest, recreation, fisheries, wildlife, range and cultural heritage resources in the tree farm licence area,
- (iii) it is consistent with
- (A) the tree farm licence,
- (B) this Act and the regulations, the *Forest and Range Practices Act* and the regulations and the standards made under that Act, and
- (C) any applicable objectives set by government under the *Forest and Range Practices Act*,
- (iv) it proposes management objectives regarding
- (A) management and utilization of the timber resources in the tree farm licence area, including harvesting methods and utilization specifications suitable to the types of timber and terrain specified in the tree farm licence,
- (B) protection and conservation of the non-timber values and resources in the tree farm licence area, including visual quality, biological diversity, soils, water, recreation resources, cultural heritage resources, range land and wildlife and fish habitats,
- (SUB)
Nov
04/03
- (SUB)
Nov
04/03
- (AM)
Jan
31/04
- (SUB)
Jan
31/04

- (C) integration of harvesting activities in the tree farm licence area with use of the area for purposes other than timber production,
- (D) forest fire prevention and suppression,
- (E) forest health, including pest management,
- (F) silviculture, and
- (G) road construction, maintenance and deactivation,
- (v) it includes proposals for meeting the proposed management objectives under subparagraph (iv), including measures to be taken, and specifications to be followed by the holder of the tree farm licence,
- (vi) it specifies measures to be taken by the holder of the tree farm licence to identify and consult with persons using the tree farm licence area for purposes other than timber production,
- (vii) it includes a timber supply analysis, prepared in the manner, presented in the format and meeting the specifications required under the tree farm licence, that analyzes the short term and long term availability of timber for harvesting in the tree farm licence area, including the impact of management practices on the availability of timber,
- (viii) it includes an operational timber supply projection for the tree farm licence area that, in support of the timber supply analysis, indicates the availability of timber by
 - (A) identifying
 - (I) the net operable land base,
 - (II) harvested areas,
 - (III) existing and proposed road access within the net operable land base, and
 - (IV) areas subject to special management constraints, such as use of the tree farm licence areas for purposes other than timber production,
 - (B) categorizing areas within the net operable land base by
 - (I) the type and quality of timber, and
 - (II) the harvesting method suitable to the terrain, and
 - (C) setting out a hypothetical sequence of harvesting over a period of at least 20 years, consistent with the proposed management objectives under subparagraph (iv), and the proposals under subparagraph (v), and
- (ix) it includes any other information on the development, management and use of the tree farm licence area that the chief forester requires,
- (e) subject to the provisions of this Act, grant to its holder the exclusive right to harvest from the tree farm licence area during the term of the tree farm licence one or both of the following:
 - (i) Crown timber of one or more types specified in the tree farm licence,
 - (ii) Crown timber from one or more types of terrain specified in the tree farm licence,
- (f) provide for cutting permits with terms that do not exceed 4 years to be issued by the district manager, or a forest officer authorized by the district manager, within the limits provided in the tree farm licence and subject to this Act and the *Forest and Range Practices Act*, to authorize its holder to

(AM)
Jan
31/04

- harvest the portion of the allowable annual cut available to its holder from specified areas of land within the tree farm licence area,
- (g) require its holder to implement management plans approved under this section,
 - (h) require that timber on the tree farm licence area, in an amount directed by the minister, having regard to reservations made by the minister for
 - (i) BC timber sales enterprises,
 - (ii) pulpwood agreements, or
 - (iii) woodlot licences,

(SUB)
May
13/04

is to be available for disposition under

- (iv) forest licences, timber sale licences or forestry licences to cut, or
 - (v) Division 7 or 8 of this Part
- to persons other than the holder of the tree farm licence,
- (i) make provision for its holder to use the services of one or more professional foresters to manage the tree farm licence area,
 - (j) require that each year during its term a volume of timber not less than
 - (i) 50% of the volume of timber harvested by or for its holder from the tree farm licence area during the year, multiplied by
 - (ii) the result obtained by the division of
 - (A) the portion of the allowable annual cut available to its holder during that year that the chief forester determines is attributable to Crown land referred to in paragraph (b) (i) and sections 37 (1) and 38, by
 - (B) the allowable annual cut available to its holder during that year

(AM)
May
13/04

- are to be harvested by persons under contract with its holder,
- (k) allow its holder to contract for the harvesting of more than the volume calculated under paragraph (j),
 - (l) provide that the minister, under the regulations, may relieve the holder, in whole or in part, from the requirement under paragraph (j),
 - (m) *Repealed.* [2003–30–2]

(REP)
Nov
04/03

- (n) reserve to the government the right to enter into a free use permit on the tree farm licence area with a person other than the holder of the tree farm licence, and

(AM)
Jan
31/04

- (o) contain other terms and conditions, consistent with this Act and the regulations, the *Forest and Range Practices Act* and the regulations and the standards made under that Act, determined by the minister.

- (2) A disposition of timber under Division 3 or 7 of this Part pursuant to this section, or pursuant to a requirement referred to in subsection (1) (h), does not give rise to any right to or eligibility for compensation under this Act or otherwise.

RS1979–140–28; 1980–14–9; 1982–12–8; 1987–40–9; 1987–54–5; 1988–37–9; 1990–46–1; 1992–40–12; 1994–39–6; 1994–43–11; 1994–41–259; 1995–6–55; 1995–24–4; 1997–48–3; 2003–32–9; 2003–30–2; 2003–31–22; 2003–55–79; 2004–36–14.