



Regulation Bulletin

Number 13

August 20, 1996

Non-Replaceable Licence Regulation

Background

On June 15, 1995, the *Forest Practices Code of British Columbia Amendment Act 1995* (Bill 18) was proclaimed but sec. 70.1 was not given effect to allow for the development of criteria for determining eligibility, the prescribed date and what payment should be made to the Crown. On April 4, 1996, B.C. Reg. 86/96 brought into force section 70.1 of the *Forest Practices Code of British Columbia Act* (Act) and amended the *Operational Planning Regulation* (OPR) to include provisions specifying the operation of sec. 70.1 (copy attached).

This amendment provides authority for government to assume responsibility for carrying out the silviculture obligations under certain non-replaceable licences in return for a payment to cover the costs of carrying out the obligations. Eligible licensees must apply to the district manager who will make a determination based upon criteria set out in the OPR sec. 52.1- 52.5.

Eligible licensees must meet certain prescribed requirements which include no affiliation or association with a holder of a replaceable major licence, unless the Minister of Forests determines it is in the best public interest to allow such an affiliation or association.

The OPR provides details on:

- how the district manager determines the cost of carrying out silviculture obligations being assumed (52.1);
- the date after which a licensee can ask the district manager to assume responsibility for carrying out an approved prescription (52.2);
- requirements a licensee must meet before requesting a prescription be assumed (52.3);
- the requirement that the licensee must agree to ask the government to assume all of the silviculture obligations under the licence (52.4); and
- how the district manager may require amendments before assuming responsibility (52.5).

Recommendations

It is recommended that district managers and their staff make themselves familiar with the above amendments. This should **not** be interpreted as Ministry policy or a legal interpretation.

This amendment is included within the *Unofficial Consolidated Operational Planning Regulation* dated May 3, 1996.

Contacts

Further details and direction are available from:

Brian Murphy at ???

Richard Grieve at ???

