


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 926 , Approved and Ordered DEC - 8 2008



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 the Forest Practices Board Regulation, B.C. Reg. 15/2004, is amended as set out in the attached schedule.



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 and Range Practices Act, S.B.C. 2002, c. 69, ss. 121, 122, 123 and 167;
Wildfire Act, S.B.C. 2004, c. 31, ss. 67, 68 and 80

Other (specify):- oic 18/2004

October 6, 2008

R/1004/2008/22

SCHEDULE

- 1** *Section 1 of the Forest Practices Board Regulation, B.C. Reg. 15/2004, is amended by repealing the definitions of “party” and “significant breach” and substituting the following:*

“party” has the same meaning as in

- (a) section 121 of the Act, or
- (b) section 67 of the *Wildfire Act*,
as applicable;

“significant breach” means

- (a) with respect to
 - (i) a party’s level of compliance with the requirements of Parts 2 to 5 of the Act and the regulations and standards made in relation to those Parts, and
 - (ii) a party’s level of compliance with the requirements of Parts 1 and 2 of the *Wildfire Act* and the regulations made in relation to those Parts, a breach of one or more of those requirements that has caused or is beginning to cause significant harm to persons or the environment, and
- (b) with respect to the appropriateness of government enforcement under
 - (i) Part 6 of the Act, and
 - (ii) Part 3 of the *Wildfire Act*,
a breach of the government’s enforcement duties under those Parts that has caused or is beginning to cause significant harm to persons or the environment.

- 2** *Section 2 is repealed and the following substituted:*

Audit standards

- 2** The board may develop standards for the purpose of the periodic independent audits required under
- (a) section 122 of the Act, and
 - (b) section 68 of the *Wildfire Act*.

- 3** *Section 3 (2) (a) and (b) are repealed and the following substituted:*

- (a) familiar with whichever of the following is relevant to the audits:
 - (i) the Act, the regulations and the standards established by the chief forester under the Act;
 - (ii) the *Wildfire Act* and the regulations under that Act;
 - (iii) the Acts, regulations and standards in both subparagraphs (i) and (ii),
- (b) capable of assessing the environmental impact of whichever of the following is relevant to the audits:
 - (i) forest practices;

- (ii) range practices;
- (iii) both forest and range practices, .

4 Section 5 is amended

(a) by adding the following subsection:

(1.1) The matters on which a person may make a complaint to the board under section 68 of the *Wildfire Act* are the following:

- (a) a party's compliance with the requirements of Parts 1 and 2 of the *Wildfire Act* and the regulations and standards made in relation to those Parts;
- (b) the appropriateness of government enforcement under Part 3 of the *Wildfire Act*, **and**

(b) in subsection (2) (a) by striking out "subsection (1)" and substituting "subsection (1) or (1.1)".