

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **193**, Approved and Ordered **MAR - 5 2009**

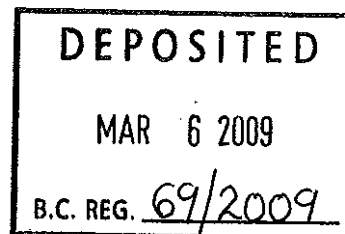



Lieutenant Governor

Executive Council Chambers, Victoria


On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the following provisions of the *Forests and Range Statutes Amendment Act, 2007*, S.B.C. 2007, c. 18 are brought into force:
 - (i) sections 1, 4, 13 (b), 17, 26, 42, 47, 49 and 51;
 - (ii) section 66 (a), insofar as it enacts paragraphs (a.1), (a.2) and (b.2) of the *Forest Act*,
- (b) sections 14 and 23 of the *Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act, 2008*, S.B.C. 2008, c. 20 are brought into force,
- (c) the Allowable Annual Cut Proportionate Reduction Regulation, B.C. Reg. 156/94 is repealed, and
- (d) the attached Allowable Annual Cut Administration Regulation is made.





Minister of Forests and Range



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- *Forest Act*, R.S.B.C. 1996, c. 157, ss. 8.1, 63, 151, 157, and 173,
Forests and Range Statutes Amendment Act, 2007, S.B.C. 2007, c. 18, s. 103,
Greenhouse Gas Reduction (Emissions Standards) Statutes Amendment Act, 2008, S.B.C. 2008, c. 20, s. 37

Other (specify):- oic 737/94

February 9, 2009

R/87/2009/22

ALLOWABLE ANNUAL CUT ADMINISTRATION REGULATION

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PART 1 – DEFINITIONS

Definitions

- 1 In this regulation:

“Act” means the *Forest Act*;

“timber harvesting land base” means the current timber harvesting land base for a tree farm licence area or a timber supply area, whichever is applicable, as set out in the most recent allowable annual cut determination for the area.

PART 2 – PROPORTIONATE REDUCTION

Allowable annual cut

- 2 The allowable annual cut that is prescribed for the purposes of sections 63 and 173 of the Act is 10 001 m³ a year.

PART 3 – ALLOWABLE ANNUAL CUT AVAILABLE

Allowable annual cut available

- 3 For the purposes of the definition of “allowable annual cut available” in section 1 (1) of the Act, the allowable annual cut available to a tree farm licence holder is the allowable annual cut of the tree farm licence area minus
 - (a) the allowable annual cut attributed to a reservation referred to in section 35 (1) (h) of the Act, except the portion of the reservation attributed

to a deletion of Crown land from the tree farm licence area under section 39.1 of the Act if the agreement making the deletion states that the deletion of Crown land is to offset a reservation referred to in section 35 (1) (h) of the Act, and

- (b) the reduction to the allowable annual cut attributed to the tree farm licence under section 3 (3) of the *Forestry Revitalization Act*, except the portion of the reduction attributed to a deletion of Crown land from the tree farm licence area
 - (i) by order of the minister under section 3 (4) of that Act, or
 - (ii) under section 39.1 of the *Forest Act*, if the agreement making the deletion states that the deletion of Crown land is to offset a reduction under section 3 (3) of the *Forestry Revitalization Act*.

PART 4 – ALLOWABLE ANNUAL CUT ADJUSTMENTS

For the purposes of section 8.1 of the Act

4 Sections 5 to 11 of this regulation are for the purposes of section 8.1 of the Act.

Boundary changes to a timber supply area

5 (1) If the minister changes the boundary of a timber supply area under section 7 of the Act by removing land from the timber supply area and the area of land that is removed has an allowable annual cut attributed to it under section 8 (5) (a.1) of the Act, the allowable annual cut of the timber supply area is, after the boundary of the timber supply area is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary of the timber supply area minus the allowable annual cut attributed to the area of land that is removed from the timber supply area.

(2) If

- (a) subsection (1) does not apply,
- (b) the minister changes the boundary of a timber supply area under section 7 of the Act by removing land from the timber supply area, and
- (c) as a result of paragraph (b), the timber harvesting land base of the timber supply area from which the land is removed is reduced by at least 2% and equals at least 200 hectares,

the allowable annual cut of the timber supply area is, after the boundary of the timber supply is changed, the allowable annual cut of the timber supply area as it

was immediately before the change to the boundary of the timber supply area minus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the timber supply area as it was immediately before the change to the boundary of the timber supply area}}{\text{timber harvesting land base of the timber supply area as it was immediately before the change to the boundary of the timber supply area}} \times \frac{\text{number of hectares removed from the timber harvesting land base of the timber supply area}}{\text{number of hectares removed from the timber harvesting land base of the timber supply area}}$$

Consolidation of timber supply areas

- 6 If the minister orders the consolidation of 2 or more timber supply areas under section 7 of the Act, the allowable annual cut of the timber supply area resulting from the consolidation is the total of the allowable annual cuts of all of the timber supply areas that were consolidated as they were immediately before the consolidation.

Division of timber supply areas

- 7 (1) If the minister orders the division of a timber supply area under section 7 of the Act by removing land from the area of the timber supply area and adding the land to the area of another timber supply area or establishing a new timber supply area, and an allowable annual cut has been attributed to that land under section 8 (5) (a.1) of the Act, the allowable annual cut of
- (a) the timber supply area from which the land is removed is, after the removal of the land, the allowable annual cut of the timber supply area as it was immediately before the removal of the land minus the allowable annual cut attributed to the area of land removed from the timber supply area, and
 - (b) the timber supply area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the timber supply area as it was immediately before the addition of the land plus the allowable annual cut attributed to the area of land added to the timber supply area, and
 - (c) the new timber supply area, if applicable, is the allowable annual cut attributed to the area of land added to establish the new timber supply area.
- (2) If
- (a) subsection (1) does not apply,
 - (b) the minister orders the division of a timber supply area under section 7 of the Act by removing land from the area of the timber supply area and adding the land to the area of another timber supply area or establishing a new timber supply area, and
 - (c) as a result of paragraph (b) the timber harvesting land base of the timber supply area from which that land was removed decreases by 2% and equals at least 200 hectares,
- the allowable annual cut of

- (d) the timber supply area from which the land is removed is, after the removal of the land, the allowable annual cut of the timber supply area as it was immediately before the removal of the land minus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the timber supply area as it was immediately before the land was removed}}{\text{timber harvesting land base of the timber supply area as it was immediately before the land was removed}} \times \frac{\text{number of hectares removed from the timber harvesting land base of the timber supply area}}{\text{timber harvesting land base of the timber supply area}}$$

- (e) the timber supply area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the timber supply area as it was immediately before the addition of the land plus the amount obtained by applying the formula set out in paragraph (d), and
- (f) the new timber supply area, if applicable, is the amount obtained by applying the formula set out in paragraph (d).

Boundary or area changes to a tree farm licence area

- 8 (1) If the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by adding land to the area of the licence and the minister specifies in the instrument making the change the allowable annual cut of the area of land that is added, the allowable annual cut of
- (a) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut of the area of land added to the licence, and
- (b) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut of the area of land added to the licence.
- (2) If the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by removing land from the area of the licence and the minister specifies in the instrument making the change the allowable annual cut of the area of land that is removed, the allowable annual cut of
- (a) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut of the area of land removed from the licence, and
- (b) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut of the area of land removed from the licence.

(3) If

- (a) subsection (1) does not apply,
- (b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by adding land to the area of the licence, and
- (c) the area of land that is added has an allowable annual cut attributed to it under section 8 (5) (a.1) of the Act,

the allowable annual cut of

- (d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut referred to in paragraph (c), and
- (e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut referred to in paragraph (c).

(4) If

- (a) subsection (2) does not apply,
- (b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by removing land from the area of the licence, and
- (c) the area of land that is removed has an allowable annual cut attributed to it under section 8 (5) (a.1) of the Act,

the allowable annual cut of

- (d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence minus the allowable annual cut referred to in paragraph (c), and
- (e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence plus the allowable annual cut referred to in paragraph (c).

(5) If

- (a) subsections (1) and (3) do not apply,
- (b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by adding land to the area of the licence, and
- (c) as a result of paragraph (b), the timber harvesting land base of the licence to which the land is added increases by at least 2% and equals at least 200 hectares,

the allowable annual cut of

- (d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was

immediately before the change to the boundary or area of the licence plus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the timber supply area in which the tree farm licence area is located as it was immediately before the change to the boundary or area of the tree farm licence}}{\text{timber harvesting land base of the timber supply area in which the tree farm licence is located as it was immediately before the change to the boundary or area of the tree farm licence}} \times \text{number of hectares added to the timber harvesting land base of the tree farm licence area}$$

, and

- (e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary or area of the licence minus the amount obtained by applying the formula set out in paragraph (d).

(6) If

- (a) subsections (2) and (4) do not apply,
- (b) the minister changes the boundary or area of a tree farm licence under section 39.1 of the Act by removing land from the area of the licence, and
- (c) as a result of paragraph (b), the timber harvesting land base of the licence from which the land is removed decreases by 2% and equals at least 200 hectares,

the allowable annual cut of

- (d) the tree farm licence area is, after the boundary or area of the licence is changed, the allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the licence minus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the tree farm licence area as it was immediately before the change to the boundary or area of the tree farm licence}}{\text{timber harvesting land base of the tree farm licence area as it was immediately before the change to the boundary or area of the tree farm licence}} \times \text{number of hectares removed from the timber harvesting land base of the tree farm licence area}$$

, and

- (e) the timber supply area in which the tree farm licence is located is, after the boundary or area of the licence is changed, the allowable annual cut of the timber supply area as it was immediately before the change to the boundary

or area of the licence plus the amount obtained by applying the formula set out in paragraph (d).

Consolidation of tree farm licences

- 9
- (1) In subsection (2), “replacement tree farm licence area” means the area of the tree farm licence that replaces 2 or more tree farm licences under section 39 (2) (a) or (3) (a) of the Act.
 - (2) If the minister, under section 39 (2) (a) or (3) (a) of the Act, replaces 2 or more tree farm licences with one of those tree farm licences, the allowable annual cut of the replacement tree farm licence area is, after the licences are replaced, the total of the allowable annual cuts of all the replaced tree farm licence areas, including the replacement tree farm licence area, as they were immediately before the licences were replaced.
 - (3) If the minister, under section 39 (2) (a) or (3) (a) of the Act, replaces 2 or more tree farm licences with a new tree farm licence, the allowable annual cut of the new tree farm licence area is, after the licences are replaced, the total of the allowable annual cuts of all the replaced tree farm licence areas as they were immediately before the licences were replaced.

Subdivision of tree farm licences

- 10
- (1) If the minister, under section 39 (2) (b) or (3) (b) of the Act, amends a single tree farm licence by removing land from the area of the licence and adding the land to the area of another tree farm licence or establishing a new tree farm licence, and the minister specifies in the instrument making the change the allowable annual cut of the area of that land, the allowable annual cut of
 - (a) the tree farm licence area from which the land is removed is, after the removal of the land, the allowable annual cut of the tree farm licence area as it was immediately before the removal of the land minus the allowable annual cut of the area of land removed from the licence,
 - (b) the tree farm licence area to which all of part of the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the tree farm licence area as it was immediately before the addition of the land plus the allowable annual cut of the area of land added to the licence as specified by the minister in the instrument making the change, and
 - (c) new tree farm licence area, if applicable, is the allowable annual cut of the land added to establish the new tree farm licence as specified by the minister in the instrument making the change.
 - (2) If
 - (a) subsection (1) does not apply,
 - (b) the minister, under section 39 (2) (b) or (3) (b) of the Act, amends a single tree farm licence by removing land from the area of the licence and adding the land to the area of another tree farm licence or establishing a new tree farm licence, and
 - (c) an allowable annual cut has been attributed to the area of that land under section 8 (5) (a.1) of the Act,

the allowable annual cut of the

- (d) tree farm licence area from which the land is removed is, after the removal of the land, the allowable annual cut of the tree farm licence area as it was immediately before the removal of the land minus the allowable annual cut attributed to the area of land removed from the licence,
- (e) tree farm licence area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the tree farm licence area as it was immediately before the addition of the land plus the allowable annual cut attributed to the area of land added to the licence, and
- (f) new tree farm licence area, if applicable, is the allowable annual cut attributed to the area of land added to establish the new tree farm licence.

(3) If

- (a) subsections (1) and (2) do not apply,
- (b) the minister amends a single tree farm licence under section 39 (2) (b) or (3) (b) of the Act by removing land from the area of the tree farm licence and adding the land to the area of another tree farm licence or establishing a new tree farm licence, and
- (c) as a result of paragraph (b), the timber harvesting land base of the tree farm licence from which that land is removed decreases by 2% and equals at least 200 hectares,

the allowable annual cut of

- (d) the tree farm licence area from which the land is removed is, after the removal of the land, the allowable annual cut of the tree farm licence area as it was immediately before the removal of the land minus the amount obtained by applying the following formula:

$$\frac{\text{allowable annual cut of the tree farm licence area as it was immediately before the land was removed}}{\text{timber harvesting land base of the tree farm licence area as it was immediately before the land was removed}} \times \frac{\text{number of hectares removed from the timber harvesting land base of the tree farm licence area}}{\text{the tree farm licence area}}$$

- (e) the tree farm licence area to which the land is added, if applicable, is, after the addition of the land, the allowable annual cut of the tree farm licence area as it was immediately before the addition of the land plus the amount obtained by applying the formula set out in paragraph (d), and
- (f) the new tree farm licence area, if applicable, is the amount obtained by applying the formula set out in paragraph (d).

New community forest agreement

- 11** If the minister enters into a community forest agreement and the area of the agreement is comprised of land in a timber supply area, the allowable annual cut of the timber supply area covered by the agreement is the allowable annual cut of the timber supply area as it was immediately before the agreement is entered into minus the allowable annual cut of the community forest agreement area under section 8 (7) of the Act.