



Forest Practices Code of British Columbia Act
PROVINCIAL FOREST USE REGULATION
B.C. Reg. 176/95

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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 176/95 (O.C. 425/95), deposited April 12, 1995 and effective June 15, 1995, is made under the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, ss. 198 and 205.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at www.bclaws.ca.

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Forest Practices Code of British Columbia Act

PROVINCIAL FOREST USE REGULATION

B.C. Reg. 176/95

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PART 1 – DEFINITIONS

Definitions

- 1 (1) In this regulation:
“**Act**” means the *Forest Practices Code of British Columbia Act*;
“**special use permit**” means a permit issued under section 9.
(2) Unless the context indicates otherwise, words and expressions not defined in this regulation have the meaning given to them in the *Forest and Range Practices Act*.
[am. B.C. Reg. 262/2018, Sch. 1, s. 1.]

PART 2 – PERMITTED USES OF CROWN LAND IN A PROVINCIAL FOREST, RANGE ACT AGREEMENT OR WOODLOT LICENCE

Grandparented authorization under the *Land Act* or other enactments

- 2 (1) In addition to the purposes set out in section 2 of the Act or under this regulation, Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any purpose authorized in an instrument granted or issued under the *Land Act* or any other enactment before the date this section comes into force.

- (2) Without limiting subsection (1), Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any purpose authorized in an instrument referred to in that subsection that is renewed or replaced before or after the date this section comes into force.

[am. B.C. Reg. 347/97, s. 2.]

Primary uses authorized under the *Land Act*

- 3** Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any of the following purposes if carried out by the government or authorized in an instrument granted or issued under the *Land Act*:
- (a) agriculture;
 - (b) if access to existing residences is not practicable, temporary residences for workers, including
 - (i) camps, and
 - (ii) individual residences;
 - (c) sand pits, gravel pits, rock quarries and other quarries that provide materials for industrial, commercial or domestic use;
 - (d) commercial recreation uses and facilities and ancillary improvements, including
 - (i) ski facilities,
 - (ii) hunting lodges,
 - (iii) fishing lodges, and
 - (iv) trails;
 - (e) commercial film production;
 - (f) navigational aids;
 - (g) construction and maintenance of a road, including construction and maintenance of bridges and other drainage structures;
 - (h) a utilities right-of-way, including
 - (i) a highway,
 - (ii) a railway,
 - (iii) a transmission line, or
 - (iv) a pipeline;
 - (i) a weather station site;
 - (j) a communications site;
 - (k) educational or research purposes;
 - (l) sequestration of carbon;

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- (m) electricity generating facilities.

[am. B.C. Regs. 347/97, s. 2; 281/2009, s. (a).]

Ancillary uses authorized under the *Land Act*

- 4** Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any of the following ancillary purposes if carried out by the government or authorized in an instrument granted or issued under the *Land Act*:

- (a) a garbage dump that is ancillary to a use permitted under section 2 of the Act or this regulation;
- (b) an airstrip, helipad or other air transportation landing site, including facilities and other improvements, that is ancillary to a use permitted under section 2 of the Act or this regulation;
- (c) a drill site, well site, processing site, hydrocarbon collection system, core sampling site or other purpose including facilities and other improvements, that is ancillary to a use or occupation referred to in section 2 (4) of the Act;
- (d) any use of adjoining upland that is ancillary to the use of land covered by water authorized under the *Land Act*, including
 - (i) an aquaculture operation,
 - (ii) a wharf,
 - (iii) a ferry or barge terminal, or
 - (iv) a marina;
- (e) utilities, waste and sewage facilities that are ancillary to the temporary residences referred to in section 3 (b).

[am. B.C. Reg. 347/97, s. 2.]

Uses authorized under the *Wildlife Act*

- 5** Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for a purpose authorized under the *Wildlife Act*, and any ancillary purpose, including a trapline cabin, if carried out by the government or authorized in an instrument granted or issued under the *Wildlife Act*.

[am. B.C. Reg. 347/97, s. 2.]

Uses authorized under other enactments

- 6** The following Crown land may be managed or used for the purposes provided for in the *Coal Act*, the *Geothermal Resources Act*, the *Mineral Tenure Act* and the *Petroleum and Natural Gas Act*:

- (a) subject to section 7 (2), Crown land in a Provincial forest or wilderness area;

- (b) Crown land described in an agreement under the *Range Act* or described in a woodlot licence.

[en. B.C. Reg. 347/97, s. 3.]

Uses of a Provincial forest authorized by a special use permit

- 7 (1) In addition to the purposes set out in section 2 of the Act or under this regulation, Crown land in a Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence may be managed or used for any of the following ancillary purposes if carried out by the government or authorized in a special use permit:
- (a) construction and maintenance of a road, including construction and maintenance of bridges and other drainage structures;
 - (b) sand pits, gravel pits, rock quarries and other quarries that provide materials for road construction, modification or maintenance authorized under the *Forest Act*;
 - (c) a communications site;
 - (d) a logging camp and associated facilities, including a waste disposal site;
 - (e) a log dump or dry land sort;
 - (e.1) disposal of organic debris from a remote log dump or dry land sort;
 - (f) a temporary timber processing site;
 - (g) a lookout;
 - (h) a weather station;
 - (i) an airstrip, helipad or other air transportation landing site;
 - (j) educational or research purposes;
 - (k) weigh scales;
 - (l) Repealed. [B.C. Reg. 262/2018, Sch. 1, s. 2 (b).]
 - (m) silviculture treatments and associated facilities, including camps and waste disposal sites;
 - (n) wildlife habitat enhancement and associated facilities, including camps and waste disposal sites.
- (2) Without limiting subsection (1), Crown land in a Provincial forest or wilderness area that is located outside the boundaries of a claim, lease, permit or other authorization granted or issued under the *Coal Act*, the *Geothermal Resources Act* or the *Mineral Tenure Act* may only be used or managed for the purposes of constructing, modifying, maintaining or using an access road, including bridges and other drainage structures, if the use is authorized in a special use permit.
- (3) Despite subsection (1), a holder of a woodlot licence is not required to have a special use permit to locate a temporary timber processing facility on Crown land

described in a woodlot licence, if the use of the temporary processing facility is permitted under the woodlot licence.

[am. B.C. Regs. 250/95; 347/97, s. 2; 190/99, Sch. B; 281/2009, s. (b); 262/2018, Sch. 1, s. 2.]

PART 3 – SPECIAL USE PERMIT

Application for special use permit

- 8** If a person wishes to
- (a) use or manage, in a manner referred to in section 7 (1), a portion of Crown land described in an agreement under the *Range Act* or described in a woodlot licence, or
 - (b) use or manage, in a manner referred to in section 7, a portion of Crown land in a Provincial forest or wilderness area

and has not been authorized under another enactment to use or manage the portion of Crown land in that manner, the person may apply in writing to the district manager for a special use permit.

[en. B.C. Reg. 347/97, s. 4.]

Issuance of special use permit

- 9** (1) Subject to subsection (2), the district manager may issue a special use permit if
- (a) the applicant
 - (i) has applied in accordance with section 8, and
 - (ii) submitted a plan that sets out how the land will be used, and
 - (b) the district manager is of the opinion that
 - (i) the issuance of the special use permit would not impair the proper management and conservation of forest resources on Crown land in the Provincial forest, described in an agreement under the *Range Act* or described in a woodlot licence, and
 - (ii) any activity under the special use permit will not impair the ability of any affected holder of an agreement under the *Forest Act* or *Range Act* to exercise its rights or fulfill its obligations under the agreement.
- (2) The district manager may issue the special use permit subject to
- (a) a condition that the holder of the permit carry out the activity in accordance with the plan submitted under subsection (1),
 - (b) any conditions the district manager determines necessary to conserve forest resources and the natural environment, including a condition
 - (i) restricting, regulating and prohibiting the building of or disposal of any chattel or fixture, and
 - (ii) requiring the clean up and restoration of the land under the permit to the satisfaction of the district manager on the expiry of the special use permit, and

- (c) a condition that the holder provide, in an amount specified in the permit, a deposit in the form of money or other securities acceptable to the district manager
 - (i) to ensure the conditions of the permit are met, or
 - (ii) if personal property owned by a person other than the holder or the government is situated on the land under the permit.
- (3) The district manager may use any or all of the deposit referred to in subsection (2) (c)
 - (a) to satisfy a claim made by the owner of the personal property referred to in subsection (2) (c) (ii), or
 - (b) to cover the costs resulting from a failure of the holder to meet the conditions of the permit.
- (4) On expiry or cancellation of the special use permit, the remainder of the deposit must be returned to the holder of the permit.

[am. B.C. Reg. 347/97, s. 5.]

Assignment prohibited

- 10** A holder of a special use permit must not assign the special use permit to another person without the consent of the district manager.

No exclusive rights to the use of the land

- 11** Rights granted under a special use permit are not exclusive and do not prevent the government from using the land or authorizing others to use the land in accordance with the Act or this regulation.

Replacement

- 12** On the expiry of a special use permit, the district manager may issue a replacement permit if the district manager is satisfied
- (a) with the holder's performance of the conditions of the permit, and
 - (b) that the conditions set out in section 9 (1) (b) will still be met.

Cancellation and suspension

- 13** (1) Subject to subsection (2), sections 76 and 77 of the *Forest Act*, except section 77 (5), apply to the cancellation or suspension of a special use permit.
- (2) The district manager may cancel a special use permit without notice and without suspending the permit prior to cancellation if the holder contravenes section 10.

[am. B.C. Reg. 347/97, s. 6.]