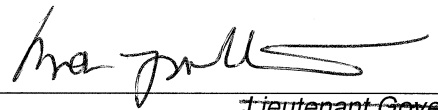


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 829, Approved and Ordered JUL 22 2004



~~Lieutenant Governor~~  
Administrator

Executive Council Chambers, Victoria

~~Lieutenant Governor~~  
Administrator

On the recommendation of the undersigned, the ~~Lieutenant Governor~~, by and with the advice and consent of the Executive Council, orders that, effective August 3, 2004,

- (a) the Private Managed Forest Land Council Matters Regulation attached to this order is made, and
- (b) the Forest Land Reserve Procedure Regulation, B.C. Reg. 176/2002 is repealed.



Minister of Sustainable Resource Management



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:- Private Managed Forest Land Act, S.B.C. 2003, c. 80, s. 42

Other (specify):- OIC 574/2002

June 29, 2004

890/2004/13

# PRIVATE MANAGED FOREST LAND COUNCIL MATTERS REGULATION

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## **Definitions**

- 1 For the purpose of the Act and this regulation:

“**Act**” means the *Private Managed Forest Land Act*;

“**community watershed**” means a community watershed continued or established under the *Forest and Range Practices Act*;

“**domestic purpose**” has the same meaning as under the *Water Act*;

“**ecoregion**” means a geographical area of British Columbia set out in the Ministry of Environment, Lands and Parks 1996 publication entitled “An Introduction to the Ecoregions of British Columbia”;

“**excavated or bladed trail**” means a constructed trail that has

- (a) an excavated or bladed width greater than 1.5 m, and
- (b) a mineral soil cutbank height greater than 30 cm;

“**fish habitat**” means an area that

- (a) is a fish stream, or
- (b) provides habitat for specified species of fish;

“**fish stream**” means the portion of a stream that

- (a) is frequented by a specified species of fish, or
- (b) has an average slope gradient of less than 20% for each 100 m of slope distance, unless
  - (i) a fish inventory, carried out in accordance with methods acceptable to the wildlife minister, shows that it is not frequented by a specified species of fish, or
  - (ii) the portion of the stream is located upstream of a proven barrier to fish;

“**specified species of fish**” means one or more of the following species of fish: anadromous salmonids, rainbow trout, cutthroat trout, brown trout, bull trout, Dolly Varden char, lake trout, brook trout, kokanee, largemouth bass, smallmouth bass, mountain whitefish, lake whitefish, arctic grayling, burbot, white sturgeon, black crappie, yellow perch, walleye or northern pike;

“**stream**” means a watercourse, including a watercourse that is obscured by overhanging or bridging vegetation or soil mats, that contains water on a perennial or seasonal basis, is scoured by water or contains observable deposits of mineral alluvium, and

- (a) has a continuous channel bed that is 100 m or more in length, or
- (b) flows directly into
  - (i) a fish stream or a fish-bearing lake or wetland, or
  - (ii) a licensed waterworks;

**“water quality objective”** means a water quality objective established under section 2;

**“water users’ community”** has the same meaning as under the *Water Act*;

**“waterworks purpose”** has the same meaning as under the *Water Act*;

**“wildlife minister”** means the minister responsible for the administration of the *Wildlife Act* and includes a person authorized in writing by that minister.

#### **Establishment of water quality objectives**

- 2**
- (1) For the purpose of section 22 (1) (b) of the Private Managed Forest Land Council Regulation, the wildlife minister may establish water quality objectives for any stream within a community watershed.
  - (2) Before establishing a water quality objective under subsection (1), the wildlife minister must consult with any affected owners.
  - (3) If a water quality objective has been established under subsection (1), the wildlife minister may monitor to ascertain if the water quality in the stream is consistent with the water quality objective.
  - (4) For the purposes of subsection (1) or (3), the wildlife minister may enter onto private managed forest land to access the stream.
  - (5) The wildlife minister must notify the owner, in writing, at least 14 days before entering on land under subsection (4).
  - (6) A water quality objective established under this section becomes effective on a date that is six months after the wildlife minister has notified the council that the water quality objective has been established.

#### **Council not required to consider review request in specified circumstances**

- 3**
- The council is exempt from the requirement under section 32 of the Act to consider a request from a person if the request is in respect of
- (a) the calculation of an annual administration fee under section 9 of the Act, or
  - (b) the calculation of an exit fee under section 2 (3) of the Private Managed Forest Land Regulation.

#### **Owner assuming responsibility for a remediation order**

- 4**
- For the purpose of section 27 (6) of the Act, a written notice from an owner to the council in respect of assuming responsibility for complying with a remediation order must
- (a) be in a form and manner acceptable to the council, and
  - (b) identify the order to which the notice relates.

**Offences for contravening the Private Managed  
Forest Land Council Regulation**

- 5** (1) A person who contravenes section 12, 13 (1) or (2), 14 (1), (2), (3) or (4), 15, 17 (1) or (2), 18 (1), 19 (1) or (3), 20 (1) or (2), 21 (1) or 22 (1) or (2) of the Private Managed Forest Land Council Regulation commits an offence and is liable on conviction to a fine not exceeding \$100 000.
- (2) A person who contravenes section 10, 18 (5), 19 (4) or 23 (2) (c) of the Private Managed Forest Land Council Regulation commits an offence and is liable on conviction to a fine not exceeding \$25 000.