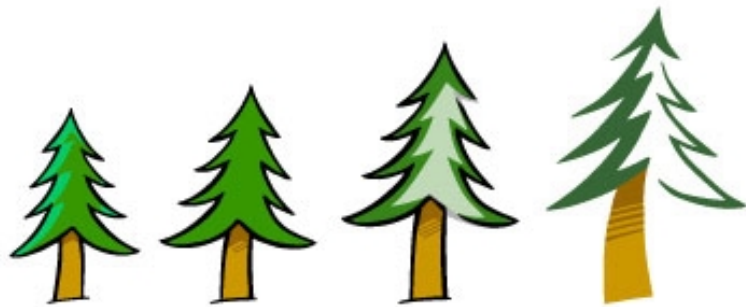




Forest Practices Code



Forest Practices Code Transition Primer

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Document Change Control

Version	Date of Issue	Author(s)	Brief Description of Change
1.0	Dec. 3/02	TAP Ventures	First Draft
1.1	Dec. 10/02	TAP Ventures	Editorial corrections Incorporate legislative changes
1.2	Dec. 10/02	TAP Ventures	Editorial corrections Incorporate legislative changes



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This Forest Practices Code Transition Primer does not include every change to the *Forest Practices Code of BC Act* and regulations, nor should it be construed as legal advice or opinion. For the full legal wording, refer to the *Forests Statutes Amendment Act (No. 2) 2002* and regulatory amendments themselves, available from Crown Publications (e-mail: crown@pinc.com).

While every effort has been made to ensure the accuracy of the information herein, no warranties of any kind are made as to the precision or longevity of the contents. Readers are advised to refer to the wording of the legislation and regulations themselves, and obtain legal advice from their own sources.

The transition from the *Forest Practices Code of BC Act* to the *Forest and Range Practices Act* is a work in progress. Amendments can be anticipated to occur over the upcoming months and years. To keep abreast of changes to legislation and regulations, we recommend regular checks of the websites at:

- <http://www.legis.gov.bc.ca/legislation/index.htm>.
- <http://www.for.gov.bc.ca/tasb/legsregs/amendlog.htm>.

Highlights of the most significant changes are posted periodically to:

- <http://www.for.gov.bc.ca/HFD/TRAINING/FPCtrain/Highlights/>

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1. Introduction



In its New Era document, Government promised to streamline the Forest Practices Code (FPC) to establish a new forest and range planning and practices framework, with tough penalties for non-compliance.

Under the revised framework, government and industry resource professionals will focus on results and resource protection rather than process and paperwork. Government will set objectives and desired outcomes, and forest companies will propose results or strategies to achieve government objectives. The forest companies are then accountable for the results through a rigorous government compliance and enforcement regime.

Two Stages of Transition

Forest and range management in BC is changing from a prescriptive regime under the Forest Practices Code to a results-based regime under the *Forest and Range Practices Act (FRPA)*. This is happening in two stages:

“Legislative change is occurring in two phases.”

- The *Forests Statutes Amendment Act (No. 2) 2002 (FSAA)* was given Royal Assent on November 26, 2002 and makes amendments to the existing Forest Practices Code. These amendments will come into force on December 17, 2002 and provide some immediate efficiencies and streamlining in planning and practices.
- The *Forest and Range Practices Act (FRPA)*--expected to come into force in April 2003--replaces the *Forest Practices Code of BC Act* and enacts a new forest and range management planning and practices framework. Associated regulations will be developed to support this legislation, and will come into force at the same time.

This Primer only deals with the amendments to the FPC.

Training on the *Forest and Range Practices Act* will be covered in a separate program early in 2003.

What is the “Forest Practices Code Transition Primer”?

This Forest Practices Code Transition Primer outlines the major changes to the FPC resulting from the *Forests Statutes Amendment Act (No. 2) 2002*.

The Primer is a companion to the orientation sessions that are conducted in local communities throughout BC. The Primer and Orientation Session the ***“FPC Transition Training Program”***.



The objectives of this training program are to provide a common message and consistently high level of understanding of the amendments to the *Forest Practices Code of British Columbia Act* and regulations to forestry and range practitioners across the Province, so that they are aware of their new legal obligations.

The target audience for this training program includes government personnel, licencees and others who plan, conduct and monitor forestry and range practices in BC. The training builds on the existing FPC legislation and assumes participants have a working knowledge of the FPC.

Where to get more information

Additional information can be obtained via the Internet:

- **Act and regulations**—the FPC legislation can be found at <http://www.for.gov.bc.ca/tasb/legsregs/comptoc.htm>. The *Forest Statutes Amendment Act (No. 2) 2002* can be found at <http://www.for.gov.bc.ca/code/#act>
- **FPC Transition Training Portal**—training material including the recorded presentations, overheads, notices of recent changes, future training and this Primer can be found at <http://www.for.gov.bc.ca/hfd/training/training.htm>
- **Questions and Answers**—a question and answer forum will be available on the Internet and accessible via the FPC Transition Training Portal at <http://www.for.gov.bc.ca/hfd/training/training.htm>.



2. Changes to the Forest Practices Code



Why are changes being made?

When the FPC was introduced in 1995, it was primarily a planning-based regime. The planning regime was intended to consider impacts to forest and environmental values, and to design ways to mitigate these impacts prior to forest development and management activities. The FPC achieved its original objectives of creating a level playing field for all forest licencees, increasing environmental protection and applying consistent enforcement measures.

“The FPC had unintended consequences, notably increased costs for industry and government.”

However, the FPC had unintended consequences, notably increased costs for industry and government. Accountability for the outcomes of forestry activities was unclear. Further, certain key components of the FPC were not fully implemented, leading to uncertainty for forest resource management, environmental conservation, and industrial development.

The FPC has been revised over time to reduce costs by placing less emphasis on plan approvals and more on results. For example, in 1998, amendments were brought into force that reduced the number of operational plans from six to three.

However, costs remain a problem for both licencees and government. The prescriptive nature of the FPC has stifled innovation by requiring adherence to practices that were not always the most effective or efficient in delivering outcomes needed to meet the broad public interest.

To address these shortcomings, Industry, Ministry of Forests (MOF), Ministry of Sustainable Resource Management (MSRM) and the Ministry of Water, Land and Air Protection (WLAP), have worked together to develop forest practices legislation that has the following objectives:

- maintain the FPC's high environmental standards;
- continue to balance social, environmental and economic interests;
- reduce the transactional and operational costs to both industry and government;
- reduce the FPC's complexity;
- rely on the knowledge and skills of registered professionals;
- provide the forest industry "freedom to manage" in delivery of defined results;
- maintain and enhance the level of public acceptance of forest management;
- ensure the resource requirements are consistent with the capacity of government; and
- ensure a strong compliance and enforcement regime.



What was the process of determining the changes?

In 1999, an internal government Code Review Committee was struck to look at the existing FPC's strengths and weaknesses and review what changes should be made to improve forest management and practices.

In August 2000, a review of the forest management legislation development processes and roles of stakeholders in other provinces found the process in BC to be complex and inconsistently applied. This review, combined with the Code Review Committee's findings provided an initial framework for changes necessary to the Forest Practices Code.

“Government sought input from the public and stakeholders through several processes.”

In May 2002, the government released a discussion paper for public review and comment. A public consultation process, facilitated in two parts, one led by MLA Paul Visser and the other by Dr. George Hoberg (Head of the Department of Forest Resources Management, University of British Columbia), ran from May 1, 2002 until June 30, 2002.

The public consultation process included:

- MLA Public Hearings;
- Stakeholder presentations; and
- Website forum.

Following the conclusion of the public consultation process, Dr. Hoberg released a report containing 24 recommendations to government.

This consultation process led to changes to the new regulatory model that was proposed in the discussion paper. One such change to the model was the replacement of the proposed Resource Development Permit with a Forest Stewardship Plan (FSP) that must include measurable and enforceable results. This change along with many other recommendations has been included into the *Forests Statutes Amendment Act (No 2) 2002* and/or the *Forest and Range Practices Act*. These two pieces of legislation will enable the changes. Other recommendations from the public consultation process will be addressed as regulations are developed.

“This consultation process led to changes.”

How will the change happen?

The transition to a workable forest and range planning and practices framework involves substantial change. Therefore, it is being implemented in two phases covering December 17, 2002 through April 1, 2005 in a manner that achieves the greatest efficiencies as quickly as possible, while ensuring forest values are appropriately managed and conserved over time. The two phases are:

- amendments to the FPC; and



- *New Forest and Range Practices Act (FRPA).*

Amendments to the FPC

Amendments to the FPC, introduced through the *Forests Statutes Amendment Act (No. 2) 2002* are now in force and will remain so until April 2005. These amendments implement changes as part of the transition to a results-based approach that will be in place under the *FRPA*.

“Government wanted to capture efficiencies immediately where possible.”

Key changes include immediate efficiencies to Industry and Government. Government will no longer review and approve site-level plans such as silviculture prescriptions and most road layout and designs. Government will no longer review and approve minor changes to approved forest development plans. Industry will begin the change (e.g., planning) that will continue through the new *FRPA*. They will have until April 2005 to complete the transition to the *FRPA*.

New Forest and Range Practices Act

The new *Forest and Range Practices Act* and regulations will complete the transition. This legislation will build on the transitional provisions introduced on December 17, 2002 via the *Forests Statutes Amendment Act (No 2) 2002*.

The *FRPA* will come into force in April 2003. It will include a two year period over which industry and government personnel will change from the FPC to the *FRPA*—for example, changing from forest development plans (FDP) to forest stewardship plans (FSP).

After April 1, 2005, the transition period is over and the new *FRPA* comes into full effect.

Whose work will be affected by the change?

The amendments to the FPC will mainly impact licensee and government personnel at the district level:

- **Industry**—whose role in preparing plans and carrying out practices will continue. Only some operational plans and amendments will be submitted to the government for approval.
- **Ministry of Forests (MOF)**—whose role in reviewing and approving plans will decrease while monitoring and enforcement activities increase;
- **Ministry of Water, Land and Air Protection (WLAP)**—whose role in joint decision-making will be reduced. This is consistent with the direction to assign clear ministry responsibilities. WLAP will be the statutory authority for identified wildlife, ungulate winter range and wildlife habitat features within the government's policy limits (including the 6% limit on impacts to timber supply). The responsibility to make resource information 'known' for planning purposes is transferred to the MOF.



- **Ministry of Sustainable Resource Management (MSRM)**—whose role continues in the areas of establishing legal objectives, community watersheds, etc. MSRM's role under *FRPA* will be to ensure higher level plans or strategic land use planning objectives are in place.

Increased Reliance on Professionals

The new forest and range planning and practices framework places increased reliance on professionals.

If the FPC does not specify the use of a certain professional, resource practitioners must look to the right to practice acts to determine:

- if the practice is covered by one of the rights to practice acts; and
- if the act requires a particular type of professional to perform that practice. If so, the properly qualified—experienced, educated and appropriately registered—professional must perform that practice.



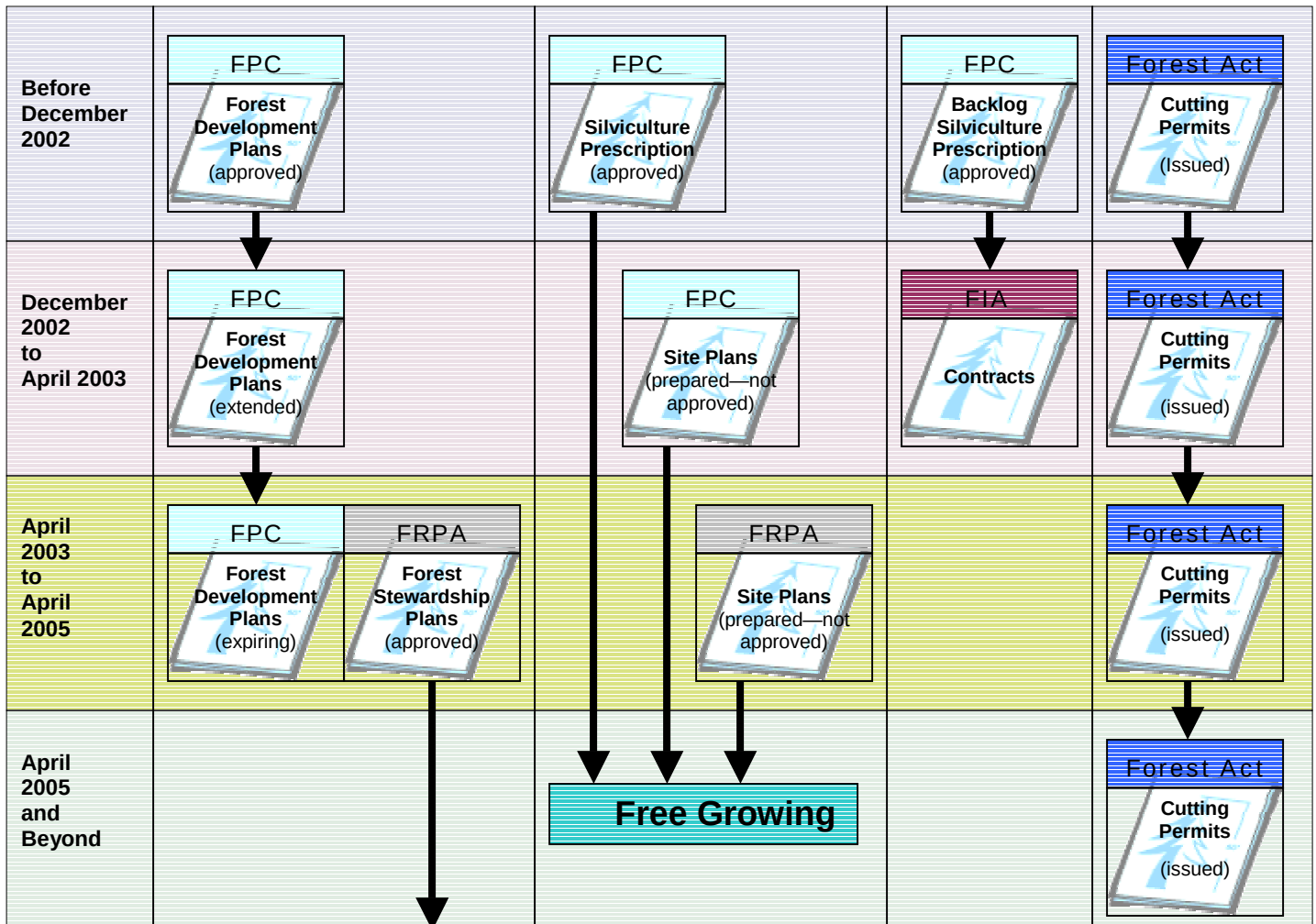
3. Planning Framework

The following figure illustrates the transition for forest related plans between the FPC and the *FRPA*. Details on plans under the *Forest and Range Practices Act (FRPA)* will be covered in future training programs (Spring 2003).

Note:

- Some existing silviculture prescriptions (SP) may be converted to site plans through the amendment process defined in Sections 35 and 36 of the *Forest Practices Code of BC Act*; and
- Forest Investment Account (FIA) contracts for backlog and post free growing projects are not part of the planning framework. These contracts are shown for purposes of illustrating the transition of Backlog SPs into FIA contracts.

Planning Framework





4. Forest Development Plans

Changes to Forest Development Plans (FDP) will occur in both phases of the transition. They are geared to allow industry some immediate relief from the current regulatory burden and to ensure a smooth transition in the implementation of the *FRPA*.

“Changes to Forest Development Plans occur in both phases of the transition.”

What are the changes in December 2002?

Term Extended

The term of all FDPs have been extended to allow them to remain in effect until April 1, 2005. District Managers are prohibited from providing any extensions to FDPs beyond April 1, 2005. The intent of this is to provide certainty for holders of FDPs through the transition period to the results-based regime and to provide adequate time for licencees to develop new Forest Stewardship Plans (FSP).

Content

The following key changes have been made to the content requirements of Forest Development Plans as defined in Part 3 of the Operational and Site Planning Regulation (OSPR):

- **mapping of cutblocks**—reduced degree of precision with which cutblocks and roads must be shown. It is not necessary for the map to show the exact size, shape and location of a cutblock; instead, the approximate size, shape, and location can be shown. This will reduce the administrative effort in amending FDPs for minor changes in cutblock or road locations;
- **prescribed forest resources**—specifies and limits the extent of forest resources that require measures to protect. Section 17.1 of the new Operational and Site Planning Regulation (OSPR) clarifies the definition of a prescribed forest resources as those that are in the area under the FDP that may be adversely impacted by proposed activities and are made known to the person preparing the plan. The FDP must provide measures to protect these prescribed forest resources;
- **road deactivation**—removed requirement to show three categories of road deactivation. Standards for soil disturbance for permanent access structures have been defined in Division 5 of the new Timber Harvesting and Silviculture Practices Regulation (THSPR); and
- **new content requirements**—stocking standards must now be included in FDPs. Applicable performance standards for soil disturbance, permanent access limits and



wildlife tree retention may be added to the FDP. Default applicable performance standards for these elements are defined in the THSPR.

The rationale for the changes to the content requirements of FDPs includes:

- to provide clarity with respect to protection of forest resources while at the same time ensuring that all significant forest resources are covered;
- to eliminate content elements that do not add value to the government and the public;
- to reduce time spent on planning activities that are time consuming for the licensee to generate and for the government to review; and
- to make these plans more consistent with the forest stewardship plans that will be prepared and approved under the FRPA.

“FDPs will be approved in the same manner as before.”

FDP Approvals and Amendments

Part 2 of the OSPR covers FDP approvals and amendments. Forest Development Plans will be approved in the same manner as before. Notice, review and comment provisions generally remain the same as before, and are contained in the OSPR. A District Manager (DM) may attach mandatory conditions to a FDP or an amendment when it is approved.

The DM also has the authority to reduce the standard 60-day period for review and comments for major amendments, where original FDP review and comments indicated low concern and there is low likelihood of concern at the amendment stage.

Joint-ministry approvals of FDPs and related provisions have already been eliminated from the *Forest Practices Code of BC Act* through revisions made in May 2002 under the *Forests Statutes Amendment Act (No. 1) 2002*. Joint decisions and joint actions have now been removed from all FPC regulations under these amendments to the FPC (*Forests Statutes Amendment Act (No. 2) 2002*).

“Minor amendments can be made to a FDP plan and not submitted for approval.”

Minor amendments can be made to a FDP and not submitted for approval. The DM may request a copy of the amendment. Sections 7.1 through 7.3 of the OSPR specify what can be amended without requiring DM approval.

The intent of the changes to approvals and amendments is to provide some reduction in administration for holders of plans desiring to make minor amendments to their plan, and to eliminate the need for every minor (non-approved) amendment to be submitted to the Ministry of Forests. At the same time, this allows the Government to retain control of critical environment and other standards that are approved in current operational plans. These changes also streamline the review and comment process for major amendments by allowing the DM to reduce review periods where only a few stakeholders are affected.

A new requirement in sections 18.1 and 18.2 of the OSPR that will involve some immediate work by licensees is the addition of stocking standards to the FDP (e.g., stocking requirements,



regeneration and free growing dates, minimum allowable horizontal distance). The inclusion of stocking standards is considered a major amendment and will require review and approval by the DM. The DM must use the following criteria to determine whether or not to approve the stocking standards—the stocking standards must be consistent with:

- any higher level plan for the area;
- establishing a healthy, ecological suitable stand of trees that are commercially valuable; and
- the current and future timber supply for the area.

However, these amendments are exempt from notice, review and comment provisions of the Act (see OPSR 18.4). Details on stocking standard requirements are contained in OPSR 18.1 and 18.2.

Licencees may include information in an FDP related to stand level biodiversity, limits on permanent access structures, limits to soil disturbance and maximum allowable soil disturbance for roadside work areas. However, this additional information is considered a voluntary amendment and there is no requirement for review and comment. Details on voluntary amendments are contained in OPSR 18.3.

Applicable Legislation

Appendix A summarizes the amendments to the *Forest Practices Code of BC Act* that impact forest development plans.

The applicable regulations for Forest Development Plans include the following:

- Operational and Site Planning Regulation (replaces Operational Planning Regulation); and
- Timber Harvesting and Silviculture Practices Regulation (replaces Silviculture Practices Regulation).

Lists of changes in these regulations can be found in Appendix B of this Primer.



5. Site Plans and Silviculture



What are the changes in December 2002?

Site Plans replace Silviculture Prescriptions

One of the most significant changes resulting from the amendments to the FPC is the elimination of any new silviculture prescriptions (SPs). Existing silviculture prescriptions will largely remain in effect for the duration of their terms. Silviculture prescriptions will be replaced by sites plans that licencees will be required to prepare but not submit for government approval.

“One of the most significant changes resulting from the amendments is the elimination of silviculture prescriptions.”

A primary distinction between a Silviculture Prescription and a Site Plan is that silviculture prescriptions were approved and enforced, while site plans are prepared but not approved.

The Site Plan identifies the appropriate standards for:

- Stand level biodiversity and permanent access structures at the cutblock level; and
- Soil disturbance limits, stocking requirements, regeneration date and free growing date at the standards unit level.

The legislation also requires that a Site Plan contain a map. The map has reduced detail requirements compared to the map in a Silviculture Prescription.

The intent of the new Site Plan is to reduce the number of plans requiring approval before operations can begin. This speeds the process for both government and industry, eliminates the need for time-consuming review by government, and improves overall efficiencies by eliminating a cycle of submission and amendments.

Term of Silviculture Prescriptions / Site Plans

The majority of existing silviculture prescriptions prepared before the amendments came into force will remain in effect for the extent of their term. Exceptions are those silviculture prescriptions prepared for:

“The majority of existing silviculture prescriptions prepared prior to the amendments coming into force will remain in effect for the extent of their term.”

- areas where timber was damaged or destroyed by natural causes, and there was no salvage harvesting (i.e., silviculture prescriptions prepared under sections 22(1)(b), 22(5) or 22(6) of the *Forest Practices Code of BC Act*); and
- backlog areas.



In these exception areas, there is no requirement for site plans and the obligations under existing silviculture prescriptions no longer apply.

Holders of existing silviculture prescriptions who consider that one or more of the requirements of the Prescription cannot be complied with or results achieved (i.e., sections 35-36 of the *Forest Practices Code of BC Act*), and that it is not practical to amend the prescription, need to submit a written report to the District Manager (DM) and prepare a Site Plan which replaces the Silviculture Prescription. After December 17, 2002, no new silviculture prescriptions will be accepted. Amendments to existing silviculture prescriptions will be allowed.

Once a prescription becomes outdated (three years after approval if a Cutting Permit has not been issued), the DM may order the holder of a Silviculture Prescription, with the exception of a Woodlot Licence Holder, to prepare a Site Plan for the area or submit an amendment to the Silviculture Prescription.

Minor Amendments to Silviculture Prescriptions

Existing silviculture prescriptions that are still in effect can have minor amendments without requiring DM approval. An amendment is considered minor if it meets three tests:

- conformance with the *Forest Practices Code of British Columbia Act*, regulations and standards;
- amendment does not affect the likelihood of achieving the objectives/results; and
- meets prescribed requirements.

Section 7.1 of the OSPR contains the complete list of minor amendments that can be made to a Silviculture Prescription without DM approval. Examples of minor amendments include:

- minor mapping or area changes from a more accurate GPS traverse;
- changes that increase the net area to be reforested;
- deletions of portions of proposed cutblocks;
- a change to a silvicultural system as long as it does not increase maximum limits for soil disturbance; and
- changes in proposed roads.

Section 7.2 of the OSPR authorizes enforcement action if the DM determines an amendment is not minor and should have been submitted for approval.

Section 7.3 of the OSPR prevents minor amendments being made without approval for the following (for both FDPs and silviculture prescriptions):

- stocking requirements;
- minimum allowable horizontal distance;
- regeneration date;
- earliest free growing assessment date;
- free growing date;



- limits for permanent access structures;
- limits for soil disturbance; and
- if the amendment affects the retention of wildlife trees.

Stand Management Prescriptions (SMP) and Backlog Reforestation Requirements

All obligations associated with backlog reforestation and areas destroyed by fire and pest where no salvage harvesting will occur are discontinued immediately. Government has classified treatment of these areas as discretionary silviculture, eligible for Forest Investment Account (FIA) funding. The requirement for SMPs for free growing stands was removed from the FPC in the spring of 2002. Environmental protection provisions, designed to protect against environmental damage or to avoid risks to human safety, will be achieved through contractual provisions under FIA.

“All obligations associated with backlog reforestation and areas destroyed by fire and pest have been discontinued immediately.”

Site Plan Content

Section 36.2 of the new OSPR lists the content requirements of a site plan including:

- date, signed and sealed by an RPF;
- total area and Net Area to be Reforested (NAR);
- stand level biodiversity and limits on permanent access structures (PAS)--for each cutblock;
- stocking requirements including regeneration and free growing dates and the limits on the amount of soil disturbance--for each standards unit; and
- a map showing size, shape, location, mappable reserves, all streams, known resource features, standards units, NAR, PAS.

A Site Plan may apply to more than one cutblock. However, the commencement date for the entire area under the Site Plan is initiated with the first harvesting in any cutblock.

Site plans must be consistent with the FDP and conform to the Act, regulations, and standards. Previously, standards for soil disturbance, extent of permanent access structures and wildlife tree retention were prescribed in silviculture prescriptions and then approved by the DM. The Site Plan identifies the approved standards that apply to the area under the plan.

“The regulations will enable the holder to propose different standards in the form of an amendment to the Forest Development Plan.”

The Site Plan elements include:

- **Applicable performance standards**--for stand level biodiversity, permanent access structures and soil disturbance. These standards can be contained in the Silviculture Prescription, if subject to a prescription, or specified in the FDP. Default applicable performance standards, defined in the Timber Harvesting and



Silviculture Practices Regulation (THSPR); apply if standards are not specified in the Silviculture Prescription or FDP. Variances can be requested from the default standards in the THSPR. Variances cannot be made to standards defined in the FDP—the FDP must be amended, and approved, if the standards need to change; and

- **Stocking requirements**--including regeneration and free growing dates. The stocking requirements must be as identified in the FDP. The Site Plan cannot be drafted until the FDP is amended to contain stocking requirements to a given Site Plan area. Variances cannot be made to stocking requirements defined in a FDP—the FDP must be amended, and approved, if the stocking requirements need to change.

Other than for emergency harvesting, a person preparing a Site Plan must carry out the following assessments as per section 36.1 of the OSPR:

- Visual Impact Assessment (VIA)--if in known scenic area. VIA not required for minor or expedited salvage unless required by DM;
- Coast Gully Assessment—on coastal operations;
- Pest Incident Survey--if required by District Manager; and
- Archaeological Impact Assessment --if the District Manager is satisfied that the assessment is necessary to adequately manage and conserve archaeological sites in the area.

The new THSPR and OSPR also require terrain stability and riparian information to be collected and reflected in the Site Plan.

The intent of containing requirements for site plans in operational plans or regulations is to ensure that the Government and public have ready access to site level information on a block-by-block basis. Government will remain the final authority on standards for silviculture and some non-timber forest resource values (e.g., basal area retention in riparian management zones and wildlife tree retention). Licencees are provided the flexibility to propose and get variances or amendments from the MOF for alternate standards. A Chief Forester memo will be issued to provide guidelines for the process and procedures for amending stocking standards into the FDP.

Protection of Environmental Values

There are some key environmental resource values (e.g., wildlife tree retention and basal area retention in riparian management zones) that were included in silviculture prescriptions and now included in site plans as follows:

- **Wildlife tree retention**—the site plan must show mappable reserves for wildlife tree retention. A default performance standard is specified in Chapter 3.2 of the Landscape Unit Planning Guide; and
- **Basal area retention in a riparian management zone**—the site plan must show mappable reserves (including riparian management areas) and show the riparian classification of streams, wetlands and lakes. FDPs will be expected to define the measurable and enforceable standard for basal area retention. They can specify ranges, but these should be measurable and enforceable. DMs may ask for more specific



information before approving FDPs, including details about what percentage of basal area retention would apply for specific portions of riparian management zones.

Obligation to Establish a Free Growing Stand

Holders of site plans have an obligation to establish a free growing stand.

Exemptions to the requirement to establish a free growing stand are limited to harvesting for poles, commercial thinning, sanitation treatments or intermediate cuttings that do not have regeneration objectives. In this case, the FDP must be amended to provide the site plan specifications for the:

- preferred and acceptable species to be retained;
- minimal basal area or minimum density to be retained; and
- minimum leave tree characteristics including form, health and vigour.

New Provisions: Limitations on Liability

The holder of a Site Plan or Silviculture Prescription will send a declaration to the DM when their regeneration date or free growing obligations have been met. The DM has 15 months to reply, in writing, confirming the obligation has been met. If not met, the holder of the Site Plan will remain responsible for meeting the regeneration date or free growing obligation.

There are certain situations where the DM may accept a regeneration date declaration even when the licensee has not met certain requirements for that Standard Unit (SU):

- In the case of stocking standards, this can occur if the DM determines that during the year **before** the SU regeneration date, the holder met the stocking requirements for a minimum of 90% of the combined area of the SU and all other SUs where regeneration date occurred during that year; and
- Similarly, for “well spaced preferred species per hectare”, if the DM determines that during the year **before** the SU regeneration date, the holder met the overall average minimum of well spaced preferred species per hectare on the combined area of the SU and all other SUs where regeneration date occurred during that year.

It is important to recognize that both these new tolerances only apply at regeneration date, and cannot be carried forward to free growing requirements (i.e., all free growing requirements must still be met).

In addition, the previous free growing requirements of section 162.1(5) of the *Forest Practices Code of BC Act* are now replaced with more specific requirements in the THSPR. Under the new THSPR requirements, a holder who makes a free growing declaration on a brushed block remains responsible, unless crop trees meet the relative height requirements and **sufficient time** has elapsed since the brushing occurred. Sufficient time is defined as 2 years after chemical or manual brushing, except for the SBS & BWBS zones where sufficient time is deemed 3 years following manual brushing. The District Manager may also authorize a shorter period.



Waiver or Funding of Free Growing Obligation

A new provision in section 162.2 of the *Forest Practices Code of BC Act* provides some relief for licencees in some situations where free growing status cannot be achieved because of a damage-causing event, such as a forest fire caused by lightning. In these situations, if a free growing stand cannot be achieved without significant extra expense to the licencee, the government will fund the extra expenses for silviculture or waive portions of the obligation.

“The government may fund extra expenses for silviculture or waive portions of the obligation to achieve a free growing stand in the case of a damage-causing event.”

The DM must grant this relief or provide funding as long as the licencee did not cause or contribute to the damage and exercised due diligence in relation to the cause of the damage.

Site Plan Approvals and Exemptions

“A holder of a site plan must make it publicly available upon request.”

Site plans do not require government approval. However, a holder of a Site Plan must make it publicly available upon request. The Site Plan must be available at the place of business nearest the area under the plan. The DM can ask for site plans to be submitted as additional information to assist the process of approving a Forest Development Plan.

The DM may exempt a person from the requirement for a Site Plan in certain circumstances as listed in Section 36.3 of the OSPR.

Similar exemptions as those allowed for under silviculture prescriptions are maintained. Where a person was given an exemption from the requirement to prepare a Silviculture Prescription under Section 22 of the *Forest Practices Code of BC Act*, that exemption remains in effect--now under Section 21.1 of the *Forest Practices Code of BC Act*.

The exemptions to silviculture prescriptions enabled under the Bark Beetle Regulation now apply to site plans.

Site Plan Reporting Requirements

Part 6 of the THSPR describes reporting requirements. The reporting requirements have changed to one reporting deadline (May 31) when reports on activities for the preceding year ending March 31 must be submitted. Reports must be submitted as follows:

- **Areas without regeneration objectives**—Forms A and B along with a map identifying the standards units. Form C is required within 12 to 24 months after completing harvesting. Form C must contain a map containing information described in Section 48 of the THSPR.



- **Areas requiring establishment of a free growing stand**—Forms A, B and C with a map containing information for each area harvested. The mapping requirements are contained in Section 48 of the THSPR. Form B is required for areas where silviculture treatments were carried out. Form C is required for areas that have met regeneration date or free growing stocking requirements. Form C will include a map identifying any changes in the map submitted after harvesting.

Applicable Legislation

Relevant Changes in the Legislation

Appendix A summarizes the amendments to the *Forest Practices Code of British Columbia Act* that impact site plans and silviculture.

The applicable regulations for site plans and silviculture include the following:

- Bark Beetle Regulation (exemption for site plans);
- Operational and Site Planning Regulation (replaces Operational Planning Regulation); and
- Timber Harvesting and Silviculture Practices Regulation (replaces Silviculture Practices Regulation).

Lists of changes in these regulations can be found in Appendix B of this Primer.





6. Roads

What are the changes in December 2002?

The administrative regime for roads is being streamlined and simplified. Joint approvals have been removed and most District Manager approvals are removed. A Road Layout and Design (RLAD) must be prepared, but government approval is only required in prescribed circumstances specified in the Forest Road Regulation (FRR)—a new regulation replacing the previous Forest Road Regulation. Deactivation and maintenance is also being simplified

“The number of site level plans that require approval for roads is being reduced.”

Road Layout and Design Content

While RLAD plans must still be prepared before a road is constructed or modified, the content requirements are significantly reduced as defined in Part 2 of the FRR. RLAD plans continue to require a map showing the location of the road as determined by a field traverse, with stream or lake crossings indicated. The results of visual and archeological assessments are required only in areas that require these assessments. The requirement for terrain stability field assessments has been removed. However, field confirmation of map or slope triggers is required to determine if the terrain is unstable. If so, measures must be designed to provide terrain stability.

“The requirements previously listed in the regulations have been reduced significantly.”

The intent of these changes is two-fold, to:

- Streamline the process by reducing the number of approvals required while at the same time ensuring the practices on the ground remain sound; and
- Shift the responsibility from the government for approving road layouts and designs to the licensee preparing the plan.

Approvals

Most RLAD do not require District Manager approval, but they must be available to the public on request. District Manager approval for RLAD is only required in 3 circumstances (Section 3 of FRR), where the road is proposed to be:

“District Manager approval for RLAD is only required in three circumstances.”

- within a riparian management area, other than for crossings;
- in a community watershed and within 100 m upstream of a known licensed community water supply intake; and
- crossing an unstable or potentially unstable area, where the licensee proposes measures that would not result in the least likelihood of landslides.



In any one of these three circumstances, a licensee will submit a RLAD for the road segment in question for District Manager approval

The intent of these changes is to retain the requirement for government review and approval of roads in high-risk circumstances.

Planning and Design Changes

“There are no longer specific peak flow requirements for each type of structure.”

Most of the design requirements for new bridges and stream culverts have been removed. Professional design requirements have been established by the Joint Practices Board of the APEGBC and ABCPF.

A person must design new bridges including their approaches and stream culvert structures to meet the peak flow criteria set out in the table specified in Section 6.1 of the FRR. These tables are now based on the planned life of the structure. There are no longer specific peak flow requirements for each type of structure. These have been changed to cover short-term structures.

Construction

Legislative requirements for construction have changed to a more results-based approach while ensuring the safety and stability of the road. Examples of changes included in Part 3 of the FRR include the following:

- replacement of roads surfacing requirements with requirements to reduce sediment transport and provide for an industrial level of user safety;
- removal of the requirement for construction surveys;
- replacement of detailed procedures for stumps, roots and embedded logs with a requirement to ensure a stable road prism; and
- removal of District Manager involvement in revegetation, and natural regeneration is now a specified option.

Maintenance & Inspections

“Licensees are to ensure that inspections are reliable and must ensure that structures will continue to carry design loads or they must recommend replacement.”

Licencees are responsible to ensure that inspections are reliable and must ensure that structures will continue to carry design loads or they must recommend replacement. The licensee is required to do what is necessary to inspect roads and determine the timing and extent of repairs.



Changes in maintenance and inspections as outlined in Part 4 of the FRR include the following:

- No change in the inspection frequency requirements; and
- Removal of the content requirements of inspection records and the District Manager determining who is a qualified inspector.

Road Deactivation

Part 5 of the OSPR covers road deactivation. There is now only one category of road deactivation — (i.e. equivalent to permanent deactivation in the previous legislation except now all stream pipe culverts must be removed) as defined in Part 5 of the FRR. The term road deactivation will now also mean closure. There is no requirement to prepare a Deactivation Prescription except in unstable terrain. The District Manager no longer approves deactivation

“There is no requirement to prepare a deactivation prescription, except in unstable terrain.”

prescriptions but a registered professional may be required to sign and seal a statement that the deactivation work was carried out in general conformance with the prescription.

The intent of these changes is to simplify road deactivation and maintenance. This supports the shift to the new *Forest and Range Practices Act*, reduces the administrative processes and shifts the focus from District Manager approval to responsibility of the licensee

and professional accountability.

Applicable Legislation

Appendix A summarizes amendments to the *Forest Practices Code of British Columbia Act* that impact roads.

The applicable regulations for Roads include the following:

- Forest Road Regulation; and
- Forest Service Road Use Regulation.

Lists of changes in these regulations can be found in Appendix B of this Primer.



7. Timber Harvesting and Silviculture Practices



What are the changes in December 2002?

The Timber Harvesting Practices Regulation and Silviculture Practices Regulation have been repealed and replaced with a combined Timber Harvesting and Silviculture Practices Regulation (THSPR). The new regulation combines provisions from the existing regulations along with new sections. A detailed listing of the changes is contained in the appendix.

Some of the new provisions in the Timber Harvesting and Silviculture Practices Regulation include the following:

- applicable performance standards;
- variances and authorizations;
- default specifications for applicable performance standards;
- limitation of liability; and
- changes to the percentage of median height used to define countable trees under maximum density.

The combined THSPR continues to cover areas such as:

- protection of streams and riparian areas;
- protection of non-timber resources;
- access structures;
- forest health;
- soil conservation;
- prohibitions, constraints and requirements on silviculture treatments; and
- wildlife tree retention.

All types of joint decisions and joint actions have been removed from all FPC regulations under these amendments to the FPC.

Applicable Performance Standards

Section 1(2) of the THSPR—defines applicable performance standards. These standards must be followed and achieved on each site during harvesting and silviculture practices. These standards will be monitored and enforced.

Section 1(2)—defines applicable performance standards. These standards must be followed and achieved during harvesting and silviculture practices.



Applicable performance standards can be found in the Silviculture Prescription. If there is no Silviculture Prescription for the area then the performance standards will be set according to the following order:

- Existing Forest Development Plan; or
- Variance to a default standard in the THSPR granted by the District Manager; or
- Default standard in the THSPR.

Variances and Authorizations

Section 2 of the THSPR enables District Managers to grant variances to performance requirements in the THSPR upon application by a licensee. The District Manager cannot give a variance to:

- an applicable performance standard that appears in a Forest Development Plan or existing Silviculture Prescription; or
- the requirement to use only collected and registered seed/vegetative lots, store seed with the MOF and to keep a record of registration of seed/vegetative lots used and the locations where they were planted.

If the requirement is in the THSPR, the changes are made through a variance. If the requirement is in a FDP or existing Silviculture Prescription, the Licensee will have to amend the plan.

Protection of streams and riparian areas

Division 2 of the THSPR covers the protection of streams and riparian areas and maintains the current environment standards including:

- Tracks and wheels of ground-based machinery are not allowed within 5 m of a stream bank regardless of stream classification. Exceptions are limited to firefighting, responses to natural disasters, authorized stream crossings or if operations will be conducted to protect the stream bank and minimize damage to understory vegetation; and
- Yarding is not permitted over any fisheries-sensitive zone. Slash or debris cannot be deposited in an aquatic environment where it is capable of damaging fish habitat or reducing water quality.

Tracks and wheels of ground-based machinery are not allowed within 5 m of a stream bank regardless of stream classification.

Silviculture Treatments

Silviculture treatments are defined in the THSPR as a treatment carried out individually or as part of a regime of treatments to create the described post harvest stand structure, site conditions, or free growing stand conditions. This definition precludes silviculture treatments that



are being conducted outside of a Silviculture Prescription or Site Plan (e.g., backlog treatments or spacing under FIA contracts).

Application of requirements, constraints or prohibitions on silviculture treatments under the THSPR include the following:

- falling or modification of trees;
- constraining slash and debris in and around aquatic environments;
- restricted operation of machinery;
- general wildlife measures;
- use of seed and vegetative material;
- use of livestock for site preparation or brush control;
- mandatory spacing is maximum density is exceeded;
- pruning required in specified circumstances; and
- use of fertilizers.

Constraints related to pesticides in the previous regulation have been deleted and will now be managed by WLAP in their revised legislation. The requirement for containers of seedlings to be marked if the seedlings have been treated with pesticides is also removed and covered under WCB regulations.

Licencees have an opportunity to vary the requirements by requesting a variance from the District Manager (e.g., request a variance to exceed the limits on seed tree transfer as specified in the Seed and Vegetative Material Guidebook).

Reforestation and Reporting Obligations

Part 4 of the THSPR clarifies the silviculture treatments for areas under a Site Plan (discussed above under Site Plans and Silviculture):

- Reporting requirements;
- Limitation of liability; and
- Waiver of funding of free growing obligation.

Stand Level Biodiversity (Wildlife Trees)

Section 16 of the THSPR contains provisions related to retention of wildlife trees. In the absence of applicable performance standards for retention of wildlife trees, the default is specified in chapter 3.2 of the Landscape Unit Planning Guide.



Soil Conservation

Sections 30-33 of the THSPR regulates default performance standards for soil disturbance. If performance standards are not defined in the FDP, the default standards are:

- maximum 5% soil disturbance in a standards unit with sensitive soils;
- maximum 10% soil disturbance in a standards unit without sensitive soils;
- maximum 25% soil disturbance for roadside work areas; and
- maximum 7% of cutblock allowed for permanent access structures.

Licencees can request a variance to the default standard for a specific site or submit an amendment to the standards in the FDP.

Cutting Permits

For the transition period to the new *FRPA*, all cutting permit administrative processes including the application and issuance of cutting permits will not change.

Applicable Legislation

Amendments to the *Forest Practices Code of British Columbia Act* that impact timber harvesting and silviculture practices include section 162.1—Limitation on liability to persons to Government.

The applicable regulation is the Timber Harvesting and Silviculture Practices Regulation (THSPR). This is a new regulation based on combining two existing regulations – Timber Harvesting Practices Regulation and Silviculture Practices Regulation. New and amended sections in this regulation are listed in Appendix B of this Primer.



8. Range Planning and Practices

What are the changes in December 2002?

Changes Relating to Range Plans

All existing range use plans prepared under the Forest Practices Code Act will expire by April 1, 2005.

All range use plans (RUP) prepared under the *Forest Practices Code of British Columbia Act* will expire on April 1, 2005. Any plan that expires before April 1, 2005 will be automatically extended to April 1, 2005.

Minor amendments to RUPs continue to require District Manager approval: this is the same as under the existing Forest Practices Code.

Silviculture prescriptions are being replaced by site plans. Site plans need to be prepared but do not require review and comment or approval by the District Manager. Section 36.3 of the Operational and Site Planning Regulation (OSPR) allows the District Manager to waive the requirement of a Site Plan if harvesting timber on land used for harvesting hay or grazing livestock in accordance with an agreement under the *Range Act*.

More responsibility has been placed on ranchers and forests companies to remain in communication to make sure interests and values are being considered in planning and practices.

Changes in the review and comment and approval of silviculture prescriptions and site plans will impact ranchers. Range tenure holders will need to work with the forest companies in their area to communicate activities and ensure interests and values are considered in planning and practices (e.g., impact of silviculture activities on forage for livestock). MOF and WLAP personnel will play a reduced role in assisting ranchers prepare plans and communicate the proposed activities of forest tenure holders.

Changes Affecting Range Practices

Compliance and enforcement continues with a two-tiered enforcement regime of administrative remedies and prosecution. Defenses in relation to both administrative remedies and prosecution have been expanded to include defenses of due diligence, mistake of fact and officially induced error. If a person can show, **on a balance of probabilities**, that any one of the defences applies, the person cannot be found to have contravened the specified provision or committed an offence. As a result, the District Manager cannot issue the identified orders or levy an administrative penalty against the person. In the case of a prosecution, the person would not be subject to a fine, imprisonment or other court-imposed punishment.



This change does not apply to any determinations or orders made before these amendments came into force.

Applicable Legislation

Relevant Changes in the Legislation

Appendix A summarizes the amendments to the *Forest Practices Code of British Columbia Act* that impact range planning and practices.

The applicable regulations for Range Planning and Practices include the following:

- Operational Planning Regulation—renamed to Operational and Site Planning Regulation; and
- Range Practices Regulation.



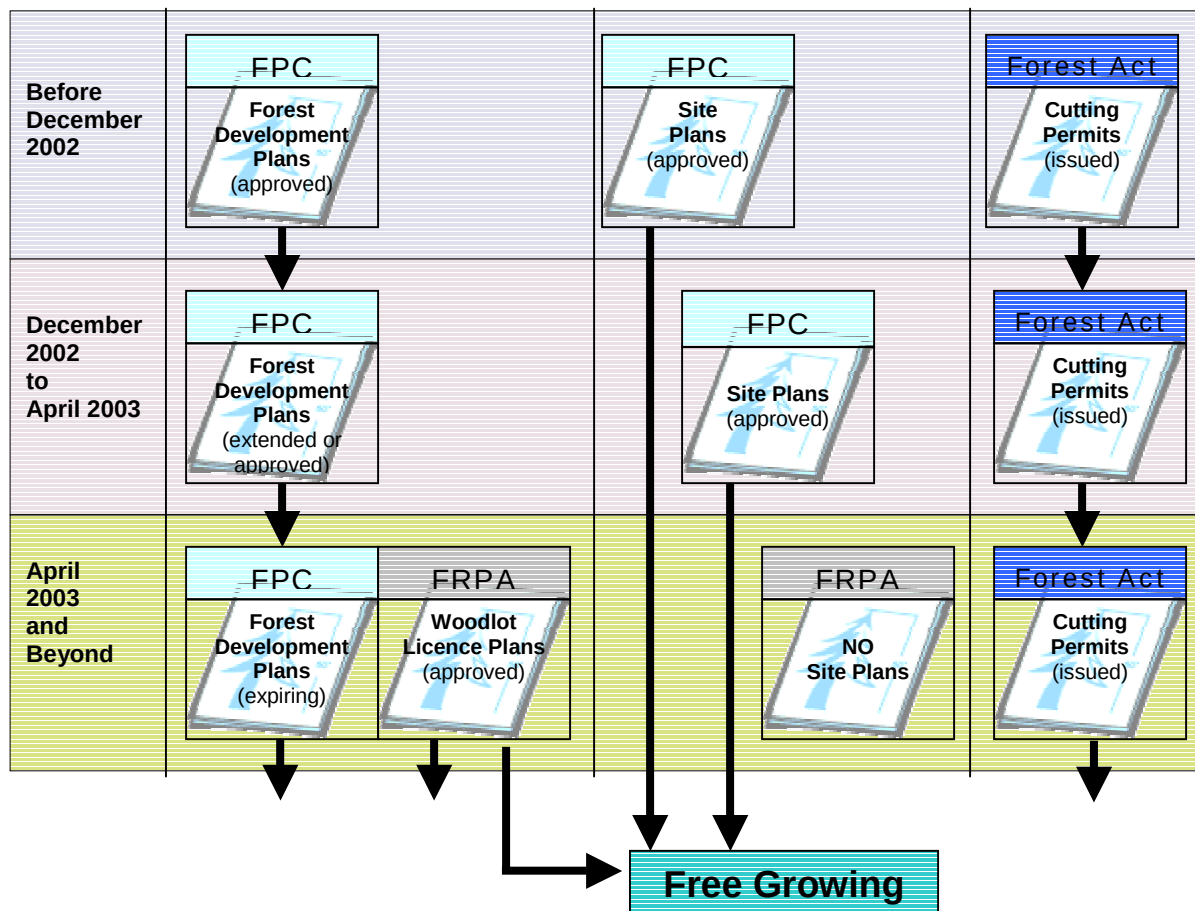
9. Woodlot & Community Forest Agreement Planning & Practices



What are the changes in December 2002?

The following graphic illustrates the transition in the planning framework for woodlot licence holders. Details on plans under the *Forest and Range Practices Act (FRPA)* will be covered in future training programs (Spring 2003). Note: Woodlot silviculture prescriptions approved before November 30, 1998 are not shown in this illustration--but will carry on to free growing.

Woodlot Planning Framework



How Woodlot FDPs are Affected

Woodlot FDPs are affected by amendments to Section 19 of the *Forest Practices Code of British Columbia Act*.

All Woodlot FDPs that are in effect¹ when the amendments to the FPC come into force, and are due to expire before April 1, 2005, are automatically extended to April 1, 2005. A Woodlot FDP that is due to expire after April 1, 2005, could remain in effect until the expiry date specified in the FDP approval letter. For example, a Woodlot FDP that is due to expire in 2010 could continue in effect until 2010. Woodlot FDPs that expired,² within one year before these amendments coming into force, are also automatically extended until April 1, 2005. The ability to extend a Woodlot FDP for up to one year has been eliminated.

Woodlot FDPs that expired in the last year, or are due to expire before April 1, 2005 are automatically extended to April 1, 2005

These extensions will allow woodlot licence holders to continue to operate under their approved FDPs before they need to prepare and obtain approval of a new Woodlot Licence Plan under the *Forest & Range Practices Act (FRPA)*. Woodlot FDPs that have been automatically extended do not need to be amended to meet the current requirements of the *Forest Practices Code of British Columbia Act* and regulations, and they can be amended to propose additional harvesting and roads. Once the District Manager approves a new Woodlot Licence Plan under *FRPA*, the approval automatically cancels any FDP that may be in effect.

How Community Forest Agreements FDPs are Affected

“FDPs for Community Forest Agreements are not automatically extended until April 1, 2005.”

FDPs for Community Forest Agreements are not automatically extended until April 1, 2005. A Community Forest Agreement FDP will expire on the date specified in the FDP approval letter, unless the FDP is extended for up to one year. A Community Forest Agreement FDP that is extended does not need to be amended to meet the current requirements of the *Forest Practices Code of British Columbia Act* and regulations.

Minor Operational Plan Amendments

A new Section 42.1 of the *Forest Practices Code of BC Act* allows minor operational plan amendments to be made without District Manager approval.

Section 24.1 of the Woodlot Licence Forest Management Regulation (WLFMR) specifies a list of amendments that can be made to an FDP, silviculture prescription or site plan without requiring

¹ FDPs that are in effect include FDPs that have yet to reach the expiry date specified in the FDP approval letter or have yet to reach the end date of an extension of the FDP under FPC 19(4).

² FDPs that expired would include FDPs where the term of approval specified in the FDP approval letter has expired and the FDP was not extended, or FDPs that were extended and the period of extension has expired.



District Manager approval. A copy of the amendment must be submitted to the District Manager. FDP amendments not requiring District Manager approval are not required to be advertised or undergo review and comment. An amendment to WLFMR section 24(2) also eliminates the need for an RPF signature and seal on an amendment to a Silviculture Prescription or Site Plan that changes the areas of a harvested cutblock because of a more accurate field traverse. Minor amendments resulting in additional harvesting or road construction must be authorized through a Cutting Permit or Road Permit.

Reduced FDP Content Requirements

Sections 10 to 13 of the WLFMR amends the content requirements for CFA and Woodlot FDPs—including amendments. Examples of reduced FDP content include:

- elimination of requirements associated with green-up and maximum cutblock size;
- modification of the requirement for a comprehensive strategy for wildlife tree retention; and
- reduction in the number of forest resource values that require measures to protect.

Harvesting of Bark Beetle Infested Timber

The term “**harvesting of bark beetle infested timber**” has been redefined to include bark beetle-killed timber from which beetles have left, in addition to trees that are currently infested with larvae or adult bark beetles. This change allows increased opportunity for FDP and Site Plan exemptions for harvesting and road construction to deal with bark beetle infestations on woodlots and CFAs.

Site Plans for Woodlots and CFAs

Woodlot Licence and CFA holders must continue to prepare site plans (under the WLFMR), and have them approved by the District Manager. Once a Woodlot Licence Plan is approved under the *FRPA*, site plans will not be required for new cutblocks on woodlot licences. The District Manager can continue to grant site plan exemptions based on WLFMR sections 14(1) and 22.01(2). The new requirements for (non-approved) site plans for major licencees do **not** apply to woodlots or CFAs.

Backlog Silviculture Prescriptions Eliminated

The definition of a “backlog area” has been repealed. Backlog silviculture prescriptions are no longer required and existing backlog silviculture prescriptions are no longer in effect.



Road Requirements for Woodlots and CFAs

Woodlot licencees do not need to prepare road layout and designs unless District Manager approval is required under WLFMR 43(3). Road layout and design approval is required in the same situations as for major Licencees – when the road is proposed to be located:

Woodlot licencees do not need to prepare road layout and designs unless District Manager approval is required; that is, in the same situations as those for major licencees.

- in a riparian reserve zone or riparian management zone, (other than at a crossing);
- within 100m upslope of a known licensed community water supply intake; or
- on unstable or potentially unstable terrain where design measures will not result in the least likelihood of a landslide.

Section 41.1(2) of the WLFMR exempts woodlot and CFA holders from the new requirement of Section 60(3) of the *Forest Practices Code of British Columbia Act* to make road layout and designs publicly available.

Sections 44 to 57 of the WLFMR have been repealed and replaced with wording the parallels sections 4 to 17 of the Forest Road Regulation.

Practice Requirements in Woodlots and CFAs

Amendments to section 35 of the WLFMR eliminate the requirement for agreement of a Designated Environment Official before harvesting, felling, or modifying trees in a Riparian Reserve Zone.

A new section 62.01 of the WLFMR provides authority to construct excavated or bladed trails on areas covered by both a Site Plan and a Cutting Permit as long the requirements of WLFMR sections 13.1 and 60 to 62 are met and constructing the trail does not result in the maximum limit for soil disturbance being exceeded.

An amendment to section 68 of the WLFMR eliminates the requirement to be authorized by the District Manager before constructing a temporary stream crossing. All other requirements with respect to temporary stream crossings continue to apply.

Section 81(12) of the WLFMR contains the new description of what constitutes a countable conifer for purposes of maximum density (same as the new criteria that apply to major licencees).

Section 88 of the WLFMR has been amended so that regeneration assessments are no longer mandatory by the regeneration date. The District Manager can require a Silviculture Survey if satisfied that regeneration date stocking has not been established or maintained. A Woodlot or CFA holder can be exempted from the requirement to complete a Free Growing Survey if the



District Manager is satisfied that a Free Growing Stand has been established on an area and the licensee provides a Map with required silviculture and inventory information.

Sections 88.1 and 88.2 have been added to the WLFMR to create new provisions associated with making free growing declarations under Section 162. 1 of the *Forest Practices Code of British Columbia Act* and the district manager providing relief or funding under Section 162.2 of the *Forest Practices Code of British Columbia Act* if an area with an obligation to establish a free growing stand of trees is damaged (e.g. by a wildfire).

Applicable Legislation

Relevant Changes in the Legislation

Appendix A summarizes the amendments to the *Forest Practices Code of British Columbia Act* that impact planning and practices on Woodlots and Community Forest Agreements.

The applicable regulation for Woodlots is the Woodlot Licence Forest Management Regulation (WLFMR). The WLFMR has been amended--new, repealed and amended sections are listed in Appendix B of this Primer.

The Operational and Site Planning Regulation, Forest Road Regulation and Timber Harvesting and Silviculture Practices Regulation do not apply to Woodlot or CFA holders.



10. Compliance and Enforcement



What are the changes in December 2002?

Compliance and enforcement changes are not dramatic for the transition period of December through April 2003.

In terms of powers and authorities, the changes to compliance and enforcement resulting from the amendments are not dramatic for the transition period of December 17, 2002 through April 2003. New defences are being introduced for contraventions and prosecutions. The Government will focus on enforcing statutory and regulatory provisions and standards amended into FDPs and pre-existing silviculture prescriptions. New site level plans that are not approved by the government cannot be enforced—only the provisions contained in legislation and the contents of government approved plans such as FDPs.

The overall intent of the changes to compliance and enforcement is:

- to maintain the existing two-tiered enforcement regime of administrative remedies and prosecution through the transition; and
- to introduce the concept of complete defence that will carry forward into the *FRPA*.

Entry and Inspection

Sections 107(4) and 112(3) of the *Forest Practices Code of British Columbia Act* are amended to introduce the ability for an official to require production of a Site Plan for the purposes of inspecting and copying it. Previously, the sections only allowed for a Licence, Permit, Operational Plan or a Record to be inspected and copied.

The amendments introduce the ability for an official to require production of a site plan for the purposes of inspecting and copying it.

Administrative Proceedings and Prosecution Defences

There are three available defences to a contravention or prosecution as defined in the new Section 119.1 of the *Forest Practices Code of British Columbia Act*. These defences are:

- due diligence—doing everything reasonable to avoid damage;
- mistake of fact; and
- officially induced error.

If a person who is alleged to have contravened a provision of the acts can show, **on a balance of probabilities**, that any one of the Defences applies, the person can not be found to have contravened the specified provision or committed an offence. As a result, the District Manager



cannot issue the identified orders or levy an administrative penalty against the person. In the case of a prosecution, the person would not be subject to a fine, imprisonment or other court-imposed punishment. This change does not apply to any determinations or orders made before these amendments came into force.

Limitation of Liability

Licencees may be relieved of some obligations if damage is not a result of their actions

Sections 162.1 and 162.2 of the *Forest Practices Code of British Columbia Act* have been added. In specific circumstances where damage, that is not the fault of the licensee, has occurred and significant expense would be involved to rectify the damage, the licensee could be relieved of the obligation. However, in the case of reforestation, the obligation will generally remain, with the Government funding the extra expense associated with addressing the damage that had occurred. Only in special circumstances will the person be relieved of the obligation to produce a free growing stand.

The intent of this change is to provide licencees relief from the significant expense required to rectify damage that was no fault of their own. It also provides the MOF a fair and equitable time frame to identify workloads and perform the required fieldwork to verify and/or audit declarations.

Irreparable Damage Offence

Section 145 (4)(e) of the *Forest Practices Code of British Columbia Act* contains additional circumstances where a person does not commit an offence by causing irreparable damage. These additional circumstances are specified in regulation.

More circumstances where a person does not commit an offence by causing irreparable damage.

Monetary Penalties

The amendments to the FPC result in new types of contraventions that require associated remedies. Administrative penalties for various infractions are set out in the Administrative Remedies Regulation.

These amendments to monetary penalties will ensure the current penalty provision regime is maintained throughout the transition period. A new penalty regime will accompany the *FRPA*.



Applicable Legislation

Relevant Changes in the Legislation

Appendix A summarizes the amendments to the *Forest Practices Code of British Columbia Act* that impact compliance and enforcement.

The applicable regulations for Compliance and Enforcement include the following:

- Administrative Remedies Regulation.

Lists of changes in this regulation can be found in Appendix B of this Primer.





Appendix A:

Relevant Changes in the *Forest Practices* *Code of BC Act*

Forest Practices Code
Transition Primer

Appendix A: Relevant Changes in the *Forest Practices Code of BC Act*

Forests Statutes Amendment Act (No. 2) 2002 Sections	Existing FPC Legislation	Cross-Reference to Subject Area					
		FDPs	Site Plans & Silviculture	Roads	Range	Woodlots & CFAs	C&E
Section 1 – Definitions	Section 1.1 of the Forest Act		✓				
Section 2 – Inadequate volumes	Section 66 of the Forest Act		✓				
Section 3 – Carry Forward	Section 67.3 of the Forest Act		✓				
Section 4 – Definitions	Section 1 (amended)					✓	
Section 5 – Nisga'a Final Agreement	Section 1.1 (amended)		✓				
Section 6 – Resource management zones and objectives	Sections 3 and 5 (repealed and replaced)						
Section 7 - Interpretive forest sites, recreation sites and recreation trails	Section 6.2 (repealed and replaced)		✓				
Section 8 – Forest Development Plans: content	Section 10 (amended)	✓					
Section 9 – Site Plans: content	Section 11.1 (new)		✓				
Section 10 – Silviculture Prescription: content	Section 12.c (repealed)		✓				



Forests Statutes Amendment Act (No. 2) 2002 Sections	Existing FPC Legislation	Cross-Reference to Subject Area					
		FDPs	Site Plans & Silviculture	Roads	Range	Woodlots & CFAs	C&E
Sections 11 – Forest development plans for the Small Business Enterprise Program	Sections 18 & 19 (amended)	✓					
Section 12 – Forest development plans for major licence or woodlot licence	Section 19 (4), (5) & (8) (amended, repealed or added)	✓				✓	
Section 13 – Site Plans	Section 21.1 (new)		✓				
Section 14 – Silviculture Prescriptions	Section 22 (repealed)		✓				
Section 15 – Existing Silviculture Prescriptions Continued	Section 22.1 (new)		✓			✓	
Section 16 – Silviculture Prescriptions: Backlog areas	Section 23 (amended)		✓			✓	
Section 17 – Existing Stand Management Prescriptions Continued	Section 24.1 (repealed)		✓				
Section 18 – Range Use Plans	Section 27				✓		
Section 19 – Exemption for Site Plan	Section 29 (new)		✓				
Section 20 – Exemption for Silviculture Prescription	Section 30 (repealed)		✓				
Section 21 – Exemption for Silviculture Prescription continued	Section 30.1 (new)		✓				
Section 22 – Exemption for Silviculture Prescription for Backlog Areas	Section 31 (repealed)		✓				



Forests Statutes Amendment Act (No. 2) 2002 Sections	Existing FPC Legislation	Cross-Reference to Subject Area					
		FDPs	Site Plans & Silviculture	Roads	Range	Woodlots & CFAs	C&E
Section 23 – Limitations on Exemptions.	Section 33 (amended)		✓				
Section 24 – Voluntary Amendments	Section 34 (re- enacted)		✓		✓	✓	
Section 25 – Amendment or Replacement of an Operational Plan if it is Unlikely to Succeed	Section 35 (amended)		✓				
Section 26 – Amendment to a Silviculture Prescription if Desired Result is Impossible	Section 36 (amended)		✓				
Section 27 – Holder of an Outdated Prescription	Section 37 (repealed and replaced)		✓			✓	
Section 28 – Outdated Government Prescriptions	Section 38 (repealed and replaced)		✓				
Section 29 – Review and Comment	Section 39.1 (amended)		✓				
Section 30 – Approval of Plans by District Manager	Section 41.5 (repealed and replaced) and Section 41.6 (new)	✓					
Section 31 – Operational Plans – Minor Changes Not Requiring Approval	Section 42.1 (new)	✓			✓	✓	
Section 32 – Approval of Minor Changes to Operational Plans	Section 43				✓		
Section 33 – Protection of the Environment	Section 45.2 (repealed and replaced)		✓				



Forests Statutes Amendment Act (No. 2) 2002 Sections	Existing FPC Legislation	Cross-Reference to Subject Area					
		FDPs	Site Plans & Silviculture	Roads	Range	Woodlots & CFAs	C&E
Section 34 – Soil Conservation: Permanent Access	Section 46 (amended)		✓				
Section 35 Soil Conservation: Net Area to be Reforested	Section 47 (amended)		✓				
Section 36 – Ensuring soil rehabilitation	Section 48.2 (repealed and replaced)		✓				
Section 37 – Limitations on remedial measures that may be required	Section 48.1 (new)				✓		✓
Section 38 – Exemption from Rehabilitation	Section 49.1 and 49.2 (amended)		✓				
Section 40 – No Payment for Use of Road Except as Provided	Section 56.4 (repealed and replaced) and Section 56.5 (repealed)			✓			
Section 41 – Authority Required to Construct or Modify a Road on Crown Land	Section 58 (amended)			✓		✓	
Section 42 – Road Layout and Design	Section 60 (amended)			✓		✓	
Section 43 – Road Layout and Design Approval Not Required for Construction, Road Layout and Design Approval Not Required for Modification & Road Construction Surveys	Sections 60.1 and 61 (repealed)			✓		✓	
Section 44 – Road Construction and Modification must Comply with Act and Plans	Section 62.1 (repealed)			✓			



Forests Statutes Amendment Act (No. 2) 2002 Sections	Existing FPC Legislation	Cross-Reference to Subject Area					
		FDPs	Site Plans & Silviculture	Roads	Range	Woodlots & CFAs	C&E
Section 45 –Road Maintenance	Section 63 (amended)			✓		✓	
Section 46 – Road Deactivation	Section 64 (amended)			✓		✓	
Section 47 – General	Section 67 (amended)			✓			
Section 48 – Reforestation for Areas Under a Site Plan	Section 69.1 (new)		✓				
Section 49 – Silviculture Prescriptions	Section 70.1 (amended)		✓				
Section 50 – Unauthorized Timber Harvest Operations	Section 96.1 (amended)		✓				
Section 51 – Trespassing Livestock	Section 98				✓		
Section 52 – Entry and Inspection	Section 107 (amended)						✓
Section 53 – Obligation of a Person Inspected	Section 112 (amended)						✓
Section 54 – Defences in Relation to Administrative Proceedings	Section 119.1 (new)				✓	✓	✓
Section 55 – Person Subject to a Determination may have it Reviewed	Section 127 (repealed and replaced)						✓
Section 56 – Fines	Section 143 (new)						✓
Section 57 – Offence of Irreparable Damage	Section 145 amended						✓



Forests Statutes Amendment Act (No. 2) 2002 Sections	Existing FPC Legislation	Cross-Reference to Subject Area					
		FDPs	Site Plans & Silviculture	Roads	Range	Woodlots & CFAs	C&E
Section 58 – Defences to a prosecution	Section 157.1				✓	✓	✓
Section 59 – Liability of Persons to Government	Section 162.4 and 162.5 (new)						✓
Section 60 – Limitation on liability of persons to government and When government may fund significant extra expense or waive obligation	Section 162.1 and 162.2 (new)		✓		✓	✓	✓
Section 61 – Extension of Time	Section 165 (repealed and replaced)						
Section 62 – Property in Trees	Section 172 (amended)		✓				
Section 63 – Forms and Information	Section 199 (repealed and replaced)						✓
Section 64 – Silviculture Stocking and Soil Conservation Performance Standards	Section 209.1 (new)		✓				
Section 65 – Silviculture Systems and Silviculture Treatments	Section 210.2.d (repealed and replaced)		✓				
Section 68 – Silviculture Prescriptions: Back log areas and Stand Management Prescriptions	Sections 233 and 234 (repealed)		✓				
Section 69 – Compliance with Operational Plans	Section 248.1 (repealed)		✓				
Section 70 and 71 – Implementation Regulations and Commencement	N/A						





Appendix B: Relevant Changes in the FPC Regulations

*Forest Practices Code
Transition Primer*

Appendix B: Relevant Changes in FPC Regulations

The following regulations have a few changes, listed on the following pages:

- Bark Beetle Regulation;
- Community Forest Agreement Regulation;
- Fort St. John Pilot Project Regulation;
- Range Practices Regulation;
- Security for Forest Practices Liabilities Regulation;
- Silviculture Practices Regulation;
- Stillwater Pilot Project Regulation;
- Strategic Planning Regulation; and
- Timber Harvesting Regulation.

The following regulations are new or replace previous regulations. Changes in these regulations are numerous. The table of contents for these new regulations is shown on the following pages—along with a listing of which sections have been amended, repealed or enacted.

In the Timber Harvesting and Silviculture Practices Regulation, the table of contents shows the source of the new regulatory text, as this regulation has replaced two separate regulations.

- Forest Road Regulation;
- Forest Service Road Use Regulation;
- Operational and Site Planning Regulation;
- Timber Harvesting and Silviculture Practices Regulation; and
- Woodlot Licence Forest Management Regulation.

Bark Beetle Regulations

This regulation has been amended to replace ‘silviculture prescription’ with ‘site plan’. The regulation has also been updated to refer to the Timber Harvesting and Silviculture Practices Regulation.

Community Forest Agreement Regulation

The following sections have been added:

- Section 10 – Exemption from requirement for a road permit or road layout and design.



Fort St. John Pilot Project Regulation

The regulation has been updated to refer to the Operational and Site Planning Regulation and the Timber Harvesting and Silviculture Practices Regulation.

The following sections have been amended:

- Section 6 – subsection 4 added to cover the allowable cut covered by the pilot project; and
- Section 98(1) of Schedule F--Table A is replaced.

Range Practices Regulation

The definition of Community Watershed has been repealed.

Security for Forest Practices Liabilities Regulation

The following sections have been amended:

- Section 1(1) – Security for Silviculture Liability.

Silviculture Practices Regulation

This regulation has been repealed and replaced by sections of Timber Harvesting and Silviculture Practices Regulation (see below).

Stillwater Pilot Project Regulation

The following sections have been amended:

- Section 3(1) – Disapplications of provisions of Act and regulations.

Strategic Planning Regulation

Significant changes to regulations affecting strategic planning include:

Part 2 – Strategic Planning and Objectives

- Sections 4(1), 5, 6(1), 7(1) – Where the District Manager once had the responsibility the Minister of Forests now has the responsibility for:



- Establishing, varying or cancelling a landscape unit or objective for a landscape unit, and
- Establishing, varying or cancelling of a sensitive area or objective for a sensitive area.

Timber Harvesting Practices Regulation

This regulation has been repealed and replaced by sections of Timber Harvesting and Silviculture Practices Regulation (see below).



Forest Road Regulation

Forest Road Regulation		Existing Regulation
PART 1 – DEFINITIONS AND APPLICATION		
1	Definitions	FRR 1
2	Workers Compensation Act prevails	FRR 2
Part 2 – Road Layout and Design		
3	Road layout and design approval	FRR 3 (amended)
4	Selecting road location	FRR 4 (amended)
5	Content of road layout and design	FRR 6 (amended)
6	Drainage design	FRR 9 (amended)
7	Requirements for designs of bridges, culverts, etc.	FRR 10 (amended)
Part 3 – Construction and Modification		
8	Subgrade construction	FRR 12 (amended)
9	Drainage construction	FRR 13 (amended)
10	Revegetation	FRR 15 (amended)
Part 4 – Maintenance		
11	Bridge and major culvert inspection, evaluation and maintenance	FRR 16
12	Follow up to inspection of bridge and major culverts	FRR 17
13	Road inspection and maintenance	FRR18 (amended)
Part 5 – Deactivation		
14	Timing windows and measures for road deactivation	FRR 19
15	Road deactivation	FRR 20 (amended)
16	Amendment of deactivation prescription	FRR 21
17	Hazard warning	FRR 22
18	General wildlife measures in wildlife habitat areas	FRR 26



Forest Service Road Use Regulation

Forest Service Road Use Regulation		Existing Regulation
1	Definitions	FSRUR 1
2	Provisions of Motor Vehicle Act applicable to forest roads	FSRUR 2
3	Snowmobiles	FSRUR 3 (amended)
4	Speed restriction	FSRUR 4
5	Use of 2-way radio	FSRUR 5
6	Traffic control devices	FSRUR 6
7	Maintenance of vehicles used on forest roads	FSRUR 7
8	Vehicle identification	FSRUR 8
9	Obstructions within a forest road right of way	FSRUR 9
10	Damage to roads	FSRUR 10
11	No works, etc. on right of way without a permit	FSRUR 11
12	Liability insurance	FSRUR 12
13	Offence	FSRUR 13



Operational and Site Planning Regulation

All sections except as noted are the same in title and number as the sections in the Operational Planning Regulation.

Operational and Site Planning Regulation	Existing Regulation
Part 1: Interpretation	
1. Definitions	Amended
Part 2: Administration	
1.1 Criteria for giving effect to operational plans	
2. [Repealed B.C. Reg. 201/02]	
3. Effective term and period of forest development plans	Repealed
4. Notice of extension of a forest development plan	Repealed
5. Best information available	
6. Site-specific variation within plans	
7. District manager may require referral of operational plans	
7.1 Minor amendments to operational plans	Added
7.2 District Manager actions if amendments wrongly made	Added
7.3 Circumstances where minor amendments may not be made without approval	Added
Part 3 – Forest Development Plans	
Division 1 – Scope and General Content for Forest Development Plans	
8. Application	
9. Area under forest development plans	
10. Signature required for forest development plans	
11. Maximum cutblock size	
Division 2 – Mapping and Assessments	
12. Terrain mapping in community watersheds	
13. Forest health assessment required before review of forest development plans	



Operational and Site Planning Regulation	Existing Regulation
14. Watershed assessments requirement before review of forest development plans	
15. Riparian assessment required for community watersheds	
16. Terrain stability field assessment required for community watersheds	
17. Terrain stability field assessment required for areas outside community watersheds	
17.1 Prescribed Forest Resources	Added
Division 3 – Map and Information Requirements for All Forest Development Plans	
18. Map and information requirements for all forest development plans	Amended
18.1 Stocking requirements for areas under a site plan	Added
18.2 Post harvest stand structure for areas without regeneration objectives	Added
18.3 Optional content for a forest development plan	Added
18.4 Review and comment not required for sections 18.1 to 18.3	Added
Division 4 – Forest development plan contents for categories of cutblocks	
19. Category I cutblocks and roads for information purposes only	
20. Category A cutblocks	Amended
21. Limited protection for cutblocks and roads	Amended
22. Protection for cutblocks and roads	Amended
23. Transition	
Division 5 – Notice, Review and Comment	
24. Application of this division	
25. Notice	
26. Submitting forest development plan and assessments	
27. Review	Amended
28. Comments	
29. Scope of review and comment	
30. Submitting a proposed forest development plan and comments	
Part 4 – Logging Plans	



Operational and Site Planning Regulation	Existing Regulation
31. Scope of logging plans	
32. Logging plan map	Amended
33. Logging plan content	
34. Exemptions	
35. Signature of holder	
36. Review and comment	
Part 4.1 – Site Plans	Added
36.1 Information that must be obtained before a site plan may be prepared	Added
36.2 Content of site plans	Added
36.3 Exemptions from site plans	Added
Part 5 – Silviculture Prescription	
Division 1 – Scope and Content	
37. Information that must be available before a silviculture prescription may be approved	Amended
38. Assessment results	Amended
39. Content of prescriptions	Amended
40. Exemption from silviculture prescription may be subject to conditions	
Division 2 – Specific Development Requirements	
41. Species selection	
Division 3 – Reforestation for Non-Replaceable Licences	Renamed
41.1 Application	Added
42. Criteria for determining costs of silviculture prescription	
43. Prescribed date of prescription	
44. Additional requirements to be a holder of a prescription under section 71 of the Act	
45. Requirements that must be met before the government can assume responsibility for a prescription	
46. District manager may require amendment of prescriptions approved prior to May 15, 1996	



Operational and Site Planning Regulation	Existing Regulation
47. Review and comment at discretion of district manager	
Division 4 – Definition of Provincial Protected Areas	
47.1 Provincial protected areas	
Part 6 – Stand Management Prescriptions [Repealed, B.C. Reg. 201/02]	
Part 7 – Range Use Plans	
Division 1 – Definitions	
52. Definitions	
Division 2 – Information Supplied by District Manager	
52.1. Information respecting a range use plan – general	Amended
52.2. Information respecting a range use plan – grazing	Amended
52.3. Information respecting a range use plan – hay cutting	
52.4. Information respecting a range use plan prepared by the district manager	Amended
52.5. District manager may change information	
Division 2.1 – Range Use Plan Content	
53. General Content	Amended
53.1 Grazing content	
53.2 Hay cutting content	
54. Limited content for unfenced grazing land	
Division 2.2 – Amendment of Range Use Plan to Protect Forest Resources	
54.1 District manager must required amendment to range use plan	
Division 3 – Notice, Review and Comment	
56. Notice	
57. Submitting a proposed plan before review and comment	
58. Review and comment	



Relevant Changes in the FPC Regulations

Operational and Site Planning Regulation	Existing Regulation
Part 8 – Riparian Management Areas	
Division 1 – Streams	
59. Riparian classes of streams	
60. Minimum widths of riparian reserve zones and riparian management zones	
Division 2 – Wetlands	
61. Riparian classes of wetlands	
62. Minimum widths of riparian reserve zones and riparian management zones for wetlands	
Division 3 – Lakes	
63. Riparian classes of lakes	
64. Minimum widths of riparian reserve zones and riparian management zones for lakes	
Part 9 – Community Watersheds	
65. Community watershed designation: review and comment	
66. Community watershed designation: notice of an impending order	
Part 10 – Green-Up, Ungulate Winter Range and Identified Wildlife	
67. Definitions	
68. Greened-up	
69. Ungulate winter range	Amended
70. Identified wildlife and general wildlife measures	Amended
71. Regionally important and identified, threatened or endangered fish	Amended
Part 11 – Woodlots [Repealed B.C. Reg. 325/98]	



Timber Harvesting and Silviculture Practices Regulation

Timber Harvesting and Silviculture Practices Regulation	Existing Regulation
Part 1: Definitions and Interpretation	
1. Definitions and Interpretation	
Part 2: Variances and Authorizations	
2. Authority of the district manager to vary a performance requirement	
3. Compliance with notices, authorizations, conditions and variances	
Part 3: Timber Harvesting and Related Forest Practices	
Division 1 – General Constraints	
4. Harvesting within community watersheds	THPR 7
5. Harvesting on potentially unstable terrain	THPR 8
6. Harvesting adjacent to previously harvested cutblocks	THPR 9
7. Marking and protecting wildlife trees and wildlife tree patches	THPR 3
Division 2 – Protection of Streams and Riparian Areas	
8. Harvesting adjacent to unidentified or incorrectly classified streams, wetlands and lakes	THPR 6
9. Felling or modification of trees in a riparian reserve zone	THPR 10(3), SPR 4
10. Constraining slash and debris in and around aquatic environments	THPR 23, SPR 5
11. Restricted operation of machinery	THPR 24, SPR 6
12. Yarding, skidding and log drop areas	THPR 11
13. Maintaining stream bank stability	THPR 20
14. Temporary stream crossings	THPR 21
15. Retention of streamside trees	THPR 22
Division 3 – Protection of Non-Timber Resources	
16. Stand level biodiversity	
17. Protection of resource features	



Timber Harvesting and Silviculture Practices Regulation	Existing Regulation
18. General wildlife measures	THPR 27, SPR 7
19. Minor salvage operations in sensitive ecosystems	THPR 28
20. Harvesting in old growth management areas	THPR 29
Division 4 – Access Structures	
21. Constructing a landing	THPR 15
22. Deactivating landings that are permanent access structures	THPR 16
23. Rehabilitating a road or landing that is a temporary access structure	THPR 17
24. Landing and roadside debris accumulations	THPR 19
25. Excavated and bladed trails may be constructed	
26. Limitations on where an excavated or bladed trail may be constructed	
27. Requirements when constructing excavated or bladed trails	THPR 12
28. Requirement to rehabilitate excavated or bladed trails	THPR 13
29. Requirements when rehabilitating excavated or bladed trails	THPR 14
Division 5 – Soil Conservation	
30. Limits on the amount of permanent access structures	
31. Limits on the amount of soil disturbance limits	
32. Maximum allowable soil disturbance for roadside work areas	THPR 18
33. Rehabilitation of disturbed areas	Derives from SPR 31
Part 4 – Silviculture	
34. Interpretation	
35. Requirements for areas under a site plan	
36. Areas under a site plan without regeneration objectives	
37. Areas under a silviculture prescription without regeneration objectives	
38. Use of seed and vegetative material	
39. Use of livestock for site preparation or brush control	
40. Target stocking	
41. Spacing mandatory if maximum density exceeded	



Relevant Changes in the FPC Regulations

Timber Harvesting and Silviculture Practices Regulation	Existing Regulation
42. Pruning required before the end of the free growing assessment period in specified circumstances	
43. Use of fertilizers	
Part 5 – Forest Health	
44. Insect behavior modifying treatments	SPR 22
Part 6 – Surveys and Reports	
45. Reporting requirements for areas without regeneration objectives	Shortened from SPR 26
46. Format and timing of reporting	Similar to SPR 28
47. Minister may specify requirements	
48. General mapping requirements	
Part 7 – Miscellaneous	
49. Limitation of liability of persons to government	
50. Waiver or funding of free growing obligation	
51. Offences	
52. Limitation on application of irreparable damage	
53. Protecting the environment	



Woodlot Licence Forest Management Regulation

Woodlot Licence Forest Management Regulation	Existing Regulation
PART 1 Definitions and Interpretation	
1 Definitions	Amended
2 Interpretation	Subsection (4) is repealed; subsection (5) is replaced
3 Application	Amended
4 <i>Workers Compensation Act</i> prevails	
PART 2 Operational Plans	
Division 1 – General	
5 Best information available	
6 Additional watershed assessment information	
Division 2 – Forest Development Plans	
6.1 Additional exemptions for forest development plans	
7 Review and comment for forest development plans	Amended
8 Joint approval - Repealed July 12, 2002	
9 Period and effective term of a forest development plan	Subsection (2.1) is repealed
10 General content requirements of forest development plans	Amended
11 Information required for the entire woodlot licence area	Amended
12 Information required for portions of the woodlot licence affected by proposed operations	Amended
13 Information required for portions of the woodlot licence within proposed cutblocks	Subsections (4) and (5) are repealed
13.1 Terrain stability field assessments	
14 Additional required information for proposed cutblocks that must be contained in a forest development plan or a site plan	Amended
15 Archaeological impact assessment may be required	



Relevant Changes in the FPC Regulations

Woodlot Licence Forest Management Regulation	Existing Regulation
16 Information not required for minor salvage and minor harvesting operations	
17 Protection for issues cutting permits and road permits	
Division 3 – Site Plans	
18 Requirement for a site plan if the site information was not included in the forest development plan	Subsection (3) amended.
19 Requirement for a site plan	Amended
20 Holder of a woodlot licence may submit a site plan	
21 Site plan may cover an area larger than the area of proposed harvesting	
22 Authorized signatures	Amended
22.01 Exemptions for harvesting	
22.02 Requirements in an exempted area	
Division 3.1 – Silviculture Prescriptions	
22.1 Content of silviculture prescriptions	Amended
22.2 Exemption from backlog silviculture prescription for silviculture treatments	Repealed
Division 3.2 – Operational Plans for Areas of Unauthorized Harvesting	
22.3 Operational plans for areas of unauthorized harvesting	
Division 4 – Stand Management Prescriptions – Repealed July 12, 02	
23 Content of stand management prescriptions – Repealed July 12, 02	
23.1 Exemption from stand management prescription – Repealed July 12, 02	
Division 5 – Amendments	
24 Amendments required	Amended
24.1 Minor amendments to operational plans	New section
24.2 District manager actions where amendments wrongly made	New section
25 Amendments respecting cutblock information	
Division 6 – Transition	
26 Repealed February 26, 2001	
27 Repealed February 26, 2001	



Woodlot Licence Forest Management Regulation	Existing Regulation
28 Requirement for a site plan – transition	
29 Requirement for a logging plan – transition	
PART 3 General Forest Practices	
30 Compliance with plans and authorizations	Amended
31 District manager's included powers	
32 General wildlife measures	Amended
33 Constraining slash and debris in and around aquatic environments	
34 Restrictions on use of machinery	
35 Restrictions on harvesting or modification of trees in riparian reserves	Replaced
36 Forest practices within community watersheds	Amended
37 Limits on area that may be occupied by permanent access structures	
38 Limits on area that may be occupied by soil disturbance	Amended
PART 4 Roads	
Division 1 – Interpretation	
39 Definitions	Amended
40 Application	
41 Authority to construct, modify or use a road on Crown land	Subsection (1) repealed
41.1 Exemptions for roads	Subsection (2) replaced
Division 2 – General Road Requirements	
42 General requirements for road construction and modification, maintenance and deactivation	Repealed
Division 3 – Layout and Design	
43 Road layout and design and related assessments – general	Amended
44 Road layout and design – sensitive slopes	Replaced
45 Road layout and design – community watersheds	Replaced
46 Road layout and design – bridges, major culverts and special structures	Replaced



Relevant Changes in the FPC Regulations

Woodlot Licence Forest Management Regulation	Existing Regulation
Division 4 – Construction and Modification	
47 Construction or modification – general	Replaced
47.1 Repealed February 22, 2002	
47.2 Repealed February 22, 2002	
48 Construction or modification – sensitive slopes	Replaced
49 Construction or modification – community watersheds	Replaced
50 Construction or modification – fish streams and fisheries-sensitive zones	Replaced
51 Construction or modification – bridges, major culverts and specialized structures	Replaced
Division 5 – Bridge Maintenance	
52 Bridge and major culvert inspection, evaluation and maintenance	Replaced
53 Follow up to inspection of bridge and major culverts	Replaced
Division 6 – Road Deactivation	
54 Deactivation – general	Replaced
55 Deactivation – sensitive slopes	Replaced
56 Deactivation – fish streams and fisheries-sensitive zones	Replaced
57 Deactivation – bridges	Replaced
PART 5 Harvesting Practices	
58 Wildlife tree retention	Amended
59 Repealed February 26, 2001	
60 Harvesting on sensitive slopes within community watersheds	
61 Harvesting on sensitive slopes outside of community watersheds	
62 Excavated or bladed trails	Amended
60.01 Excavated and bladed trails may be amended	New section
62.1 Requirement to rehabilitate a road that is not a permanent access structure	
62.2 Requirements for access trails	
63 Landings	Amended
64 Restrictions on harvesting in gullies on the Coast	
65 Restrictions on minor harvesting operations or minor salvage operations in sensitive ecosystems	



Woodlot Licence Forest Management Regulation	Existing Regulation
66 Harvesting adjacent to streams, wetlands and lakes not identified or incorrectly classified	
67 Restrictions on clearcutting – old growth management areas	Repealed
68 Temporary stream crossings	Amended
69 Maintaining stream bank stability	Amended
70 Restrictions on the location of helicopter or balloon log drop areas	
71 Felling, yarding and skidding	
72 Landing and roadside slash accumulations	
73 Rehabilitation of compacted areas and corduroyed trails	
73.1 Protecting the environment	New section
PART 6 Silviculture	
Division 1 – Definitions	
74 Definitions	
Division 2 – Obligations to Produce a Free Growing Stand	
75 Application	
76 Producing a free growing stand on required areas	Amended
77 Stocking requirements at regeneration date	Subsection (4) is replaced.
78 Stocking requirements at free growing date	
79 Maximum density spacing requirement	
80 Target stocking standard	
Division 3 – Free Growing Requirements for Areas Under Silviculture Prescriptions	
81 Maximum density spacing treatment requirement if there is a silviculture prescription for the area	Amended
81.1 Silviculture obligations for non-replaceable woodlot licences	New section
Division 4 – Silviculture Treatment Constraints	
82 Use of seeds and vegetative material	Amended
83 Pruning required for white pine blister rust	Repealed
84 Use of livestock for silviculture purposes	



Woodlot Licence Forest Management Regulation	Existing Regulation
85 Use of pesticides for silviculture purposes	Repealed
86 Use of fertilizer for silviculture purposes	Amended
87 Insect behaviour modifying treatments	
Division 5 Surveys and Reports	
88 Silviculture surveys	Amended
88.1 Free growing declarations	New section
88.2 Waiver or funding for free growing obligations	New section
89 Reporting obligations	
PART 7 Riparian Widths	
Division 1 – General	
90 Determining the applicable riparian widths	Amended
91 Measuring riparian widths	
Division 2 – Streams	
92 Riparian classes of streams	
93 Minimum widths of riparian reserve zones and riparian management zones	
Division 3 – Wetlands	
94 Riparian classes of wetlands	
95 Minimum widths of riparian reserve zones and riparian management zones for wetlands	
Division 4 – Lakes	
96 Riparian classes of lakes	
97 Minimum widths of riparian reserve zones and riparian management zones for lakes	
PART 7.1 Green-Up, Ungulate Winter Range and Identified Wildlife	
97.1 Definitions	Repealed
97.2 Greened-up	Repealed
97.3 Ungulate winter range	Amended
97.4 Identified wildlife and general wildlife measures	Amended



Woodlot Licence Forest Management Regulation	Existing Regulation
97.5 Regionally important and identified threatened or endangered fish	Amended
PART 8 Offences	
98 Offences	
Schedule A Section 1 Stocking standards for silvicultural systems other than single tree selection	Subsection (0.1) added

