



What's New ?

Regulation Update Seminar Q & A

July 2007

Q Please clarify the definition for class E stream; how can a class E stream (wider) flow into narrower class D stream?

A By definition, a class E stream will be non-fish bearing (separated by a fish barrier) but flowing into a fish bearing stream. A wider class E stream may not be a common scenario but it can happen. A class E stream will usually flow into class A, B or C stream.

Q What is a fish?

“Specified species of fish” is defined in the Matters Regulation and it lists the species that apply when determining fish presence in a stream. Remember to refer to the Matters Regulation for other definitions.

A “Fish stream” is also defined, and it is important to remember that unless an acceptable process determines the absence of fish, and the physical characteristics of the stream do not allow fish presence, the default position is fish presence. Also note that in the fish stream definition – (b) (ii) could be upstream of a proven barrier but may still have resident fish by virtue of the habitat or connectivity to an upstream lake, pond or wetland. So absence of fish must be proven.

Q Does an owner have to classify all streams on the property right away?

A No, you only need to classify streams when an activity is planned near them. Streams are classified during the planning phase before road building and harvesting begins. If road deactivation is planned in a harvested cutblock and it could impact a stream, the stream needs to be classified beforehand.

Q Is there a website to find the location of water licencees?

A Yes, you can look up by licence and stream. It is known as Water Licences Web Query: www.elp.gov.bc.ca:8000/pls/wtrwhse/water_licences.input. You can also look up whether a stream has fish in it on Fish Wizard: www.fishwizard.com/. You can use this as a coarse filter for determining fish presence.

Q Please clarify the use of fertilizer near a Licenced Water Intake.

A The answer is two parts: within 1,000 m upstream of the intake, it is necessary to leave a 10 m buffer on each side of a stream that is visible from the air at the height the fertilizer is released. Also fertilizer is not to be applied within a 100 meter radius upslope of an intake

Q Is it OK to remove retention trees being undermined along a stream?

A Generally not. Natural stream channeling processes periodically do undermine large trees at streamside, causing them to fall, adding large woody debris to the stream. This is one purpose of retaining larger trees beside streams.

Q How do you classify non-fish streams not above a Licensed Water Intake

A They are not required to be classified under the *PMFLC Act* and regulations as Council has no jurisdiction on such streams.

A **Note:** This identifies that other Acts and regulations do apply to issues that may arise during primary forest activities so it is important as an owner to be familiar with the requirements of all applicable legislation.

Q Wetlands are not covered by this regulation. Why?

A The Federal *Fisheries Act* applies.

Q Why is the implementation date so soon?

A There is not a perfect date or time, Council wanted to implement/introduce the new regulation requirements between operating seasons. By introducing the regulations now, prior to the September 1, 2007 effective date, owners have time to incorporate the new provisions when laying out cutblocks during this year's field season.

Q To what standard will active cutblocks be assessed?

A Blocks where falling commences after the effective date will be assessed under the new regulation.

Q Do you report deactivated roads 500 m or more or all road deactivated, even stub spurs?

A The legislation is silent on this – Council will provide clarification on this point before year-end.

Q Why are we required to deactivate road?

A There is no requirement to deactivate a road, you can continue to maintain it, but if you want to reduce risk / liability / cost, the option is to deactivate. Deactivation is a choice – business decision.

Q If request for exemption from regulation Sec. 3 turned down and an accident happens – is Council liable?

A You don't need to apply to Council for this type of exemption, but it's good to document your reasoning if you think an exemption is needed and applicable. If there is any doubt or concern, contact the Council.

Q Where can I get a copy of Best Management Practices Handbook?

A It is published by the Private Forest Land Owner's Association (available at a cost of \$50 for non-members).

Q Man-made barriers to fish passage are not "officially" a barrier in federal legislation; are they recognized as a barrier in the Council Regulation?

A This question is not specifically addressed in the regulation. You must not create new barriers and old barriers should be removed when there is an opportunity such as upgrading or reactivating an old road. If in doubt it is a good idea to contact a Federal Fisheries officer.

Q Does the definition of logging trail apply to a fireguard or back-spar trail?

A Yes, it does apply to a back-spar trail because it is used for equipment; a fire guard is not (usually).

Q I have questions that are not answered above.

A Contact the PMFL Council.