

## APPENDIX I – IFPA ENABLING LEGISLATION

### FOREST ACT:

#### 59.1 Innovative forestry practices

**59.1(1)** For the purpose of improving the productivity of the forestry resource, the minister, at his or her discretion, may enter into an agreement with a person referred to in subsection (2) to allow that person to carry out, subject to subsection (5) and the *Forest Practices Code of British Columbia Act*, one or more of the innovative forestry practices and other activities that are set out in a regulation made under subsection (4).

(2) For the purposes of subsection (1), the minister may enter into an agreement with a person who

(a) is the holder of a forest licence or other agreement that is entered into under section 12 and specified in a regulation made under subsection (4) of this section, and

(b) presents a written proposal for an agreement to the minister.

(3) An agreement under subsection (1)

(a) must be for a term not exceeding 15 years, and

(b) may include terms and conditions that

(i) the minister considers are necessary to effectively carry out the purpose of the agreement and further the social and economic objectives of the government, and

(ii) are consistent with this Act and the regulations and the *Forest Practices Code of British Columbia Act*, and the regulations and standards made under that Act.

(4) The Lieutenant Governor in Council may make regulations specifying

(a) the innovative forestry practices and other activities that may be the subject of an agreement referred to in subsection (1), and

(b) the agreements entered into under section 12, the holders of which may enter into an agreement with the minister under subsection (1) of this section.

(5) A person may only carry out an innovative forestry practice or other activity referred to in subsection (1) if the person

(a) has prepared and obtained the regional manager's approval of a forestry plan that meets the requirements of subsection (6), and

(b) is carrying out the practice or activity in accordance with the plan.

(6) A forestry plan

(a) must contain a description of the management area where the innovative forestry practices or other activities will be carried out,

(b) must specify the particulars of the innovative forestry practices or other activities,

(c) must contain a description of how the innovative forestry practices or other activities will be carried out,

(d) must contain a schedule of when the innovative forestry practices or other activities will be carried out,

(e) must specify how the innovative forestry practices or other activities will contribute to improved productivity of the forestry resource,

(f) must specify how the innovative forestry practices or other activities will justify an increase in the allowable annual cut of the participant's licence or agreement referred to in subsection (2) (a), and

(g) may include other terms and conditions that

(i) the regional manager believes are necessary to effectively carry out the agreement referred to in subsection (1), and

(ii) are consistent with this Act and regulations and the *Forest Practices Code of British Columbia Act*, and the regulations and standards made under that Act.

(7) After approving a person's forestry plan, the regional manager may increase the allowable annual cut authorized in the person's licence or agreement referred to in subsection (2) (a) by an amount that is justified according to timber supply analysis methodology approved by the chief forester or the chief forester's designate.

(8) When the regional manager increases an allowable annual cut under subsection (7), the regional manager may limit the increase to a period of time, area of land and type of timber, and may make the increase subject to conditions.

(9) If an assessment of

(a) the innovative forestry practices or other activities being carried out under the forestry plan, or

(b) information that was not available at the time the regional manager increased the allowable annual cut under subsection (7)

indicates that all or part of the allowable annual cut increase was not justified, the regional manager may reduce the allowable annual cut of the licence or agreement referred to in subsection (2) (a) by an amount not exceeding the increase granted under subsection (7).

(10) If, with respect to an innovative forestry practice or other activity, a person is not complying with

(a) the agreement referred to in subsection (1),

(b) the forestry plan approved under subsection (5),

(c) any limitation or conditions imposed under subsection (8), or

(d) this Act and the regulations made under this Act, or the *Forest Practices Code of British Columbia Act* and the regulations or standards made under that Act,

the regional manager may do one or both of the following:

(e) suspend or cancel the agreement referred to in subsection (1) and sections 76 and 77 apply with respect to that suspension or cancellation;

(f) reduce the allowable annual cut of the person's licence or agreement referred to in subsection (2) (a) by an amount the regional manager determines is attributable to the default.

(11) A reduction under subsection (9) or (10) may be apportioned over a period of up to 5 years.

(12) If the forest licence, or other agreement referred to in subsection (2) (a), is suspended, the agreement under subsection (1) is suspended.

(13) If the forest licence, or other agreement referred to in subsection (2) (a), is cancelled or surrendered, the agreement under subsection (1) is cancelled.

(14) If the agreement referred to in subsection (1) is suspended or cancelled, the forestry plan is suspended or cancelled, as the case may be.

1996-11-9.