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BILL 23

FORESTS STATUTES AMENDMENT ACT, 2021

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Minister of Forests, Lands, Natural Resource Operations and Rural Development

Explanatory Notes

SECTION 1: *[Forest Act, section 1]* adds definitions of “forest landscape area” and “forest operations plan”.

SECTION 2: *[Forest Act, section 1]* amends the definition of “forest service road”.

SECTION 3: *[Forest Act, section 20]* is consequential to the amendments made by this Bill to the Act.

SECTION 4: *[Forest Act, section 22.5]* limits the authority of a timber sales manager to invite applications for or enter into timber sale licences unless certain criteria are met.

BILL 23 – 2021

FORESTS STATUTES AMENDMENT ACT, 2021

PART 1 – *Forest Act* AMENDMENTS

1 *Section 1 (1) of the Forest Act, R.S.B.C. 1996, c. 157, is amended by adding the following definitions:*

“forest landscape area” means

- (a) a forest landscape area within the meaning of the *Forest and Range Practices Act*, or
- (b) an area of land that was formerly a forest landscape area within the meaning of that Act;

“forest operations plan” means a forest operations plan under the *Forest and Range Practices Act*; .

2 *Section 1 (1) is amended by repealing the definition of “forest service road” and substituting the following:*

“forest service road” means a road on Crown land that is declared under this Act or the former Act to be a forest service road; .

3 *Section 20 is amended*

(a) in subsection (2) (a) by striking out “may invite applications” and substituting “may, subject to section 22.5, invite applications”, and

(b) in subsection (6) by striking out “If an eligible application” and substituting “Subject to section 22.5, if an eligible application”.

4 *The following section is added:*

Limitation on issuance of timber sale licences

22.5 A timber sales manager may not invite applications for a timber sale licence under section 20 (2), or enter into a timber sale licence under section 20 (6), if

- (a) the timber sale licence would grant rights to harvest Crown timber on land located inside a forest landscape area and either of the following applies:
 - (i) the timber sales manager does not hold a forest operations plan, as required under the *Forest and Range Practices Act*, that applies to the land;

SECTION 4: *[Forest Act, section 22.5 – continued]*

SECTION 5: *[Forest Act, section 54]* provides that a road permit may be disposed of only to a person who may be granted a road permit under the Act.

SECTION 6: *[Forest Act, section 54.01]*

- authorizes the minister, in approving a disposition of an agreement, to attach conditions in relation to a road permit associated with the agreement;
- updates language for consistency with amendments made by this Bill to the Act.

SECTION 7: *[Forest Act, section 54.4]* repeals a restriction that limits the circumstances in which a road permit may be disposed of by the holder to another person.

SECTION 8: *[Forest Act, section 54.61]*

- authorizes the minister to suspend a road permit if a condition relating to the road permit attached to an approval of a disposition is not met;
- updates language for consistency with amendments made by this Bill to the Act.

- (ii) the location of the land is inconsistent with the approximate locations of proposed cutblocks shown in a forest operations plan held by the timber sales manager, or
- (b) the timber sale licence would grant rights to harvest Crown timber on land located outside a forest landscape area and the timber sales manager does not hold a forest stewardship plan, as required under the *Forest and Range Practices Act*, that applies to the land.

5 Section 54 (2) is amended by adding the following paragraph:

- (d.4) in the case of a disposition of a road permit, the intended recipient is a person who, under section 115 (1), may be granted a road permit; .

6 Section 54.01 is amended

(a) by repealing subsection (2) and substituting the following:

- (2) The minister may, in approving a disposition of an agreement under section 54 (2) (a), attach conditions to the approval. ,

(b) in subsection (3) by striking out “the minister may attach as a condition to an approval under section 54 (2) (a)” and substituting “the minister may, in approving a disposition of an agreement under section 54 (2) (a), attach as a condition”, and

(c) by adding the following subsection:

- (4) Without limiting subsection (2), the minister may, in approving a disposition of an agreement under section 54 (2) (a), attach conditions in relation to a road permit associated with the agreement, including conditions requiring the holder of the agreement to do any of the following:
 - (a) dispose of the road permit, in accordance with section 54, to the intended recipient of the agreement;
 - (b) surrender the road permit or rights under the road permit;
 - (c) if the holder will continue to hold the road permit after the disposition of the agreement, provide security to the minister for the performance of the holder’s obligations under the road permit, this Act, the *Forest and Range Practices Act* and the *Wildfire Act*.

7 Section 54.4 (1) (c) is repealed.

8 Section 54.61 is amended

(a) in subsection (1) (a) and (b) by striking out “purported” and substituting “purports”,

SECTION 8: *[Forest Act, section 54.61 – continued]*

SECTION 9: *[Forest Act, section 58.2]* repeals the authority of the minister to extend the terms of cutting permits that were in effect on November 4, 2003.

SECTION 10: *[Forest Act, section 58.201]* provides that, in relation to a cutting permit that was in effect on November 4, 2003 and remains in effect on the date the section comes into force,

- the term of the permit must not be extended and expires one year after the date on which the section comes into force, and
- the operation of the permit may not be postponed.

SECTION 11: *[Forest Act, section 77]* authorizes the minister, on cancelling a road permit, to specify the date by which a road authorized under the permit must be deactivated.

SECTION 12: *[Forest Act, section 81.11]* restricts a permit issuer from approving an application for a cutting permit or a road permit to construct a road if

- the applicant does not hold a forest operations plan required under the *Forest and Range Practices Act*, or
- the locations of the cutblocks under the cutting permit or roads under the road permit, as applicable, are inconsistent with the locations of proposed cutblocks or proposed roads shown in the applicant's forest operations plan.

(b) in subsection (1) (a) and (c) by striking out “was not met” and substituting “is not met”, and

(c) by adding the following subsection:

- (1.1) The minister may suspend rights under a road permit under section 76 (1) if a condition relating to the road permit attached under section 54.01 (4) to an approval of a disposition of an agreement is not met.

9 *Section 58.2 is repealed.*

10 *The following section is added:*

Transition for cutting permits in effect on November 4, 2003

- 58.201** (1) This section applies to a cutting permit that
- (a) was in effect on November 4, 2003, and
 - (b) remains in effect on the date this section comes into force.
- (2) Subject to subsection (3), the term of a cutting permit to which this section applies must not be extended.
- (3) If the term of a cutting permit to which this section applies expires before the date that is one year after the date this section comes into force, the term of the cutting permit is extended to that date.
- (4) The operation of a cutting permit to which this section applies must not be postponed.

11 *Section 77 is amended by adding the following subsection:*

- (6) If the minister cancels a road permit under subsection (1), the minister may specify the date by which a road authorized under the permit must be deactivated.

12 *The following section is added:*

**Refusal of permit – failure to hold
forest operations plan or inconsistency with plan**

- 81.11** (1) A permit issuer must refuse an application for a cutting permit or road permit to construct a road if the land that would be subject to the permit is located inside a forest landscape area and any of the following applies:
- (a) the applicant does not hold a forest operations plan, as required under the *Forest and Range Practices Act*, that applies to the land that would be subject to the permit;

SECTION 12: *[Forest Act, section 81.11 – continued]*

SECTION 13: *[Forest Act, section 81.2]* is consequential to the amendments made by this Bill to the Act and the *Forest and Range Practices Act*.

SECTION 14: *[Forest Act, section 81.3]* clarifies how sections 81.11 and 81.2 apply to applications for cutting permits and road permits if only a portion of the area that will be subject to the permit is inside a forest landscape area.

SECTIONS

15 AND 16: *[Forest Act, section 115]* are consequential to the amendments made by this Bill to the Act and the *Forest and Range Practices Act*.

- (b) in the case of an application for a cutting permit, the area requested to be harvested under the permit is inconsistent with the approximate locations of proposed cutblocks shown in a forest operations plan held by the applicant;
- (c) in the case of an application for a road permit, the location of the proposed road is inconsistent with the approximate locations of proposed roads shown in a forest operations plan held by the applicant.

(2) In considering whether an application must be refused under subsection (1) (b) or (c), the permit issuer must consider matters prescribed by regulation, if any.

13 Section 81.2 (2), as enacted by the Forest and Range Practices Amendment Act, 2019, S.B.C. 2019, c. 25, is amended

(a) by striking out “if any of the following applies” **and substituting** “if the land that would be subject to the permit is located outside a forest landscape area and any of the following applies”, **and**

(b) in paragraph (a) by striking out “in relation to the area that will be subject” **and substituting** “in relation to the land that would be subject”.

14 The following section is added:

Cutting permits or road permits that apply to areas inside and outside forest landscape areas

81.3 If a person applies for a cutting permit or road permit to construct a road and only a portion of the land that will be subject to the permit is located inside a forest landscape area,

- (a) section 81.11 applies to the permit application as it relates to the portion of land that is inside the forest landscape area, and
- (b) section 81.2 applies to the permit application as it relates to the portion of land outside the forest landscape area.

15 Section 115 is amended

(a) in subsection (2) by striking out “Subject to sections 81, 81.1 and 81.2” **and substituting** “Subject to sections 81, 81.1, 81.11 and 81.2”, **and**

(b) in subsections (3) and (4) by striking out “compromise a forest stewardship plan” **and substituting** “compromise a forest operations plan or forest stewardship plan”.

16 Section 115 (5) and (6) is repealed.

SECTION 17: *[Forest Act, section 117]* adds a definition of “natural resource development purpose” and provides for the granting of road use permits to persons who wish to use a forest services road for natural resource development purposes.

SECTION 18: *[Forest Act, section 117]* is consequential to the amendments made by this Bill to the *Forest and Range Practices Act*.

SECTION 19: *[Forest Act, section 118]*

- removes a requirement that a road permit must authorize the holder to manage and use certain Crown land for pits and quarries;
- provides that a road permit may authorize the holder to manage and use certain Crown land for pits and quarries;
- provides that a road permit may specify the date by which a road must be deactivated;
- clarifies that additional terms and conditions may be included in a road permit.

17 Section 117 is amended

(a) by adding the following subsection:

(0.1) In this section, “**natural resource development purpose**” has the same meaning as in section 21.1 of the *Forest and Range Practices Act.*, **and**

(b) in subsections (1) and (2) by striking out “industrial purpose” and substituting “natural resource development purpose”.

18 Section 117 (2) (c) is repealed and the following substituted:

(c) compromise a forest operations plan or forest stewardship plan.

19 Section 118 is amended by repealing subsection (1) and substituting the following:

(1) A road permit must do the following:

- (a) describe the location of the road that is or will be subject to the road permit;
- (b) authorize the holder to use, maintain and deactivate the road;
- (c) if the road permit is granted under section 115 (2), authorize the holder to construct the road;
- (d) if the road permit grants the right to harvest Crown timber, require the holder to pay to the government, in addition to other amounts payable under this Act,
 - (i) stumpage under Part 7, and
 - (ii) waste assessments for merchantable Crown timber, whether standing or felled, that could have been cut and removed under the road permit but, at the holder’s discretion, is not cut and removed.

(1.1) A road permit may do one or more of the following:

- (a) authorize the holder to, on Crown land that is in a Provincial forest and is in the right of way of the road,
 - (i) manage and use that land for sand pits, gravel pits, rock quarries or other quarries that are in the right of way, and
 - (ii) use the materials in the pits and quarries referred to in subparagraph (i) for maintaining the road or, if applicable, constructing the road;
- (b) specify the date by which the road must be deactivated;
- (c) include other terms and conditions that are consistent with this Act, the *Forest and Range Practices Act*, the *Wildfire Act* and any regulations or standards made under those Acts.

SECTION 20: *[Forest Act, section 118.1]* requires a road authorized under a road permit to be deactivated by a certain date.

SECTION 21: *[Forest Act, section 119]* clarifies that additional terms and conditions may be included in a road use permit.

SECTION 22: *[Forest Act, section 120.1]* authorizes the minister to declare certain roads as forest service roads.

20 The following section is added:

Deactivation of roads authorized under road permits

- 118.1** (1) In this section, “**deactivate**”, in relation to a road, means to deactivate the road in accordance with the requirements under the *Forest and Range Practices Act* that apply to the deactivation of the road.
- (2) Except in prescribed circumstances, the holder of a road permit must deactivate a road authorized under the road permit by the earliest of the following:
- (a) the date on which
 - (i) the road permit expires or is surrendered, or
 - (ii) rights under the road permit that relate to the road expire or are surrendered;
 - (b) the date of deactivation specified in the road permit;
 - (c) the date of deactivation specified by the minister under section 77 (6) on cancelling the road permit.

21 Section 119 is repealed and the following substituted:

Road use permit content

- 119** (1) A road use permit must describe the forest service road that the holder may use.
- (2) A road use permit may include terms and conditions that are consistent with this Act, the *Forest and Range Practices Act*, the *Wildfire Act* and any regulations or standards made under those Acts.

22 The following section is added:

Declaration of forest service road

- 120.1** (1) The minister may declare a road on Crown land to be a forest service road if any of the following applies:
- (a) the road is the subject of a road permit;
 - (b) the road is a forest resource road within the meaning of section 21.1 of the *Forest and Range Practices Act*;
 - (c) the road is constructed or maintained by the minister under section 121 (1) of this Act, or is on private land taken by the minister under that section;
 - (d) the road is on land dedicated to the government under section 121 (8) of this Act.

SECTION 22: *[Forest Act, section 120.1 – continued]*

SECTION 23: *[Forest Act, section 121]* provides that land may be dedicated to the government for use as a road by depositing a reference plan or explanatory plan in the land title office.

SECTIONS

24 TO 26: *[Forest Act, section 151]* add and repeal regulation-making powers consequential to the amendments made by this Bill to the Act.

SECTION 27: *[Forest Act, section 151.8]* corrects a section reference.

SECTION 28: *[Forest Act, section 163]* establishes an offence for contravening section 118.1 (2) of the Act, as added by this Bill.

- (2) If a road referred to in subsection (1) (a) is declared to be a forest service road, the minister must grant a road use permit in relation to the road to the holder of the road permit.

23 Section 121 is amended

(a) in subsection (1) by adding “do one or more of the following:” after “or the Wildfire Act may”,

(b) in subsection (1) by striking out “and” at the end of paragraph (d),

(c) in subsection (1) by adding the following paragraph:

- (f) enter into an agreement with an owner of land, under section 3 (1) of the *Expropriation Act* or otherwise, that provides for the dedication of the land, in accordance with subsection (8) of this section, to the government for use as a road. ,

(d) by repealing subsection (7), and

(e) by repealing subsection (8) and substituting the following:

- (8) If the minister enters into an agreement under subsection (1) (f) with an owner of land, the minister may, for the purposes of causing the land to be dedicated to the government under section 107 of the *Land Title Act*, deposit in the land title office a reference plan or explanatory plan that shows the portion of land subject to the agreement as a road and, in that event, section 107 (1) (c), (d) and (e) and (3) of the *Land Title Act* applies to that portion of land.

24 Section 151 (2) (k.2) is repealed.

25 Section 151 (2) (m.7), as enacted by the *Forest and Range Practices Amendment Act, 2019, S.B.C. 2019, c. 25*, is amended by striking out “section 81.2 (3)” and substituting “section 81.11 (2) or 81.2 (3)”.

26 Section 151 (2) is amended by adding the following paragraph:

- (p.02) prescribing circumstances for the purposes of section 118.1 (2); .

27 Section 151.8 (k) is amended by striking out “sections 56.63 to 54.67” and substituting “sections 54.63 to 54.67”.

28 Section 163 (1) is amended by striking out “105.1 (2) or (3),” and substituting “105.1 (2) or (3), 118.1 (2),”.

SECTION 29: *[Forest Act, section 167.3]* authorizes the minister to order a person who contravenes section 118.1 of the Act, as added by this Bill, to do work reasonably necessary to remedy the contravention.

SECTION 30: *[Forest and Range Practices Act, section 1]*

- adds definitions of “area of catastrophic damage”, “forest landscape area”, “forest landscape plan”, “forest operations area”, “ministry website”, “planning guideline” and “trail-based recreation area”;
- amends the definition of “operational plan”;
- repeals and replaces portions of the definition of “wildlife” to italicize Latin terms.

29 Section 167.3 is amended by adding the following subsection:

- (3) If the minister determines under section 71 of the *Forest and Range Practices Act* that a person has contravened section 118.1 (2) of this Act, the minister may order the person to do work reasonably necessary to remedy the contravention, and, for that purpose, an order under this subsection is deemed to be an order under section 74 (1) of the *Forest and Range Practices Act*.

PART 2 – *Forest and Range Practices Act* AMENDMENTS

30 Section 1 (1) of the *Forest and Range Practices Act*, S.B.C. 2002, c. 69, is amended

(a) by adding the following definitions:

“**area of catastrophic damage**” means an area designated under section 108.2 as an area of catastrophic damage;

“**forest landscape area**”, in relation to a forest landscape plan, means the area of land specified in the plan as the forest landscape area;

“**forest landscape plan**” means a forest landscape plan under section 2.21;

“**forest operations area**”, in relation to a forest operations plan, means the area of land specified in the plan as the forest operations area;

“**ministry website**” means a publicly accessible website maintained by or on behalf of the ministry of the minister; ,

(b) in the definition of “operational plan” by adding “forest operations plan,” before “forest stewardship plan,”

(c) by adding the following definitions:

“**planning guideline**” means a guideline included under section 2.28 (2) in a forest landscape plan;

“**trail-based recreation area**” means a trail-based recreation area established under section 56; , **and**

(d) by repealing paragraph (b) (i) and (ii) of the definition of “wildlife” and substituting the following:

- (i) vertebrates of the order *Petromyzoniformes* (lampreys) or class *Osteichthyes* (bony fishes), or
- (ii) invertebrates of the subphylum *Crustacea* (crustaceans) or phylum *Mollusca* (mollusks), and .

SECTION 31: *[Forest and Range Practices Act, section 2.01]* adds interpretation provisions relating to forest landscape plans, forest operations plans and planning guidelines.

SECTION 32: *[Forest and Range Practices Act, section 2.1]* makes a housekeeping amendment.

SECTION 33: *[Forest and Range Practices Act, Part 1.1]*

- provides for the establishment by the chief forester of forest landscape plans;
- requires consultation and cooperation with Indigenous peoples whose rights could be affected by the establishment of a forest landscape plan;
- provides for the participation of Indigenous governing bodies in the preparation of forest landscape plans, for public review and comment and for the resolution of disputes with Indigenous governing bodies;
- sets out requirements for the contents of forest landscape plans;
- sets out requirements for keeping records and preparing reports in relation to forest landscape plans;
- authorizes the chief forester to include planning guidelines in forest landscape plans;
- authorizes the chief forester to require certain persons to submit plans, studies, analyses or information for the purposes of the chief forester preparing a forest landscape plan or report related to a forest landscape plan;
- restricts certain persons from harvesting timber and constructing roads, and from applying for cutting permits to harvest timber or road permits to construct roads, on land inside a forest landscape area unless the person holds an approved forest operations plan;
- sets out requirements for engagement with Indigenous nations and for public review and comment before a forest operations plan or amendment is submitted to the minister for approval;
- sets out requirements for the content of forest operations plans;

31 The following section is added:

Interpretation – forest landscape plans and planning guidelines

- 2.01** (1) For the purposes of this Act, a forest landscape plan applies to a forest operations plan if any portion of the forest operations area is within the forest landscape area.
- (2) For the purposes of this Act, a planning guideline applies to a forest operations plan if the forest landscape plan that includes the planning guideline applies to the forest operations plan.

32 Section 2.1 (5) is amended by striking out “woodlot plan” and substituting “woodlot licence plan”.

33 The following Part is added:

PART 1.1 – FOREST LANDSCAPE PLAN, FOREST OPERATIONS PLAN AND SITE LEVEL PLAN

Definitions and interpretation for Part 1.1

2.2 (1) In this Part:

“**agreement**” means any of the following agreements under the *Forest Act*:

- (a) a forest licence;
- (b) a tree farm licence;
- (c) a community forest agreement if the community forest agreement area
 - (i) is located inside the Coast Forest Region and includes Crown land of more than 800 ha, or
 - (ii) is located outside the Coast Forest Region and includes Crown land of more than 1 200 ha;
- (d) a first nations woodland licence if the first nations woodland licence area
 - (i) is located inside the Coast Forest Region and includes Crown land of more than 800 ha, or
 - (ii) is located outside the Coast Forest Region and includes Crown land of more than 1 200 ha;
- (e) a timber licence;
- (f) a forestry licence to cut that is a major licence;

“**Indigenous governing body**” has the same meaning as in section 1 (1) of the *Declaration on the Rights of Indigenous Peoples Act*;

“**Indigenous peoples**” has the same meaning as in section 1 (1) of the *Declaration on the Rights of Indigenous Peoples Act*;

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- restricts the minister from approving a forest operations plan or amendment unless certain requirements relating to engagement with Indigenous nations and public review and comment are met;
- limits the authority of the minister to approve a forest operations plan or amendment that is inconsistent with a forest landscape plan;
- sets out requirements for preparing forest development schedules and site level plans.

“**proposed cutblock**” means a proposed cutblock referred to in section 2.36 (2) (a) or (3) (a) that is shown in a forest operations plan;

“**proposed road**” means a proposed road referred to in section 2.36 (2) (b) or (3) (b) that is shown in a forest operations plan.

(2) Despite section 2.1, that section does not apply to this Part.

Division 1 – Forest Landscape Plan

Chief forester may establish forest landscape plan

2.21 (1) The chief forester may, by order, establish a forest landscape plan for the following land:

- (a) Crown land;
- (b) private land that is subject to an agreement under the *Forest Act*.

(2) Notice of an order establishing a forest landscape plan must be published in the Gazette.

(3) A forest landscape plan established by order of the chief forester takes effect on the later of the following:

- (a) the date on which notice of the order is published in the Gazette;
- (b) the date, if any, specified in the order as the effective date of the plan.

(4) A forest landscape plan does not apply in relation to a woodlot licence.

Preparation of forest landscape plan

2.22 The chief forester, in preparing a forest landscape plan, must consider the following objectives:

- (a) supporting the production and supply of timber in the forest landscape area;
- (b) supporting the protection and conservation of the environment;
- (c) managing the values placed on forest ecosystems by Indigenous peoples;
- (d) managing the values placed on forest ecosystems by local communities;
- (e) preventing, mitigating and adapting to impacts caused by significant disturbances to forests and forest health, including wildfire, insects, disease and drought.

Consultation and cooperation with Indigenous peoples

2.23 Before establishing a forest landscape plan, the chief forester must consult and cooperate with Indigenous peoples whose rights could be affected by the establishment of the forest landscape plan.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

**Consultation and cooperation
with Indigenous governing body**

- 2.24** (1) For the purposes of section 2.23, the chief forester must, before preparing a forest landscape plan, provide notice to any Indigenous governing body that is authorized to act on behalf of Indigenous peoples whose rights could be affected by the establishment of the forest landscape plan.
- (2) On providing notice under subsection (1) to an Indigenous governing body, the chief forester must attempt to establish, with the Indigenous governing body, a process for consultation and cooperation in the preparation of the forest landscape plan.
- (3) If a process for consultation and cooperation is established under subsection (2) with an Indigenous governing body within 60 days of the provision of notice under subsection (1) to the Indigenous governing body, the chief forester must implement the process before establishing the forest landscape plan.

**Consultation and cooperation with
Indigenous governing body if process not established**

- 2.25** (1) If a process for consultation and cooperation in the preparation of a forest landscape plan is not established under section 2.24 (2) with an Indigenous governing body referred to in that subsection within 60 days of the provision of notice, the chief forester must,
- (a) before preparing the forest landscape plan, provide the information proposed to be used by the chief forester for the purposes of preparing the forest landscape plan to the Indigenous governing body, and
- (b) on completing a proposed forest landscape plan, provide the proposed forest landscape plan to the Indigenous governing body.
- (2) An Indigenous governing body may, within 60 days after receiving the information referred to in subsection (1) (a) or the proposed forest landscape plan referred to subsection (1) (b), provide comments to the chief forester.
- (3) The chief forester must,
- (a) after considering any comments received from an Indigenous governing body under subsection (2), make the proposed forest landscape plan publicly available for review and comment, and
- (b) after considering any comments received from the public under paragraph (a), provide the proposed forest landscape plan to the Indigenous governing body.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (4) An Indigenous governing body may, within 60 days after receiving a proposed forest landscape plan under subsection (3) (b), provide notice to the chief forester of its consent or lack of consent to the proposed forest landscape plan.
- (5) The chief forester must
 - (a) offer to meet with an Indigenous governing body that provides notice of its lack of consent under subsection (4), and
 - (b) attempt to achieve consensus with the Indigenous governing body respecting the proposed forest landscape plan.

Dispute resolution facilitation

- 2.26** (1) In this section, “**facilitator**” means an individual appointed under subsection (2).
- (2) If a dispute arises between the chief forester and an Indigenous governing body to which notice was provided under section 2.24 (1) relating to a matter described in section 2.25 (5) and the chief forester and the Indigenous governing body cannot resolve the dispute, the chief forester must appoint an individual to facilitate the resolution of the dispute.
 - (3) Before appointing a facilitator, the chief forester must consider any comments of the Indigenous governing body referred to in subsection (2) respecting the appointment.
 - (4) The chief forester must participate in a dispute resolution facilitation in respect of a dispute referred to in subsection (2).
 - (5) A facilitator must provide a report on a completed dispute resolution facilitation to each participant.
 - (6) The chief forester must not take further action in respect of a decision or matter that is the subject of a dispute resolution facilitation until after the facilitator provides a report.
 - (7) A report of a facilitator does not limit the power of the chief forester in respect of the decision or matter that is the subject of the report.
 - (8) This section and section 2.27 do not apply in respect of a dispute between the chief forester and an Indigenous governing body if a process for consultation and cooperation referred to in section 2.24 (3) established with the Indigenous governing body provides for the resolution of disputes.
 - (9) This section and section 2.27 are not to be taken as limiting any right an Indigenous governing body may have to seek a remedy from a court.
 - (10) For certainty, this section and section 2.27 must be construed in accordance with section 35 of the *Constitution Act, 1982*.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

Alternative dispute resolution process

- 2.27 (1) Despite section 2.26, the chief forester and an Indigenous governing body to which notice is provided under section 2.24 (1) may agree to participate in an alternative dispute resolution process other than a dispute resolution facilitation referred to in section 2.26 if the participants are satisfied that the alternative dispute resolution process gives due consideration to the customs, traditions, rules and legal systems of the Indigenous governing body.
- (2) The conclusion of an alternative dispute resolution process referred to in subsection (1) does not limit the power of the chief forester in respect of the decision or matter that was the subject of the alternative dispute resolution process.

Content of forest landscape plan

- 2.28 (1) A forest landscape plan must include the following:
- (a) a map that shows the forest landscape area;
 - (b) outcomes in relation to the objectives referred to in section 2.22;
 - (c) a description of how the objectives referred to in section 2.22 were taken into consideration in establishing the outcomes referred to in paragraph (b) of this subsection.
- (2) For the purposes of achieving the outcomes referred to in subsection (1) (b), a forest landscape plan may include planning guidelines for forest operations plans in relation to one or more of the following matters:
- (a) areas in which new cutblocks or roads should not be located;
 - (b) limits that should apply to the sizes or configurations of cutblocks;
 - (c) requirements relating to forest practices, silvicultural systems or stocking standards that should be included in the forest operations plans.
- (3) A forest landscape plan must be consistent with any objectives established under section 93.4 of the *Land Act*.

Term of forest landscape plans

- 2.29 (1) The term of a forest landscape plan is 10 years.
- (2) Despite subsection (1), when the term of a replacement forest landscape plan begins, the forest landscape plan that is being replaced ceases to apply to the forest landscape area of the replacement plan.

Extension of forest landscape plan

- 2.3 (1) The chief forester may, by order, extend the term of a forest landscape plan on one or more occasions.
- (2) Each extension under subsection (1) may be for a period of up to 5 years.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

Report on forest landscape plans

- 2.31** (1) In this section, “**reporting period**”, in relation to a forest landscape plan, means each successive 5-year period during the term of the plan, beginning on the effective date of the plan.
- (2) Within 2 years after the end of a reporting period for a forest landscape plan, the chief forester must publish a report on a ministry website setting out the extent to which the outcomes identified in the plan have been achieved during the reporting period.

Plans, studies, analyses and information

- 2.32** (1) The chief forester may, by order, for the purposes of preparing or amending a forest landscape plan or preparing a report under section 2.31 in relation to a forest landscape plan, require a person referred to in subsection (2) of this section to take one or more of the following actions, as the chief forester considers adequate:
- (a) prepare and submit to the chief forester plans, studies or analyses;
 - (b) obtain and submit to the chief forester information.
- (2) The following persons may be the subject of an order under subsection (1):
- (a) the holder of an agreement that authorizes timber harvesting in the forest landscape area;
 - (b) the holder of a forest operations plan to which the forest landscape plan applies or will apply, as applicable.
- (3) A plan, study or analysis or information required under subsection (1) must be prepared, submitted or obtained within the time and in the form and manner specified in the order.

Notice of decisions in relation to forest landscape plans

- 2.33** (1) The chief forester must give notice to the holder of an agreement that grants rights to harvest timber in a forest landscape area if, in relation to the forest landscape plan, the chief forester makes an order that
- (a) amends the plan,
 - (b) extends the term of the plan, or
 - (c) cancels the plan.
- (2) Subject to subsection (3), if the holder of an agreement submits a forest operations plan or amendment for approval under Division 2 of this Part before the chief forester gives notice to the holder of an order under subsection (1), that Division applies to the submission for approval as though the order were not made.
- (3) Subsection (2) does not apply if the holder of the agreement waives the right to be given notice of the order.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

Requirement to keep records of forest landscape plans

- 2.34** (1) The chief forester must keep a record of each forest landscape plan and of each of the following, as applicable, that relates to the plan:
- (a) the order establishing the plan;
 - (b) an order that
 - (i) amends the plan,
 - (ii) extends the term of the plan, or
 - (iii) cancels the plan;
 - (c) a report published under section 2.31.
- (2) The chief forester must, in a manner the chief forester considers adequate, make available to a person on request a copy of each record referred to in subsection (1).
- (3) During the term of a forest landscape plan, the chief forester must publish on a ministry website
- (a) the plan, and
 - (b) the records referred to in subsection (1) (a), (b) (i) and (ii) and (c) that relate to the plan.

Division 2 – Forest Operations Plan

Forest operations plan

- 2.35** (1) In this section:
- “**approved forest operations plan**” means a forest operations plan that is approved by the minister;
- “**forest landscape area**” includes an area of land that was formerly a forest landscape area.
- (2) If land subject to an agreement is located inside a forest landscape area, the holder of the agreement must not do any of the following unless the holder holds an approved forest operations plan that applies to the land:
- (a) apply for a cutting permit to harvest timber on the land;
 - (b) apply for a road permit to construct a road on the land;
 - (c) harvest timber on the land;
 - (d) construct a road on the land.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (3) A timber sales manager may not do any of the following in relation to land located inside a forest landscape area unless the timber sales manager holds an approved forest operations plan that applies to the land:
 - (a) invite applications for, or enter into, a timber sale licence that grants rights to harvest timber on the land;
 - (b) grant to the holder of a timber sale licence a road permit to construct a road on the land;
 - (c) construct a road on the land for access to an area to be harvested under a timber sale licence.
- (4) The holder of an agreement is exempt from subsection (2) (c) and (d) if the holder harvests timber or constructs roads in an area of land that is subject to a cutting permit or road permit issued before
 - (a) the expiry of a forest operations plan that applied to the area subject to the permit, or
 - (b) the removal of the holder as a party to a forest operations plan that applied to the area subject to the permit.
- (5) The holder of an agreement is exempt from subsection (2) if the holder only does one or more of the following on land subject to the agreement:
 - (a) harvests timber to eliminate a safety hazard;
 - (b) harvests timber to facilitate the collection of seed, leaving an opening not greater than 1 ha;
 - (c) removes felled trees from landings and road rights of way;
 - (d) harvests timber not exceeding a volume of 500 m³ that, in the opinion of the minister,
 - (i) is in danger of being significantly reduced in value, lost or destroyed, by insect infestation, fire or disease, or
 - (ii) has been treated or will be treated by the holder to facilitate the entrapment or elimination of pests;
 - (e) harvests timber or constructs roads for a prescribed purpose.
- (6) A timber sales manager is exempt from subsection (3) in prescribed circumstances.

Content of forest operations plan

- 2.36** (1) A forest operations plan must do the following:
- (a) specify the forest operations area;
 - (b) include requirements for the forest operations area in respect of forest practices, silvicultural systems and stocking standards;
 - (c) meet the prescribed requirements.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (2) A forest operations plan held by the holder of an agreement must include a map, in a scale and form satisfactory to the minister, that shows the following:
 - (a) the approximate location of each proposed cutblock that is to be the subject of a cutting permit that the holder intends to apply for during the term of the forest operations plan;
 - (b) the approximate location of each proposed road that is to be the subject of a road permit that the holder intends to apply for during the term of the forest operations plan;
 - (c) the location of each existing cutblock
 - (i) that is within a prescribed distance of a proposed cutblock referred to in paragraph (a), and
 - (ii) in which the holder has harvested or started harvesting timber under the agreement;
 - (d) the location of each existing road
 - (i) that is continuous to or within a prescribed distance of a proposed road referred to in paragraph (b), and
 - (ii) that has been constructed by the holder under a cutting permit or road permit or that is authorized under a cutting permit or road permit held by the holder;
 - (e) the location of each area that is subject to a cutting permit or road permit held by the holder of the agreement.
- (3) A forest operations plan held by a timber sales manager must include a map, in a scale and form satisfactory to the minister, that shows the following:
 - (a) the approximate location of each proposed cutblock that the timber sales manager intends to include in timber sale licences for which the timber sales manager will invite applications during the term of the forest operations plan;
 - (b) the approximate location of each proposed road that the timber sales manager intends to construct during the term of the forest operations plan;
 - (c) the location of each area that is subject to a timber sale licence;
 - (d) the location of each existing road that has been constructed for access to an area that is subject to a timber sale licence.
- (4) For the purposes of complying with subsection (1) (b), a forest operations plan may incorporate by reference a requirement described in a planning guideline that applies to the forest operations plan.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (5) A requirement in a planning guideline that is incorporated by reference in a forest operations plan under subsection (4)
 - (a) is deemed to be included in the forest operations plan, and
 - (b) is incorporated as it read in the planning guideline on the date on which the forest operations plan is approved or amended to include the requirement, as applicable.

Additional requirements if forest operations plan is inconsistent with planning guidelines

- 2.37** (1) If either of the following shown in a forest operations plan is inconsistent with a planning guideline under section 2.28 (2) (a) or (b) that applies to the forest operations plan, the forest operations plan must include a statement of the reasons for the inconsistency:
- (a) the location, size or configuration of a proposed cutblock;
 - (b) the location of a proposed road.
- (2) If a forest operations plan does not include a requirement respecting forest practices, silvicultural systems or stocking standards described in a planning guideline under section 2.28 (2) (c) that applies to the forest operations plan, the forest operations plan must include one of the following:
- (a) a statement setting out why the requirement in the planning guideline is not included in the forest operations plan;
 - (b) a substitution for the requirement in the planning guideline, together with a statement setting out
 - (i) why the substituted requirement is included in the forest operations plan, and
 - (ii) how the substituted requirement will achieve an outcome similar to the outcome to which the requirement in the planning guideline relates.

Engagement on and review of forest operations plans

- 2.38** (1) A person must not submit to the minister for approval a forest operations plan or an amendment to a forest operations plan unless the person has done the following, in accordance with the regulations:
- (a) made reasonable efforts to engage with Indigenous nations affected by the plan;
 - (b) made the plan publicly available for review and comment.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (2) In submitting a forest operations plan or amendment to the minister for approval, the person submitting the plan or amendment must include the following:
 - (a) a summary of the engagement referred to in subsection (1) (a) and a description of any changes made to the plan to address matters raised by Indigenous nations;
 - (b) a summary of the public review and comment referred to in subsection (1) (b) and a description of any changes made to the plan to address comments received from the public.
- (3) If the minister requests a person to resubmit a forest operations plan or amendment to address changes requested by the minister, the minister may relieve the person from the requirements under subsections (1) and (2) for the purposes of resubmitting the plan or amendment.

Approval of forest operations plans

- 2.39** (1) Subject to section 2.4, the minister may approve a forest operations plan or an amendment to a forest operations plan if satisfied of all of the following:
- (a) the plan or amendment meets the requirements set out in sections 2.36 and 2.37, as applicable;
 - (b) the person who submitted the plan or amendment has complied with section 2.38 (1) and (2);
 - (c) the person who submitted the plan or amendment has given sufficient consideration to
 - (i) matters raised by Indigenous nations during engagement under section 2.38 (1) (a), and
 - (ii) comments received from the public under section 2.38 (1) (b).
- (2) Subject to subsection (3), the minister may, in approving a forest operations plan or amendment, impose a condition under section 112 (1) that the holder, by the date specified by the minister, deactivate a road authorized under a road permit or cutting permit held by the holder, including a road that is located outside of the forest operations area.
- (3) A condition under subsection (2) may be imposed only in prescribed circumstances.
- (4) Except to the extent provided in subsection (3), nothing in subsection (2) limits the discretion of the minister under section 112 to attach a condition to the approval of a forest operations plan or amendment.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

Approval of forest operations plans that are inconsistent with forest landscape plans

- 2.4** (1) If a forest operations plan is inconsistent with a forest landscape plan, or would be inconsistent with a forest landscape plan as a result of an amendment to the forest operations plan, the minister may not approve the forest operations plan or amendment unless the minister is satisfied of all of the following:
- (a) the part of the forest operations plan or amendment that is inconsistent with the forest landscape plan nevertheless supports the outcomes included in the forest landscape plan;
 - (b) the forest operations plan or amendment supports the proper management and conservation of forests and forest ecosystems;
 - (c) the prescribed criteria, if any, are met.
- (2) For the purposes of this section, a forest operations plan is deemed to be inconsistent with a forest landscape plan if any of the following applies:
- (a) a proposed cutblock is located in an area, or has a size or configuration, contrary to a planning guideline under section 2.28 (2) (a) or (b);
 - (b) a proposed road is located in an area contrary to a planning guideline under section 2.28 (2) (a);
 - (c) the forest operations plan does not include, under section 2.36 (1) (b), a requirement relating to forest practices, silvicultural systems or stocking standards that is described in a planning guideline under section 2.28 (2) (c).
- (3) Subsection (2) does not limit the circumstances in which a forest operations plan may be considered to be inconsistent with a forest landscape plan.

Limited protection of certain roads and cutblocks

- 2.41** (1) A proposed forest operations plan or an amendment to a forest operations plan must be considered to have received the minister's approval under section 2.39 for the parts of the plan, if any, that relate to a cutting permit, road permit or timber sale licence that is in effect on the date on which the proposed forest operations plan is submitted for approval.
- (2) In prescribed circumstances, a forest operations plan or amendment must be considered to have received the minister's approval under section 2.39 for the parts of the plan that relate to prescribed matters or things.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

Term of forest operations plan

- 2.42** (1) The term of a forest operations plan
- (a) is the period, not exceeding 5 years, that the person submitting the plan for approval specifies at the time of submission, and
 - (b) begins on the date specified in writing by the minister in approving the plan.
- (2) Despite subsection (1), when the term of a replacement forest operations plan begins, the forest operations plan that is being replaced ceases to apply to the forest operations area of the replacement plan.

Extension of term of forest operations plan

- 2.43** (1) In this section, “**original expiry date**”, in relation to a forest operations plan, means the date on which the term of the plan would expire if no extension were made under this section.
- (2) Subject to subsection (3), the minister, by giving written notice to the holder of a forest operations plan, may extend the term of the plan as follows:
- (a) in prescribed circumstances, for a period of one year or less on one or more occasions;
 - (b) for a period of 2 years or less on one or more occasions if the minister considers that the government, before the plan expires, is unlikely to complete consultations with Indigenous nations in relation to a replacement forest operations plan.
- (3) The term of a forest operations plan may not be extended
- (a) under subsection (2) (a) to a date later than one year after the plan’s original expiry date, and
 - (b) under subsection (2) (b) to a date later than 2 years after the plan’s original expiry date.
- (4) The term of a forest operations plan may be extended under this section before or after the plan expires.
- (5) A forest operations plan that is extended under this section may include changes to the extent provided in the regulations.

**Amendments to forest operations plan
not effective unless approved**

- 2.44** Unless the regulations provide otherwise, an amendment to a forest operations plan is not effective unless the amendment is approved by the minister under section 2.39.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

Mandatory amendments to forest operations plan

- 2.45** (1) Unless the regulations provide otherwise, the holder of a forest operations plan must propose and submit, for approval by the minister under section 2.39 and in accordance with this section, an amendment to the plan if any of the following applies:
- (a) the area specified in the plan as the location of a proposed cutblock or proposed road is affected by an amendment to any of the following enactments:
 - (i) this Act;
 - (ii) the regulations;
 - (iii) a prescribed enactment;
 - (b) the holder is required by the regulations to propose and submit the amendment to the plan.
- (2) An amendment required under this section must address the following, as applicable:
- (a) an amendment to an enactment referred to in subsection (1) (a);
 - (b) a regulation referred to in subsection (1) (b).
- (3) An amendment required under this section must be submitted within the following period, as applicable:
- (a) in the case of a plan amendment required under subsection (1) (a), the longer of
 - (i) 6 months from the date that the enactment referred to in subsection (1) (a) is amended, and
 - (ii) the period, if any, specified in the enactment referred to in subsection (1) (a);
 - (b) in the case of a plan amendment required by a regulation referred to in subsection (1) (b), a period of 6 months or longer specified in the regulation.
- (4) In prescribed circumstances, the minister may exempt a person from a requirement to amend a plan under subsection (1).

Annual forest development schedule

- 2.46** (1) On or before December 31 of each calendar year, the holder of a forest operations plan, other than a timber sales manager, must make publicly available, in accordance with the regulations, a forest development schedule that shows each location in the forest operations area where the holder intends to start harvesting timber or constructing roads in the next calendar year.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (2) On or before December 31 of each calendar year, a timber sales manager who holds a forest operations plan must publish on a ministry website a forest development schedule that shows each location in the forest operations area that will be included in timber sale licences for which the timber sales manager intends to invite applications in the next calendar year.
- (3) A forest development schedule must be consistent with the forest operations plan to which the schedule relates.
- (4) A forest development schedule must meet the prescribed requirements, if any.

Division 3 – Site Level Plans

Site level plans for cutblocks and roads

- 2.47 (1) Unless the regulations provide otherwise, the holder of a forest operations plan must prepare a site level plan
- (a) for a cutblock, before the holder starts harvesting timber on the cutblock, and
 - (b) for a road, before the holder starts harvesting timber for the purposes of constructing the road.
- (2) A site level plan must do the following:
- (a) identify the approximate locations of cutblocks and roads;
 - (b) be consistent with the forest landscape plan and forest operations plan that applies to the plan area of the site level plan;
 - (c) meet the prescribed requirements.
- (3) A site level plan may apply to one or more cutblocks and roads whether the cutblocks and roads are located within one forest operations area or more than one forest operations area.

Division 4 – Exemptions Relating to Forest Stewardship Plans

Exemption from requirement to hold forest operations plan – activities under forest stewardship plans in new forest landscape areas

- 2.48 (1) In this section:
- “**new forest landscape area**” has the meaning given to it in subsection (2);
 - “**related forest landscape plan**” means the forest landscape plan that establishes a new forest landscape area.
- (2) For the purposes of this section, an area of land is a new forest landscape area if, immediately before the establishment of a forest landscape plan that applies to the area, the area has never been included in a forest landscape area.

SECTION 33: *[Forest and Range Practices Act, Part 1.1 – continued]*

- (3) Subject to subsection (4), the holder of a forest stewardship plan is exempt from section 2.35 (2) and (3) in relation to a portion of a forest development unit included in the plan if the portion is within a new forest landscape area and either of the following applies:
 - (a) the forest stewardship plan is approved by the minister before the date on which the related forest landscape plan takes effect;
 - (b) the forest stewardship plan, or an amendment to the forest stewardship plan to add the portion to the forest development unit,
 - (i) is submitted to the minister for approval before the date on which the related forest landscape plan takes effect, and
 - (ii) is approved by the minister on or after the date on which the related forest landscape plan takes effect.
- (4) The exemption under subsection (3) ceases to apply to the person on the following date, as applicable:
 - (a) unless paragraph (b) of this subsection applies, the date that is one year after the date on which the related forest landscape plan takes effect;
 - (b) if the holder, within 6 months after the date on which the related forest landscape plan takes effect, submits to the minister for approval a forest operations plan that applies to the portion, the date on which the forest operations plan is approved or rejected by the minister.
- (5) Despite section 16 (1.02), that section does not apply to a forest stewardship plan or amendment referred to in subsection (3) (b) of this section that is submitted to the minister for approval before the date on which the related forest landscape plan referred to in subsection (3) (b) of this section takes effect.

**Exemption from requirement to hold forest operations plan –
activities under cutting permits or road permits
issued in relation to forest stewardship plans**

- 2.49** The holder of an agreement is exempt from section 2.35 (2) (c) and (d) if the holder harvests timber or constructs roads in an area of land that is subject to a cutting permit or road permit issued before
- (a) the expiry of a forest stewardship plan that included a forest development unit containing the area subject to the permit, or
 - (b) the removal of the holder as a party to a forest stewardship plan that included a forest development unit containing the area subject to the permit.

SECTION 34: *[Forest and Range Practices Act, Division 5 of Part 1.1]* provides for the exercise of certain powers in accordance with a decision-making agreement made under section 7 of the *Declaration on the Rights of Indigenous Peoples Act*.

34 The following Division is added to Part 1.1:

Division 5 – Agreement with Indigenous Governing Body

Decision-making agreement

2.5 (1) In this Division:

“decision-making agreement” means an agreement entered into under section 7 of the *Declaration on the Rights of Indigenous Peoples Act* by the minister, on behalf of the government, and an Indigenous governing body relating to one or both of the following:

- (a) the exercise of a statutory power of decision under this Part jointly by
 - (i) the Indigenous governing body, and
 - (ii) the minister or the chief forester;
- (b) the consent of the Indigenous governing body before the exercise of a statutory power of decision of the minister or the chief forester under this Part;

“statutory power of decision” has the same meaning as in section 1 (1) of the *Declaration on the Rights of Indigenous Peoples Act*.

- (2) The definition of “agreement” in section 2.2 does not apply for the purposes of the definition of “decision-making agreement” in subsection (1) of this section.
- (3) This Division applies despite Divisions 1 and 2 of this Part and sections 79 to 83.1 and 84 (1).

**Decision-making agreement –
statutory power of decision of chief forester**

2.51 (1) This section applies in respect of the power of the chief forester to make the following orders:

- (a) an order under section 2.21 (1) establishing a forest landscape plan;
 - (b) an order under section 2.3 (1) extending the term of a forest landscape plan;
 - (c) an order amending or cancelling a forest landscape plan.
- (2) Subject to subsections (3) to (7), if a decision-making agreement has been entered into in respect of the power of the chief forester to make an order referred to in subsection (1),
- (a) the power must be exercised in accordance with the decision-making agreement, and
 - (b) a reference in this Act or the regulations to the order is to be read as a reference to the order as made in accordance with the decision-making agreement.

SECTION 34: *[Forest and Range Practices Act, Division 5 of Part 1.1 – continued]*

- (3) A decision-making agreement may establish objectives in addition to those set out in section 2.22 that must be considered in the preparation of a forest landscape plan.
- (4) Subject to subsection (5), sections 2.23 to 2.27 apply in respect of the preparation of a forest landscape plan to be established by an order made in accordance with a decision-making agreement.
- (5) If a decision-making agreement so provides, sections 2.23 to 2.27 do not apply in respect of an Indigenous governing body that is a party to the decision-making agreement in relation to a forest landscape plan to be established by an order made in accordance with the decision-making agreement.
- (6) Section 2.28 applies to a forest landscape plan established by an order made in accordance with a decision-making agreement.
- (7) The term of a forest landscape plan established by an order made in accordance with a decision-making agreement is the period of not less than 5 years and not more than 10 years specified in the order.

**Decision-making agreement –
statutory power of chief forester**

- 2.52** (1) This section applies in respect of the power of the chief forester under section 2.32 (1) to, by order, require the submission of plans, studies, analyses or information for the purposes of preparing or amending a forest landscape plan or preparing a report under section 2.31.
- (2) If a decision-making agreement provides for the exercise of the power of the chief forester to make an order referred to in subsection (1),
- (a) the power must be exercised in accordance with the decision-making agreement, and
 - (b) a reference in this Act or the regulations to the order is to be read as a reference to the order as made in accordance with the decision-making agreement.

**Decision-making agreement –
statutory power of minister**

- 2.53** (1) This section applies in respect of the following powers of the minister:
- (a) the power under section 2.38 (3) to relieve a person from the requirements under section 2.38 (1) and (2) for the purposes of resubmitting a forest operations plan or an amendment to a forest operations plan;
 - (b) the power under section 2.45 (4) to exempt a person from a requirement under section 2.45 (1) to amend a forest operations plan.

SECTION 34: *[Forest and Range Practices Act, Division 5 of Part 1.1 – continued]*

- (2) If a decision-making agreement provides for the exercise of a power of the minister referred to in subsection (1),
 - (a) the power must be exercised in accordance with the decision-making agreement, and
 - (b) a reference in this Act or the regulations to the power exercised by the minister is to be read as a reference to the power as exercised in accordance with the decision-making agreement.

**Decision-making agreement –
statutory power of decision of minister**

- 2.54** (1) This section applies in respect of the following powers of the minister:
- (a) the power under section 2.39 to approve a forest operations plan or an amendment to a forest operations plan;
 - (b) the power under section 2.43 to extend the term of a forest operations plan;
 - (c) the power under section 112 to impose, remove or vary conditions in respect of an approval of a forest operations plan or of an amendment to a forest operations plan.
- (2) Subject to subsection (3), if a decision-making agreement has been entered into in respect of a power of the minister referred to in subsection (1),
 - (a) the power must be exercised in accordance with the decision-making agreement, and
 - (b) a reference in this Act or the regulations to the power exercised by the minister is to be read as a reference to the power as exercised in accordance with the decision-making agreement.
 - (3) The criteria set out in sections 2.39 (1) (a) to (c) and 2.4 (1) (a) to (c) apply to the granting of an approval of a forest operations plan or of an amendment to a forest operations plan in accordance with a decision-making agreement.
 - (4) Section 2.39 (2) to (4) applies, with the necessary changes, to the imposition of conditions in respect of an approval of a forest operations plan or of an amendment to a forest operations plan in accordance with a decision-making agreement.
 - (5) Section 79 applies to a correction of an approval granted under section 2.39 (1) in accordance with a decision-making agreement, except that the reference in that section to the person who made the determination is to be read as a reference to the minister.
 - (6) A review required under section 80 (1) of an approval granted under section 2.39 (1) in accordance with a decision-making agreement must be conducted in accordance with the decision-making agreement.

SECTION 34: *[Forest and Range Practices Act, Division 5 of Part 1.1– continued]*

SECTION 35: *[Forest and Range Practices Act, section 3]*

- restricts certain persons from harvesting timber and constructing roads, and from applying for cutting permits to harvest timber or road permits to construct roads, on land outside a forest landscape area unless the person holds an approved forest stewardship plan;
- is consequential to the amendments made by this Bill to the Act.

- (7) A review referred to in subsection (6) may be conducted only if there is evidence that was not available at the time of the original determination.
- (8) Section 80 (2), (3) and (5) applies, with the necessary changes, to a review referred to in subsection (6).
- (9) The minister may extend the time limit for requiring a review referred to in subsection (6) before or after its expiry.
- (10) Unless a decision-making agreement so provides, sections 81 to 83.1 and 84 (1) do not apply with respect to
 - (a) an approval granted under section 2.39 (1) in accordance with the decision-making agreement, and
 - (b) a decision made after completion of a review of the approval.
- (11) If a decision-making agreement provides that section 81 applies with respect to an approval referred to in subsection (10) (a) of this section,
 - (a) a review required by the board under section 81 (1) must be conducted in accordance with the decision-making agreement, and
 - (b) the minister may extend the time limit for requiring a review referred to in paragraph (a) of this subsection before or after its expiry.

35 Section 3 is amended

(a) by repealing subsection (0.1) and substituting the following:

(0.1) In this section:

“agreement” means any of the following agreements under the *Forest Act*:

- (a) a forest licence;
- (b) a tree farm licence;
- (c) a community forest agreement;
- (d) a timber licence;
- (e) a forestry licence to cut that is a major licence;

“approved forest stewardship plan” means a forest stewardship plan that is approved by the minister;

“forest landscape area” includes an area of land that was formerly a forest landscape area. ,

SECTION 35: *[Forest and Range Practices Act, section 3 – continued]*

SECTION 36: *[Forest and Range Practices Act, section 4]* is consequential to the amendments made by this Bill to the Act.

SECTION 37: *[Forest and Range Practices Act, section 5]* requires a forest stewardship plan to conform with objectives prescribed by the minister.

(b) by repealing subsections (1), (1.1) and (2) and substituting the following:

- (1) If land subject to an agreement is located outside a forest landscape area, the holder of the agreement must not do any of the following unless the holder holds an approved forest stewardship plan that includes a forest development unit that contains the land:
 - (a) apply for a cutting permit to harvest timber on the land;
 - (b) apply for a road permit to construct a road on the land;
 - (c) harvest timber on the land;
 - (d) construct a road on the land.
- (1.1) The holder of an agreement is exempt from subsection (1) (c) and (d) if the holder harvests timber or constructs roads in an area of land that is subject to a cutting permit or road permit issued before
 - (a) the expiry of a forest stewardship plan that included a forest development unit containing the area subject to the permit, or
 - (b) the removal of the holder as a party to a forest stewardship plan that included a forest development unit containing the area subject to the permit.
- (2) A timber sales manager may not do any of the following in relation to land located outside a forest landscape area unless the timber sales manager holds an approved forest stewardship plan that includes a forest development unit that contains the land:
 - (a) invite applications for, or enter into, a timber sale licence that grants rights to harvest timber on the land;
 - (b) grant to the holder of a timber sale licence a road permit to construct a road on the land;
 - (c) construct a road on the land for access to an area to be harvested under a timber sale licence. , **and**

(c) in subsection (4) (c) by adding “located outside a forest landscape area” after “areas of land”.

36 Section 4 (1) is amended by striking out “the holder of a licence or an agreement” and substituting “the holder of an agreement”.

37 Section 5 (1) (b) is amended by striking out “and” at the end of subparagraph (i) and by adding the following subparagraph:

- (i.1) if a portion of a forest development unit is within an area prescribed by the minister under section 168.1, the objectives prescribed by the minister under that section for prescribed resources and features in that area, and .

SECTION 38: *[Forest and Range Practices Act, section 11]* repeals the section consequential to the amendments made by this Bill to the Act.

SECTION 39: *[Forest and Range Practices Act, section 12]*

- restricts a person who holds a woodlot licence from applying for a cutting permit or road permit to construct a road unless the person holds an approved woodlot licence plan;
- is consequential to the amendments made by this Bill to the Act.

SECTION 40: *[Forest and Range Practices Act, section 16]*

- restricts the minister from approving a forest stewardship plan unless certain requirements relating to engagement with Indigenous nations and public review and comment are met;
- restricts the minister from approving a forest stewardship plan or amendment if a portion of a forest development unit included in the plan would be within the forest landscape area;
- is consequential to the amendments made by this Bill to the Act.

38 Section 11 is repealed.

39 Section 12 is amended

(a) by adding the following subsection:

(0.1) In this section, “**approved woodlot licence plan**” means a woodlot licence plan that is approved by the minister. , **and**

(b) by repealing subsections (1) and (1.1) and substituting the following:

(1) The holder of a woodlot licence must not do any of the following on land within the woodlot licence area unless the holder holds an approved woodlot licence plan that includes the land:

- (a) apply for a cutting permit to harvest timber on the land;
- (b) apply for a road permit to construct a road on the land;
- (c) harvest timber on the land;
- (d) construct a road on the land.

(1.1) The holder of a woodlot licence is exempt from subsection (1) (c) and (d) if the holder harvests timber or constructs roads in an area of land that is subject to a cutting permit or road permit issued before the expiry of a woodlot licence plan that included the area subject to the permit.

40 Section 16 is amended

(a) by repealing subsection (1) and substituting the following:

(1) Subject to subsection (1.02), the minister must approve a forest stewardship plan or an amendment to a forest stewardship plan if satisfied of all of the following:

- (a) the plan meets the requirements set out in section 5;
- (b) the person who submitted the plan has complied with section 18 (1) and (2);
- (c) the person who submitted the plan has given sufficient consideration to
 - (i) matters raised by Indigenous nations during engagement under section 18 (1) (a), and
 - (ii) comments received from the public under section 18 (1) (b). , **and**

SECTION 40: *[Forest and Range Practices Act, section 16 – continued]*

SECTION 41: *[Forest and Range Practices Act, section 18]* sets out requirements for engagement with Indigenous nations and for public review and comment before a forest stewardship plan is submitted to the minister for approval.

SECTION 42: *[Forest and Range Practices Act, sections 19 and 20.1]* is consequential to the amendments made by this Bill to the Act.

(b) by adding the following subsection:

- (1.02) The minister may not under subsection (1) approve the following:
- (a) a forest stewardship plan if a portion of a forest development unit included in the plan would be within a forest landscape area or an area of land that was formerly a forest landscape area;
 - (b) an amendment to a forest stewardship plan if, as a result of the amendment, a portion of a forest development unit included in the plan would be within a forest landscape area or an area of land that was formerly a forest landscape area.

41 Section 18 is repealed and the following substituted:

Engagement on and review of forest stewardship plans

- 18** (1) A person must not submit to the minister for approval a forest stewardship plan, or an amendment to a forest stewardship plan, unless the person has done the following, in accordance with the regulations:
- (a) made reasonable efforts to engage with Indigenous nations affected by the plan;
 - (b) made the plan publicly available for review and comment.
- (2) In submitting a forest stewardship plan or amendment to the minister for approval, the person submitting the plan or amendment must include the following:
- (a) a summary of the engagement referred to in subsection (1) (a) and a description of any changes made to the plan to address matters raised by Indigenous nations;
 - (b) a summary of the public review and comment referred to in subsection (1) (b) and a description of any changes made to the plan to address comments received from the public.
- (3) If the minister requests a person to resubmit a forest stewardship plan or amendment to address changes requested by the minister, the minister may relieve the person from the requirements under subsections (1) and (2) for the purposes of resubmitting the plan or amendment.

42 Sections 19 and 20.1 are repealed.

SECTION 43: *[Forest and Range Practices Act, Part 2.1]*

- requires the holder of a forest operations plan to comply with the requirements and other provisions in the plan, even after the plan expires or after the person is removed as a holder of the plan;
- replaces Division 1 of Part 3;
- provides that a forest operations plan, forest stewardship plan or woodlot licence plan that applied to a portion of the permit area of a cutting permit or road permit continues to apply to activities carried out under the permit in the portion despite subsequent changes to the plan;
- provides that a forest stewardship plan that was in effect when a timber sale licence was advertised continues to apply to the area of land subject to the licence despite subsequent changes to the plan;
- provides that the requirements under sections 2.39, 8 and 15 to propose and submit an amendment to a forest stewardship plan or woodlot licence plan, as applicable, do not apply to a portion of land if
 - o the portion is subject to a cutting permit, road permit or timber sale licence,
 - o certain roads are or have been constructed over the portion, or
 - o the portion conforms to prescribed criteria;
- requires the holders of certain plans to make the plans publicly available;
- confirms that approval by the minister is required to add or remove persons as parties to forest operations plans, forest stewardship plans or woodlot licence plans.

43 *The following Part is added:*

PART 2.1 – GENERAL PROVISIONS RELATING TO FOREST OPERATIONS PLANS, FOREST STEWARDSHIP PLANS AND WOODLOT LICENCE PLANS

Division 1 – Definitions

Definitions for Part 2.1

20.2 In this Part:

- “**licence area**”, in relation to a timber sale licence, means the area of land subject to the licence;
- “**permit area**”, in relation to a cutting permit or road permit, means the area of land subject to the permit;
- “**plan area**” means,
 - (a) in relation to a forest operations plan, the forest operations area, and
 - (b) in relation to a forest stewardship plan or woodlot licence plan, the area to which the plan applies.

Division 2 – Compliance with Plans

Compliance with forest operations plans

- 20.21** (1) The holder of a forest operations plan must do the following:
- (a) comply with the requirements included in the plan;
 - (b) comply with any other provision in the plan that relates to a requirement referred to in paragraph (a).
- (2) Subject to subsection (4), if a forest operations plan expires, the obligation under subsection (1) continues to apply to the person who held the expired plan in relation to the requirements and other provisions in the plan as they read immediately before the plan expired.
- (3) Subject to subsection (4), if a forest operations plan is amended to remove a person as a holder of the plan, the obligation under subsection (1) continues to apply to the person in relation to the requirements and other provisions in the plan as they read immediately before the person was removed as a holder.
- (4) A person is not required to comply with an obligation that continues under subsection (2) or (3) if
- (a) the person holds another forest operations plan that applies to the same area to which the obligation relates, and
 - (b) the other forest operations plan includes a requirement or other provision that is identified as being a replacement for the requirement or other provision to which the obligation relates.

SECTION 43: *[Forest and Range Practices Act, Part 2.1 – continued]*

- (5) For the purposes of an obligation that continues under subsection (2) or (3), a requirement or other provision referred to in subsection (1) may, as applicable, be amended as if
 - (a) the forest operations plan had not expired, or
 - (b) the person had not been removed as a holder of the forest operations plan.

**Compliance with forest stewardship plans
and woodlot licence plans**

- 20.22** (1) The holder of a forest stewardship plan or woodlot licence plan must do the following:
- (a) ensure that the intended results specified in the plan are achieved;
 - (b) carry out the strategies described in the plan;
 - (c) comply with any other provision in the plan that relates to a result or strategy referred to in paragraph (a) or (b).
- (2) Subject to subsection (4), if a forest stewardship plan or woodlot licence plan expires, the obligation under subsection (1) continues to apply to the person who held the expired plan in relation to the results, strategies and other provisions in the plan as they read immediately before the plan expired.
 - (3) Subject to subsection (4), if a forest stewardship plan is amended to remove a person as the holder of the plan, the obligation under subsection (1) continues to apply to the person in relation to the results, strategies and other provisions in the plan as they read immediately before the person was removed as a holder.
 - (4) A person is not required to comply with an obligation that continues under subsection (2) or (3) if
 - (a) the person holds another forest stewardship plan or woodlot licence plan, or a forest operations plan, that applies to the same area to which the obligation relates, and
 - (b) that other plan includes a provision that is identified as being a replacement for the result, strategy or other provision to which the obligation relates.
 - (5) For the purposes of an obligation that continues under subsection (2), a result, strategy or other provision referred to in subsection (1) may be amended as if the forest stewardship plan or woodlot licence plan had not expired.

SECTION 43: *[Forest and Range Practices Act, Part 2.1 – continued]*

Division 3 – Protection of Cutting Permits, Road Permits and Timber Sale Licences

Plans that apply to issued permits and licences

- 20.23** (1) If a forest operations plan, forest stewardship plan or woodlot licence plan applies to a portion of the permit area of a cutting permit or road permit on the following date, the plan, as it read on that date, continues to apply in relation to the activities carried out under the permit in the portion despite any subsequent amendment, replacement or expiration of the plan:
- (a) unless paragraph (b) applies, the date on which the permit is issued;
 - (b) if the portion was added to the permit area by an amendment to the permit, the date on which the permit was amended.
- (2) If a forest operations plan or forest stewardship plan applies to the licence area of a timber sale licence on the date the licence is advertised, the plan, as it read on that date, continues to apply to the licence area despite any subsequent amendment, replacement or expiration of the plan.

Exemption from requirement to amend operational plan

- 20.24** The requirement under section 2.45 (1), 8 (1) or 15 (2) to propose and submit amendments to a forest operations plan, forest stewardship plan or woodlot licence plan, as applicable, does not apply to a portion of the plan area if
- (a) the portion is
 - (i) a permit area of a cutting permit or road permit, or
 - (ii) a licence area of a timber sale licence,
 - (b) a road referred to in section 20.27 exists on the portion, or
 - (c) the portion conforms to prescribed criteria.

Division 4 – Miscellaneous

Planning documents made available to the public

- 20.25** (1) In this section, “**plan**” means any of the following:
- (a) a forest operations plan;
 - (b) a forest stewardship plan;
 - (c) a woodlot licence plan;
 - (d) a site level plan referred to in section 2.52;
 - (e) a site plan referred to in section 10.
- (2) A person, other than a timber sales manager, who holds a plan must make the plan publicly available in accordance with the regulations.
- (3) A timber sales manager who holds a plan must publish the plan on a ministry website.

SECTION 43: *[Forest and Range Practices Act, Part 2.1 – continued]*

SECTION 44: *[Forest and Range Practices Act, Division 1 of Part 3]* is consequential to the amendments made by this Bill to the Act.

SECTION 45: *[Forest and Range Practices Act, section 21.1]* adds definitions for the purposes of Division 2 of Part 3 of the Act.

Additional parties to plans

- 20.26** (1) Subject to subsections (2) and (3), if a forest operations plan, forest stewardship plan or woodlot licence plan has been approved by the minister, a person may be added or removed as a party to the plan only if an amendment to add or remove the person as a party to the plan is approved by the minister.
- (2) Unless the regulations provide otherwise, a forest operations plan may be held only by one person.
- (3) A woodlot licence plan may be held only by the holder of the woodlot licence to which the plan relates.

**Roads constructed by the minister
for accessing timber sale licences**

- 20.27** An approval or refusal to approve a forest operations plan, a forest stewardship plan or an amendment to a forest operations plan or forest stewardship plan does not affect the minister's discretion under section 121 of the *Forest Act* to construct a road to provide access to an area to be harvested under a timber sale licence.

44 *Division 1 of Part 3 is repealed.*

45 *The following section is added to Division 2 of Part 3:*

Definitions for Division 2

- 21.1** (1) In this Division:
- “**construct**”, in relation to a road, includes to modify the road;
- “**forest resource road**” means a road, other than a road referred to in subsection (2), that is
- (a) on Crown land in a Provincial forest,
 - (b) outside a Provincial forest and for the purpose of providing access to timber on Crown land,
 - (c) on private land that is subject to an agreement under the *Forest Act*, or
 - (d) subject to a requirement for a special use permit;
- “**major culvert**” has the prescribed meaning;
- “**modify**”, in relation to a road, includes
- (a) to widen the running surface of the road,
 - (b) to realign or reconstruct a portion of the road, and
 - (c) to install or replace a bridge or major culvert associated with the road;

SECTION 45: *[Forest and Range Practices Act, section 21.1 – continued]*

“natural resource development purpose”, in relation to a road, means use of the road for any of the following purposes:

- (a) developing a natural resource other than timber;
- (b) transporting a natural resource other than timber;
- (c) transporting equipment, materials or personnel associated with an activity referred to in paragraph (a) or (b);

“right of way”, in relation to a road, means one of the following:

- (a) unless paragraph (b) applies, the Crown land in the area that is
 - (i) the length of the road, and
 - (ii) 37.5 metres on each side of the centre line of the road;
- (b) if a road permit shows or describes the road corridor in which the road may be constructed, the Crown land in that road corridor;

“road prism”, in relation to a road, means the area consisting of

- (a) the road surface, and
- (b) any cut slope and road fill;

“significant road work”, in relation to a forest service road, means the following:

- (a) modifying the forest service road;
- (b) constructing works in the road prism or right of way of the forest service road;
- (c) connecting a road to the forest service road;

“silviculture purpose”, in relation to a road, means use of the road for either of the following purposes:

- (a) providing access for tree planting that requires more than 12 months to complete;
- (b) transporting machinery associated with silviculture treatments;

“timber harvesting purpose”, in relation to a road, means use of the road for any of the following purposes:

- (a) timber harvesting;
- (b) transporting timber;
- (c) transporting equipment, materials or personnel associated with an activity referred to in paragraph (a) or (b).

SECTION 45: *[Forest and Range Practices Act, section 21.1 – continued]*

SECTION 46: *[Forest and Range Practices Act, section 21.1]* amends the definition of “significant road work” added by this Bill to section 21.1 of the Act.

SECTION 47: *[Forest and Range Practices Act, section 21.2]*

- provides that the obligations and prohibitions under Division 2 of Part 3 of the Act do not apply to the government, except as provided by the regulations;
- provides that a provision under the Act prevails in the event of conflict or inconsistency with a provision under the *Industrial Roads Act*.

SECTION 48: *[Forest and Range Practices Act, section 22]* is consequential to the addition by this Bill of the definition of “forest resource road” to section 21.1 of the Act.

- (2) The following roads are excluded from the definition of “forest resource road” in subsection (1):
- (a) a forest service road;
 - (b) a road authorized under the *Land Act*;
 - (c) a provincial public highway within the meaning of the *Transportation Act*;
 - (d) a road constructed or maintained under the *Community Charter*;
 - (e) a road constructed or maintained under the *Pipeline Act*, before the repeal of that Act.

46 Section 21.1 (1) is amended by repealing the definition of “significant road work” and substituting the following:

“significant road work” means,

- (a) in relation to a forest service road, the following:
 - (i) modifying the forest service road;
 - (ii) constructing works in the road prism or right of way of the forest service road;
 - (iii) connecting a road to the forest service road, and
- (b) in relation to a road authorized under a road permit, the following:
 - (i) modifying the road;
 - (ii) constructing works in the road prism of the road;
 - (iii) connecting another road to the road; .

47 The following section is added:

Application

- 21.2** (1) Except as provided by the regulations, the obligations and prohibitions set out in this Division do not apply to the government.
- (2) If a provision under this Act conflicts or is inconsistent with a provision under the *Industrial Roads Act*, the provision under this Act prevails.

48 Section 22 is amended

- (a) by repealing subsection (1),
- (b) in subsection (2) by adding “or” at the end of paragraph (a), and
- (c) by repealing subsection (2) (b) to (d) and substituting the following:
 - (b) a forest resource road.

SECTION 49: *[Forest and Range Practices Act, section 22]* is consequential to the amendments made by this Bill to the Act.

SECTION 50: *[Forest and Range Practices Act, sections 22.1 to 22.12]*

- repeals and replaces section 22.1 to improve clarity;
- changes terminology to be consistent with other provisions in the Act.

49 *Section 22 (2) is amended by striking out “forest stewardship plan or a woodlot licence plan” and substituting “forest operations plan, forest stewardship plan or woodlot licence plan”.*

50 *Section 22.1 is repealed and the following substituted:*

**Use of forest service roads for timber harvesting,
silviculture or natural resource development purposes**

- 22.1** (1) A person must not use a forest service road for a timber harvesting purpose, silviculture purpose or natural resource development purpose unless one of the following applies:
- (a) the person is authorized to use the road under a road use permit;
 - (b) the person is granted an exemption under subsection (2).
- (2) The minister may grant an exemption to a person for the purposes of subsection (1) (b) if satisfied that the person’s use of the forest service road will not
- (a) unnecessarily impact forest resources,
 - (b) materially affect the use of the road by others, or
 - (c) materially increase the need for road maintenance.
- (3) A person granted an exemption under subsection (2) must comply with any conditions of the exemption imposed by the minister.
- (4) Subsection (1) does not apply to a person if the person’s use of the forest service road is related to operations associated with an agreement under the *Range Act*.

**Use of forest resource roads for timber harvesting,
silviculture or natural resource development purposes**

- 22.11** (1) A person must not use a forest resource road for a timber harvesting purpose or silviculture purpose unless one of the following applies:
- (a) the person is authorized to use the road under
 - (i) a road permit,
 - (ii) a cutting permit,
 - (iii) a woodlot licence,
 - (iv) a timber sale licence, or
 - (v) a forestry licence to cut;
 - (b) the road is authorized under any of the following held by another person:
 - (i) a permit or licence referred to in paragraph (a) (i) to (iv);
 - (ii) a special use permit;
 - (c) the person is granted an exemption under subsection (3).

SECTION 50: *[Forest and Range Practices Act, sections 22.1 to 22.12 – continued]*

- (2) A person must not use a forest resource road for a natural resource development purpose unless one of the following applies:
 - (a) the person is authorized to use the road under a special use permit;
 - (b) the road is authorized under any of the following held by another person:
 - (i) a road permit;
 - (ii) a woodlot licence;
 - (iii) a special use permit;
 - (c) the road
 - (i) was constructed under the authority of the *Coal Act*, *Mineral Tenure Act*, *Mines Act* or *Mining Right of Way Act*,
 - (ii) is located within the boundary of a claim, lease, permit or other authorization granted or issued under an Act specified in subparagraph (i), and
 - (iii) is being used for the purposes of developing a natural resource, other than timber, under the applicable authorization specified in subparagraph (ii);
 - (d) the road is authorized under the *Geothermal Resources Act* or *Petroleum and Natural Gas Act*;
 - (e) the person is granted an exemption under subsection (3).
- (3) The minister may grant an exemption to a person for the purposes of subsection (1) (c) or (2) (e) if satisfied that the person's use of the forest resource road will not unnecessarily impact forest resources.
- (4) A person who is granted an exemption under subsection (3) must do the following:
 - (a) maintain the road, for the duration of the person's use of the road, in accordance with the regulations and any applicable forest stewardship plan or woodlot licence plan;
 - (b) comply with any conditions of the exemption imposed by the minister.
- (5) Subsection (1) does not apply to a person if the person's use of the forest resource road is for a timber harvesting purpose related to operations associated with an agreement under the *Range Act*.

Notice of use of forest service road or road authorized under permit or licence

- 22.12** (1) A person who intends to use a forest service road for a timber harvesting purpose, silviculture purpose or natural resource development purpose must provide notice to the following, in accordance with subsection (3):
- (a) the minister;
 - (b) if applicable, the holder of a road use permit to whom the obligation to maintain the forest service road has been transferred.

SECTION 50: *[Forest and Range Practices Act, sections 22.1 to 22.12 – continued]*

SECTION 51: *[Forest and Range Practices Act, section 22.11]* is consequential to the amendments made by this Bill to the Act.

SECTION 52: *[Forest and Range Practices Act, section 22.2]*

- changes terminology to be consistent with other provisions in the Act;
- is consequential to the amendments made by this Bill to the Act.

- (2) If a road is authorized under any of the following permits or licences, a person who intends to use the road for a timber harvesting purpose, silviculture purpose or natural resource development purpose must provide notice to the holder of the permit or licence, in accordance with subsection (3):
 - (a) a road permit;
 - (b) a cutting permit;
 - (c) a woodlot licence;
 - (d) a timber sale licence;
 - (e) a special use permit.
- (3) A notice required under subsection (1) or (2) must
 - (a) be given on or before the earlier of the following:
 - (i) the date that is 6 days before the date on which the person will begin to use the road;
 - (ii) the prescribed date, if any,
 - (b) be given in the prescribed form and manner, if any, and
 - (c) specify the date on which the person will begin using the road.
- (4) Subsections (1) and (2) do not apply to a person if the person's use of the road is related to operations associated with an agreement under the *Range Act*.

51 Section 22.11 (4) is amended by adding “forest operations plan,” before “forest stewardship plan”.

52 Section 22.2 is amended

- (a) in subsection (1) (b) by striking out “constructed or maintained by the holder of” and substituting “authorized under”,**
- (b) in subsection (1) by striking out “by any person, other than a person referred to in section 22.1, without charge” and substituting “by any person without charge for a purpose other than a timber harvesting purpose, silviculture purpose or natural resource development purpose”,**
- (c) in subsection (4) (b) by striking out “holders” and substituting “a holder of a permit or licence”, and**
- (d) in subsection (4) by striking out “a person, other than a person referred to in section 22.1, who uses a road or class of roads” and substituting “a person who uses a road or class of roads for a purpose other than a timber harvesting purpose, silviculture purpose or natural resource development purpose”.**

SECTION 53: *[Forest and Range Practices Act, section 22.2]*

- removes a reference to the *Industrial Roads Act*;
- is consequential to the addition by this Bill of section 155 (1) (g) and (h) to the Act.

SECTION 54: *[Forest and Range Practices Act, section 22.3]* authorizes the minister to require payment from users of prescribed forest service roads for maintenance of the roads.

53 Section 22.2 is amended

- (a) in subsection (1) by striking out “Subject to subsections (2) to (4)” and substituting “Subject to subsection (4)”**,
- (b) in subsection (1) by striking out “and to regulations respecting roads made under the *Industrial Roads Act*”, and**
- (c) by repealing subsections (2) and (3).**

54 Section 22.3 is amended

(a) by adding the following subsection:

- (0.1) In this section, **“person responsible for maintaining a road”** means the following:
 - (a) in relation to a road authorized under a road permit, the holder of the permit;
 - (b) in relation to a road authorized under a woodlot licence, the holder of the licence;
 - (c) in relation to a forest service road, the holder of a road use permit to whom the obligation to maintain the forest service road has been transferred, if applicable;
 - (d) in relation to a prescribed forest service road, the minister. ,

(b) by repealing subsection (1) and substituting the following:

- (1) By written notice in accordance with this section, the person responsible for maintaining a road may require payment, within the limits imposed under subsection (2) (b), from a person who uses the road for
 - (a) a timber harvesting purpose, silviculture purpose or natural resource development purpose, or
 - (b) a prescribed purpose. ,

(c) by adding the following subsection:

- (1.1) The holder of a road use permit to whom the obligation to maintain a forest service road has been transferred may give a notice under subsection (1) in relation to the forest service road only in the prescribed circumstances. ,

SECTION 54: *[Forest and Range Practices Act, section 22.3 – continued]*

SECTION 55: *[Forest and Range Practices Act, section 23]* repeals the section consequential to the addition by this Bill of section 23.1 to the Act.

SECTION 56: *[Forest and Range Practices Act, section 23.1]*

- prohibits persons from carrying out significant road work in relation to a forest service road;
- provides authority for the minister to authorize a person to carry out significant road work in relation to a forest service road.

(d) in subsection (3) by striking out “If the holder of the road permit, road use permit or woodlot licence who gives a written notice under subsection (1) and the person who receives the notice do not agree on what amount of payment should be required, the holder and the person” *and substituting* “Subject to subsection (3.1), if a person responsible for maintaining a road who gives a written notice under subsection (1) and the person who receives the notice do not agree on what amount of payment should be required, the person responsible for maintaining the road and the person who received that notice”,

(e) by adding the following subsection:

(3.1) Subsection (3) does not apply in respect of an amount specified in a notice given by the minister in respect of a forest service road. , *and*

(f) in subsection (4) by striking out “holder of the permit or licence” *and substituting* “person”.

55 *Section 23 is repealed.*

56 *The following section is added:*

Significant road work in relation to forest service roads

- 23.1** (1) A person must not carry out significant road work in relation to a forest service road unless one of the following applies:
- (a) the person is authorized under subsection (2) by the minister to carry out the significant road work;
 - (b) the person is authorized under the regulations to carry out the significant road work.
- (2) The minister may, on application, authorize a person to carry out significant road work in relation to a forest service road.
- (3) The minister, in granting an authorization under subsection (2), may impose under section 112 (1) one or more of the following conditions:
- (a) that the person give an indemnity to the government for losses or damages sustained by the government, or for claims for losses or damages made against the government, arising out of the significant road work;
 - (b) that the person obtain and maintain insurance.

SECTION 56: *[Forest and Range Practices Act, section 23.1 – continued]*

SECTION 57: *[Forest and Range Practices Act, section 23.1]*

- prohibits persons from carrying out significant road work in relation to a road authorized under a road permit;
- provides authority for the minister to authorize a person to carry out significant road work in relation to a road authorized under a road permit.

SECTION 58: *[Forest and Range Practices Act, sections 23.2 and 23.3]*

- authorizes the minister to require the holder of an agreement under the *Forest Act* to deactivate a road;
- authorizes the minister to exempt the holder of an agreement under the *Forest Act* from a requirement to deactivate a road.

- (4) If a person is authorized under subsection (2) to carry out significant road work in relation to a forest service road, the minister may authorize the person to use sand, gravel, rock or other materials in the road right of way for the purposes of carrying out the significant road work.
- (5) Nothing in subsection (3) of this section limits the discretion of the minister under section 112 (1) to attach a condition to an authorization granted under subsection (2) of this section.

57 Section 23.1 is amended

(a) by adding the following subsection:

- (1.1) A person must not carry out significant road work in relation to a road that is authorized under a road permit unless one of the following applies:
 - (a) the person is the holder of the road permit;
 - (b) the person has the consent of the holder of the road permit to carry out the significant road work;
 - (c) the person is authorized under subsection (2) by the minister to carry out the significant road work;
 - (d) the person is authorized to carry out the significant road work under the regulations. ,

(b) in subsections (2) and (4) by adding “or road authorized under a road permit” after “a forest service road”, and

(c) in subsection (3) by adding “in relation to a forest service road” after “an authorization under subsection (2)”.

58 The following sections are added:

Order to deactivate road

- 23.2** (1) The minister may, by order, require the holder of an agreement under the *Forest Act* to deactivate a road authorized or constructed under
 - (a) the agreement, or
 - (b) a cutting permit issued under the agreement.
- (2) An order made under subsection (1) must specify the following:
 - (a) the location of the road;
 - (b) the date by which the deactivation must be completed.

SECTION 58: *[Forest and Range Practices Act, sections 23.2 and 23.3 – continued]*

SECTION 59: *[Forest and Range Practices Act, section 24]* provides that section 42 of the *Transportation Act* does not apply to public money spent on certain roads.

SECTIONS

60 AND 61: *[Forest and Range Practices Act, sections 26 and 27]* are consequential to the amendments made by this Bill to the Act.

Exemption from deactivating road

- 23.3** (1) The minister may exempt the holder of an agreement under the *Forest Act* from a requirement under this Act or the *Forest Act* that relates to the deactivation of a road authorized or constructed under
- (a) the agreement, or
 - (b) a cutting permit issued under the agreement.
- (2) In determining whether to exempt a holder under subsection (1), the minister must consider the following:
- (a) public safety;
 - (b) human health and the environment;
 - (c) social and resource values;
 - (d) impacts on communities.

59 *Section 24 is repealed and the following substituted:*

Section 42 of *Transportation Act* does not apply

- 24** (1) Section 42 (1) of the *Transportation Act* does not apply to public money spent on the following:
- (a) a forest service road;
 - (b) a road authorized under an agreement under the *Forest Act* or under a cutting permit;
 - (c) a road authorized under a special use permit;
 - (d) a road constructed or maintained under section 121 of the *Forest Act* by the minister responsible for that Act;
 - (e) any other road constructed or maintained under
 - (i) this Act,
 - (ii) the *Forest Act*,
 - (iii) the former Act as defined in section 1 of the *Forest Act*, or
 - (iv) the *Forest Practices Code of British Columbia Act*.
- (2) A road referred to in subsection (1) does not become a public highway under the common law as result of public money being spent on the road.

60 *Section 26 is amended*

- (a) in subsection (2) by renumbering paragraph (a) as paragraph (a.1) and by adding the following paragraph:*
- (a) a forest operations plan, , *and*
- (b) in subsections (7) and (8) by adding “a forest operations plan,” before “a forest stewardship plan or a woodlot licence plan”.*

SECTIONS

60 AND 61: *[Forest and Range Practices Act, sections 26 and 27 – continued]*

SECTION 62: *[Forest and Range Practices Act, section 29]*

- requires persons who harvest timber under forest operations plans to establish free growing stands for net areas to be reforested;
- is consequential to the amendments made by this Bill to the Act.

SECTION 63: *[Forest and Range Practices Act, section 31.1]* authorizes the chief forester to make orders requiring the holders of forest stewardship plans to comply with stocking standards set out in the order.

SECTION 64: *[Forest and Range Practices Act, section 56]*

- removes a restriction on the minister establishing an interpretive forest site, recreation site or recreation trail on Crown land that is subject to another enactment;
- authorizes the minister to establish a trail-based recreation area on Crown land.

61 *Section 27 (4) is amended by adding “a forest operations plan,” before “a forest stewardship plan or a woodlot licence plan”.*

62 *Section 29 is amended*

(a) by adding the following subsection:

(0.1) The holder of an agreement within the meaning of section 2.2 who harvests timber to which a forest operations plan applies must establish, in accordance with the plan, the prescribed requirements and the standards, a free growing stand on those portions of the area of the harvest that are in the net area to be reforested. ,

(b) in subsection (1) by striking out “A holder of a major licence or community forest agreement” and substituting “The holder of an agreement within the meaning of section 3” and by striking out “establish in accordance with” and substituting “establish, in accordance with”, and

(c) by repealing subsection (2) and substituting the following:

(2) A timber sales manager who is the holder of a forest operations plan or forest stewardship plan must establish, in accordance with the plan, the prescribed requirements and the standards, a free growing stand on those portions of the area of the harvest under the plan that are in the net area to be reforested.

63 *The following section is added to Division 4 of Part 3:*

Stocking standards

- 31.1** (1) In prescribed circumstances, the chief forester may, by order, require the holder of a forest stewardship plan to comply with stocking standards set out in the order.
- (2) In making an order under subsection (1), the chief forester may exempt the holder of the forest stewardship plan from a stocking standard set out in the plan or the regulations on the condition that the holder complies with the stocking standards set out in the order.

64 *Section 56 is amended*

(a) in subsection (1) by striking out “is subject to another enactment and” and by striking out “a recreation site or a recreation trail” wherever it appears and substituting “a recreation site, a recreation trail or a trail-based recreation area”, and

(b) in subsection (3) by striking out “recreation site or recreation trail” and substituting “a recreation site, a recreation trail or a trail-based recreation area”.

SECTION 65: *[Forest and Range Practices Act, section 58]* is consequential to the amendments made by this Bill to the Act.

SECTION 66: *[Forest and Range Practices Act, section 71]* clarifies that, in a determination by the minister of whether a person has contravened a provision of the Act, it is sufficient proof that the provision was contravened by the person's contractor, employee or agent, even if the contractor, employee or agent has not been identified or made subject to a determination.

SECTION 67: *[Forest and Range Practices Act, section 72]* replaces an expression to improve clarity.

SECTION 68: *[Forest and Range Practices Act, section 77.1]* authorizes the minister to vary or suspend plans, practices, permits or agreements if, based on information not previously known, a forest practice or range practice adversely affects or is likely to adversely affect an aboriginal right or title.

SECTION 69: *[Forest and Range Practices Act, sections 79 to 81]* provides that the minister may correct an error made in a determination made under section 2.39 (1), as added by this Bill to the Act, within 15 days of the determination, and that the person who is subject to the determination or the Forest Practices Board may request a review.

SECTION 70: *[Forest and Range Practices Act, section 80]* provides that a person who is subject to a determination under section 108.3 (2), as added by this Bill to the Act, may request a review of the determination.

SECTION 71: *[Forest and Range Practices Act, section 87]* is consequential to the amendments made by this Bill to the Act.

65 Section 58 (1) (a) (ii) is amended

(a) by repealing clause (B) and substituting the following:

(B) a recreation site; , **and**

(b) by adding the following clauses:

(C) a recreation trail;

(D) a trail-based recreation area, .

66 Section 71 is amended

(a) by repealing subsection (3) and substituting the following:

(3) In a determination under subsection (1), it is sufficient proof that a person has contravened a provision of the Acts to establish that the provision has been contravened by the person’s contractor, employee or agent. , **and**

(b) by adding the following subsection:

(3.1) Subsection (3) applies even if the contractor, employee or agent has not been identified or made subject to a determination under subsection (1).

67 Section 72 is amended by striking out “For the purposes of a determination of the minister under section 71 or 74, no person may be found to have contravened” and substituting “For the purposes of a determination under section 71, the minister may not find that a person has contravened”.

68 Section 77.1 (1) and (2) is amended by striking out “will continue or result in a potential unjustifiable infringement of” and substituting “adversely affects or is likely to adversely affect”.

69 Sections 79 (1), 80 (1) and 81 (1) are amended by striking out “section 16,” and substituting “section 2.39 (1), 16,”.

70 Section 80 (1) is amended by striking out “108, 112 (1) (a)” and substituting “108 (1) or (2), 108.3 (2), 112 (1) (a)”.

71 Section 87 is amended

(a) in subsection (3) (a) by striking out “22.1 (1), (2), (5) or (6),” and substituting “22.1 (1) or (3), 22.11 (1), (2) or (4),” and

(b) in subsection (4) by striking out “section 23 (1), 53 (1) or (2),” and substituting “section 53 (1) or (2),”.

SECTION 72: *[Forest and Range Practices Act, section 87]*

- increases the penalties for contravening section 16 (5), 22.1 (1), 23 (1), 53 (1) or (2), 55 (b) or (c), 57 (1) or (3), 58 (4) or 70 of the Act;
- establishes an offence for contravening section 23.1 (1) of the Act, as added by this Bill.

SECTION 73: *[Forest and Range Practices Act, section 87]* establishes an offence for contravening section 23.1 (1.1) of the Act, as added by this Bill.

SECTION 74: *[Forest and Range Practices Act, section 87]*

- establishes offences for contravening section 20.21 (1), 20.22 (1) or 29 (0.1) of the Act, as added by this Bill;
- is consequential to the amendments made by this Bill to the Act.

SECTION 75: *[Forest and Range Practices Act, section 97]* is consequential to the amendments made by this Bill to the Act.

SECTION 76: *[Forest and Range Practices Act, Division 6 of Part 6]* authorizes the minister to disclose certain information with respect to a person who is convicted of an offence, has paid or is liable to pay an administrative penalty, or is subject to another sanction under a provision of the Act, the *Forest Act* or the *Range Act* or a regulation made under any of those Acts.

72 Section 87 is amended

(a) in subsection (2) by striking out “section 21 (1), 22 (2), 29 (1) or (3) or 55 (a)” and substituting “section 21 (1), 22 (2), 22.1 (1), 23.1 (1), 29 (1) or (3), 55 (a) or 110.1 (1) or (2)”;

(b) by repealing subsection (3) (a) and substituting the following:

(a) contravenes section 3 (1), 8 (1), 12 (1), 15 (2), 22.1 (3), 22.11 (1), (2) or (4), 26 (3) or (5), 32 (1), 38 (1), (2), (3), (4) or (5), 45 (1) or (2), 46 (1.1), 47, 48, 50 (1) or (2), 51 (1), (2) or (6), 52.1 (3), 53 (1) or (2), 54 (1), 55 (b) or (c), 57 (1) or (3), 58 (4), 63 (1) or (2), 70, 97 (2) or 119, or , **and**

(c) by repealing subsection (4).

73 Section 87 (2) is amended by striking out “23.1 (1),” and substituting “23.1 (1) or (1.1),”.

74 Section 87 is amended

(a) in subsection (2) by striking out “section 21 (1), 22 (2),” and substituting “section 20.21 (1), 20.22 (1), 22 (2),” and by striking out “29 (1) or (3),” and substituting “29 (0.1), (1) or (3),” and

(b) in subsection (3) (a) by striking out “section 3 (1), 8 (1), 12 (1)” and substituting “section 2.35 (2) (c) or (d), 3 (1) (c) or (d), 8 (1), 12 (1) (c) or (d)”.

75 Section 97 (3) (a) is amended by adding “forest operations plan,” before “forest stewardship plan”.

76 The following Division is added to Part 6:

Division 6 – Disclosure of Information

Disclosure of information

103.1 (1) In this section:

“**administrative penalty**” means a monetary penalty imposed under the Acts for a contravention of a provision of the Acts, but does not include a fine;

“**fine**” means an amount payable under the Acts or the *Offence Act* in respect of a conviction, or a violation ticket issued, for an offence against a provision of the Acts, whether payable as a penalty or otherwise and whether payable to the government, the court or another person or entity, and includes a victim surcharge levy under section 8.1 of the *Victims of Crime Act*;

“**sanction**” includes a direction, decision or order.

SECTION 76: *[Forest and Range Practices Act, Division 6 of Part 6 – continued]*

SECTION 77: *[Forest and Range Practices Act, section 107]* requires a person to submit a written declaration to the district manager if the person fulfills an obligation under section 29 to establish a free growing stand or, in prescribed circumstances, if the person fulfills an obligation to deactivate a road.

- (2) In accordance with section 33.1 (1) (c) of the *Freedom of Information and Protection of Privacy Act*, the minister may disclose the following information inside or outside Canada with respect to a person who is convicted of an offence, has paid or is liable to pay an administrative penalty or is subject to another sanction under a provision of the Acts:
- (a) the name of the person;
 - (b) the provision of the Acts
 - (i) that the person contravened, or
 - (ii) under which a sanction has been imposed;
 - (c) the location at which
 - (i) the contravention occurred, or
 - (ii) the conduct or circumstances that resulted in the sanction arose;
 - (d) a description of
 - (i) the contravention, or
 - (ii) the conduct or circumstances that resulted in the sanction;
 - (e) the fine, sentence, administrative penalty or other sanction to which the person is subject;
 - (f) if a fine or administrative penalty is overdue, the date it was due and the outstanding amount.

77 Section 107 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) Subject to subsections (1.1) and (1.2), a person who holds an agreement under the *Forest Act* or the *Range Act* or who meets the prescribed requirements may submit to the district manager a written declaration specifying that one or more of the following have been fulfilled:
- (a) an obligation under this Act;
 - (b) an obligation under an operational plan;
 - (c) an obligation under a permit or other authorization. ,

(b) by adding the following subsections:

- (1.1) A person who holds an agreement under the *Forest Act* must submit to the district manager a written declaration if the person has fulfilled an obligation under section 29 to establish a free growing stand.
- (1.2) In prescribed circumstances, a person who holds an agreement under the *Forest Act* must submit to the district manager a written declaration if the person has fulfilled an obligation referred to in subsection (1) (a), (b) or (c) to deactivate a road. ,

SECTION 77: *[Forest and Range Practices Act, section 107 – continued]*

SECTION 78: *[Forest and Range Practices Act, section 108]*

- provides that a person may apply to the minister for relief from an obligation or for funding to establish a free growing stand;
- authorizes the minister, in granting relief to a person from an obligation to establish a free growing stand, to require the person to pay certain amounts to the government;
- authorizes the minister to grant relief to a person from an obligation to establish a free growing stand if the person has been granted funding for the purposes of establishing the free growing stand and the minister subsequently determines that the obligation cannot be met without significant extra expense.

(c) by repealing subsection (2) and substituting the following:

- (2) A declaration submitted by a person under subsection (1) must
 - (a) be signed by
 - (i) the person, or
 - (ii) one or more individuals whom the person authorizes to sign the declaration on the person's behalf,
 - (b) specify the date on which the declaration is made, and
 - (c) specify any of the following things that are relevant to the fulfillment of the obligation:
 - (i) cutblocks and roads;
 - (ii) operational plans;
 - (iii) permits. ,

(d) by adding the following subsection:

- (2.1) A declaration under subsection (1.1) or (1.2) must
 - (a) meet the requirements set out in subsection (2), and
 - (b) be submitted by the prescribed date, if any. ,

(e) by repealing subsection (3) and substituting the following:

- (3) Subject to subsections (4) to (6), on the date that a written declaration under subsection (1), (1.1) or (1.2) has been submitted, the person who submitted the declaration is deemed to have fulfilled the obligation specified in the declaration. , **and**

- (f) in subsection (6) by striking out** “A person who submits a declaration under subsection (1) remains responsible for fulfilling an obligation that under subsection (1) (a) was specified as having been met” **and substituting** “A person who submits a declaration under this section remains responsible for fulfilling an obligation that was specified under the declaration as having been fulfilled”.

78 Section 108 is amended

(a) by adding the following subsection:

- (0.1) A person may apply to the minister, in accordance with the regulations,
 - (a) for relief under subsection (1) if the person has an obligation under this Act or an operational plan, other than
 - (i) an obligation to establish a free growing stand, or
 - (ii) a prescribed obligation, or
 - (b) for relief or funding under subsection (2) if the person has an obligation to establish a free growing stand. ,

SECTION 78: *[Forest and Range Practices Act, section 108 – continued]*

(b) by repealing subsections (1) and (2) and substituting the following:

- (1) On application under subsection (0.1) (a) by a person who has an obligation referred to in that subsection, the minister must grant the relief described in subsection (3) if the minister is satisfied that
 - (a) because of an event causing damage in an area, the obligation cannot be met in the area without significant extra expense than would have been the case if the damage had not occurred, and
 - (b) any of the following applies:
 - (i) the person did not cause or contribute to the cause of the damage;
 - (ii) the person exercised due diligence in relation to the cause of the damage;
 - (iii) the person did contribute to the cause of the damage but only as a result of an officially induced error.
- (2) On application under subsection (0.1) (b) by a person who has an obligation to establish a free growing stand, the minister must grant one of the following if satisfied that the criteria described in subsection (1) (a) and (b) are met:
 - (a) relief from the obligation, as described in subsection (3);
 - (b) funding for establishing the free growing stand, as described in subsection (4). ,

(c) in subsection (4) by striking out “The funding for an obligation” and substituting “The funding for establishing a free growing stand”,

(d) by adding the following subsections:

- (4.1) The minister, in granting relief under subsection (2) (a) from an obligation to establish a free growing stand, may impose a condition that the person pay to the government the amount that would have been spent to establish the free growing stand from the stage the stand had reached at the time the damage occurred.
- (4.2) The relief granted to a person under subsection (2) (a) is revoked if the person does not pay an amount required in a condition imposed under subsection (4.1).
- (4.3) After granting funding to a person under subsection (2) (b), the minister may grant relief to that person from the obligation to establish the free growing stand if, as a result of a change of circumstances or based on new information, the minister is satisfied that the obligation cannot be met without significant extra expense. ,

(e) in subsection (5) by striking out “subsection (1) or (2)” and substituting “subsection (0.1) (a) or (b)” and by striking out “referred to in subsection (1) (d) or (2) (d)” and substituting “described in subsection (1) (b)” ,

SECTION 78: *[Forest and Range Practices Act, section 108 – continued]*

SECTION 79: *[Forest and Range Practices Act, sections 108.1 to 108.6]*

- authorizes the minister to grant funding for the purposes of deactivating a road to a person who is subject to an order made under section 23.2, as added by this Bill to the Act;
- authorizes the minister to make orders establishing areas of catastrophic damage;
- authorizes the minister to do the following in relation to an area of catastrophic damage:
 - o grant relief to a person from an obligation to establish a free growing stand or funding to a person to establish a free growing stand;
 - o in granting relief to a person from an obligation to establish a free growing stand, impose conditions, including requiring the person to pay certain amounts to the government;
 - o grant relief to a person from an obligation to establish a free growing stand if the person has been granted funding for the purposes of establishing the free growing stand and the minister subsequently determines that it is not practicable for the person to fulfill the obligation;
 - o impose conditions in granting relief to a person from an obligation to establish a free growing stand, including requiring the person to pay certain amounts to the government;
 - o establish a plan for reforesting the area of catastrophic damage;
 - o authorize a person who has an obligation to establish a free growing stand in a particular location in the area of catastrophic damage to instead establish the stand at a different location in the area;
- authorizes the minister to impose conditions in relation to funding granted under section 108 (2) (b) and sections 108.1, 108.3 (2) (b) and 108.4 (4), as added by this Bill to the Act;
- requires that certain amounts collected by government be paid into the Silviculture Payments Sub-account of the Forest Stand Management Fund under the *Special Accounts Appropriation and Control Act*.

(f) by repealing subsection (7), and

(g) by adding the following subsection:

- (8) The minister may not under subsection (2) grant relief from or funding for an obligation to establish a free growing stand in an area of catastrophic damage if the relief or funding is being sought in relation to the event that caused the catastrophic damage.

79 *The following sections are added to Division 1 of Part 7:*

Government may fund expense of deactivating road

108.1 Subject to the regulations, the minister may grant funding for the purposes of deactivating a road to a person who is subject to an order made under section 23.2.

Areas of catastrophic damage

- 108.2** (1) The minister may, by order, designate an area of land as an area of catastrophic damage if catastrophic damage has occurred on the land as a result of either of the following events:
- (a) wildfire;
 - (b) a prescribed natural event.
- (2) The minister may do one or both of the following in an order made under subsection (1):
- (a) grant relief to a person or a class of persons from an obligation under this Act or an operational plan to establish a free growing stand in the area of catastrophic damage;
 - (b) impose conditions in relation to relief granted under paragraph (a), including requiring payment to the government for the amount that would have been spent to establish a free growing stand from the stage the stand had reached at the time the catastrophic damage occurred.
- (3) The minister's discretion under subsection (2) may be exercised differently for
- (a) different persons or classes of persons, and
 - (b) different locations within an area of catastrophic damage.
- (4) The relief granted to a person in an order under subsection (2) (a) is revoked if the person does not comply with a condition imposed in the order under subsection (2) (b).

SECTION 79: *[Forest and Range Practices Act, sections 108.1 to 108.6 – continued]*

Relief and funding for areas of catastrophic damage

- 108.3** (1) A person may apply to the minister, in accordance with the regulations, for relief under subsection (2) if the person has an obligation under this Act or an operational plan to establish a free growing stand in an area of catastrophic damage.
- (2) On application under subsection (1) by a person who has an obligation to establish a free growing stand, the minister may grant to the person one of the following:
- (a) relief from the obligation if the minister is satisfied that it is not practicable for the person to complete the obligation given the circumstances or conditions of the area to which the obligation relates;
 - (b) funding for establishing the free growing stand, but only to the extent that is required for the purposes of restoring the stand of trees on the area of catastrophic damage
 - (i) to the stage the stand had reached at the time the catastrophic damage occurred, or
 - (ii) to the stage that is consistent with an agreement between the person and the minister.
- (3) The minister, in granting relief under subsection (2) (a), may impose a condition that the person pay to the government the amount that would have been spent to establish the free growing stand from the stage the stand had reached at the time the catastrophic damage occurred.
- (4) The relief granted to a person under subsection (2) (a) is revoked if the person does not pay an amount required in a condition imposed under subsection (3).
- (5) After granting funding to a person under subsection (2) (b), the minister may grant relief to that person from the obligation to establish the free growing stand if, as a result of a change of circumstances or based on new information, the minister is satisfied that it is not practicable for the person to complete the obligation given the circumstances or conditions of the area to which the obligation relates.

Plans for areas of catastrophic damage

- 108.4** (1) The minister may establish a plan for reforesting an area of catastrophic damage.
- (2) If a person has an obligation under this Act or an operational plan to establish a free growing stand at a particular location in an area of catastrophic damage, the minister may, after establishing a plan under subsection (1), authorize the person to instead establish a free growing stand at a different location in the area of catastrophic damage.

SECTION 79: *[Forest and Range Practices Act, sections 108.1 to 108.6 – continued]*

- (3) The minister may not under subsection (2) authorize a person to establish a free growing stand at a different location, unless
 - (a) the plan under subsection (1) provides for establishing the free growing stand at the different location,
 - (b) the cost of establishing the free growing stand at the different location will be similar to the cost of establishing the free growing stand required at the original location, and
 - (c) the person agrees to establish the free growing stand at the different location.
- (4) If the minister authorizes a person to establish a free growing stand at a different location under subsection (2) and funding may be granted under section 108.3 (2) (b) to the person to establish the free growing stand required at the original location, the minister may grant that funding to the person for the purposes of establishing the free growing stand at the different location.
- (5) If a person fails to establish a free growing stand at a different location as authorized under subsection (2), the person contravenes the obligation under the Act or operational plan to establish the free growing stand at the original location.

Conditions in relation to funding

- 108.5** (1) The minister may impose conditions in relation to funding granted under section 108 (2) (b), 108.1, 108.3 (2) (b) or 108.4 (4), including the following:
- (a) providing that the funding will be paid in instalments;
 - (b) specifying that one or more of the following must happen before or after funding is paid:
 - (i) an event occur;
 - (ii) an action be taken;
 - (iii) a specific requirement or specific criteria be met;
 - (c) requiring the person who is granted funding to prepare and submit plans or reports;
 - (d) providing for a person designated by the minister to
 - (i) carry out surveys, investigations or analyses, or
 - (ii) perform audits.
- (2) If the minister pays an amount of funding under section 108 (2) (b), 108.1, 108.3 (2) (b) or 108.4 (4) to a person subject to a condition under subsection (1) and the condition is not met, the minister may commence a proceeding in a court of competent jurisdiction to recover the amount from the person as a debt due to government.

SECTION 79: *[Forest and Range Practices Act, sections 108.1 to 108.6 – continued]*

SECTION 80: *[Forest and Range Practices Act, section 110.1]* requires a person who submits information to the government in certain circumstances to ensure that the information is complete and accurate at the time the information is submitted.

SECTION 81: *[Forest and Range Practices Act, section 112]* clarifies that a person with discretion to grant an approval under the Act may impose conditions in respect of the approval.

SECTION 82: *[Forest and Range Practices Act, section 118]* authorizes an official designated by the minister to enter into agreements with persons to develop, expand, maintain, repair or close trail-based recreation areas.

SECTION 83: *[Forest and Range Practices Act, section 122]* authorizes the Forest Practices Board to carry out independent audits and special investigations to determine compliance with the Part 1.1 and with the regulations and standards made in relation to Part 1.1.

SECTION 84: *[Forest and Range Practices Act, section 148]* is consequential to the amendments made by this Bill to the Act.

SECTION 85: *[Forest and Range Practices Act, section 149]* authorizes the Lieutenant Governor in Council to prescribe objectives in relation to wildfires.

Payment of monies into Silviculture Payments Sub-account

108.6 The following money collected by the government must be paid into the Silviculture Payments Sub-account of the Forest Stand Management Fund special account established by the *Special Accounts Appropriation and Control Act*:

- (a) money paid to fulfill a condition imposed under section 108 (4.1) or 108.3 (3);
- (b) money paid to fulfill a condition imposed under section 108.2 (2) (b) in an order made under section 108.2 (1).

80 *The following section is added:*

Complete and accurate information

110.1 (1) A person who submits information to the government for the purposes of seeking approval by the minister in relation to a matter under this Act must ensure that, at the time the information is submitted, the information is complete and accurate.

- (2) A person who is required under this Act to submit information to the government must ensure that, at the time the information is submitted, the information is complete and accurate.

81 *Section 112 (1) (a) and (b) and (2) is amended by striking out “consent or approval” and substituting “consent, approval or authorization”.*

82 *Section 118 (2) (d) is amended by striking out “a recreation site or a recreation trail” and substituting “a recreation site, a recreation trail or a trail-based recreation area”.*

83 *Section 122 (1) (c) is amended by striking out “Parts 2 to 5” and substituting “Parts 1.1 to 5”.*

84 *Section 148 is amended by striking out “recreation sites and recreation trails” wherever it appears and substituting “recreation sites, recreation trails and trail-based recreation areas”.*

85 *Section 149 (1) is amended by adding the following paragraph:*

- (l) wildfires.

SECTION 86: *[Forest and Range Practices Act, section 151]* authorizes the Lieutenant Governor in Council to make regulations respecting the resolution of disputes with Indigenous governing bodies relating to the preparation and establishment of forest landscape plans.

SECTION 87: *[Forest and Range Practices Act, section 153]* authorizes the Lieutenant Governor in Council to make regulations requiring that woodlot licence plans be made publicly available for review and comment.

SECTIONS

88 TO 90: *[Forest and Range Practices Act, section 155]* expand the authority of the Lieutenant Governor in Council to make regulations in relation to roads.

86 *The following section is added:*

Dispute resolution – forest landscape plans

- 151.1** (1) The Lieutenant Governor in Council may make regulations respecting the resolution of disputes under sections 2.26 and 2.27 relating to the preparation and establishment of forest landscape plans, including, without limitation, regulations respecting the following:
- (a) the qualifications, powers and duties of facilitators;
 - (b) the process for making referrals to a facilitator, the management of referrals and the conduct of dispute resolution facilitations;
 - (c) the time by which a facilitator must complete a dispute resolution facilitation and provide a report under section 2.26 (5);
 - (d) the matters that a facilitator must consider in making a report under section 2.26 (5);
 - (e) the time by which an alternative dispute resolution process referred to in section 2.27 must be established and completed.
- (2) In subsection (1), “**facilitator**” has the same meaning as in section 2.26 (1).

87 *Section 153 (2) is amended by adding the following paragraph:*

- (b.1) requiring woodlot licence plans or amendments to woodlot licence plans to be made publicly available for review and comment before the plan or amendment is submitted to the minister for approval; .

88 *Section 155 (1) is amended*

- (a) in paragraph (a) by striking out “forest service roads and rights of way” and substituting “forest service roads, forest resource roads and rights of way”,*
- (b) in paragraph (b) by striking out “forest service roads or rights of way” and substituting “forest service roads, forest resource roads or rights of way”,*
- (c) in paragraph (d) by striking out “deactivate a road” and substituting “deactivate a forest service road or road that is authorized under an agreement under the Forest Act, including authorizing the minister to make orders that transfer obligations to maintain or deactivate a road”, and*
- (d) by adding the following paragraphs:*
 - (e) requirements for the holder of an agreement under the *Forest Act* or a cutting permit to deactivate a road authorized or constructed under the agreement or permit, including but not limited to regulations requiring
 - (i) roads to be deactivated by a prescribed date, or
 - (ii) plans or reports to be submitted;

SECTIONS

88 TO 90: *[Forest and Range Practices Act, section 155 – continued]*

SECTION 91: *[Forest and Range Practices Act, section 156]* repeals the section consequential to the addition of section 156.1, as added by this Bill to the Act.

- (f) requirements for a person who uses a forest service road to provide notice to the minister or a prescribed person in relation to the person's use of the forest service road;
- (g) authorizing a person to fell trees, on Crown land in or adjacent to the right of way of a forest service road or forest resource road, that are a danger to persons or property;
- (h) the regulation of significant road work carried out in relation to forest service roads.

89 Section 155 (1) is amended

(a) in paragraph (h) by adding “or roads that are authorized under road permits” after “forest service roads”, and

(b) by adding the following paragraphs:

- (i) authorizing a person to do one or more of the following in relation to a forest service road or forest resource road:
 - (i) close the road;
 - (ii) restrict the use of the road;
 - (iii) remove property from the road, including but not limited to removing vehicles or animals;
- (j) requirements for the owner of property removed from a road under a regulation made under paragraph (i) (iii) to pay to a person who removed the property the costs of the removal.

90 Section 155 is amended by adding the following subsection:

- (3) For certainty, a regulation under subsection (1) (e) may be made applicable to a road that was authorized or constructed under an agreement or cutting permit before the date on which the regulation comes into force.

91 Section 156 is repealed.

SECTION 92: *[Forest and Range Practices Act, section 156.1]* authorizes the Lieutenant Governor in Council to make regulations respecting forest practices.

SECTION 93: *[Forest and Range Practices Act, section 157]* is consequential to the amendments made by this Bill to the Act.

SECTION 94: *[Forest and Range Practices Act, section 162.1]* authorizes the Lieutenant Governor in Council to make regulations for the purposes of section 108 and section 108.3, as added by this Bill to the Act.

92 *The following section is added:*

Forest practices

- 156.1** (1) The Lieutenant Governor in Council may make regulations respecting forest practices, including but not limited to the following:
- (a) regulating, restricting or prohibiting the carrying out of forest practices;
 - (b) imposing requirements for managing and conserving forest resources, range resources and resource features;
 - (c) imposing requirements for managing the risk of wildfire;
 - (d) requiring the holder of an operational plan to comply with a provision of the operational plan;
 - (e) providing that a provision of an operational plan referred to in paragraph (d) may be amended even if
 - (i) the plan has expired, or
 - (ii) the person to whom the provision applies no longer holds the plan.
- (2) The Lieutenant Governor in Council may make regulations authorizing the minister to designate an area as a wildland urban interface area.

93 *Section 157 (2) (d) (ii) is amended by adding “a forest operations plan,” before “a forest stewardship plan or a woodlot licence plan”.*

94 *The following section is added:*

Relief and funding

- 162.1** For the purposes of sections 108 and 108.3, the Lieutenant Governor in Council may make regulations respecting any of the following:
- (a) requirements for applications under section 108 (0.1) or 108.3 (1), including prescribing the period within which an application under section 108 (0.1) or 108.3 (1) must be submitted;
 - (b) authorizing a person to submit under section 108 (0.1) or 108.3 (1) an application submission plan pending the submission of the application;
 - (c) specifying under section 108 (1) (a)
 - (i) what constitutes an event causing damage, or
 - (ii) when an event causing damage must be considered to have occurred.

SECTION 95: *[Forest and Range Practices Act, section 167]* adds regulation-making powers to restrict the authority of the Forest Practices Board to carry out, or prohibit the Forest Practices Board from carrying out, audits or investigations to determine compliance with Part 1.1 in respect of a matter that is the subject of a decision-making agreement with an Indigenous governing body.

SECTION 96: *[Forest and Range Practices Act, section 168.1]* adds regulation-making powers consequential to the amendments made by this Bill to the Act.

SECTION 97: *[Forest and Range Practices Act, section 169]* is consequential to the amendments made by this Bill to the Act.

95 Section 167 is amended

(a) in subsection (2) by adding the following paragraph:

- (g) restricting the board’s authority to carry out, or prohibiting the board from carrying out, audits or investigations referred to in section 122 in respect of a matter that is the subject of a decision-making agreement.
, and

(b) by adding the following subsection:

- (3) In subsection (2) (g), “**decision-making agreement**” has the same meaning as in section 2.5 (1).

96 The following section is added:

Minister’s regulations

168.1 (1) For the purposes of section 5 (1) (b) (i.1), the minister may make regulations as follows:

- (a) prescribing areas;
 - (b) prescribing resources or features located in an area prescribed under paragraph (a), including but not limited to resources or features described in section 149 (1);
 - (c) prescribing objectives for resources or features prescribed under paragraph (b).
- (2) In making a regulation under subsection (1), the minister may prescribe
- (a) different resources and features for different areas, and
 - (b) different objectives for different areas, resources and features.
- (3) If an objective prescribed under this section is inconsistent with an objective set by government, the objective set by government prevails.

97 Section 169 (4) (b) and (c) is amended by adding “a forest operations plan,” before “a forest stewardship plan”.

SECTION 98: *[Forest Practices Code of British Columbia Act, section 198]* adds regulation-making authority to discriminate based on matters or uses or occupations of land.

SECTION 99: *[Forest Practices Code of British Columbia Act, section 200]* adds regulation-making authority respecting the payment of charges by holders of permits.

SECTION 100: *[Forest Practices Code of British Columbia Act, section 205]* adds regulation-making authority respecting

- the deactivation of roads and remediation of land, and
- the surrender, cancellation or suspension of permits.

**PART 3 – FOREST PRACTICES CODE OF BRITISH COLUMBIA ACT
AMENDMENTS**

98 Section 198 (4) of the Forest Practices Code of British Columbia Act, R.S.B.C. 1996, c. 159, is amended

(a) in paragraph (c) by striking out “persons, places, things or transactions.” and substituting “persons, places, matters, things, transactions, circumstances or uses or occupations of land, or for different classes of persons, places, matters, things, transactions, circumstances or uses or occupations of land;”, and

(b) by adding the following paragraph:

(d) establish or define classes of persons, places, matters, things, transactions, circumstances or uses or occupations of land.

99 Section 200 is amended by adding the following subsection:

(3) The Lieutenant Governor in Council may make regulations respecting charges to be paid to the government by holders of special use permits, including but not limited to regulations

- (a) establishing the amounts of charges or the method of determining the amounts of charges, and
- (b) requiring that charges be paid yearly or otherwise.

100 Section 205 is amended

(a) by repealing subsection (2) and substituting the following:

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting special use permits, including but not limited to regulations respecting

- (a) the issuance of special use permits,
- (b) the deactivation of roads authorized under special use permits, and the remediation of land that is the subject of a special use permit, including regulations that authorize the minister to make orders respecting deactivation and remediation,
- (c) the surrender, cancellation and suspension of special use permits or rights granted under special use permits, and
- (d) obligations that remain outstanding under special use permits that expire or are surrendered, suspended or cancelled. , **and**

(b) by adding the following subsection:

(3) For certainty, a regulation made under subsection (2) may be made applicable to special use permits issued before the regulation comes into force.

SECTION 101: *[Special Accounts Appropriation and Control Act, section 5]* requires that certain amounts be paid into the Silviculture Payments Sub-account of the Forest Stand Management Fund and authorizes expending amounts from the Silviculture Payments Sub-account for certain purposes.

SECTION 102: *[Forest and Range Practices Act transition – significant road work previously authorized for forest service roads]* provides that section 23.1 of the *Forest and Range Practices Act* does not apply in respect of significant road work if a district manager authorized the person to carry out the significant road work before the coming into force of that section.

**PART 4 – SPECIAL ACCOUNTS APPROPRIATION AND CONTROL ACT
AMENDMENTS**

101 *Section 5 of the Special Accounts Appropriation and Control Act, R.S.B.C. 1996, c. 436, is amended*

(a) in subsection (1) (a) (i) by striking out “section 30” and substituting “section 30 or 108.6”,

(b) by repealing subsection (2) (a) and substituting the following:

(a) the Silviculture Payments Sub-account for a purpose related to the following:

- (i) to establish a free growing stand under section 30 of the *Forest and Range Practices Act*;
- (ii) to establish a free growing stand that was required to be established under an obligation that is relieved under section 108 (2) (a) of the *Forest and Range Practices Act*;
- (iii) to establish a free growing stand in an area of catastrophic damage within the meaning of the *Forest and Range Practices Act*;
- (iv) to carry out a silviculture prescription assumed under section 71 of the *Forest Practices Code of British Columbia Act* before the repeal of that section;
- (v) for expenses directly or indirectly related to a purpose referred to in any of subparagraphs (i) to (iv), , **and**

(c) in subsection (2) (b) (iii) by striking out “the purposes in subparagraph (i) or (ii)” and substituting “a purpose referred to in subparagraph (i) or (ii)”.

**PART 5 – TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AND
RELATED AMENDMENTS**

Division 1 – Transitional Provisions

**Forest and Range Practices Act transition –
significant road work previously authorized for forest service roads**

- 102** (1) Despite section 23.1 of the *Forest and Range Practices Act*, as enacted by this Act, a person may conduct significant road work in relation to a forest service road if, before the coming into force of that section, a district manager, as defined in section 1 of the *Forest Act*, authorized the person to carry out the significant road work.

SECTION 102: *[Forest and Range Practices Act transition – significant road work previously authorized for forest service roads – continued]*

SECTION 103: *[Forest and Range Practices Act transition – significant road work begun on roads authorized under road permits]* provides that section 23.1 (1.1) of the *Forest and Range Practices Act* does not apply in respect of significant road work if the significant road work began before the coming into force of that section.

SECTION 104: *[Forest and Range Practices Act transition – preparation of forest landscape plan]* provides that sections 2.24 to 2.27 of the *Forest and Range Practices Act* do not apply in respect of the preparation and establishment of a forest landscape plan if Indigenous nations were notified and given an opportunity to participate in the preparation of the plan before the coming into force of that section.

SECTION 105: *[Forest and Range Practices Act transition – preparation of forest landscape plan to be established in accordance with decision-making agreement]* provides that sections 2.51 (4) and (5) of the *Forest and Range Practices Act* do not apply in respect of the preparation and establishment of a forest landscape plan that is the subject of a decision-making agreement if Indigenous nations were notified and given an opportunity to participate in the preparation of the plan before the coming into force of that section.

- (2) In this section and section 103, “**significant road work**” has the same meaning as in section 21.1 (1) of the *Forest and Range Practices Act*, as enacted by this Act.

***Forest and Range Practices Act* transition –
significant road work begun on roads authorized under road permits**

- 103** Despite section 23.1 (1.1) of the *Forest and Range Practices Act*, as enacted by this Act, a person may conduct significant road work in relation to a road authorized under a road permit if the significant road work began before the coming into force of that section.

***Forest and Range Practices Act* transition –
preparation of forest landscape plan**

- 104** Sections 2.24 to 2.27 of the *Forest and Range Practices Act*, as enacted by this Act, do not apply in respect of the preparation of a forest landscape plan if
- (a) before the coming into force of this section, the chief forester provided notice to the Indigenous nations identified by the chief forester in relation to the forest landscape plan of the chief forester’s intent to prepare the forest landscape plan, and
 - (b) the chief forester provides an opportunity for the Indigenous nations referred to in paragraph (a) of this subsection to participate in the preparation of the forest landscape plan.

***Forest and Range Practices Act* transition –
preparation of forest landscape plan to be established
in accordance with decision-making agreement**

- 105** (1) Section 2.51 (4) and (5) of the *Forest and Range Practices Act*, as enacted by this Act, does not apply in respect of the preparation of a forest landscape plan referred to in section 104 of this Act to be established by an order made in accordance with a decision-making agreement.
- (2) In this section, “**decision-making agreement**” has the same meaning as in section 2.5 (1) of the *Forest and Range Practices Act*, as enacted by this Act.

SECTIONS

106 AND 107: [*Forest and Range Practices Amendment Act, 2019, sections 12 and 33*] update provisions for consistency with amendments made by this Bill to the *Forest and Range Practices Act*.

SECTION 108: [*Forest and Range Practices Amendment Act, 2019, section 33*] repeals an offence for contravening section 45 (3) of the *Forest and Range Practices Act*.

SECTION 109: [*Land Title Act, section 1*] is consequential to the amendments made by this Bill to the *Forest Act*.

Division 2 – Consequential and Related Amendments

Forest and Range Practices Amendment Act, 2019

106 Section 12 (b) of the Forest and Range Practices Amendment Act, 2019, S.B.C. 2019, c. 25, is amended by repealing sections 19 (1) and (3) of the Forest and Range Practices Act, as enacted by that section, and substituting the following:

- (1) If a forest stewardship plan or woodlot licence plan applies to a portion of the permit area of a cutting permit or road permit on the following date, the plan, as it read on that date, continues to apply in relation to the activities carried out under the permit in the portion despite any subsequent amendment, replacement or expiration of the plan:
 - (a) unless paragraph (b) applies, the date on which the permit is issued;
 - (b) if the portion was added to the permit area by an amendment to the permit, the date on which the permit was amended.
- (3) If a forest stewardship plan applies to the licence area of a timber sale licence on the date the licence is advertised, the plan, as it read on that date, continues to apply to the licence area despite any subsequent amendment, replacement or expiration of the plan.

107 Section 33 (a) is repealed and the following substituted:

- (a) *in subsection (3) (a) by striking out “15 (2),” and substituting “15 (1),”*
- (a.1) *in subsection (3) (a) by striking out “32 (1), 38 (1), (2), (3), (4) or (5),” and substituting “32, 38 (1), (2) or (3),” .*

108 Section 33 (c) is repealed.

Land Title Act

109 Section 1 of the Land Title Act, R.S.B.C. 1996, c. 250, is amended in the definition of “explanatory plan” by repealing paragraph (b) and substituting the following:

- (b) is certified correct in accordance with the records of the land title office
 - (i) by a British Columbia land surveyor, or
 - (ii) by the minister charged with the administration of the *Transportation Act*; .

SECTION 110: *[Muskwa-Kechika Management Area Act, section 8]* is consequential to the amendments made by this Bill to the *Forest and Range Practices Act*.

Muskwa-Kechika Management Area Act

110 *Section 8 (1) (a) of the Muskwa-Kechika Management Area Act, S.B.C. 1998, c. 38, is amended by striking out “a forest development plan or a forest stewardship plan” and substituting “a forest operations plan or a forest stewardship plan”.*

Commencement

111 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 1	By regulation of the Lieutenant Governor in Council
3	Sections 3 and 4	By regulation of the Lieutenant Governor in Council
4	Sections 12 to 15	By regulation of the Lieutenant Governor in Council
5	Section 18	By regulation of the Lieutenant Governor in Council
6	Section 25	By regulation of the Lieutenant Governor in Council
7	Section 28	By regulation of the Lieutenant Governor in Council
8	Sections 30 and 31	By regulation of the Lieutenant Governor in Council
9	Sections 33 to 44	By regulation of the Lieutenant Governor in Council
10	Sections 46 and 47	By regulation of the Lieutenant Governor in Council
11	Section 49	By regulation of the Lieutenant Governor in Council
12	Section 51	By regulation of the Lieutenant Governor in Council
13	Section 53	By regulation of the Lieutenant Governor in Council
14	Section 57	By regulation of the Lieutenant Governor in Council

Item	Column 1 Provisions of Act	Column 2 Commencement
15	Sections 60 to 70	By regulation of the Lieutenant Governor in Council
16	Sections 72 to 79	By regulation of the Lieutenant Governor in Council
17	Sections 82 to 87	By regulation of the Lieutenant Governor in Council
18	Section 89	By regulation of the Lieutenant Governor in Council
19	Sections 91 to 97	By regulation of the Lieutenant Governor in Council
20	Section 101	By regulation of the Lieutenant Governor in Council
21	Sections 103 to 105	By regulation of the Lieutenant Governor in Council
22	Section 108	By regulation of the Lieutenant Governor in Council
23	Section 110	By regulation of the Lieutenant Governor in Council