

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL


Order in Council No. 473


, Approved and Ordered July 25, 2014


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 the attached Atlin-Taku Resource Management and Forest Retention Areas Order 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: Environment and Land Use Act, R.S.B.C. 1996, c. 117, s. 7

Other: _____

June 13, 2014

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ATLIN-TAKU RESOURCE MANAGEMENT AND FOREST RETENTION AREAS ORDER

Definitions

1 In this order:

“**commercial logging**” means harvesting timber for the primary purpose of disposing of the timber for compensation;

“**compensation**” means a rate, remuneration, gain or reward of any kind paid, payable, promised, demanded, received or expected, directly or indirectly;

“**comptroller**” has the same meaning as in the *Water Act*;

“**Crown land**” means land, whether or not it is covered by water, that is owned by the government;

“**district manager**” has the same meaning as in the *Forest Act*;

“**forest retention area**” means a forest retention area established by section 2 (2);

“**hydropower development**” means works developed or to be developed for a power purpose and includes a major hydroelectric development;

“**major hydroelectric development**” means works developed or to be developed for a power purpose that are part of

- (a) a hydroelectric power plant, or
- (b) an electric transmission line

within the meaning of Part 4 of the Reviewable Projects Regulation that is a reviewable project described in column 2 or 3 of Table 7 of that regulation;

“**power purpose**” has the same meaning as in the *Water Act*;

“**protected area**” means

- (a) a park, recreation area or conservancy, as defined in section 1 of the *Park Act*,
- (b) an area that is established under the *Environment and Land Use Act* as a park or protected area, or
- (c) an area that is established or continued as an ecological reserve under the *Ecological Reserve Act* or the *Protected Areas of British Columbia Act*;

“**regional water manager**” has the same meaning as in the *Water Act*;

“**resource management area**” means a resource management area established by section 2 (1);

“**Reviewable Projects Regulation**” means the Reviewable Projects Regulation, B.C. Reg. 370/2002, as it read on July 19, 2011;

“**works**” means

- (a) anything capable of or used for
 - (i) diverting, storing, measuring, conserving, conveying, retarding, confining or using water,
 - (ii) producing, measuring, transmitting or using electricity,
 - (iii) collecting, conveying or disposing of sewage or garbage, or

- (iv) preventing or extinguishing fires,
- (b) booms and piles placed in a stream,
- (c) obstructions placed in or removed from streams or the banks or beds of streams,
- (d) changes in and about a stream, and
- (e) access roads to any of the works referred to in paragraphs (a) to (d).

Establishment of resource management areas and forest retention areas

- 2 (1) The area described in column 2 of an item set out in Appendix 1 to this order is established as a resource management area with the name set out in column 1 opposite that description.
- (2) The area described in column 2 of an item set out in Appendix 2 to this order is established as a forest retention area with the name set out in column 1 opposite that description.

Resource management areas – limited hydropower development

- 3 (1) In this section, “resource management area” does not include Racine Falls Resource Management Area.
- (2) The following persons must not take the following actions for or in relation to a major hydroelectric development:
 - (a) the minister responsible for the administration of the *Land Act* must not, under section 11, 38, 39 or 40 of that Act, dispose of, grant a right of way or easement over, grant a licence to occupy or grant an option to purchase Crown land in a resource management area;
 - (b) a district manager must not, under section 9 or 12 of the Provincial Forest Use Regulation, B.C. Reg. 176/95, issue a special use permit in relation to Crown land in a resource management area;
 - (c) the minister responsible for the administration of the *Ministry of Lands, Parks and Housing Act* must not, under section 9 of that Act, dispose of, or provide for or authorize the disposition of, Crown land in a resource management area.
- (3) The comptroller and a regional water manager must not grant all or part of an application for a licence or issue to an applicant a conditional or final licence under section 12 of the *Water Act*, or issue a permit under section 26 of that Act, for any of the following purposes:
 - (a) the diversion, use or storage of water from a stream if the diversion, use or storage, as the case may be,
 - (i) is for or in relation to a major hydroelectric development, and
 - (ii) is or is proposed to be located wholly or partially in a resource management area;
 - (b) the construction of works that are part of a major hydroelectric development and are proposed to be located wholly or partially in a resource management area, whether or not the works are in relation to a diversion, use or storage of water referred to in paragraph (a).

- (4) This section does not apply in relation to a transmission line that is proposed to be located in a resource management area and will be capable of or be used for transmitting electricity to a major hydroelectric development if
 - (a) the transmission line will have a voltage of less than 500 kV, or
 - (b) less than 40 km of right of way will be constructed in the resource management area for or in relation to the transmission line.
- (5) This section does not apply in relation to roads.

Resource management areas – no hydropower development at Racine Falls

- 4 (1) The following persons must not take the following actions for or in relation to a hydropower development:
 - (a) the minister responsible for the administration of the *Land Act* must not, under section 11, 38, 39 or 40 of that Act, dispose of, grant a right of way or easement over, grant a licence to occupy or grant an option to purchase Crown land in Racine Falls Resource Management Area;
 - (b) a district manager must not, under section 9 or 12 of the Provincial Forest Use Regulation, B.C. Reg. 176/95, issue a special use permit in relation to Crown land in Racine Falls Resource Management Area;
 - (c) the minister responsible for the administration of the *Ministry of Lands, Parks and Housing Act* must not, under section 9 of that Act, dispose of, or provide for or authorize the disposition of, Crown land in Racine Falls Resource Management Area.
- (2) The comptroller and a regional water manager must not grant all or part of an application for a licence or issue to an applicant a conditional or final licence under section 12 of the *Water Act*, or issue a permit under section 26 of that Act, for any of the following purposes:
 - (a) the diversion, use or storage of water from a stream if the diversion, use or storage, as the case may be,
 - (i) is for or in relation to a hydropower development, and
 - (ii) is or is proposed to be located wholly or partially in Racine Falls Resource Management Area;
 - (b) the construction of works that are part of a hydropower development and are proposed to be located wholly or partially in Racine Falls Resource Management Area, whether or not the works are in relation to a diversion, use or storage referred to in paragraph (a).

Forest retention areas – limited commercial logging

- 5 (1) In this section, “**minister**” means the minister responsible for the administration of the *Forest Act*.
- (2) The minister and a timber sales manager must not invite applications for, offer to enter into or enter into an agreement referred to in section 12 of the *Forest Act* in relation to a forest retention area other than
 - (a) a free use permit,
 - (b) a licence to cut that is not for commercial logging, or
 - (c) a licence to cut that is for commercial logging and that meets all of the following criteria:

- (i) the area to which the licence to cut applies is wholly within Wilson Creek Forest Retention Area;
 - (ii) the licence to cut expires before September 1, 2033.
- (3) For certainty, subsection (2) does not apply in relation to a road permit that the minister or a timber sales manager is required under the *Forest Act* to issue.

Limitations on amendment

- 6 (1) In this section, “instrument” has the same meaning as “regulation” in the *Interpretation Act*.
- (2) A person referred to in any of sections 3 (2) and (3), 4 (1) and (2) and 5 (2) must not amend an instrument referred to in that section so as to grant a right that the person is prevented by that section from granting by a new instrument referred to in that section.

Protected areas are not affected by this order

- 7 This order does not apply in relation to any part of a resource management area or forest retention area that is within a protected area, whether the protected area is established before or after this order comes into force.

APPENDIX 1 – RESOURCE MANAGEMENT AREAS

Item	Column 1 Name of Resource Management Area	Column 2 Description of Resource Management Area
1	Racine Falls	The Crown land outlined in black and shaded grey on the map labelled “Racine Falls Resource Management Area” and dated December 11, 2013 that is on file with GeoBC, Ministry of Forests, Lands and Natural Resource Operations, with the file name “Racine_Falls_RMA_20131211”
2	Hoboe - Willison Creeks / Sít'Héeni	The Crown land outlined in black and shaded grey on Schedules 1 and 2 of the map labelled “Hoboe - Willison Creeks / Sít'Héeni Resource Management Area” and dated December 11, 2013 that is on file with GeoBC, Ministry of Forests, Lands and Natural Resource Operations, with the file name “Hoboe-Willison_Creeks_RMA_20131211”
3	Sloko River / Tl'úk Aayi Héeni	The Crown land outlined in black and shaded grey on Schedules 1 to 4 of the map labelled “Sloko River / Tl'úk Aayi Héeni Resource Management Area” and dated December 11, 2013 that is on file with GeoBC, Ministry of Forests, Lands and Natural Resource Operations, with the file name “Sloko_River_RMA_20131211”
4	Tulsequah Valley / Taas Teiyi Héeni	The Crown land outlined in black and shaded grey on Schedules 1 to 3 of the map labelled “Tulsequah Valley / Tass Teiyi Héeni Resource Management Area” and dated December 11, 2013 that is on file with GeoBC, Ministry of Forests, Lands and Natural Resource Operations, with the file name “Tulsequah_Valley_RMA_20131211”

APPENDIX 2 – FOREST RETENTION AREAS

Item	Column 1 Name of Forest Retention Area	Column 2 Description of Forest Retention Area
1	Atlin-Taku	The Crown land outlined in black and shaded grey on Schedules 1 to 5 of the map labelled “Atlin-Taku Forest Retention Area” and dated December 11, 2013 that is on file with GeoBC, Ministry of Forests, Lands and Natural Resource Operations, with the file name “Atlin-Taku_FRA_20131211”
2	Wilson Creek	The Crown land outlined in black and shaded grey on the map labelled “Wilson Creek Forest Retention Area” and dated December 11, 2013 that is on file with GeoBC, Ministry of Forests, Lands and Natural Resource Operations, with the file name “Wilson_Creek_FRA_20131211”