

# STILLWATER PILOT PROJECT REGULATION

## *Contents*

### **PART 1 - INTERPRETATION**

- 1 Definitions
- 2 Application of this regulation
- 3 Disapplications of provisions of Act and regulations
- 4 Disapplications of provisions of *Forest Act*
- 5 Application of sections of the Act respecting operational plans
- 6 Effect of higher level plans
- 7 Resource objectives
- 8 Consistency test

### **PART 2 - BALANCING COMPETING VALUES AND INTERESTS**

#### **Division 1 - Resource Value Goals**

- 9 Resource value goals

#### **Division 2 - Forest Stewardship Zones and Objectives**

- 10 Timber zones
- 11 Habitat zones
- 12 Old growth zones
- 13 Recreation and tourism zones

### **PART 3 - FOREST STEWARDSHIP PLAN, CUTTING PERMIT, OPERATIONAL INFORMATION MAP AND SITE PLAN**

#### **Division 1 - Forest Stewardship Plan**

- 14 Preparation of forest stewardship plan and amendments
- 15 Request for amendment or resubmission for failure to adequately protect
- 16 Consistency
- 17 Best information available
- 18 Assessments and mapping required by the Act and regulations

#### **Division 2 - Cutting Permit**

- 19 Application for a cutting permit
- 20 Assessments and mapping required by the Act and regulations
- 21 Contents of application for cutting permit
- 22 Issuance of a cutting permit by the district manager

#### **Division 3 - Operational Information Map**

- 23 Preparation of an operational information map
- 24 Maintenance and update of the operational information map
- 25 Operational information map not a part of the forest stewardship plan

#### **Division 4 - Site Plans**

- 26 Site plans
- 27 Implementation and record requirements for site plans

### **PART 4 - FOREST PRACTICES IN THE STILLWATER AREA**

- 28 Restrictions on forest practices
- 29 Establishment of a free growing stand
- 30 Authority to carry out stand management activities
- 31 Forest practices must be consistent with this regulation and related planning documents
- 32 Field variances
- 33 Road use
- 34 Road maintenance

**PART 5-- PUBLIC PARTICIPATION IN THE STILLWATER PILOT PROJECT**

**Division 1 - Public Participation in the Development of the Forest Stewardship Plan**

35 Public involvement in development of strategies and measurable targets

**Division 2 - Public Review and Comment on a Proposed Forest Stewardship Plan or Amendments to a Forest Stewardship Plan**

36 Notice of proposed forest stewardship plan or amendment

37 Submitting proposal to the district manager and designated environment official

38 Review by the public, agencies and affected persons

39 Assessments available at place of business

40 Period of review

41 Comments

42 Scope of review and comments

43 Submitting a proposed forest stewardship plan and comments

44 Amendments that do not require public review and comment

45 Notice of exemption from review

**Division 3 - Public Accessibility to Planning Documents**

46 Documents available for viewing in the licensee's place of business

47 Notice

**Division 4 - Public Comments on a Forest Stewardship Plan**

48 Comments from the public regarding specific areas of concern

49 Licensee response to comments

**Division 5 - Public Comments about the Operational Information Map**

50 Comments from the public regarding the operational information map

51 Licensee response to comments

**PART 6 - APPROVAL AND TERM OF FOREST STEWARDSHIP PLAN**

52 Definition

53 Joint approval

54 Effective date and term of forest stewardship plans

55 Extension of term of forest stewardship plans

56 Notice of extension of a forest stewardship plan

**PART 7 - FOREST STEWARDSHIP PLAN CONTENT**

**Division 1 - Management Strategies and Measurable Targets**

57 Signature required for forest stewardship plan

58 Management strategies for resource value goals

59 Management strategies and measurable targets for forest stewardship zones

60 Management of recreational trails

61 Management strategies and measurable targets for achieving equivalent protection

62 Requirements with respect to road activities

**Division 2 - Map and Information Requirements**

63 Map requirements for a forest stewardship plan

**PART 8 - REPORTS AND RECORDS**

64 Silviculture surveys

65 Timber harvest commencement and free growing reports

66 Annual TFL report to include activities under forest stewardship plan

67 Annual report to ministers

68 Five-year performance review

69 Accurate records of forest practices

70 Management plan submission to include forest stewardship plan

**PART 9 - MONITORING AND EVALUATION**

**Division 1 - Stillwater Pilot Project**

71 Monitoring and evaluation of the Stillwater pilot project

72 Environmental performance

73 Flexibility

74 Public participation in the planning process

- 75 Costs
- 76 Adaptive management

**Division 2 - Forest Practices**

- 77 Monitoring and evaluation of forest practices under the Stillwater pilot project
- 78 Annual third party auditing
- 79 Annual joint audits
- 80 Audits of reports, assessments, surveys or audits

**Division 3 - Forest Practices Board**

- 81 Forest practices Board may have determination or decision reviewed
- 82 Scope of Forest Practices Board review
- 83 Audits
- 84 Audit Standards
- 85 Scope of complaints

**PART 10 - COMPLIANCE AND ENFORCEMENT**

- 86 Forest stewardship plan provisions continue until free to grow
- 87 Administrative penalties
- 88 Offences

**PART 11 - CANCELLATION OF STILLWATER PILOT PROJECT**

- 89 Government may cancel a forest stewardship plan
- 90 Licensee may apply to cancel a forest stewardship plan
- 91 Consequence of notice or application
- 92 Effective date of forest stewardship plan cancellation

**SCHEDULE A**

**SCHEDULE B**

**PART 1 – INTERPRETATION**

**Definitions**

- 1** (1) In this regulation:
- “**Act**” means the *Forest Practices Code of British Columbia Act*;
  - “**adaptive management**” means a systematic process for continually improving management policies and practices by learning from the outcomes of operational programs;
  - “**biological diversity**” means the diversity of plants, animals and other living organisms in all their forms and levels of organization and includes diversity of genes, species, ecosystems and the evolutionary and functional processes that link them;
  - “**cutblock**” has the same meaning as in the Act and includes an area identified on an operational information map as an area proposed for harvesting;
  - “**cutting permit**” means a letter issued by the district manager, authorizing timber harvesting activities under a forest stewardship plan;
  - “**dispersed retention**” means a retention system in which, after timber harvesting, the retained individual trees or small groups of trees are generally less than 2 tree lengths apart, but occasionally more if groups are left;
  - “**forest stewardship plan**” means the plan described in Part 7 of this regulation;
  - “**forest stewardship zone**” means any of the following forest stewardship zones referred to in Part 2 for the purposes of forest planning in the Stillwater area:
    - (a) timber zones;

- (b) habitat zones;
- (c) old growth zones;
- (b) recreation and tourism zones;

**“forest stewardship zones map”** means the map in Schedule B;

**“group retention”** means a retention system in which, after harvesting, portions of the original stand of 0.25 ha or more are retained, with approximately 4 tree lengths or less between the portions;

**“habitat zone”** means a habitat zone identified on the forest stewardship zones map;

**“harvest plan”** means a harvest plan referred to in section 26;

**“irregular shelterwood”** means a silvicultural system in which trees are removed in a series of cuts designed to achieve an uneven-aged stand under the shelter of remaining trees;

**“licensee”** means the holder of TFL 39;

**“management zone”** means an area in which timber harvesting is allowed;

**“old growth zone”** means an old growth zone identified on the forest stewardship zones map;

**“old growth timber”** means timber that is 250 years and older;

**“operational information map”** means a map prepared under section 23;

**“recreational and tourism zone”** means a recreational and tourism zone identified on the forest stewardship zones map;

**“reserve zone”** means an area in which no timber harvesting is allowed to occur;

**“resource objectives”** means resource objectives referred to in section 7;

**“second growth timber”** means timber less than 250 years of age;

**“silviculture plan ”** means a silviculture plan referred to in section 26;

**“specific area of concern”** means a specific area of concern referred to in section 22;

**“Stillwater area”** means all Crown and private land within the boundaries of Block 1 of TFL 39, so long as the land continues to be held by the licensee;

**“Stillwater pilot project”** means the pilot project for the Stillwater area, developed under Part 10.1 of the Act and this regulation;

**“TFL 39”** means Tree Farm Licence 39, issued under the *Forest Act* to the licensee and dated March 1, 2000;

**“timber zone”** means a timber zone identified on the forest stewardship zones map.

- (2) The definitions in the Operational Planning Regulation, Timber Harvesting Practices Regulation, Silviculture Practices Regulation and the Forest Road Regulation apply to this regulation.

**Application of this regulation**

- 2 This regulation applies to the licensee's operations in the Stillwater area during the term of a forest stewardship plan.

**Disapplications of provisions of Act and regulations**

- 3 (1) During the term of a forest stewardship plan the following provisions of the Act and regulations do not apply to the licensee within the Stillwater area:
  - (a) of the Act: sections 22 (3), 22 (4), 22 (5), 23 (2), 24 (2), 34, 41 (1) to (3) and (5), 43, 54 (1), 58, 60 (1), 63 (1), (2) and (5), 64 (1) to (3), 64 (5) to (7);
  - (b) of the Operational Planning Regulation: section 7;
  - (c) of the Timber Harvesting Practices Regulation: section 11 (1) (b).
- (2) During the term of a forest stewardship plan, and after the approval of resource objectives under section 7 of this regulation, section 19 of the Act does not apply to the licensee within the Stillwater area.

**Disapplications of provisions of *Forest Act***

- 4 During the term of a forest stewardship plan, section 35 (1) (d) (i) to (vi) and (ix) of the *Forest Act* does not apply to the licensee within the Stillwater area.

**Application of sections of the Act respecting operational plans**

- 5 The provisions of the Act respecting operational plans apply to forest stewardship plans as if they were operational plans.

**Effect of higher level plans**

- 6 Part 2, the forest stewardship zones map and any resource objectives are subject to any higher level plan that applies to the Stillwater area or a part of it.

**Resource objectives**

- 7 Before the completion of resource objectives for grizzly bear, marbled murrelet, mountain goat or deer habitat in the Stillwater area to a standard agreeable to the licensee, the district manager and the designated environment official, this regulation applies only to those cutblocks and roads that have been advertised under any forest development plan that is in effect for the Stillwater area at the time of effective date of this regulation.

**Consistency test**

- 8 For the purposes of a provision that refers to a forest stewardship plan or a forest practice being consistent or inconsistent,
  - (a) a forest stewardship plan must be interpreted to be consistent with Division 2 of Part 2, a higher level plan, a resource objective or the forest stewardship zones map if the forest stewardship plan does not materially conflict with any of them, and
  - (b) the forest practice must be interpreted to be consistent with the forest stewardship plan if the forest practice does not materially conflict with it.

## **PART 2 – BALANCING COMPETING VALUES AND INTERESTS**

### **Division 1 – Resource Value Goals**

#### **Resource value goals**

- 9** For purposes of Part 7 the following are the resource value goals for the Stillwater area:
- (a) to minimize impacts on the water resource from forestry operations with the goal of maintaining or improving water quality and quantity including maintenance of natural stream flow rates and patterns;
  - (b) to maintain and improve physical access for domestic, fisheries, recreational, wildlife and industrial water users in the course of planning forestry operations;
  - (c) to minimize impacts on the soil resource by managing soil disturbance from forestry operations with the goals of conserving and protecting the soil and maintaining soil quality, quantity and function;
  - (d) to conserve, protect and restore biological diversity of forest and aquatic ecosystems and plant and animal species by planning and managing forest practices;
  - (e) to protect, maintain and improve the forest's natural ability to grow timber;
  - (f) to practise sustainable and economic utilization of the timber resource profile;
  - (g) to protect forest productivity by minimizing losses to fire, flood, insects, disease, windthrow, erosion, and other damaging agents, keeping levels within socially and economically acceptable thresholds;
  - (h) in cooperation with appropriate interest groups, federal and provincial agencies, to identify, manage and protect wildlife habitat, especially with regard to rare and endangered species;
  - (i) to identify and protect existing recreation features;
  - (j) to develop and manage for recreational opportunities in cooperation with government and local citizens;
  - (k) to manage the visual impact of harvesting and road construction activities at the landscape and the stand level;
  - (l) to identify and manage cultural heritage resources;
  - (m) to manage for the access needs of industry, recreation groups, the general public, government and first nations while managing productive land base losses to roads and trails;
  - (n) to minimize aquatic resource impacts from forestry operations with the goal of conserving, protecting and maintaining the biological productivity of all anadromous and resident fish waters;
  - (o) to manage wetlands, streams and lakeshore areas to minimize harmful impacts from forestry operations with the goal of protecting water quality,

stream bank stability, fish habitat and wildlife habitat, and to provide for biological diversity;

- (p) to carry out forest planning so that it will identify known tourism opportunities, incorporate protection measures that minimize harmful forestry impacts, and enhance access concurrent with harvesting development;
- (q) to support energy and mineral exploration while taking into account development impacts on the forest land base;
- (r) to carry out forest planning so that, for botanical forest products, it will minimize harmful forestry impacts, and manage for sustainable use;
- (s) to promote sustainable development of natural resources on the land base that result in multiple benefits to the community;
- (t) to invite, encourage and provide a forum for public participation in the planning process for the Stillwater area;
- (u) to make it a priority to develop a system to ensure that a sustainable log supply from the licensee's production of appropriate grade timber is available in a timely manner, at fair market price, and for purchase by local small businesses;
- (v) to strive to develop or find practical alternatives of brush control other than herbicides;
- (w) to promote opportunities to educate and learn from the public, government agencies and first nations.

## **Division 2 - Forest Stewardship Zones and Objectives**

### **Timber zones**

**10** Within the timber zones, the following apply:

- (a) the management focus is commercial timber production;
- (b) in general, the desired future forest condition resulting from timber harvesting is a matrix of even-aged stands with retained older forest patches and attributes;
- (c) for any cutblock, 10% of the basal area must be retained unless dispersed retention is employed in which case 5% of the basal area must be retained.

### **Habitat zones**

**11** Within the habitat zones, the following apply:

- (a) the management focus within existing stands of old growth timber is conservation of biological diversity and wildlife habitat, with lower intensity harvesting and, in particular, the provision of habitat for forest organisms whose requirements are not met in the timber zone or old growth zone;
- (b) in general, the desired future forest condition resulting from timber harvesting within stands comprised of old growth timber is a matrix of even-aged stands and uneven aged stands with retained older forest patches and attributes;

- (c) in general, the desired future forest condition resulting from timber harvesting within stands comprised of second growth timber is a matrix of even-aged stands with retained older forest patches and attributes;
- (d) for any cutblock, 15% of the basal area is retained, except
  - (i) in the Dianne Lake habitat zone, 25% of the basal area is retained, and
  - (ii) for the Upper Lois habitat zone, 20% of the basal area is retained.

**Old growth zones**

- 12** (1) Within the old growth zones, the following apply:
- (a) the management focus is to conserve existing old growth timber, and restore old growth timber attributes on previously harvested areas;
  - (b) except in the old growth zones referred to in subsection (2), 66% of the productive land base must remain in reserve zones;
  - (c) timber harvesting in old growth stands will employ a mix of irregular shelterwood and group selection silvicultural systems;
  - (d) timber harvesting in second growth stands will employ treatments to restore late successional stand attributes;
  - (e) in general, the desired future forest condition is uneven-aged forest;
  - (f) for any cutblock, 20% of the basal area is retained, in addition to the requirement in paragraph (b) to leave 66% of the land base in reserve zones.
- (2) Within each of the following old growth zones, 100% of the old growth zone must be a reserve zone:
- (a) Heather;
  - (b) Elephant Lake;
  - (c) Goat Island;
  - (d) Daniels Lake.
- (3) Timber harvesting within the High Falls Lake old growth zone must be confined to one of the two drainage basins in the zone.

**Recreation and tourism zones**

- 13** Within the recreation and tourism zones the following apply:
- (a) forest management practices must be compatible with recreation features and opportunities within each zone;
  - (b) for any cutblock, 20% of the basal area must be retained.

## **PART 3 - FOREST STEWARDSHIP PLAN, CUTTING PERMIT, OPERATIONAL INFORMATION MAP AND SITE PLAN**

### **Division 1 – Forest Stewardship Plan**

#### **Preparation of forest stewardship plan and amendments**

- 14** (1) The licensee must prepare and submit to the district manager and the designated environment official a forest stewardship plan in accordance with this regulation.
- (2) At any time during the term of a forest stewardship plan, the licensee may prepare and submit to the district manager and the designated environment official, an amendment to the forest stewardship plan in accordance with this regulation.
- (3) At any time during the term of a forest stewardship plan, if the licensee knows, or reasonably ought to know, that performing the forest practices specified in the forest stewardship plan will not ensure that the strategies and measurable targets specified in the forest stewardship plan will be achieved, the licensee
- (a) must submit to the district manager and the designated environment official an amendment to the forest stewardship plan in accordance with this regulation, and
  - (b) must not carry out, on any parts of the Stillwater area that would be materially affected by the proposed amendment, any forest practices under the forest stewardship plan, until the amendment has been approved or given effect under this regulation.
- (4) At any time during the term of a forest stewardship plan the licensee must prepare and submit to the district manager and the designated environment official an amendment to the forest stewardship plan in accordance with this regulation if
- (a) the licensee becomes aware of new information that materially affects the strategies and measurable targets specified in the forest stewardship plan, or
  - (b) the forest stewardship plan is inconsistent with an item listed in section 16.
- (5) New information under subsection (4) includes but is not limited to information received through the records of comments received under Divisions 4 and 5 of Part 5.

#### **Request for amendment or resubmission for failure to adequately protect**

- 15** (1) If, at any time during the term of a forest stewardship plan, the district manager or the designated environment official determines that the forest stewardship plan is not adequately protecting the forest resources, the district manager or the designated environment official may request that the licensee to prepare and submit for approval a new forest stewardship plan or amendment in accordance with this regulation.
- (2) A request under subsection (1) must be made in writing.

- (3) The licensee must submit a forest stewardship plan or amendment requested under subsection (1) within 6 months of the request being made.

**Consistency**

- 16** A forest stewardship plan must be consistent with the following:
- (a) any higher level plan in place for the Stillwater area;
  - (b) Division 2 of Part 2;
  - (c) the forest stewardship zones map;
  - (d) any resource objective.

**Best information available**

- 17** Subject to any requirement in this regulation to use known information when preparing a forest stewardship plan, the licensee must use the most comprehensive and accurate information available to the licensee.

**Assessments and mapping required by the Act and regulations**

- 18** (1) Before making a forest stewardship plan available for review under this Part, the licensee must complete the following as if the forest stewardship plan were a forest development plan:
- (a) a terrain stability hazard map and soil erosion potential map for that part of the forest stewardship plan that is within the community watershed in accordance with section 12 of the Operational Planning Regulation;
  - (b) forest health evaluation and assessment in accordance with section 13 of the Operational Planning Regulation;
  - (c) a watershed assessment within the previous 3 years of the submission date for areas under the forest stewardship plan provided for and in accordance with section 14 of the Operational Planning Regulation.
- (2) At any time during the term of a forest stewardship plan, the district manager may require the licensee to conduct a forest health assessment referred to in section 13 (b) of the Operational Planning Regulation.

**Division 2 – Cutting Permit**

**Application for a cutting permit**

- 19** (1) Subject to subsection (2) and section 20, before commencing timber harvesting or road construction under a forest stewardship plan, the licensee must apply for a cutting permit.
- (2) The licensee may only apply for a cutting permit in respect of a cutblock or road if
- (a) the cutblock or road has been shown on the operational information map for at least 30 days, and
  - (b) in the case of a cutblock, the licensee has prepared a silvicultural plan and a harvest plan for the cutblock.

### **Assessments and mapping required by the Act and regulations**

- 20** Before applying for a cutting permit under this Part, the licensee must complete the following:
- (a) a terrain stability field assessment required by the Operational Planning Regulation for a cutblock
    - (i) in a community watershed, or
    - (ii) in an area other than a community watershed if the area is identified in the forest stewardship plan as having
      - (A) a high likelihood of landslides,
      - (B) unstable terrain, or
      - (C) a slope gradient greater than 60%;
  - (b) all assessments required by and in accordance with section 37 of the Operational Planning Regulation;
  - (c) a soil erosion field assessment in a community watershed in accordance with section 5 of the Forest Road Regulation;
  - (d) a riparian assessment, in accordance with section 15 of the Operational Planning Regulation, to identify the riparian class of those streams, wetlands and lakes that are located in a community watershed;
  - (e) riparian classification in accordance with Part 8, Division 1 of the Operational Planning Regulation;
  - (f) if required by the district manager in respect of a cutblock shown on the operational information map, an archaeological impact assessment that meets the requirements of the *Heritage Conservation Act*.

### **Contents of application for cutting permit**

- 21** The licensee must ensure that the application for the cutting permit under section 19 contains the following:
- (a) a letter that describes the following:
    - (i) the requested clearing width for a road;
    - (ii) the timber mark for the timber to be harvested;
    - (iii) all comments received under Division 4 of Part 5 that are relevant to the area to be harvested;
    - (iv) a copy of any detailed explanation provided to the person who submitted the comments under Division 4 of Part 5 that are relevant to the cutblock;
  - (b) a map that describes or illustrates the following:
    - (i) with respect to a cutblock, boundaries for the harvesting area;
    - (ii) for the purposes of road construction, the centre line of the road location.

### **Issuance of a cutting permit by the district manager**

- 22** (1) In this section “**specific area of concern**” means
- (a) an area of land identified on a forest stewardship plan by a person who has a property right or interest reasonably close to the licensee’s proposed

- activity if the property right or interest may be affected by a forest practice that is to be carried out under a forest stewardship plan, or
- (b) a community watershed in the Stillwater area.
- (2) The district manager must issue a cutting permit applied for under this Part if
- (a) the application was prepared and submitted in accordance with this Part, and
  - (b) the district manager is satisfied that the licensee has adequately addressed any comments with respect to a specific area of concern.

### **Division 3 – Operational Information Map**

#### **Preparation of an operational information map**

- 23** The licensee must prepare an operational information map illustrating all of the following:
- (a) active cutblocks and road construction activities;
  - (b) cutblocks approved under cutting permits;
  - (c) proposed roads and cutblocks, including current engineering activities;
  - (d) current and planned road deactivation;
  - (e) planned and active stand tending activities, including herbicide treatments.

#### **Maintenance and update of the operational information map**

- 24** The operational information map must be updated at least monthly, to show current activities.

#### **Operational information map not a part of the forest stewardship plan**

- 25** The operational information map is for information purposes only and is not part of the forest stewardship plan.

### **Division 4 – Site Plans**

#### **Site plans**

- 26**
- (1) A harvest plan must contain harvesting strategies and constraints for the area under the plan.
  - (2) A silviculture plan must specify a regime of silviculture strategies and targets that can reasonably be expected to produce the target stocking levels specified in the forest stewardship plan by the end of the free growing period set out in that plan.
  - (3) The licensee must retain a professional forester to specify the regime of silviculture strategies and targets set out in the silviculture plan.
  - (4) A silviculture plan or a harvest plan must be signed and sealed by a professional forester.

#### **Implementation and record requirements for site plans**

- 27** The licensee must
- (a) implement any silviculture plan or harvest plan,

- (b) keep a written record that allows the district manager or designated environment official to determine whether the requirements of section 26 or paragraph (a) of this section have been met, and
- (c) provide the written record to the district manager or designated environment official promptly on request.

## **PART 4 – FOREST PRACTICES IN THE STILLWATER AREA**

### **Restrictions on forest practices**

- 28**
- (1) The licensee must notify the district manager before harvesting in an area for which a cutting permit was issued under Division 2 of Part 3 if more than 3 years have passed since the cutting permit was issued.
  - (2) The licensee must not harvest in an area that is within a community watershed if the result of the terrain stability assessment indicates that the area is subject to a high likelihood of landslides.
  - (3) The licensee must not clearcut an area that is within a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a moderate likelihood of landslides with a high risk of landslide debris entering directly into streams, unless the terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that clearcutting the area will not significantly increase the risk of a landslide.
  - (4) The licensee must not clearcut an area that is outside a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a high likelihood of landslides, unless the terrain stability field assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that clearcutting the area will not significantly increase the risk of a landslide and that there is a low likelihood of landslide debris
    - (a) entering into a fish stream or a perennial stream that is a direct tributary to a fish stream, or
    - (b) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites or any other similar structures.
  - (5) The licensee must not construct an excavated or bladed trail on an area that is outside a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a high likelihood of landslides.
  - (6) The licensee must not construct an excavated or bladed trail on an area that is inside or outside a community watershed if the result of the terrain stability field assessment indicates that the area is subject to a moderate likelihood of landslides, unless the assessment documents the assessor's opinion that, based on the assessment, the assessor has reasonable grounds to believe that
    - (a) the excavated or bladed trail can be located, constructed and rehabilitated in a manner that will not significantly increase the risk of landslides, and

- (b) there is a low likelihood of landslide debris
  - (i) entering into a perennial stream in a community watershed, a fish stream or a perennial stream that is a direct tributary to a fish stream, or
  - (ii) causing damage to private property or public utilities, including but not limited to roads, bridges, transmission lines, pipelines, recreation sites, or any other similar structures.
- (7) The licensee must not yard or skid timber through or over a stream unless the yarding or skidding is authorized by a forest stewardship plan or by the district manager or designated environment official, in writing, with or without conditions.

#### **Establishment of a free growing stand**

- 29** For areas harvested under a forest stewardship plan, the licensee must establish, in accordance with this regulation and the forest stewardship plan, a free growing stand on the area, except for the portion of the area that
- (a) is occupied by permanent access structures, or
  - (b) in its natural state is not capable of supporting a stand of trees that meets the stocking requirements specified in the forest stewardship plan.

#### **Authority to carry out stand management activities**

- 30** For the purposes of section 96 (1) (g) (iii) of the Act, the licensee, without obtaining a cutting permit, is authorized to cut, damage or destroy Crown timber in the course of carrying out stand management activities in accordance with the strategies and measurable targets in a forest stewardship plan.

#### **Forest practices must be consistent with this regulation and related planning documents**

- 31** Any forest practices carried out in the Stillwater area under a forest stewardship plan must be carried out in a manner consistent with the forest stewardship plan and any field variance referred to in section 32.

#### **Field variances**

- 32**
- (1) In this section, “**field variance**” means a variance from a provision of a forest stewardship plan.
  - (2) If the licensee wishes to change the strategies and targets in a forest stewardship plan, the licensee must submit an application for a field variance to the district manager or designated environment official.
  - (3) An application for a field variance must be signed and sealed by a professional forester.
  - (4) The district manager or the designated environment official may approve a field variance to a forest stewardship plan if the district manager or the designated environment official determines that the field variance
    - (a) otherwise meets the requirements of the Act and the regulations,
    - (b) will adequately manage and conserve the forest resources for the area to which it applies, and

(c) does not materially change the forest stewardship plan.

#### **Road use**

- 33**
- (1) For the purposes of this section, sections 55 and 56 of the Act apply to the licensee as if it were the holder of a road permit.
  - (2) A person other than the licensee who has a right to harvest timber in the Stillwater area may apply to the district manager under section 115 of the *Forest Act* for a road use permit for a road constructed or used by the licensee under a forest stewardship plan.
  - (3) Subject to section 81 of the *Forest Act* the district manager must grant a road use permit to an applicant under subsection (2) if the district manager is satisfied that the use of the road by that person will
    - (a) not adversely affect authorized users of the road, or
    - (b) compromise the forest stewardship plan.
  - (4) A person other than a person referred to in subsection (2) who wishes to use a road constructed or used by the licensee under a forest stewardship plan for an industrial purpose, may apply to the district manager under section 117 of the *Forest Act* for a road use permit.
  - (5) The district manager may grant to an applicant under subsection (4) a road use permit if the district manager is satisfied that the use of the road by that person will not
    - (a) cause unnecessary disturbance to the natural environment,
    - (b) adversely affect authorized users of the road, or
    - (c) compromise a forest stewardship plan.
  - (6) A road constructed, modified or maintained by the licensee in the Stillwater area may be used for purposes other than those listed in section 54 (1) and (2) of the Act by any person without charge, in accordance with the conditions set out in section 55 of the Act.
  - (7) The licensee must not require payment from a person who uses the road except in accordance with the conditions set out in section 56 of the Act.

#### **Road maintenance**

- 34**
- (1) Subject to subsection (3), the licensee must maintain all roads constructed or used under the authority of a forest stewardship plan until
    - (a) the road is temporarily or permanently deactivated,
    - (b) a road permit or special use permit for the road is issued to another person, or
    - (c) the road is declared a forest service road under section 115 (5) of the *Forest Act*.
  - (2) Any maintenance carried out under subsection (1) must be done in accordance with the requirements of
    - (a) a forest stewardship plan, and
    - (b) the Act and regulations.

- (3) The district manager may require a person other than the licensee, who holds a permit that authorizes use of a road in the Stillwater area, to assume all or part of the responsibility for maintaining the road.

## **PART 5 – PUBLIC PARTICIPATION IN THE STILLWATER PILOT PROJECT**

### **Division 1 – Public Participation in the Development of**

#### **the Forest Stewardship Plan**

##### **Public involvement in development of strategies and measurable targets**

- 35** The licensee must establish a process to facilitate public involvement in the development of strategies and measurable targets that are required to be in the forest stewardship plan under Part 7.

### **Division 2 – Public Review and Comment on a Proposed Forest Stewardship Plan**

#### **or Amendments to a Forest Stewardship Plan**

##### **Notice of proposed forest stewardship plan or amendment**

- 36** Before the licensee submits a forest stewardship plan or amendment for approval the licensee
  - (a) must publish a notice in a newspaper, in a form acceptable to the district manager, stating that the proposed forest stewardship plan or amendment is available for public review and comment, and
  - (b) must make the forest stewardship plan or amendment available for review and comment in a manner consistent with this Division.

##### **Submitting proposal to the district manager and designated environment official**

- 37** The licensee must submit to the district manager and the designated environment official a copy of the proposed forest stewardship plan or amendment in the form that will be made available for review under section 36
  - (a) at substantially the same time as the licensee first publishes the notice referred to in section 36 (a), or
  - (b) at any other time agreed to by the district manager, the designated environment official and the licensee.

##### **Review by the public, agencies and affected persons**

- 38** (1) The licensee must provide an opportunity to review a proposed forest stewardship plan or amendment to members of the public interested in, or affected by, operations under the proposed forest stewardship plan or amendment in accordance with this Division.
- (2) The licensee must refer the proposed forest stewardship plan or amendment to

- (a) any resource agency specified by the district manager or the designated environment official,
  - (b) any government agency identified by the district manager or the designated environment official, and
  - (c) any other person the district manager or the designated environment official identifies as a person who may be materially affected by the proposed forest stewardship plan or amendment.
- (3) An opportunity for review provided to an interested or affected person under subsections (1) or (2) is adequate only if, in the opinion of the district manager or the designated environment official, the opportunity is commensurate with the nature and extent of that person's interest in the area under the forest stewardship plan or amendment and any right that person may have to use the area under the forest stewardship plan.

**Assessments available at place of business**

- 39** The licensee must make the assessments that are related to the forest stewardship plan, other than archaeological impact assessments, available for review by persons reviewing the forest stewardship plan or amendment under section 38, at its place of business in Powell River, or at another location specified by the district manager.

**Period for review**

- 40** (1) Subject to subsection (2), the period for review of a proposed forest stewardship plan or amendment is 60 days from the date of the first publication of the notice referred to in section 36.
- (2) Despite subsection (1) the district manager or the designated environment official, may, by notice in writing to the licensee, given before the expiry of the period under subsection (1), extend the period for review under subsection (1).

**Comments**

- 41** A person who reviews a proposed forest stewardship plan or amendment under this Division may submit comments in writing to the licensee during the period allowed for review under section 40.

**Licensee's response to comments**

- 42** The licensee must consider all comments received under section 41 and
- (a) make any revisions to the proposed forest stewardship plan or amendment that the licensee considers appropriate,
  - (b) make any revisions to the proposed forest stewardship zone map to indicate any specific area of concern , and
  - (c) provide the person who submitted the comments with a detailed explanation in writing of how the issues raised in the comments have been addressed.

**Submitting a proposed forest stewardship plan and comments**

- 43** When submitting a forest stewardship plan or amendment for approval, the licensee must submit with the proposed forest stewardship plan or amendment
- (a) a copy of the notices that were published under section 36 in respect of the proposed forest stewardship plan or amendment,
  - (b) a copy of each written comment received in respect of the proposed forest stewardship plan or amendment,
  - (c) a copy of each detailed explanation provided to the person who submitted a comment on the proposed forest stewardship plan or amendment, and
  - (d) a summary of all revisions made to the proposed forest stewardship plan under section 42.

**Amendments that do not require public review and comment**

- 44** Section 40 does not apply to an amendment if the district manager or the designated environment official is satisfied that
- (a) the amendment is necessary to enable measures to be taken to address an emergency and there is insufficient time to provide for review and comments for a period of at least 10 days, or
  - (b) the reason for the amendment is to make the forest stewardship plan consistent with the items in section 16.

**Notice of exemption from review**

- 45** (1) If section 44 applies the licensee must publish, in an issue of a newspaper, a notice of the exemption and approval under that section, including a statement containing the following information:
- (a) the amendment to the forest stewardship plan has been approved or given effect without having been made available for review and comments;
  - (b) the reasons why implementation of the amendment proceeded without review and comment.
- (2) Notices with respect to exemptions under section 44 must include the following:
- (a) the date on which the operations are authorized to begin;
  - (b) the number of days, which must be a minimum of 5 clear days, between the date of first publication and the date operations are to begin.

**Division 3 – Public Accessibility to Planning Documents**

**Documents available for viewing in the licensee's place of business**

- 46** The licensee must make the following documents available for viewing at its place of business in Powell River or at another location specified by the district manager:
- (a) any forest stewardship plan;
  - (b) any assessments that are related to the development of the proposed forest stewardship plan, other than archaeological impact assessments;

- (c) any assessments that are required before applying for a cutting permit under a forest stewardship plan;
- (d) any access management planning document prepared under a forest stewardship plan;
- (e) any road layout and design documents prepared under a forest stewardship plan;
- (f) any cutting permits issued under a forest stewardship plan;
- (g) any silviculture plan or harvest plan;
- (h) any audits, records or annual reports prepared under Parts 8 and 9;
- (i) the operational information map;
- (j) any comments received from the public regarding the operational information map and any responses to those comments by the licensee under Division 5 of this Part.

**Notice**

- 47**
- (1) The licensee must publish in a newspaper a notice, in a form acceptable to the district manager, stating that the forest stewardship plan and related planning documents are available for public review in accordance with section 46.
  - (2) The notice required under section (1) must be published at least once in each calendar year.

**Division 4 – Public Comments on a Forest Stewardship Plan**

**Comments from the public regarding specific areas of concern**

- 48** During the term of a forest stewardship plan, the licensee must record all comments received from the public with respect to any specific area of concern identified in the forest stewardship plan.

**Licensee response to comments**

- 49** The licensee must consider all comments from the public received under section 48 and provide the person who submitted the comments with a detailed explanation in writing of how the issues raised in the comments have been addressed.

**Division 5 – Public Comments about the Operational Information Map**

**Comments from the public regarding the operational information map**

- 50** During the term of a forest stewardship plan, the licensee must record all comments received from the public about the operational information map.

**Licensee response to comments**

- 51**
- (1) The licensee must consider all comments from the public received under section 50 to determine whether the comments provide any information that materially affects the strategies and targets in the forest stewardship plan.
  - (2) The licensee must provide the person who submitted a comment under section 50 with a detailed explanation in writing of how the issues raised in the comment have been addressed.

## **PART 6 – APPROVAL AND TERM OF FOREST STEWARDSHIP PLAN**

### **Definition**

- 52** In this Part, “**term**” means the time from the date a forest stewardship plan is approved until the date it expires.

### **Joint approval**

- 53** (1) The district manager and the designated environment official must approve a proposed forest stewardship plan or amendment submitted under Part 3 if
- (a) the forest stewardship plan or amendment was prepared and submitted in accordance with the Act and this regulation, and
  - (b) the district manager and the designated environment official are satisfied that the forest stewardship plan or amendment will adequately manage and conserve the forest resources for the area to which it applies.
- (2) Before approving a forest stewardship plan or amendment submitted under Part 3, the district manager or the designated environment official may require the licensee to submit information that the district manager or the designated environment official reasonably requires in order to determine if the proposed forest stewardship plan or amendment meets the requirements of subsection (1).
- (3) The district manager and the designated environment official may make his or her approval of an forest stewardship plan or amendment subject to a condition.
- (4) The approval of a forest stewardship plan or amendment must include a date on which the approval is to take effect.

### **Effective date and term of forest stewardship plans**

- 54** (1) A forest stewardship plan takes effect on the date specified in the approval of the forest stewardship plan under this Part.
- (2) Subject to an extension under section 55, a forest stewardship plan expires after 5 years following the date specified in the approval of the f plan under this Part.

### **Extension of term of forest stewardship plans**

- 55** Before or after a forest stewardship plan expires, the district manager and the designated environment official may extend the term of the forest stewardship plan for a period of up to 12 months.

### **Notice of extension of a forest stewardship plan**

- 56** If the licensee receives an extension of the forest stewardship plan under section 55, the licensee must publish in a newspaper a statement, approved by the district manager, specifying
- (a) the term of the current forest stewardship plan, and
  - (b) the period of extension received.

## **PART 7 –FOREST STEWARDSHIP PLAN CONTENT**

### **Division 1 – Management Strategies and Measurable Targets**

#### **Signature required for forest stewardship plan**

- 57** The forest stewardship plan must be
- (a) signed and sealed by a professional forester, and
  - (b) signed by an authorized representative of the licensee.

#### **Management strategies for resource value goals**

- 58** The forest stewardship plan must contain management strategies for each of the resource value goals in Division 1 of Part 2.

#### **Management strategies and measurable targets for forest stewardship zones**

- 59**
- (1) For each of the forest stewardship zones, the forest stewardship plan must set out all of the following:
    - (a) regeneration strategies;
    - (b) strategies and measurable targets for salvage;
    - (c) minimum patch size for retention patches;
    - (d) minimum distribution requirements for stand level retention.
  - (2) For each of the recreation and tourism zones, the forest stewardship plan must identify management zones that provide for specific restrictions on harvesting and other forest practices allowed in those management zones.

#### **Management of recreational trails**

- 60**
- (1) The forest stewardship plan must identify a management zone, a reserve zone or a combination of management and reserve zones for the following recreational trails:
    - (a) the connecting portages and lakes along the Powell River Canoe Route;
    - (b) the Sunshine Coast Trail including Rainy Day Lake, Lewis Lake and Lost Lake;
    - (c) the 2 access trails to Emma Lake;
    - (d) the Giavanno Lake to Fiddlehead Farm Trail;
    - (e) the access trail to Mount Diadem;
    - (f) the J Branch access trail to Freda Mountain;
    - (g) the S Branch access trail to the South Powell Divide;
    - (h) the D Branch access trail to Centre Lakes;
    - (i) the Goat Lake II access trail to Triple Peaks;
    - (j) Frog Pond Lake and the access trail due south to Powell Lake.
  - (2) For the purposes of subsection (1) the forest stewardship plan must set out the following:
    - (a) minimum widths for the reserve zones and management zones;
    - (b) specific restrictions on harvesting and forest practices allowed in the management zones adjacent to the recreational trails.
  - (3) If a recreational trail referred to in subsection (1) runs through or is part of any of the forest stewardship zones, the retention provided for in a management zone, reserve zone or combination of management and reserve zones is included as part of the minimum stand retention requirements specified in

Division 2 of Part 2 for the forest stewardship zone that the recreational trail runs through or is part of.

**Management strategies and measurable targets for achieving equivalent protection**

- 61** (1) In addition to the strategies and targets required in section 59, the forest stewardship plan must establish strategies and measurable targets to ensure a level of protection at least equal to the level required under the Act and regulations for all of the following forest resources and resource features:
- (a) soil;
  - (b) water;
  - (c) biological diversity;
  - (d) fish and wildlife;
  - (e) recreation;
  - (f) cultural heritage resources;
  - (g) forest health;
  - (h) timber.
- (2) The strategies and measurable targets established under subsection (1) must include the following:
- (a) for soil:
    - (i) targets for maximum allowable site loss due to permanent access structures;
    - (ii) targets for maximum allowable soil disturbance within any portion of the net area to be reforested;
    - (iii) targets for the extent to which soil disturbance limits may be temporarily exceeded to construct temporary access structures;
    - (iv) targets for the maximum allowable time to complete the rehabilitation of temporary access structures;
    - (v) a statement that, where soil compaction has occurred during harvesting, the site will be rehabilitated before regeneration;
    - (vi) targets for the maximum allowable time to re-vegetate erodible soil surfaces during harvesting and road construction and deactivation;
    - (vii) targets for the minimum allowable time to re-vegetate operationally induced landslides;
  - (b) for water:
    - (i) strategies to maintain natural stream flow patterns;
    - (ii) strategies for yarding, according to stream class;
    - (iii) the minimum range of basal area retention for each riparian class of stream, wetland and lake;
    - (iv) strategies to maintain stream bank stability;
    - (v) strategies for addressing the licensee's operations within community watersheds;
  - (c) for biological diversity:

- (i) harvesting strategies, including the silvicultural system to be employed, consistent with desired future forest condition for each forest stewardship zone;
- (ii) regeneration strategies consistent with management emphasis and desired future forest condition for each forest stewardship zone;
- (iii) the timeline to achieve 100% minimum variable retention or other partial harvesting system targets;
- (iv) minimum retention targets for coarse woody debris in stands of old growth timber and second growth timber;
- (d) for fish and wildlife:
  - (i) timing windows for helicopter harvesting within specified distances from mountain goat winter ranges, marbled murrelet nests and heron rookeries and any other fish or wildlife that are identified under Part 10 of the Operational Planning Regulation;
  - (ii) timing windows and measures for harvesting and road construction, modification and deactivation activities in and around fish streams and fish stream crossings;
  - (iii) access management strategies;
- (e) for recreation:
  - (i) strategies to identify recreation features and opportunities;
  - (ii) access management strategies;
  - (iii) strategies for permanent and temporary deactivation;
- (f) for cultural heritage, necessary strategies to identify, document and manage cultural heritage resources;
- (g) for forest health, management strategies for fire prevention and suppression, insects, disease and windthrow;
- (h) for timber:
  - (i) minimum utilization standards for alder;
  - (ii) strategies for minor salvage;
  - (iii) strategies for reforestation;
  - (iv) stand management strategies;
  - (v) targets for maximum cutblock size and adjacency requirements ;
  - (vi) targets consistent with the adoption of Vancouver Forest Region Free Growing Stocking Standards for
    - (A) species selection,
    - (B) stocking standards,
    - (C) regeneration dates, and
    - (D) free growing standards.

**Requirements with respect to road activities**

**62** The forest stewardship plan must establish the following with respect to road construction, modification and deactivation activities to ensure a level of protection

for forest resources and resource features at least equal to the level required under the Act and regulations:

- (a) requirements for selecting and locating access structures including strategies to protect and conserve the soil and water resources, specifically addressing timing windows and construction measures in and about streams and fish and wildlife habitat;
- (b) road layout and design specifications;
- (c) drainage design objectives;
- (d) requirements for design of bridges and culverts;
- (e) objectives for revegetation of exposed mineral soil subject to erosion;
- (f) strategies for inspection, evaluation and maintenance of roads, bridges and major culverts;
- (g) deactivation objectives and standards;
- (h) measures to ensure that crossings of fish streams will provide safe passage for fish.

## **Division 2 – Map and Information Requirements**

### **Map requirements for a forest stewardship plan**

- 63** (1) The licensee must ensure that a forest stewardship plan includes the following information:
- (a) forest stewardship zones;
  - (b) forest cover;
  - (c) the topography of the area, and the location of those streams, wetlands and lakes that are shown on forest cover maps or fish and fish habitat inventory maps or terrain resource inventory maps;
  - (d) one of the following:
    - (i) areas mapped on terrain stability hazard maps as having a moderate or high likelihood of landslides;
    - (ii) if no terrain stability hazard mapping has been carried out, areas identified on reconnaissance terrain stability maps as having unstable or potentially unstable terrain;
    - (iii) if no terrain stability hazard mapping or reconnaissance terrain stability mapping has been carried out, areas with a slope gradient greater than 60%;
  - (e) any areas identified by the district manager as having unstable or potentially unstable terrain;
  - (f) an operability line depicting either the physical or economic limit of harvesting operability on the land base;
  - (g) the following known items:
    - (i) protected areas;
    - (ii) designated areas under Part 13 of the *Forest Act*;
    - (iii) wilderness areas;
    - (iv) sensitive areas established in accordance with the Act;

- (v) wildlife habitat areas, but the location of the wildlife habitat area need not be shown if the district manager or designated environment official makes it known that the location of the wildlife habitat area is not to be included in forest stewardship plans, in which case only the name of the identified wildlife protected by the wildlife habitat area must be included;
  - (vi) forest ecosystem networks;
  - (vii) old growth management areas;
  - (viii) scenic areas;
  - (ix) specific areas of concern;
  - (x) ungulate winter ranges;
  - (xi) community watersheds;
  - (xii) community water supply intakes and related water supply infrastructures;
  - (xiii) fish streams;
  - (xiv) riparian class of streams, wetlands and lakes;
  - (h) the following public utilities on Crown land:
    - (i) transmission lines;
    - (ii) gas and oil pipelines;
    - (iii) railways;
  - (i) if mapping is required under section 18 (1), the location of areas within a community watershed that have a high or very high soil erosion potential.
- (2) Despite subsection (1) the licensee is not required to include the information specified in that subsection for an area within a forest stewardship plan in which only minor salvage operations will be carried out, unless the district manager, by written notice, requires some or all of that information, in which case the licensee must comply with the requirements in that notice.

## **PART 8 – REPORTS AND RECORDS**

### **Silviculture surveys**

- 64** For areas harvested under a cutting permit, sections 24 to 27 of the Silviculture Practices Regulation apply to the licensee as if the licensee were the holder of a silviculture prescription.

### **Timber harvest commencement and free growing reports**

- 65** The licensee must submit on or before January 31 of each year a report in Forms B and C of the Silviculture Practices Regulation, describing the following:
- (a) timber harvesting that was completed more than 4 weeks before the date of the report;
  - (b) a statement, signed and sealed by a professional forester, that an area under a cutting permit has achieved free growing in accordance with the forest stewardship plan;

- (c) a map illustrating the areas to which subsections (a) and (b) apply.

**Annual TFL report to include activities under forest stewardship plan**

- 66** The licensee must report all activities that took place in a calendar year under a forest stewardship plan in the annual report as required under section 11.01 of TFL 39.

**Annual report to ministers**

- 67** (1) For the purpose of section 221.2 of the Act, the licensee must prepare and submit to the ministers an annual report not later than
- (a) 3 months after the anniversary of the approval of the forest stewardship plan, and
  - (b) on every anniversary of the date specified in paragraph (a).
- (2) The report prepared under subsection (1) must include the following:
- (a) a review of the performance of the licensee in the previous year with respect to forest practices carried out under a forest stewardship plan;
  - (b) assessment of the Stillwater pilot project with respect to the monitoring and evaluation criteria in Part 9, including:
    - (i) the results of monitoring and evaluation under Part 9;
    - (ii) review of the implementation process;
    - (iii) results of changes implemented in the previous year to improve performance;
    - (iv) strategies and targets to provide for continuous improvement over previous years' results.

**Five-year performance review**

- 68** (1) The licensee must prepare a performance review.
- (2) The performance review prepared under subsection (1) must be submitted to the Minister of Forests and the Minister of Environment Lands and Parks no later than
- (a) 3 months after the fifth anniversary of the approval of a forest stewardship plan, and
  - (b) if a forest stewardship plan is extended under section 55, 3 months following the expiry of the forest stewardship plan.
- (3) The performance review prepared under subsection (1) must include the following:
- (a) consolidation of the 5 annual reports prepared under section 67 to show performance over time;
  - (b) assessment of the results after 5 years against the monitoring and evaluation criteria in Part 9;
  - (c) recommendations for improvement.

**Accurate records of forest practices**

- 69** The licensee must at all times maintain accurate records of the forest practices carried out under a forest stewardship plan.

**Management plan submission to include forest stewardship plan**

- 70** The licensee must provide a copy of the current forest stewardship plan with the management plan submitted under section 35 of the *Forest Act*.

**PART 9 – MONITORING AND EVALUATION**

**Division 1 – Stillwater Pilot Project**

**Monitoring and evaluation of the Stillwater pilot project**

- 71** The licensee must monitor and evaluate the Stillwater pilot project for all of the following:
- (a) environmental performance;
  - (b) flexibility in the planning and approval process;
  - (c) public participation in the planning process;
  - (d) cost of the planning and approval process, to both government and industry;
  - (e) adaptive management with respect to planning and approval processes and forest practices.

**Environmental performance**

- 72** The licensee must evaluate the effectiveness of the Stillwater pilot project in achieving the desired environmental performance through
- (a) monitoring and evaluation of the strategies and targets contained in the forest stewardship plan,
  - (b) compilation of statistics of any stop work orders, remediation orders, administrative penalties or convictions related to non-compliance with the Stillwater pilot project, to show trends from year to year, and to identify weaknesses and corrective measures that could be proposed to ensure continual improvement,
  - (c) tracking of the results of Forest Practices Board audits to compare the licensee's performance under the Stillwater pilot project against the licensee's performance under the existing planning and approval process,
  - (d) maintenance of ISO 14001 Environmental Certification and assessment of the results of annual ISO 14001 audits, and
  - (e) maintenance of CSA or other sustainable forest management certification and assessment of audit results.

**Flexibility**

- 73** The licensee must evaluate the performance of the Stillwater pilot project in achieving flexibility by monitoring the following:
- (a) in the first 2 years following the approval of a forest stewardship plan, log inventories at the division level and in the third and subsequent years following the approval of a forest stewardship plan, log inventories at the division level and at the distribution level;
  - (b) the licensee's ability to fill specific requested customer orders;
  - (c) the number of times road construction or harvesting are held up due to approvals issues, including identification of where the process failed so that corrective actions can be taken;
  - (d) whether customer needs are being met and quality product delivered on time at a competitive price;
  - (e) the average time it takes to receive cutting permit approval, including determination of why a cutting permit is not approved quickly in order to determine where the process needs improvement.

**Public participation in the planning process**

- 74** The licensee must evaluate the performance of the Stillwater pilot project with respect to public participation by monitoring the following:
- (a) annual third party audits under the CSA certification process, which include review and evaluation of the public participation system with a focus on continual performance improvement;
  - (b) compliance with the public information commitments under Part 5, including recommendations for continuous improvement;
  - (c) the number of times the district manager's approval of a cutting permit is delayed because of public concerns, including identification of how the process can be improved to avoid delay;
  - (d) public comments to the licensee regarding how the process is working;
  - (e) the use of the licensee's website to determine if it is an effective method of communication;
  - (f) annual poll of the public, first nations and government agencies to determine what they consider is working and what is not.

**Costs**

- 75**
- (1) The licensee must evaluate the performance of the Stillwater pilot project with respect to costs by monitoring the estimated cost savings to the licensee resulting from
    - (a) the reduction in the number of plans and permits required to be prepared and submitted, and
    - (b) the implementation of the Stillwater pilot project.
  - (2) The district manager must evaluate the performance of the Stillwater pilot project with respect to costs by monitoring estimated cost savings to the Ministry of Forests resulting from the following:

- (a) fewer plan reviews and approvals;
- (b) the implementation of the Stillwater Pilot Project.

**Adaptive management**

- 76** The licensee must incorporate the principles and procedures of adaptive management into forest management activities in the Stillwater area and must develop strategies and targets to provide for continuous improvement over the previous year's results.

**Division 2 – Forest Practices**

**Monitoring and evaluation of forest practices under the Stillwater pilot project**

- 77** (1) The licensee must monitor and evaluate the forest practices under the Stillwater pilot project to ensure that they are consistent with Division 2 of Part 2, and with the strategies and targets established in the forest stewardship plan.
- (2) The monitoring and evaluation under subsection (1) must include the following:
- (a) annual third party audits;
  - (b) annual joint audits between the licensee, the Ministry of Forests and the Ministry of Environment, Lands and Parks;
  - (c) audits by the Ministry of Forests or the Ministry of Environment, Lands and Parks of any reports, assessments, surveys, or audits performed by the licensee.

**Annual third party auditing**

- 78** (1) The licensee must submit to the Ministry of Forests and the Ministry of Environment, Lands and Parks any audits performed by a third party related to the licensee's requirements for its certification under
- (a) an environmental management system, or
  - (b) sustainable forest management system system.
- (2) Audits under subsection (1) must be submitted no later than 60 days after the licensee has received them.

**Annual joint audits**

- 79** (1) The licensee must conduct annual audits in co-operation with
- (a) the Ministry of Forests and the Ministry of Environment Lands and Parks, and
  - (b) a member of the public, agreed to by the Ministry of Forests, the Ministry of Environment, Lands and Parks and the licensee.
- (2) Subject to subsection (3) the audits conducted under subsection (1) must be performed on 10 areas that have been, or are about to be, harvested under a cutting permit.
- (3) The areas to be audited under subsection (2) must be selected at random by the district manager or the designated environment official.
- (4) The audits under this section may be conducted all at one time, or may be conducted over the course of the year.

**Audits of reports, assessments, surveys or audits**

- 80** The Ministry of Forests and the Ministry of Environment, Lands and Parks may, at any time, perform an audit of any report, assessment, survey or audit prepared by the licensee.

**Division 3 – Forest Practices Board**

**Forest Practices Board may have determination or decision reviewed**

- 81** (1) Subject to section 80, the board may request a review of a determination with respect to the approval of a forest stewardship plan or amendment, or a field variance, if the board believes that in relation to the approval of the plan, amendment or field variance, there has been a contravention of the Act or the regulations.
- (2) The board may request a review of
- (a) a determination with respect to the issuance of a cutting permit under section 22 (2), and
  - (b) the licensee's decision that an amendment to the forest stewardship plan is not required under section 14 (4).

**Scope of Forest Practices Board review**

- 82** The scope of the review conducted under section 81 in respect of a forest stewardship plan does not apply to the requirements of section 58.

**Audits**

- 83** Without limiting section 176 of the Act, the board must, in accordance with the regulations, carry out periodic independent audits and may carry out special investigations to determine
- (a) compliance with the requirements of this regulation by the licensee, and
  - (b) the appropriateness of government enforcement under Part 10.

**Audit Standards**

- 84** The standards in the Forest Practices Board Regulation that are established by the board for the purpose of periodic audits required under section 176 of the Act apply to any audits under this Division.

**Scope of complaints**

- 85** The matters about which a person may make a complaint to the board under section 177 of the Act include
- (a) the licensee's compliance with the requirements of this regulation, and
  - (b) the appropriateness of government enforcement under Part 10.

**PART 10 – COMPLIANCE AND ENFORCEMENT**

**Forest stewardship plan provisions continue until free to grow**

- 86** Despite the expiry of a forest stewardship plan, the measurable targets and road activity requirements established in the forest stewardship plan remain in effect for

an area that is harvested under the plan until free to grow commitments established in the plan are achieved.

**Administrative penalties**

**87** A penalty set out in Column 3 of Schedule A to this regulation is the maximum penalty, in dollars, that may be levied under section 117 (1) of the Act for a contravention of the provision of this regulation described in Columns 1 and 2, opposite the penalty.

**Offences**

**88** A person who contravenes section 31 or 34 of this regulation commits an offence and is liable on conviction to a fine not exceeding \$500 000 or to imprisonment for not more than 2 years, or both

## **PART 11 – CANCELLATION OF STILLWATER PILOT PROJECT**

**Government may cancel a forest stewardship plan**

**89** (1) The district manager, with the consent of the designated environment official, may cancel a forest stewardship plan if during the term of the plan the district manager determines that

- (a) the forest stewardship plan is not adequately protecting forest resources, or
- (b) the monitoring and evaluation under section 71 indicates that any of the matters listed in that section are not being achieved.

(2) The district manager must give a notice of cancellation to the licensee specifying the reasons for the cancellation.

(3) If within 30 days after a notice of cancellation is given to the licensee the licensee so requests, the district manager and designated environment official must give the licensee an opportunity to be heard and must rescind the notice if they consider that the subsection (1) (a) and (b) does not apply.

**Licensee may apply to cancel a forest stewardship plan**

**90** (1) During the term of a forest stewardship plan, the licensee may, by giving notice to the district manager, apply to cancel the plan, if the licensee determines that the monitoring and evaluation under section 71 indicates that any of the matters listed in that section are not being achieved.

(2) A notice under subsection (1) must specify the reasons for the cancellation.

(3) On receipt of a notice under subsection (1), the district manager and the designated environment official must agree to cancel the plan if they determine that the monitoring and evaluation under section 71 indicates that any of matters listed in that section are not being achieved.

(4) The district manager and the designated environment official must give notice of their decision under subsection (3) in writing to the licensee.

**Consequence of notice or application**

- 91** If the district manager gives notice under section 89 to cancel the forest stewardship plan and the notice is not rescinded, or the district manager and designated environment official agree to cancel a forest stewardship plan under section 90, the licensee, in accordance with the Act and regulations, must prepare a forest development plan and submit it to the district manager.

**Effective date of forest stewardship plan cancellation**

- 92** A forest stewardship plan referred to in section 91 is cancelled on the date of the approval of the forest development plan submitted under section 91.

## SCHEDULE A

### ADMINISTRATIVE PENALTIES

Column 1	Column 2	Column 3
14 (3) and (4)	Failure to submit an amendment to a forest stewardship plan if required	5 000
20 (2)	Failure to carry out required assessments where required before the submission of an application for a cutting permit	10 000
28 (2)	Harvesting within a community watershed if a terrain stability assessment indicates that the area is subject to a high likelihood of landslides.	50 000
28 (3)	Clearcutting within a community watershed if a terrain stability field assessment indicates the area is subject to a moderate likelihood of landslides.	50 000
28 (4)	Clearcutting an area outside a community watershed if terrain stability field assessment indicates the area is subject to a high likelihood of landslides.	50 000
28 (5)	Constructing an excavated or bladed trail outside a community watershed if the terrain stability field assessment indicates the area was subject to a high likelihood of landslides.	50 000
28 (6)	Constructing an excavated or bladed trail outside a community watershed if the terrain stability field assessment indicates the area is subject to a moderate likelihood of landslides.	50 000
28 (7)	Yarding or skidding through or over a stream when prohibited	5 000
31	Failure to carry out forest practices in a manner consistent with the forest stewardship plan and any field variances.	50 000
33 (6)	Improperly closing a road or restricting its use.	10 000
33 (6)	Improperly removing a vehicle or animal from the road.	2 000
33 (7)	Improperly requiring payment from a person for the non-industrial use of the road.	2 000
33 (7)	Improperly requiring payment for use of a road from a person who uses a road under a road use permit or an exemption made under section 54 (4) of the Act.	2 000
34 (1) (a)	Failing to maintain a road for the required time.	50 000
34 (2)	Failing to maintain a road to a required level.	50 000
59	Failure to comply with the targets and strategies established in a	50 000

	forest stewardship plan for the forest stewardship zones	
61 (2) (a)	Failure to comply with the measurable targets established under a forest stewardship plan for soil	50 000
61 (2) (b)	Failure to comply with the measurable targets established under a forest stewardship plan for water	50 000
61 (2) (c)	Failure to comply with the measurable targets established under a forest stewardship plan for biological diversity	50 000
61 (2) (d)	Failure to comply with the measurable targets established under a forest stewardship plan for fish and wildlife	50 000
61 (2) (e)	Failure to comply with the measurable targets established under a forest stewardship plan for recreation	50 000
61 (2) (f)	Failure to comply with the measurable targets established under a forest stewardship plan for cultural heritage	50 000
61 (2) (g)	Failure to comply with the measurable targets established under a forest stewardship plan for forest health	50 000
61 (2) (h)	Failure to comply with the measurable targets established under a forest stewardship plan for timber	50 000
62	Failure to comply with the requirements established in a forest stewardship plan for road activities	50 000
64	Failure to comply promptly with the requirements of a notice received under section 27 (1) of the Silviculture Practices Regulation.	2 000
65	Failure to submit each year the required reports at the required times and on the required form.	2 000
67	Failure to submit each year the required report at the required time	2 000
68	Failure to submit the five-year performance review at the required time	2 000
78	Failure to submit third party audits at the required time	2 000

**SCHEDULE B**  
**FOREST STEWARDSHIP ZONES MAP**