

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

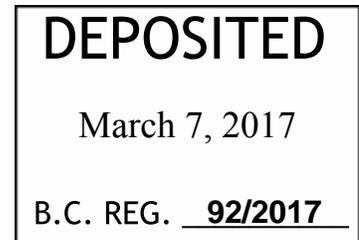
Order in Council No. 123 , Approved and Ordered March 06, 2017


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) sections 1 to 7, 9 to 12, 14 to 16, 18, 21 to 23, 25 and 26 of the *Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016*, S.B.C. 2016, c. 11, are brought into force,
- (b) section 24 of the *Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016*, as it enacts section 151 (2) (c.2) of the *Forest Act*, is brought into force, and
- (c) the BC Timber Sales Regulation, B.C. Reg. 381/2008, is amended as set out in the attached Schedule.





Minister of Forests, Lands and
Natural Resource Operations



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: *Forests, Lands and Natural Resource Operations Statutes Amendment Act, 2016*, S.B.C. 2016, c. 11, s. 50; *Forest Act*, R.S.B.C. 1996, c. 157, s. 151

Other: O.I.C. 918/2008

January 13, 2017

R/1054/2016/96

SCHEDULE

- 1 *The BC Timber Sales Regulation, B.C. Reg. 381/2008, is amended by adding the following Part:*

PART 5 – REDUCED NON-BCTS LICENCE PAYMENTS

Definitions

- 23 In this Part:

“**payment amount**” means the amount determined in accordance with section 24 of this regulation that the minister must, under section 22.4 of the Act, pay to the holder of a reduced non-BCTS licence;

“**termination date**” means the date when the earliest of the following occurs in respect of a BCTS licence:

- (a) the BCTS licence expires;
- (b) the BCTS licence is cancelled under section 78 (1) (d) of the Act;
- (c) the holder of the BCTS licence is given notice by a timber sales manager that all obligations under or in respect of the BCTS licence have been fulfilled;

“**total cost estimate**” means the total cost associated with a BCTS licence that a timber sales manager estimates may be expended from the BC Timber Sales Account under section 109 (3) (a), (b), (c), (d) and (e) of the Act;

“**total revenue estimate**” means the total revenue associated with a BCTS licence that a timber sales manager estimates will be credited to the BC Timber Sales Account under section 109 (2) (c) or (f) and (f.1) of the Act.

Payment amount calculation – reduced non-BCTS licence

- 24 (1) For the purposes of section 22.4 (2) of the Act, the payment amount is the greater of zero and the amount determined by the following formula:

$$\text{payment} = 0.5 \times (\text{TRE} - \text{TCE})$$

where

TRE = total revenue estimate;

TCE = total cost estimate.

- (2) The total revenue estimate and the total cost estimate must be estimated by the timber sales manager when a BCTS licence is entered into under section 20 or 47.6 of the Act, as applicable.

Payments to holder of reduced non-BCTS licence

- 25 (1) The payment amount is payable by the minister to the holder of a reduced non-BCTS licence after the date that Crown timber is harvested under a BCTS licence.
- (2) The minister may pay the payment amount to the holder of the reduced non-BCTS licence in instalments.

- (3) Subject to section 26, the payment amount must be paid in full before the end of the calendar year following the calendar year of the termination date.

Suspension or reduction of payment amount

- 26**
- (1) The minister may suspend payment of the payment amount to the holder of a reduced non-BCTS licence if, in respect of a BCTS licence, a determination is pending with respect to
 - (a) an application by the holder of the BCTS licence for relief from a waste assessment under section 103.1 of the Act, or
 - (b) a request by the holder of the BCTS licence for a remission to be granted under section 19 of the *Financial Administration Act*.
 - (2) If, as a result of the circumstances described in subsection (1) (a) or (b), as the case may be, the holder of the BCTS licence is granted relief or a remission, as applicable, the payment amount may be reduced in proportion to,
 - (a) in the case of a BCTS licence in respect of which a bonus offer is required under section 20 (2) of the Act, the size of the area of the BCTS licence from which area Crown timber is not cut and removed, and
 - (b) in any other case, the amount of the merchantable Crown timber that could have been cut and removed under the BCTS licence, but is not cut and removed, in relation to the amount of merchantable Crown timber estimated to be on the BCTS licence area when the BCTS licence was entered into.