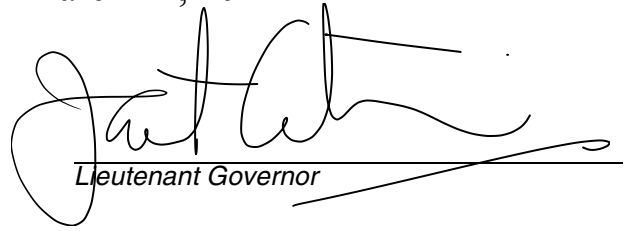


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 119

, Approved and Ordered March 11, 2024


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 *Forest Statutes Amendment Act, 2021*, S.B.C. 2021, c. 37, are brought into force:
 - (i) section 63;
 - (ii) section 70;
 - (iii) section 72;
 - (iv) section 77;
 - (v) section 78;
 - (vi) section 79 except as it enacts the following:
 - (A) section 108.1 of the *Forest and Range Practices Act*, S.B.C. 2002, c. 69;
 - (B) “108.1,” in section 108.5 (1) and (2) of the *Forest and Range Practices Act*;
 - (vii) section 85;
 - (viii) section 92;
 - (ix) section 94;
 - (x) section 101,
- (b) the Administrative Orders and Remedies Regulation, B.C. Reg. 101/2005, is amended as set out in the attached Schedule 1,
- (c) the Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended as set out in the attached Schedule 2,
- (d) the Provincial Forest Use Regulation, B.C. Reg. 176/95, is amended as set out in the attached Schedule 3, and
- (e) the Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, is amended as set out in the attached Schedule 4.


Minister of Forests
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. 31.1, 71, 141, 142, 151, 162.1 and 163;
Forest Practices Code of British Columbia Act, R.S.B.C. 1996, c. 159, ss. 198, 200 and 205;
Forest Statutes Amendment Act, 2021, S.B.C. 2021, c. 37, s. 111

Other: O.C. 267/2005; O.C. 17/2004; O.C. 425/95; O.C. 24/2004

R20656424

SCHEDULE 1

1 *Section 8 of the Administrative Orders and Remedies Regulation, B.C. Reg. 101/2005, is amended*

(a) by repealing paragraph (a) and substituting the following:

(a) \$500 000 for a contravention of any of the following sections of the *Forest Act*: 105 (5.2); 118.1 (2); 141.1, , *and*

(b) in paragraph (b) by striking out “136 (1); 136 (1.1)” and substituting “136 (3) or (4)”.

2 *Section 12 is amended by repealing paragraphs (b) to (f) and substituting the following:*

(b) \$100 000 for a contravention of any of the following sections of that Act: 22 (2); 22.1 (1) or (3); 22.11 (4); 23.1 (1); 29 (1) or (3); 46 (1) or (1.1); 52.1 (3); 53 (1) or (2); 55 (b) or (c); 57 (1) or (3); 66 (1); 97 (2) (a), (b) or (c); 110.1 (1) or (2); 119,

(c) \$50 000 for a contravention of any of the following sections of that Act: 3 (1); 12 (1); 21 (1); 22.11 (1) or (2); 22.12 (1) or (2); 31; 38 (1); 45 (1) (a) or (b); 50 (1); 51 (7); 54 (2) (a) or (b); 57 (4); 58 (4); 70; 77 (1) or (2) (a) or (b); 77.1 (1) or (2); 107 (1.1) or (1.2),

(d) \$20 000 for a contravention of any of the following sections of that Act: 26 (3) (a), (5) or (6); 27 (2); 32 (1) (a) or (b); 46 (2) (a), (b), (c) or (3); 47; 48; 51 (8); 58 (1) (a) or (b); 61 (1); 63 (1) or (2) (e), (f) or (g),

(e) \$10 000 for a contravention of any of the following sections of that Act: 8 (1); 10 (1); 11; 15 (2); 18; 20 (2); 22.2 (3) (b) (i); 26 (3) (b) or (c); 38 (2), (3), (4) or (5); 39 (2); 41 (1); 43 (1) or (2); 44; 51 (1) (a) or (b), (2) or (6); 54 (1); 171, and

(f) \$5 000 for a contravention of any of the following sections of that Act: 45 (2) (a) or (b); 175 (1).

3 *Sections 19 and 20 are repealed.*

SCHEDULE 2

1 *The Forest Planning and Practices Regulation, B.C. Reg. 14/2004, is amended by adding the following section:*

Order specifying new stocking standard

16.1 (1) The chief forester may make an order under section 31.1 of the Act requiring the holder of a forest stewardship plan to comply with stocking standards set out in the order if the chief forester

(a) has information relating to forest health, natural hazards or ecological conditions in the area covered by the forest stewardship plan that was not available when the plan was approved,

- (b) is satisfied that either of the following applies:
 - (i) the stocking standard specified under section 16 of this regulation does not adequately address any of the following matters in relation to the area covered by the forest stewardship plan:
 - (A) ecological sustainability or ecological resilience;
 - (B) wildfire risk reduction;
 - (C) the preservation of non-timber stewardship values, including the forest ecosystems or non-timber forest resources of interest to First Nation groups;
 - (ii) the stocking standard specified under section 16 of this regulation is not consistent with the timber supply analysis and forest management assumptions that apply to the area covered by the forest stewardship plan, and
- (c) is satisfied that the continuation of the stocking standard specified under section 16 of this regulation would
 - (i) have unacceptable adverse effects on any of the following:
 - (A) forest resources or range resources;
 - (B) the matters set out in paragraph (b) (i) (A) or (C), or
 - (ii) increase wildfire risk to an unacceptable level.
- (2) The chief forester may make an order referred to in subsection (1) at any time during the term of the forest stewardship plan.
- (3) An order referred to in subsection (1) applies to any cutblock, in the area covered by the forest stewardship plan, in which harvesting has not yet begun.
- (4) Before making an order referred to in subsection (1), the chief forester must consider both of the following:
 - (a) the financial impact of the order on the holder of the forest stewardship plan;
 - (b) whether complying with the order is practicable, given the circumstances or conditions applicable to the area covered by the forest stewardship plan.

2 Section 96 is amended

- (a) in subsection (1) by striking out “section 108 (1) (b)” and substituting “section 108 (0.1) (a) (ii)”;**
- (b) in subsection (1.1) by striking out “section 108 (2) and (6)” and substituting “section 108 (1) and (6)”, by adding “or” at the end of paragraph (a) and by repealing paragraph (b),**
- (c) by repealing subsection (2) and substituting the following:**
 - (2) A person who applies, under section 108 (0.1) (a) or (b) of the Act, for relief from an obligation referred to in that section must submit the following to the minister:
 - (a) a description of
 - (i) the area to which the obligation relates, and

- (ii) the area, within the area referred to in subparagraph (i) of this paragraph, in which the damage has occurred;
 - (b) a description of the extent to which the obligation had been met at the time the damage occurred;
 - (c) the reasons the obligation cannot be met in the area referred to in paragraph (a) (ii) of this subsection without significant extra expense than would have been the case if the damage had not occurred;
 - (d) the signature of the person or of a person authorized to sign on the person's behalf;
 - (e) the date on which the application is signed.
- (2.1) A person who applies for funding under section 108 (0.1) (b) of the Act must submit the following to the minister:
- (a) a description of
 - (i) the area to which the obligation referred to in section 108 (0.1) (b) of the Act relates, and
 - (ii) the area, within the area referred to in subparagraph (i) of this paragraph, in which the damage has occurred;
 - (b) a description of the extent to which the obligation had been met at the time the damage occurred;
 - (c) a proposal for restoring the stand
 - (i) to the stage the stand had reached at the time the damage occurred, or
 - (ii) to the stage that is consistent with an agreement between the person and the minister;
 - (d) an estimate of the expense to be incurred in implementing the proposal described in paragraph (c) of this section;
 - (e) the signature of the person or of a person authorized to sign on the person's behalf;
 - (f) the date on which the application is signed.
- (2.2) An application under section 108 (0.1) of the Act must be submitted no later than 2 years after December 31 of the year in which the event causing damage began, unless an application submission plan is submitted under section 96.1.
- (2.3) An application under section 108 (0.1) of the Act that relates to an event causing damage that began before the date this subsection comes into force must be submitted no later than 2 years after that date.
- (2.4) A person who applies, under section 108.3 (1) of the Act, for relief from an obligation referred to in that section must submit the following to the minister:
- (a) a description of
 - (i) the area to which the obligation relates, and
 - (ii) the area, within the area referred to in subparagraph (i) of this paragraph, in which the catastrophic damage has occurred;
 - (b) a description of the extent to which the obligation had been met at the time the catastrophic damage occurred;

- (c) the reasons it is not practicable for the person to fulfill the obligation given the circumstances or conditions of the area to which the obligation relates;
 - (d) an estimate of the expense to be incurred in restoring the stand to the stage the stand had reached at the time the catastrophic damage occurred;
 - (e) the signature of the person or of a person authorized to sign on the person's behalf;
 - (f) the date on which the application is signed.
- (2.5) An application under section 108.3 (1) of the Act must be submitted no later than 2 years after December 31 of the year in which the order designating the area of catastrophic damage that overlaps with the area referred to in subsection (2.4) (a) (i) of this section was made , *and*

(d) in subsection (3) (b) and (c) by striking out “subsection (2) (b)” wherever it appears and substituting “subsection (2.1) (c)”.

3 *The following section is added:*

Application submission plans

- 96.1** (1) A person may, pending the submission of an application for relief or funding under section 108 (0.1) or 108.3 (1) of the Act, submit an application submission plan to the minister for approval, if circumstances exist that limit the person's ability to submit the application for relief or funding by the date described in section 96 (2.2) or (2.5), as applicable.
- (2) An application submission plan must include the following:
- (a) a description of the circumstances referred to in subsection (1) and how they limit the person's ability to submit the application for relief or funding by the date described in section 96 (2.2) or (2.5), as applicable;
 - (b) a description of the activities the person must undertake, in response to the circumstances referred to in subsection (1);
 - (c) a timeline for completing the activities referred to in paragraph (b);
 - (d) the date by which the person proposes to submit the application for relief or funding;
 - (e) the signature of the person or of a person authorized to sign on the person's behalf;
 - (f) the date on which the application submission plan is signed.
- (3) An application submission plan must be submitted no later than 90 days before the date, referred to in subsection (1), by which the application for relief or funding must be submitted.
- (4) The minister must give notice to the person who submitted the application submission plan of the minister's approval or rejection of the plan.
- (5) If the minister approves the application submission plan, the minister must
- (a) determine the date by which the application for relief or funding must be submitted, and

- (b) inform the person who submitted the plan of the date determined under paragraph (a).
- (6) If the minister rejects the application submission plan, the person who submitted the plan must submit the application for relief or funding no later than 60 days after the date the person was notified of the rejection.
- (7) Sections 80 to 84 of the Act apply in relation to a decision by the minister under this section.

SCHEDULE 3

1 *Section 3 of the Provincial Forest Use Regulation, B.C. Reg. 176/95, is amended*

- (a) *by striking out “, described in an agreement under the Range Act or described in a woodlot licence”,***
- (b) *by repealing paragraph (e) and substituting the following:***
 - (e) temporary commercial purposes; ,
- (c) *in paragraph (h) by striking out “or” at the end of subparagraph (iii), by adding “, or” at the end of subparagraph (iv) and by adding the following subparagraph:***
 - (v) a penstock; , ***and***
- (d) *by adding the following paragraphs:***
 - (n) a log dump, dry land sort or mill site;
 - (o) weigh scales;
 - (p) infrastructure and facilities that do not include any permanent infrastructure and that are for either of the following:
 - (i) health, education or public safety purposes;
 - (ii) the use or benefit of the public;
 - (q) a well.

2 *Section 7 (1) is repealed and the following substituted:*

- (1) In addition to the purposes set out in section 2 of the Act and in this regulation, Crown land in a Provincial forest, Crown land described in an area-based licence as defined in section 1 (1) of the *Forest Act* or Crown range as defined in section 1 (1) of the *Range Act* may be managed or used for any of the purposes described in subsection (1.1) of this section if the purpose is carried out by the government or authorized in a special use permit.
- (1.1) Crown land, or Crown range, described in subsection (1) may be managed or used in accordance with that subsection for the following purposes:
 - (a) construction and maintenance of a road, including construction and maintenance of bridges and other drainage structures, for the following:
 - (i) a natural resource development purpose as defined in section 21.1 (1) of the *Forest and Range Practices Act*;
 - (ii) the purposes of a permit issued under section 10 of the *Mines Act*;

- (iii) access to Crown land in respect of which another special use permit has been issued to the holder of the special use permit;
 - (b) sand pits, gravel pits, rock quarries and other quarries that provide materials for road construction, modification or maintenance authorized under the *Forest Act* or by a special use permit;
 - (c) a communications site to be used by the holder of an authorization under any of the following enactments:
 - (i) the *Forest Act*;
 - (ii) the *Range Act*;
 - (iii) the *Mineral Tenure Act*;
 - (iv) the *Coal Act*;
 - (d) a short-term logging camp and associated facilities, including a waste disposal site;
 - (e) a log dump, or a dry land sort, above the natural boundary, as defined in section 1 of the *Land Act*, of a stream, as defined in section 1 (1) of the *Water Sustainability Act*;
 - (f) disposal of organic debris from a remote log dump or dry land sort;
 - (g) a short-term timber processing site;
 - (h) a lookout;
 - (i) a weather station;
 - (j) an airstrip, helipad or other air transportation landing site to be used by the holder of
 - (i) an agreement entered into under section 12 of the *Forest Act*, or
 - (ii) a permit issued under section 10 of the *Mines Act*;
 - (k) temporary weigh scales.
- (1.2) In addition to the purposes set out in section 2 of the Act and in this regulation, Crown land, or Crown range, described in subsection (1) of this section may be managed or used for any of the following purposes if the purpose is carried out by the government or authorized in a special use permit:
- (a) educational or research purposes;
 - (b) wildlife habitat enhancement or facilities associated with wildlife habitat enhancement, including camps and waste disposal sites;
 - (c) silviculture treatments or facilities associated with silviculture treatments, including camps and waste disposal sites.

3 *Section 8 is repealed and the following substituted:*

Application for special use permit

- 8** A person may apply in writing to the district manager for a special use permit if the person
- (a) wishes to use or manage either of the following:
 - (i) for a purpose referred to in section 7 (1.1) or (1.2), a portion of Crown land, or Crown range, described in section 7 (1);

- (ii) for a purpose referred to in section 7 (2), a portion of Crown land in a Provincial forest or wilderness area, and
- (b) has not been authorized under another enactment to use or manage the portion of Crown land in a manner described in paragraph (a).

4 Section 9 is amended

(a) in subsection (1) (b) by repealing subsection (1) (b) (i) **and substituting the following:**

- (i) the issuance of the special use permit would not impair the proper management and conservation of forest resources on Crown land, and,

(b) by adding the following subsection:

(2.1) In issuing a special use permit, the district manager must specify its term, which must not exceed the following:

- (a) 4 years, if the special use permit is issued for a purpose set out in section 7 (1.1) (d) or (g);
- (b) 5 years, if the special use permit is issued for a purpose set out in section 7 (1.1) (e), (f), (i), (j) (i) or (k) or (1.2) (b) or (c);
- (c) 10 years, if the special use permit is issued for a purpose set out in section 7 (1.1) (a), (b), (c), (h) or (j) (ii) or (1.2) (a). ,

(c) in subsection (3) by striking out “or” at the end of paragraph (a), by adding “or” at the end of paragraph (b) and by adding the following paragraph:

- (c) to cover the costs resulting from a failure of the holder to comply with an order under section 15 (1) (a) or (b). , **and**

(d) in subsection (4) by striking out “On expiry or cancellation of the special use permit” and substituting “No later than 12 months after the date the special use permit expires or is cancelled”.

5 The following sections are added:

Annual charge

- 9.1** (1) The holder of a special use permit must, for each permit held by the holder, pay to the government an annual charge calculated in accordance with section 9.2.
- (2) The holder of a special use permit must pay the annual charge described in subsection (1) no later than,
- (a) for the first year of the special use permit, 60 days after the date the permit is issued, and
 - (b) for all subsequent years, 60 days after the date an invoice is issued for the annual charge.

Annual charge amount

- 9.2** (1) In this section, “**BC Assessment**” means the British Columbia Assessment Authority continued under section 3 of the *Assessment Authority Act*.

- (2) The annual charge for a special use permit with a term of less than 6 months is
- (a) the flat rate set out for the applicable purpose in column 2 of table 1, or
 - (b) the minimum charge set out for the applicable purpose in column 2 of table 2.
- (3) The annual charge for a special use permit with a term of 6 months or more is
- (a) if the special use permit is issued for a purpose set out in section 7 (1.2), the flat rate set out for the applicable purpose in column 2 of table 1, and
 - (b) if the special use permit is issued for a purpose set out in section 7 (1.1), the greater of the following:
 - (i) the minimum charge set out for the applicable purpose in column 2 of table 2;
 - (ii) the charge determined in accordance with the following formula:

$$H \times LV \times C$$

where

H = the number of hectares of Crown land that may be managed or used under the special use permit

LV = the land value per hectare, in an amount that is,

- (a) in the first year after the special use permit is issued, equal to the zone value set out for the applicable forest region and forest district in column 3 of table 3, and
- (b) in all subsequent years, determined by BC Assessment and, if necessary, converted to a per-hectare value, and

C = the charge per hectare set out in column 3 of table 2.

- (4) The annual charge for a special use permit issued for a purpose set out in section 7 (1.1) (a) must not exceed \$20 000.
- (5) If BC Assessment cannot determine a land value for the purposes of the formula set out in subsection (3), the land value to be used in determining the charge is the zone value set out for the applicable forest region and forest district in column 3 of table 3.

Table 1

Item	Column 1 Purpose	Column 2 Flat rate
1	Educational or research purposes	\$500
2	Silviculture treatments	\$0
3	Facilities associated with silviculture treatments, including camps and waste disposal sites	\$500
4	Wildlife habitat enhancement	\$0
5	Facilities associated with wildlife habitat enhancement, including camps and waste disposal sites	\$500

Table 2

Item	Column 1 Purpose	Column 2 Minimum charge	Column 3 Charge per hectare
1	Construction and maintenance of a road, including construction and maintenance of bridges and drainage structures	\$850	7.5% of zone value x 2
2	Sand pits, gravel pits, rock quarries and other quarries that provide materials for road construction, modification or maintenance authorized under the <i>Forest Act</i> or in a special use permit	\$850	7.5% of land value
3	Communications site	\$850	7.5% of land value
4	Short-term logging camp and associated facilities, including a waste disposal site	\$850	7.5% of land value
5	Log dump or dry land sort	\$850	7.5% of land value
6	Disposal of organic debris from a remote log dump or dry land sort	\$850	7.5% of land value
7	Short-term timber processing site	\$850	7.5% of land value
8	Lookout	\$500	4.5% of land value
9	Weather station	\$500	4.5% of land value
10	Airstrip, helipad or other air transportation landing site	\$500	7.5% of land value
11	Temporary weigh scales	\$850	7.5% of land value

Table 3

Item	Column 1 Forest region, as established under the Administrative Boundaries Regulation	Column 2 Forest district, as established under the Administrative Boundaries Regulation	Column 3 Zone value per hectare
1	West Coast Forest Region	Campbell River Forest District	\$1 770
2	West Coast Forest Region	North Island Central Coast Forest District	\$1 770
3	West Coast Forest Region	South Island Forest District	\$4 505
4	West Coast Forest Region	Haida Gwaii Forest District	\$1 046
5	South Coast Forest Region	All districts	\$4 505
6	Thompson-Okanagan Forest Region	All districts	\$1 968
7	Kootenay Boundary Forest Region	All districts	\$1 515
8	Cariboo Forest Region	All districts	\$1 770
9	Skeena Forest Region	All districts	\$1 046
10	Omenica Forest Region	All districts	\$1 046

Item	Column 1 Forest region, as established under the Administrative Boundaries Regulation	Column 2 Forest district, as established under the Administrative Boundaries Regulation	Column 3 Zone value per hectare
11	Northeast Forest Region	All districts	\$1 046

6 *Section 12 is repealed and the following substituted:*

Permit extension

- 12** (1) On application by the holder no less than 6 months before the expiry of a special use permit, the district manager may grant an extension of the term of the permit specified under section 9 (2.1) if the district manager is satisfied of all of the following:
- (a) the holder continues to hold a licence, agreement, permit or authorization to which the special use permit relates;
 - (b) the holder has begun to exercise the rights granted under the special use permit;
 - (c) the holder has performed the conditions of the special use permit;
 - (d) the holder has paid all deposits and charges in relation to the special use permit;
 - (e) the special use permit is not suspended at the time of application;
 - (f) the conditions set out in section 9 (2) (b) will continue to be met;
 - (g) the application demonstrates that an extension is necessary.
- (2) An extension under subsection (1)
- (a) may be granted once for a term not exceeding 2 years if the special use permit was issued for a purpose set out in section 7 (1.1) (d) or (g),
 - (b) may be granted twice for terms not exceeding 5 years each if the special use permit was issued for a purpose set out in section 7 (1.1) (e), (f), (i), (j) (i) or (k) or (1.2) (b) or (c), and
 - (c) may be granted for terms not exceeding 10 years each if the special use permit was issued for a purpose set out in section 7 (1.1) (a), (b) (c), (h) or (j) (ii) or (1.2) (a).
- (3) If the maximum number of extensions described in subsection (2) (a) or (b) has been granted, the district manager may issue a replacement special use permit if the district manager is satisfied that the Crown land may not be managed or used under a tenure under the *Land Act* for the purpose authorized in the special use permit.
- (4) When granting an extension under subsection (1), the district manager may do one or both of the following:
- (a) require that the holder submit an updated plan described in section 9 (1) (a) (ii);
 - (b) amend any of the conditions described in section 9 (2).

- (5) If the district manager does not make a decision under subsection (1) before the expiry of the special use permit, the holder may continue to manage or use Crown land under the permit until a decision is made.

7 *Section 13 is amended by adding the following subsection:*

- (1.1) The minister may suspend or cancel a special use permit if any of the following applies:
- (a) the holder of the special use permit
 - (i) has failed to provide a deposit described in section 9 (2) (c) or to pay the annual charge under section 9.1 by the required date, and
 - (ii) the deposit or annual charge has been in arrears for more than 6 months;
 - (b) the holder of the special use permit has failed to comply with an order under section 15 (1);
 - (c) 2 years after the date the permit is issued, the holder of the special use permit has not begun to exercise the rights granted under the special use permit;
 - (d) the district manager
 - (i) has, for more than 6 months, not been able to locate or contact the holder of the special use permit, or
 - (ii) is satisfied that the holder of the special use permit no longer exists;
 - (e) the district manager is satisfied that the holder of the special use permit is insolvent because the holder
 - (i) has filed for protection under the *Companies' Creditors Arrangement Act* (Canada), or
 - (ii) is a bankrupt or insolvent person under the *Bankruptcy and Insolvency Act* (Canada).

8 *The following sections are added:*

Holder's obligations on permit expiry, surrender, suspension or cancellation

- 14** On the expiry, surrender, suspension or cancellation of a special use permit, the holder or former holder of the special use permit must do all of the following:
- (a) pay any outstanding charge or deposit the holder owes the government in respect of the special use permit;
 - (b) fulfill any outstanding obligation of the holder or former holder under the special use permit;
 - (c) fulfill any outstanding obligation of the holder or former holder under the Act, the *Forest and Range Practices Act*, the *Wildfire Act* or any other enactment, in respect of any of the holder's activities under the special use permit.

Deactivation and remediation orders

- 15** (1) The minister may, by order, require the holder or former holder of a special use permit, including a special use permit that has expired or is surrendered, suspended or cancelled, to do one or both of the following:
- (a) deactivate a road authorized in the special use permit;
 - (b) remediate the land that is the subject of the special use permit.
- (2) An order under this section must include the following:
- (a) a description of the location of the road to be deactivated or of the land to be remediated;
 - (b) the date by which the deactivation or remediation must be completed.
- (3) A holder or former holder of a special use permit who receives an order under this section must comply with the order.

Entry on Crown land

- 16** (1) Subject to subsection (2), the holder or former holder of a special use permit may enter onto Crown land for the purpose of fulfilling any of the obligations described in section 14 (b) and (c) or complying with an order under section 15(1).
- (2) The minister may impose on the holder or former holder of a special use permit who enters onto Crown land for a purpose described in subsection (1) any condition that the minister considers necessary or desirable.

9 *The following Part is added:*

PART 4 – TRANSITIONAL PROVISIONS

Existing special use permits

- 17** Sections 9.1, 9.2, 13 (1.1) and 14 to 16 apply to a special use permit issued before the date this Part comes into force.

Transition – annual charge

- 18** The annual charge for a special use permit issued before the date this Part comes into force is, during the first year after the date this Part comes into force, the greater of
- (a) half of the annual charge determined in accordance with section 9.2 (3) (b), and
 - (b) whichever of the following that applies:
 - (i) for a special use permit issued for a purpose set out in section 7 (1.1) (a), (b), (c), (d), (e), (f), (g) or (k), \$675;
 - (ii) for a special use permit issued for a purpose set out in section 7 (1.1) (h), (i) or (j), \$500.

Transition – replacement permit

- 19** (1) On the expiry of a special use permit issued before the date this Part comes into force for any purpose set out in section 7 (1.1) or (1.2), except a purpose set out in section 7 (1.1) (d) or (g), the district manager may issue a replacement permit under section 12, as it read immediately before the date this Part comes into force, if, in addition to the matters set out in section 12, the district manager is satisfied of all of the following:
- (a) the holder continues to hold a licence, agreement, permit or authorization to which the special use permit relates;
 - (b) the holder has begun to exercise the rights granted under the special use permit;
 - (c) the holder has paid all deposits and charges in relation to the special use permit;
 - (d) the special use permit is not suspended at the time of application;
 - (e) the holder has demonstrated that a replacement permit is necessary.
- (2) The district manager may issue only one replacement permit for each special use permit.

Transition – permit extension

- 20** (1) This section applies to a special use permit issued before the coming into force of this Part
- (a) for a purpose set out in section 7 (1.1) (d) or (g),
 - (b) for a purpose other than a purpose set out in section 7, or
 - (c) to a person who does not hold a licence, agreement, permit or authorization to which the special use permit relates.
- (2) A special use permit that expires before the date that is one year after the date this Part comes into force is extended for a term of one year from the date the special use permit expires.
- (3) If, before the expiry of the term referred to in subsection (2), the permit holder submits to the district manager proof of the holder's application for a licence, agreement, permit or authorization that would authorize the purpose for the special use permit, the district manager may grant an extension of the term of the special use permit
- (a) for up to 2 years, or
 - (b) for up to 4 years if the district manager is satisfied that special circumstances exist.
- (4) If, before the expiry of a special use permit, the permit holder submits to the district manager proof of the holder's application, made no less than 6 months before the expiry of the special use permit, for tenure under another enactment that would authorize the purpose for the special use permit, the district manager may grant an extension of the term of the special use permit
- (a) for up to 2 years, or

- (b) for up to 4 years if the district manager is satisfied that special circumstances exist.
- (5) An extension granted under subsection (3) or (4) must include a condition that the permit holder notify the district manager of the decision made on the application for tenure under another enactment as soon as practicable after the permit holder is notified of the decision.
- (6) Once the district manager receives notification under subsection (5) that tenure has been granted to the permit holder, the district manager may cancel the special use permit whose term was extended under this section.

SCHEDULE 4

1 Section 83 of the Woodlot Licence Planning and Practices Regulation, B.C. Reg. 21/2004, is amended

- (a) in subsection (1) by striking out “section 108 (1) (b)” and substituting “section 108 (0.1) (a) (ii)”;***
- (b) in subsection (1.1) by striking out “section 108” and substituting “section 108 (1) and (6)”, by adding “or” at the end of paragraph (a) and by repealing paragraph (b),***
- (c) by repealing subsection (2) and substituting the following:***
 - (2) A woodlot licence holder who applies, under section 108 (0.1) (a) or (b) of the Act, for relief from an obligation referred to in that section must submit the following to the minister:
 - (a) a description of
 - (i) the area to which the obligation relates, and
 - (ii) the area, within the area referred to in subparagraph (i) of this paragraph, in which the damage has occurred;
 - (b) a description of the extent to which the obligation had been met at the time the damage occurred;
 - (c) the reasons the obligation cannot be met in the area referred to in paragraph (a) (ii) of this subsection without significant extra expense than would have been the case if the damage had not occurred;
 - (d) the signature of the woodlot licence holder or of a person authorized to sign on behalf of the woodlot licence holder;
 - (e) the date on which the application is signed.
 - (2.1) A woodlot licence holder who applies for funding under section 108 (0.1) (b) of the Act must submit the following to the minister:
 - (a) a description of
 - (i) the area to which the obligation referred to in section 108 (0.1) (b) of the Act relates, and

- (ii) the area, within the area referred to in subparagraph (i) of this subsection, in which the damage has occurred;
 - (b) a description of the extent to which the obligation had been met at the time the damage occurred;
 - (c) a proposal for restoring the stand
 - (i) to the stage the stand had reached at the time the damage occurred, or
 - (ii) to the stage that is consistent with an agreement between the woodlot licence holder and the minister;
 - (d) an estimate of the expense to be incurred in implementing the proposal described in paragraph (c) of this subsection;
 - (e) the signature of the woodlot licence holder or of a person authorized to sign on the holder's behalf;
 - (f) the date on which the application is signed.
- (2.2) An application under section 108 (0.1) of the Act must be submitted no later than 2 years after December 31 of the year in which the event causing damage began, unless an application submission plan is submitted under section 83.1 of this regulation.
- (2.3) An application under section 108 (0.1) of the Act that relates to an event causing damage that began before the date this subsection comes into force must be submitted no later than 2 years after that date.
- (2.4) A woodlot licence holder who applies, under section 108.3 (1) of the Act, for relief from an obligation referred to in that section must submit the following to the minister:
- (a) a description of
 - (i) the area to which the obligation relates, and
 - (ii) the area, within the area referred to in subparagraph (i) of this paragraph, in which the catastrophic damage has occurred;
 - (b) a description of the extent to which the obligation had been met at the time the catastrophic damage occurred;
 - (c) the reasons it is not practicable for the woodlot licence holder to fulfill the obligation given the circumstances or conditions of the area to which the obligation relates;
 - (d) an estimate of the expense that will be incurred in restoring the stand to the stage the stand had reached at the time the catastrophic damage occurred;
 - (e) the signature of the woodlot licence holder or of a person authorized to sign on the holder's behalf;
 - (f) the date on which the application is signed.
- (2.5) An application under section 108.3 (1) of the Act must be submitted no later than 2 years after December 31 of the year in which the order designating the area of catastrophic damage that overlaps with the area referred to in subsection (2.4) (a) (i) of this section was made, unless an application submission plan is submitted under section 83.1 of this regulation. , **and**

(d) in subsection (3) (b) and (c) by striking out “subsection (2) (b)” wherever it appears and substituting “subsection (2.1) (c)”.

2 *The following section is added:*

Application submission plans

- 83.1** (1) A woodlot licence holder may, pending the submission of an application for relief or funding under section 108 (0.1) or 108.3 (1) of the Act, submit an application submission plan to the minister for approval, if circumstances exist that limit the holder’s ability to submit the application for relief or funding by the date described in section 83 (2.2) or (2.5), as applicable, of this regulation.
- (2) An application submission plan must include the following:
- (a) a description of the circumstances referred to in subsection (1) and how they limit the ability of the woodlot licence holder to submit the application for relief or funding by the date described in section 83 (2.2) or (2.5), as applicable;
 - (b) a description of the activities the woodlot licence holder must undertake, in response to the circumstances referred to in subsection (1);
 - (c) a timeline for completing the activities referred to in paragraph (b);
 - (d) the date by which the woodlot licence holder proposes to submit the application for relief or funding;
 - (e) the signature of the woodlot licence holder or of a person authorized to sign on the holder’s behalf;
 - (f) the date on which the application is signed.
- (3) An application submission plan must be submitted no later than 90 days before the date, referred to in subsection (1), by which the application for relief or funding must be submitted.
- (4) The minister must give notice to the woodlot licence holder who submitted the application submission plan of the minister’s approval or rejection of the plan, and, if the plan is rejected, must provide written reasons for the rejection.
- (5) If the minister approves the application submission plan, the minister must
- (a) determine the date by which the application for relief or funding must be submitted, and
 - (b) inform the woodlot licence holder who submitted the plan of the date determined under paragraph (a).
- (6) If the minister rejects the application submission plan, the woodlot licence holder who submitted the plan must submit the application for relief or funding no later than 60 days after the date the holder was notified of the rejection.
- (7) Sections 80 to 84 of the Act apply in relation to a decision by the minister under this section.