



FOREST LAW

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Enacted on April 5, 2016

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DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 12, 04, 16
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WHEREAS

- A. Since the beginning of time, Tla'amin people have lived on the lands that the Creator provided for our ancestors and all future generations of Tla'amin people;
- B. Our ancestors lived by a traditional system of governance grounded in our Ta'ow (teachings) and Ee ah ju thum (language), which were our unwritten constitution that influenced all forms of environmental stewardship matters, social and political relations. It is this system that has sustained our way of life and Tums gijeh (lands) and resources;
- C. Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have since passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision of "one heart, one mind, one Nation". It is on this basis that we accept the obligations and responsibilities inherent in governing and work to blend our traditional and modern-day governing approaches, including the development of governance laws;
- D. Our vision of self-government and of a healthy, self-sufficient Tla'amin Nation began long ago with our Ancestors and our leadership of the past. Many of those who were involved in shaping and advancing our vision have passed on and we acknowledge their contributions and sacrifice. They put in place the foundation that we have built upon today. Those respected ones have cleared the path so that we, the Tla'amin Nation, could achieve our vision;
- E. Under section 15 of the *Constitution of the Tla'amin Nation*, the Tla'amin Nation owns Tla'amin Lands and Resources, subject to such interests as it may grant in and to those lands and resources;
- F. Under section 16 of the *Constitution of the Tla'amin Nation*, the Tla'amin Government exercises governance authority over and may make laws in respect of Tla'amin Lands and Resources, including their use, protection, granting of ownership and other forms of interest;
- G. Under Chapter 8, s. 3 of the *Tla'amin Final Agreement*, the Tla'amin Nation has the exclusive authority to determine, collect, and administer fees, rents, Stumpage or charges relating to Forest Resources on Tla'amin Lands;
- H. Under Chapter 8, s. 5 of the *Tla'amin Final Agreement*, The Tla'amin Nation has the authority to make laws in relation to Forest Resources, Forest Practices and Range Practices on Tla'amin Lands;
- I. Under section 8, of the *Constitution of the Tla'amin Nation*, Tla'amin Citizens have the right to be consulted by the Tla'amin Government on issues of importance to the Tla'amin Nation; and
- J. Under sections 20, 22, and 34(e) of the *Constitution of the Tla'amin Nation*, the Tla'amin Government will establish a process for consultation and public involvement in land use and development planning, and will carry out a community consultation process prior to making significant land use decisions.

NOW THEREFORE the Tla'amin Government duly enacts the *Tla'amin Forest Law*.

PART 1– INTERPRETATION

Short title

1. This law may be cited as the *Forest Law*.

Executive Council oversight

2. The Executive Council are responsible for the oversight of this Law.

Scope

3. This Law applies to establish a comprehensive, effective system for managing Forest Resources on Tla'amin Lands through protection and restoration of forest ecosystems and through the development of a forest sector economy.

Definitions

4. (1) For the purposes of this Law, and unless they are otherwise defined in this Law, terms have the same definition as in the Tla'amin Final Agreement.

(2) In this Law:

“Administrative Penalty” has the same meaning as prescribed in the *Tla'amin Final Agreement*;

“Annual Harvest Level” means the rate of Timber harvesting determined for a Forest Management Unit under section 15;

“Compacted Area” means an area of soil that:

- (a) is greater than 100 m² in area and greater than 5 m wide,
- (b) has been compacted by equipment travelling over it, and
- (c) has one or more of the following attributes:
 - (i) altered soil structure or increased density relative to the surrounding undisturbed soil;
 - (ii) soil puddling;
 - (iii) compacted deposits of forest floor, fine slash, and woody debris overlaying or crushed into the mineral soil;

“Corduoyed Trail” means an area occupied by logs and woody debris placed side-by-side to form a surface greater than 2 m in length and capable of supporting equipment traffic;

“Culturally Modified Tree” means a tree that has been altered by aboriginal people as part of their traditional use of the forest;

“Cultural Purposes” means the use of Monumental Cedar and Cypress for a purpose that:

- (a) was integral to the culture of Tla’amin Nation prior to contact;
- (b) is primarily for totem poles, dugout canoes, or large beams or poles to build longhouses, community halls or other similar community structures; and
- (c) is not carried out for profit or commercial purpose, trade or barter, individual or community commercial gain, residential building construction, structures associated with a residential building, or for providing firewood for individual needs;

“Cultural Purposes Permit” means a Cultural Purposes Permit issued under section 19;

“Cutblock” means a specific area, other than a road right of way, from which Timber is to be or has been harvested;

“Director” means the Director of Lands and Resources;

“Eligible Person” means an individual, a corporation or other association prescribed as an individual or entity that meets the criteria for application or approval under the specific provisions under this Law;

“Enforcement Officer” has the same meaning as prescribed in the *Enforcement and Ticketing Law* and includes an Enforcement Officer appointed by the Director under section 111;

“Forest Stewardship Plan” means a Forest Stewardship Plan prepared by the Director and given effect under section 31;

“Forest Manager” means the Forest Manager is appointed by the Executive Council under section 9;

“Forest Management Unit” and **“Forest Management Sub-Unit”** means land designated as a Forest Management Unit and Forest Management Sub-Unit under section 14;

“Forest Practice” means Timber harvesting, road construction, road maintenance, road use, road deactivation, silviculture treatments and other related activities, including grazing for the purposes of brushing, Plant gathering, and fire use, but does not include Timber marking or scaling, manufacture of Timber or export of Timber;

“Forest Resources” means all Timber resources and Plants, but does not include aquatic plants;

“Free Growing Stand” means a stand of healthy trees of a commercially valuable species, the growth of which is not impeded by competition from plants, shrubs or other trees;

“Industrial Activity” means land clearing, Timber harvesting, Timber processing, silviculture treatments, mining, road construction or any prescribed activity;

“Logging Trail” means a trail, constructed to facilitate transportation of logs, that has

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

“Monumental Cedar and Cypress” means a *Thuja plicata* (western red cedar) or a *Chamaecyparis nootkatensis* (cypress or yellow cedar) that is:

- (a) approximately 250 years or older; and
- (b) at least 100 centimetres diameter at 1.3 meters above germination point;

“Operational Plan” means a Forest Stewardship Plan, Site Plan and Stand Treatment Plan;

“Plant Buyer Permit” means a permit referenced at section 30;

“Plant Gathering Permit” means a gathering permit for Plants, as referred to in section 28;

“Plants” means all flora and fungi, but does not include aquatic Plants or Timber resources except for the bark, branches, burls, cones, foliage and roots of Timber resources;

“Recreation Site” means a site designated under Tla’amin law;

“Reforest”, “Reforested”, or “Reforestation” means to establish a Free Growing Stand in accordance with section 1(6);

“Resource Features” means Resource Features prescribed by regulation;

“Road Permit” means a Road Permit granted under section 1(3);

“Road Use Permit” means a Road Use Permit granted under section 1(2);

“Site Plan” means a Site Plan under section 35;

“Thichum Forest Products LP” means the Tla’amin forestry company owned by Tla’amin and operated under the Tla’amin Development Corporation, and its successors or partners approved by the Executive Council for the purposes of this Law;

“Stand Treatment Plan” means a Stand Treatment Plan required under section 36;

“Stream” means a watercourse, flowing on a perennial or seasonal basis having a

continuous channel bed that may be locally obscured by overhanging or bridging vegetation or soil mats, if the channel bed

- (a) is scoured by water, or
- (b) contains observable deposits of mineral alluvium;

“Stumpage” means the amount of money, determined in accordance with a licence or permit granted under this Law, that is payable to the Tla’amin Nation under section 86 in respect of Timber harvested under the licence or permit, as the case may be;

“Timber” means trees, whether standing, fallen, living, dead, limbed, bucked or peeled;

“Timber Harvesting Contract” means a Timber Harvesting Contract entered into under section 1(3);

“Timber Harvesting Licence” means a Timber Harvesting Licence entered into under section 1(3);

“Tla’amin Corporation” means a corporation that is incorporated under Federal or Provincial Law, all of the shares of which, except any qualifying shares that Directors are required to own under Federal or Provincial Law, are owned, directly or indirectly, legally and beneficially by:

- (a) the Tla’amin Nation;
- (b) one or more trusts that is resident in Canada and is for the sole
- (c) benefit of the Tla’amin Nation; or
- (d) any combination of the persons set out in paragraphs (a) and (b);

“Tla’amin Cutting Permit” means a Cutting Permit issued under a license, permit or contract under this Law;

“Tla’amin Free Use Permit” means a Tla’amin Free Use Permit entered into under section 1(3);

“Tla’amin Forest Road” means a road

- (a) constructed by the Tla’amin Nation; or
- (b) declared to be a Tla’amin forest road under section section 59;

“Tla’amin Land Use Plan” means the Land Use Plan as defined in the *Land Use and Zoning Law*;

“Tla’amin Personal and Family Firewood Permit” means a Tla’amin Firewood Permit issued under section 24;

“Tla’amin Plant Gathering Area” means the area designated as the Tla’amin Specific Plant Sub-area by the Executive Council, and unless otherwise specified or designated

includes all the entire Tla'amin Plant Gathering Area for which there are not competing or incompatible interests or authorizations;

"Tla'amin Protected Area" means an area established under section 10;

"Tla'amin Partnership" means a partnership between the Tla'amin Nation and a Tla'amin Corporation;

"Timber Salvage Permit" means a Timber Salvage Permit entered into under section 20;

"Unstable Area" means an area that, due to the presence of field indicators, including

- (a) recent landslide scars,
- (b) tension fractures,
- (c) debris on the upslope side of trees or at the base of the slope,
- (d) poorly drained sites on steep slopes, or
- (e) other similar indicators

is subject to a high likelihood of any of the following landslide types if Timber harvesting, Logging Trail construction or road construction were to be carried out on the area:

- (i) debris avalanches, flows, torrents or slides;
- (ii) slumps or earth flows;
- (iii) rock slides or rock fall;

"Wetland" means a swamp, marsh or other similar area that supports natural vegetation that is distinct from nearby upland areas;

"Wildlife Tree" means a tree with characteristics that provide present or future wildlife habitat.

- (3) In this Law a Cutblock is "Greened-Up" when
 - (a) at least 75% of the Cutblock contains a total stand density of commercially valuable species of not less than 800 stems per hectare, and
 - (b) the leading species or the overstory species in the Cutblock has attained a top height of at least 3 m.
- (4) In this Law all distances are horizontal distances, except riparian management area widths, which are slope distances.

Interpretation

5. (1) In addition to the terms defined in this Law, terms used in this Law may be defined in the Interpretation Law.
- (2) Only those defined terms that are capitalized in section 4 or in the Interpretation Law are presented capitalized in the text of the Law, and all other defined terms are presented in lower case.

Severability

6. The provisions of this Law are severable, and where any provision of this Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion must be severed from the remainder of this Law and the decision that it is invalid must not affect the validity of the remaining portions of this Law.

Validity

7. Nothing under this Law must be rendered void or invalid by
 - (a) an error or omission in a notice, form, permit or other document given or authorized under this Law; or
 - (b) a failure of the Tla'amin Nation, a Tla'amin Official, a Tla'amin Public Employee, or an Authorized Public Officer to do something within the required time.

PART 2– MANAGEMENT OF TLA'AMIN LANDS IN RELATION TO FORESTS

Purposes and Values

8. Forests and Timber resources on Tla'amin Lands shall be managed for the following values:
 - (a) the biological diversity of Tla'amin Lands;
 - (b) the intrinsic value of wildlife and their habitat that is distinct from the benefits derived from harvesting and commercial activities;
 - (c) ensuring Tla'amin Citizens can continue their culture and exercise their rights; and
 - (d) providing sustainable economic development opportunities for Tla'amin.

Forest Manager

9. (1) The Executive Council shall appoint a Forest Manager who will oversee forest planning and operations.
- (2) If the Executive Council does not appoint a Forest Manager, the Director will carry out the responsibilities of the Forest Manager until a Forest Manager is appointed.

Tla'amin Land Use Plan

10. (1) Unless otherwise authorized by regulation by the Executive Council, commercial forestry shall only take place on Tla'amin Lands within the zone designated as S'cheh eht Yeget stu xwet (Enhanced Resource Management Area) in the Tla'amin Land Use Plan.
- (2) The Executive Council, by written order or resolution, based on written recommendations from the Forest Manager or the Director, may
 - (a) establish areas as Tla'amin Protected Areas for twenty years or more or for specific periods of time and/or to accommodate specific cultural or community interests or activities; and
 - (b) establish requirements for the Tla'amin Protected Areas.
- (3) The Executive Council may, in the case of an emergency to deal with forest health, infestations or fire prevention or suppression, authorize activities anywhere within Tla'amin Lands including within the S'cheh eht Yeget stu xwet (Enhanced Resource Management Area) and Tla'amin Protected Areas.
- (4) The Executive Council, following consultation with Tla'amin Citizens, may vary or modify a Tla'amin Protected Area or a requirement for a Tla'amin Protected Area.
- (5) Before establishing, varying or cancelling a Tla'amin Protected Area or a requirement for a Tla'amin Protected Area in a way that significantly affects the public or Tla'amin Citizens, the Executive Council must
 - (a) publish in accordance with Tla'amin Law a notice of the establishment, variance or cancellation; and
 - (b) for a period of at least 30 days provide an opportunity for Tla'amin to review and comment on the establishment, variance or cancellation.
- (6) Unless otherwise specified in an order made under this section, the order takes effect on the date it is made.
- (7) The Director must make available for viewing
 - (a) a copy of each order made under this section, and
 - (b) a map showing the boundaries of each Tla'amin Protected Area.
- (8) An order made under this section is subject to any interest in land registered under and in accordance with the Tla'amin Land Act.

Special Use Permits

11. (1) An Eligible Person may apply under the *Subdivision, Development and Servicing Law* for a Special Use Permit for activities in relation to forestry.

Authorization for Forest Practices

12. (1) No Person shall carry out any Forest Practices on Tla'amin Lands unless authorized to do so under this Law or another Tla'amin Law.
- (2) If a person, at the direction of or on behalf of another person, carries out a Forest Practice contrary to subsection (1), the Person:
- (a) who gave the direction; or
 - (b) on whose behalf the Forest Practice was carried out,
- also contravenes that section.

PART 3– HARVESTING OF FOREST RESOURCES

Division 1 – Timber Marks

13. (1) No Person shall transport, sell or market Timber from Tla'amin Lands without a valid and subsisting timber mark issued under the *Forest Act* (British Columbia).
- (2) Every Person shall comply with all applicable laws in relation to timber marks.
- (3) The Tla'amin Nation has the exclusive authority to apply for timber marks for Tla'amin Lands.
- (4) It is an offence to transport, sell or market Timber from Tla'amin Lands without a valid and subsisting timber mark issued under the *Forest Act* (British Columbia).

Division 2 -- Annual Harvest Level

Forest Management Units

14. (1) On the Effective Date, Tla'amin Lands are designated as a single Forest Management Unit.
- (2) Subject to subsection (3), the Director may designate Forest Management Sub-Units by ordering the division, consolidation, or abolition of Forest Management Units or by ordering that their boundaries be changed.
- (3) The Director may only make the changes set out in subsection (3) if doing so:
- (a) is in the best interests of the Tla'amin Nation;
 - (b) meets the purposes set out in section 8; or
 - (c) makes it easier to manage, conserve and protect Forest Resources on Tla'amin Lands.

Annual Harvest Level determined for each Forest Management Unit

15. (1) No commercial tenures, permits, licences or contracts may be issued under this Law until an Annual Harvest Level has been set for the Forest Management Unit where they apply.
- (2) The Forest Manager must recommend to the Director and to the Executive Council an Annual Harvest Level for each Forest Management Unit or Forest Management Sub-Unit:
- (a) on the Effective Date;
 - (b) within 5 years after the Effective Date; and
 - (c) at least once every 5 years thereafter.
- (3) Despite subsections (2) and (4), until the first Annual Harvest Level is set, the deemed Annual Harvest Level for the first full year after the Effective Date is 20,000 m³ per year.
- (4) In recommending an Annual Harvest Level for a Forest Management Unit or Forest Management Sub-Unit under subsection (4)2), the Forest Manager must consider all of the following:
- (a) the Tla'amin Land Use Plan;
 - (b) any over-riding harvest levels determined by the Executive Council;
 - (c) market conditions;
 - (d) pest control issues;
 - (e) disease issues;
 - (f) fire damage and fire prevention;
 - (g) wildlife habitat;
 - (h) riparian areas and the protection of fish habitat;
 - (i) any computer modelling, spatial analysis or other information or tools available regarding Forest Resources and forest sustainability on Tla'amin Lands;
 - (j) the economic, cultural, social and environmental objectives of the Tla'amin Nation;
 - (k) the need to manage and maintain Monumental Cedar and Cypress, including adhering to any Monumental Cedar and Cypress plan and old growth managements areas in place;
 - (l) Tla'amin Nation community priorities; and
 - (m) the rate of Timber production that is perpetually sustainable, taking into account:

- (i) the composition of the forest and its expected rate of growth,
 - (ii) the expected time that the forest will take to become re-established following harvesting,
 - (iii) the silviculture treatments to be applied,
 - (iv) the standard of Timber utilization and the allowance for decay, waste and breakage expected to be applied,
 - (v) the constraints expected from non-Timber-related uses of the area, and
 - (vi) any other information that, in the opinion of the Executive Council, relates to the capability of the area to produce Timber.
- (5) The Executive Council may conduct consultation with Tla'amin Citizens and relevant Tla'amin Corporations and entities including Thichum Forest Products on the Forest Manager's recommendation for an Annual Harvest Level for a Forest Management Unit or Forest Management Sub-Unit.
 - (6) Based on the recommendations of the Forest Manager made, and any consultation conducted, in accordance with this Part, the Executive Council will determine the Annual Harvest Level for a Forest Management Unit or Forest Management Sub-Unit.
 - (7) If market conditions are not favourable, the rate of Timber harvesting in any given year may be less than the Annual Harvest Level. The unused portion of the Annual Harvest Level may be added to the Annual Harvest Level for the following year, at the discretion of the Director.
 - (8) For greater certainty, unless otherwise specified in a tenure, license, permit or other authorization, license holders are not required to cut to the maximum level of the annual harvest in any given year.

Protection of Monumental Cedar and Cypress and Old Growth Management Areas

- 16. (1) Any Annual Harvest Level determination, Forest Stewardship Plan must comply with any Monumental Cedar and Cypress plan established by the Director within Tla'amin Lands.
-
- (2) If the Director has not established a Monumental Cedar and Cypress plan, any Annual Harvest Level determination, and any Forest Stewardship Plan must ensure the protection of sufficient Monumental Cedar and Cypress to support
 - (a) Cultural Purposes; and
 - (b) wildlife habitat and ecosystem needs.
 - (3) The Forest Manager may designate old growth management areas to protect Monumental Cedar and Cypress.

Duty to Report

17. All Persons shall have a duty to report to the Forest Manager:

- (a) any tree that appears to be a Monumental Cedar and Cypress or potential Monumental Cedar and Cypress they discover on Tla'amin Lands; and
- (b) any tree that appears to be a Culturally Modified Trees or potentially Culturally Modified Trees they discover on Tla'amin Lands.

Division 3 – Forms of Rights to Harvest Timber

Rights to harvest Timber

18. (1) No Person has the right to harvest Timber except in accordance with this Law or another Tla'amin Law.

- (2) It is an offence to harvest Timber other than in accordance with this Law or another Tla'amin Law

Use by Tla'amin Nation and Cultural Purposes Permits

19. (1) The Executive Council may authorize employees and agents of the Tla'amin Nation, while acting in the course of their duties,

- (a) to harvest Timber; or
- (b) to use and occupy Tla'amin Lands,

on terms and conditions that the Executive Council considers are appropriate and consistent with this Law.

- (2) The Tla'amin Monumental Cedar and Cypress Harvest Agreement is incorporated by reference and applies to the harvest of Monumental Cedar and Cypress for Cultural Purposes.
- (3) The Executive Council may authorize employees and agents of the Tla'amin Nation and Tla'amin Citizens to harvest Timber for Cultural Purposes in accordance with the Tla'amin Monumental Cedar and Cypress Harvest Agreement.
- (4) Employees and agents of the Tla'amin Nation, and Tla'amin Citizens may apply to the Executive Council for a Cultural Purposes Permit.
- (5) An application under section (4) must:
 - (a) be in the form specified by the Executive Council, and
 - (b) contain the information that the Executive Council requires.

Licences, permits and contracts

20. (1) The Forest Manager or Director may authorize an Eligible Person to harvest Timber in the form of:

- (a) a Timber Sale Agreement;
 - (b) a Timber Harvesting Contract;
 - (c) a Timber Salvage Permit including cedar shake blocks;
 - (d) a Value-added or Special Cutting Permit for musical instruments or other uses;
 - (c) a Road Permit;
 - (d) a Tla'amin Cutting Permit; or
 - (e) a Tla'amin Free Use Permit.
- (2) Subject to subsection (3), the Forest Manager or Director may grant authorizations provided at subsection (1) pursuant to:
- (a) an open or invitation bidding process prescribed by the Executive Council; or
 - (b) a direct award, including a direct award, to a Tla'amin Corporation that meets qualifying criteria prescribed by the Executive Council.
- (3) Any bid or direct award under subsection (2) must, at a minimum
- (a) cover,
 - (i) all costs incurred by the Tla'amin Nation in preparing the timber sale and bid package including all lay-out, engineering, professional advice and administration costs;
 - (ii) all Reforestation costs, including silviculture treatments;
 - (iii) all monitoring costs incurred by the Tla'amin Nation;
 - (iv) any rents, royalties or other payments required by Tla'amin law or regulation; and
 - (b) subject to paragraph (c) and (d), be at fair market value;
 - (c) provide for firewood from waste wood or low-grade portions of the harvest; and
 - (d) if the price is reduced to create incentives to hire and train Tla'amin Citizens or create community benefits for the Tla'amin Nation, provide a reasonable net profit to the Tla'amin Nation.
- (4) The Forest Manager or Director may authorize a Tla'amin Citizen to harvest Timber in the form of
- (a) a Tla'amin Personal or Family Firewood Permit; or
 - (b) a Cultural Purposes Permit.

- (5) No licence, contract or permit that is entered into under this Part provides its holder, either on or before the expiry of the licence, contract or permit, with a right to a renewal or replacement agreement.
- (6) A holder of a licence, contract or permit entered into under this Part must not assign, pledge as security or transfer the licence, contract or permit, as the case may be, without the prior written consent of the Director.
- (7) When determining whether to issue a Timber Harvesting Licence or enter into a Timber Harvesting Contract, the Director shall consider, in addition to the information provided by the applicant:
 - (a) the Annual Harvest Level determined by the Executive;
 - (b) whether maximum practical use has been or is being made of any Tla'amin Nation or Tla'amin Corporation's right to harvest Timber on Crown lands;
 - (c) the fiscal needs of the Tla'amin Nation;
 - (d) the amount of Timber required for community projects or Tla'amin Citizens' needs; and
 - (e) other potential or existing land uses, interests, and cultural needs related to the area that is the subject of the permit or licence.

Application for a Timber Harvesting Licence or Timber Harvesting Contract

21. (1) The Director may publish in accordance with Tla'amin Law a notice inviting applications from Eligible Persons for a Timber Harvesting Licence or a Timber Harvesting Contract.
- (2) An application for a Timber Harvesting Licence must
 - (a) be in the form specified by the Director;
 - (b) contain the information the Director requires, including but not limited to the information required by this section; and
 - (c) include an offer to pay to the Tla'amin Nation
 - (i) amounts payable under this Law and the regulations,
 - (ii) a bonus bid, and
 - (i) Stumpage under section 86.
 - (3) An application for a Timber Harvesting Contract must
 - (a) be in the form specified by the Director; and
 - (b) contain the information the Director requires, including but not limited to:

- (i) information regarding the applicant's compliance and replanting record, and
 - (ii) information regarding the applicant's capacity to hire and train Tla'amin citizens.
- (4) On receipt of applications for a Timber Harvesting Licence or a Timber Harvesting Contract, the Executive or the Director, as the case may be, may
 - (a) approve one or more applications for all or part of the advertised volume of Timber ; or
 - (b) decline to approve any or all of the applications.
- (5) The Director may, without advertising or accepting applications from other persons, enter into an agreement with an Eligible Person in the form of a Timber Harvesting Licence or a Timber Harvesting Contract.
- (6) In making any decision under section (4) or (5), the Director shall take into account:
 - (b) the best value and benefit to the Tla'amin Nation;
 - (c) maximizing hiring and training of Tla'amin Citizens;
 - (d) past track record and compliance history;
 - (e) compliance with all safety, environmental and other standards and requirements set out by law; and
 - (f) pre-qualification requirements.

Timber Harvesting Licences

22. (1) A Timber Harvesting Licence:

- (a) must be for a term not exceeding two years unless otherwise specified by the Executive;
- (b) must specify the times for active logging and the measures to protect public safety;
- (c) must describe one or more areas of land within which its holder may harvest Timber ;
- (d) must specify an estimate of the total volume of Timber that may be harvested from the area of land described in the licence;
- (e) must require its holder to pay to the Tla'amin Nation,
 - (i) amounts payable under this Law and the regulations, and
 - (ii) Stumpage under section 86; and

- (f) may include other terms and conditions, consistent with this Law and the regulations, that the executive considers necessary.
- (2) The holder of a Timber Harvesting Licence must apply for and obtain a Cutting Permit prior to harvesting Timber.

Timber Harvesting Contracts

23. (1) A Timber Harvesting Contract

- (a) may include terms and conditions, consistent with this Law and the regulations, that the Director considers necessary, and
- (b) does not confer any interest in land or Timber.
- (2) The holder of a Timber Harvesting Contract must apply for and obtain a Cutting Permit prior to harvesting Timber.

Personal and Family Firewood Permits

24. (1) A Tla'amin Citizen, or a Person authorized in writing by them in accordance with Tla'amin laws and policies, may apply to the Forest Manager for a Tla'amin Personal and Family Firewood Permit.

- (2) An application for a Tla'amin Personal and Family Firewood Permit must
 - (a) be in a form specified by regulation, and
 - (b) contain the information required by the Manager.
- (3) The Forest Manager may, without advertising or accepting applications from other persons, enter into an agreement with a Tla'amin Citizen in the form of a Tla'amin Personal and Family Firewood Permit.
- (4) A Tla'amin Personal and Family Firewood Permit:
 - (a) will only be issued if there is available deadfall, blow-down or waste Timber or Timber with health issues as determined by Tla'amin Law or the Forest Manager;
 - (b) shall be for a term not exceeding one month or such other term as specified by regulation;
 - (c) shall not be issued to the same Citizen more than twice in one year except by written permission from the Director;
 - (d) shall give its holder the right to harvest Timber from a specified area of land and during hours designated by the Director, for the purpose of meeting personal and family firewood needs;
 - (e) shall only be for windthrown, downed, dead, damaged, waste, insect infested or diseased Timber;

- (f) shall only be issued to Citizens who can demonstrate they have a wood burning appliance, smokehouse, fire pit or other reasonable personal use for firewood;
 - (g) unless otherwise set out in the regulations or specified by the Director in the permit, shall be limited to a volume of Timber not exceeding 10.5 m³ (3 cords);
 - (h) may provide for the payment to the Tla'amin Nation of a fee prescribed by regulation; and
 - (i) may contain other terms and conditions, consistent with this Law and the regulations, that the Director considers necessary.
- (5) A holder of a Tla'amin Personal and Family Firewood Permit must not sell, trade or barter Timber harvested under the permit.

Timber Salvage Permits

25. (1) The Executive Council may by regulation authorize a process and criteria or conditions to authorize applications and granting of Timber Salvage Permits.
- (2) Subject to the passage of a regulation under subsection (1), an Eligible Person may apply to the Director for a Timber Salvage Permit.
 - (3) An application for a Timber Salvage Permit must
 - (a) be in the prescribed form, and
 - (b) contain the prescribed information.
 - (4) The Director may, without advertising or accepting applications from other persons, enter into an agreement with an Eligible Person in the form of a Timber Salvage Permit.
 - (5) The Director must not issue a Timber Salvage Permit:
 - (a) unless there is sufficient volume to meet firewood needs for Tla'amin Citizens' for the purpose of meeting personal and family needs;
 - (b) unless there is identified surplus salvage Timber available;
 - (c) to an applicant who is the holder of another Timber Salvage Permit; or
 - (d) to an applicant who is not in good standing with respect to past licenses or permits.
 - (6) A Timber Salvage Permit:
 - (a) will only be issued if there is available Timber as determined by Tla'amin Law or the Director,
 - (b) must be for a term not exceeding two years,

- (c) must describe one or more areas of land within which its holder may harvest Timber that is windthrown, dead, damaged, waste, insect infested or diseased,
- (d) unless otherwise set out in the regulations, shall be limited to a volume of Timber not greater than 2000 m³,
- (e) must require its holder to pay to the Tla'amin Nation
 - (i) any prescribed application and administration fees; and
 - (ii) any other amounts payable under this Law and the regulations; and
- (f) may include other terms and conditions, consistent with this Law and the regulations, that the Director considers necessary.

Tla'amin Free Use Permit

- 26.** (1) An Eligible Person may apply to the Director for a Tla'amin Free Use Permit.
- (2) An application for a Tla'amin Free Use Permit must
 - (a) be in a form specified by the Director, and
 - (b) contain the information required by the Director.
 - (3) A person may apply for a Tla'amin Free Use Permit for:
 - (a) cultural use, including sweat lodges, burnings, etc.,
 - (b) building a fence, shed, smoke house, cabin, or similar structure for personal use in compliance with Tla'amin laws and Building Code requirements,
 - (c) personal Christmas tree use,
 - (d) scientific or educational purposes, or
 - (e) such other uses as may be authorized by regulation.
 - (4) The Director may, without advertising or accepting applications from other persons, enter into an agreement with an Eligible Person in the form of a Tla'amin Free Use Permit.
 - (5) The Director must not issue a Tla'amin Free Use Permit
 - (a) to an applicant who is the holder of another Tla'amin Free Use Permit; or
 - (b) to an applicant who is not in good standing with respect to past licenses or permits.
 - (6) A Tla'amin Free Use Permit

- (a) will only be issued if there is available Timber as determined by Tla'amin Law or the Forest Manager,
 - (b) must be for a term not exceeding six months,
 - (c) must describe one or more areas of land within which its holder may harvest Timber,
 - (d) must describe the type of Timber that can be harvested,
 - (e) unless otherwise set out in the regulations or specified by the Director, shall be limited a volume not exceeding 50 m³,
 - (f) shall not be issued to the same person more than once per year except by written permission from the Director, and
 - (g) must provide for the payment to the Tla'amin Nation of a fee prescribed by regulation, and may contain other terms and conditions, consistent with this Law and the regulations, that the Director considers necessary.
- (7) A holder of a Tla'amin Free Use Permit must not sell Timber harvested under the permit.

Division 4 – Plant Gathering

Closed Plant Gathering Areas

27. (1) If the Director is of the opinion that the establishment of a Closed Plant Gathering Area is required as a preventative or protective measure to limit the risk of damage to the capacity of an area to produce Plants or to protect the environment or Tla'amin rights under the Final Agreement, the Director may, with the advice of a forestry or botanical expert if necessary, recommend to the Executive Council, and the Executive Council may pass an order or regulation to
- (a) establish the Closed Plant Gathering Area by publishing a notice to that effect in accordance with Tla'amin law; and
 - (b) and for any such order or regulation cause any notice published under paragraph (a) to be posted at one or more conspicuous locations in the vicinity of the Closed Plant Gathering Area.
- (2) A person must not enter a Closed Plant Gathering Area established under this section for the purpose of gathering or buying Plants without the written consent of the Director.
- (3) A person entering a Closed Plant Gathering Area established under subsection (1) must comply with any regulations applicable to that area.

Plant Gathering Permits

28. (1) A person who gathers Plants from an area

- (a) may do so only in accordance with the terms and conditions set out in any permit issued by the Director; and
 - (b) must not deleteriously impact the productive capacity of that area.
- (2) The Director may not grant a right to gather a Plant except in accordance with this Law.
- (3) An Eligible Person may apply to the Director for a Plant Gathering Permit.
- (4) An application for a Plant Gathering Permit must
 - (a) be in a form specified by regulation,
 - (b) contain the information required by the Director, and
 - (c) be accompanied by the payment of any prescribed fee.
- (5) Subject to subsection (6), the Director may issue a Plant Gathering Permit.
- (6) The Director must not issue a Plant Gathering Permit
 - (a) to an applicant who is the holder of another Plant Gathering Permit; or
 - (b) to an applicant who is not in good standing with respect to past licenses or permits.
- (7) A Plant Gathering Permit:
 - (a) must specify the species of Plants that may be harvested under the permit;
 - (b) must be for a term not exceeding one year;
 - (c) must require that the applicant pay the fee set out in regulation;
 - (d) may limit the volume of the Plants that may be harvested under the permit;
 - (e) may specify the area of land from which that volume of the Plants may be harvested; and
 - (f) may include other terms and conditions, consistent with this Law and the regulations, that the Director considers necessary.
- (8) A Plant Gathering Permit does not provide its holder, either on or before the expiry of that permit, with a right to a renewal or replacement permit.
- (9) A holder of a Plant Gathering Permit must not assign or transfer that permit without the prior written consent of the Director.

Plant Gathering Permit not required for Tla'amin Citizens

29. (1) Subsection (2) applies to Tla'amin Lands, and within the Tla'amin Plant Gathering Area.

(2) Upon providing notice to the Director, and subject to:

- (a) compliance with any regulations,
- (b) meeting all requirements to carry identification,
- (c) limits on quantities or harvest areas prescribed in any conservation policies established by the Director within Tla'amin Lands, and
- (d) conservation measures established by the Minister within the Tla'amin Plant Gathering Area.

Tla'amin Citizens are authorized to gather Plants for domestic or commercial purposes without a permit.

(3) It is an offence to gather Plants for domestic or commercial purposes without a permit except in accordance with subsection (2).

Plant Buyer Permit

30. (1) No person may, as part of a commercial service or enterprise, buy any Plant on Tla'amin Lands unless the person has a Plant Buyer Permit.

(2) An Eligible Person may apply to the Director for a Plant Buyer Permit.

(3) An application for a Plant Buyer Permit must

- (a) be in a form specified by the Director,
- (b) must require permittee to report the volume and species of plants purchased from Tla'amin Lands, and
- (c) contain the information required by the Director.

(4) Subject to subsection (5), the Director may issue a Plant Buyer Permit.

(5) The Director must not issue a Plant Buyer Permit

- (a) to an applicant who is the holder of another Plant Buyer Permit; or
- (b) to an applicant who is not in good standing with respect to past licenses or permits.

(6) A Plant Buyer Permit

- (a) may give its holder the right to establish a temporary buying station for the term of the permit;
- (b) must specify the species of Plants that may be purchased under the permit;

- (c) must be for a term not exceeding one year;
 - (d) may limit the volume of Plants that may be purchased under the permit;
 - (e) must require the holder to pay to the Tla'amin Nation a fee prescribed by regulation; and
 - (f) may include other terms and conditions, consistent with this Law and the regulations, that the Director considers necessary.
- (7) A Plant Buyer Permit does not provide its holder, either on or before the expiry of that permit, with a right to a replacement permit.
 - (8) A holder of a Plant Buyer Permit must not assign or transfer that permit without the prior written consent of the Director.

PART 4 – PLANNING FOR TIMBER HARVESTING

Requirement for a Forest Stewardship Plan

- 31.** (1) Each proposed Cutblock, tenure or license area must have a Forest Stewardship Plan that applies to it or be within an area covered by a Forest Stewardship Plan.
- (2) All Forest Stewardship Plans must be signed off by a Registered Professional Forester.
 - (3) The Executive Council, with the advice of the Forest Manager and a Registered Professional Forester, has the authority to amend or modify, by regulation, Forest Stewardship Plan requirements or standards for Tla'amin Lands from those set out under provincial forestry and policy legislation in relation to provincial Forest Stewardship Plans.
 - (4) For Cutblocks managed by the Tla'amin Nation, the Director must ensure that there is a valid Forest Stewardship Plan that meets the requirements of this Part and is approved by the Executive Council by order or regulation before Timber harvesting is authorized or carried out unless, in the opinion of the Director, removal of Timber is required to address urgent forest health or safety issues.
 - (5) For Cutblocks or timber harvest areas for which there is a permittee or interest-holder and for which the Tla'amin Nation has not already approved a Forest Stewardship Plan, the Director may require the holder to submit a Forest Stewardship Plan to the Director, who will make a recommendation to the Executive Council regarding its approval.
 - (6) Where there is a permittee or interest-holder for a Cutblock or timber harvest area which does not have a Forest Stewardship Plan prepared by the Tla'amin Nation and where the permittee or interest-holder has an approved Forest Stewardship Plan for interests or operations on lands outside but in the vicinity of Tla'amin Lands, the Executive Council may accept aspects of that other Forest Stewardship Plan for the Forest Stewardship Plan for Tla'amin Lands provided the Forest Stewardship Plan for Tla'amin Lands meets all of the other requirements under this Law.

- (7) The Executive Council may require a person who submitted a Forest Stewardship Plan in accordance with subsection (5) to submit further information, as required by the Executive Council.
- (8) A Forest Stewardship Plan is not required to address a Cutblock where the proposed Timber harvesting is
 - (a) associated with a Timber Salvage Permit, Tla'amin Firewood Permit or a Tla'amin Free Use Permit; or
 - (b) restricted to the cutting or removal of Timber in conjunction with silviculture treatments referred to in section 36.

Term of a Forest Stewardship Plan

- 32. (1) A Forest Stewardship Plan must address a period of at least five years unless the Executive Council, on the recommendation of the Director, determines that a shorter period of time is appropriate.
- (2) A Forest Stewardship Plan takes effect and expires on the dates specified in the plan.
- (3) Before or after the expiry of a Forest Stewardship Plan, the Director may extend the plan for a period or periods not exceeding a total of one year.
- (4) If the term of a Forest Stewardship Plan is extended, the Director must amend the plan as necessary to comply with the requirements of this Law.

Forest Stewardship Plan content

- 33. (1) A Forest Stewardship Plan must address all Forest Management Units unless the Director is satisfied that it may be limited to a smaller area.
- (2) A Forest Stewardship Plan must meet requirements, standards and objectives set out in provincial law unless such requirements, standards or objectives are amended or modified by the Executive Council under section 31(3).
- (3) A Forest Stewardship Plan must describe or identify the following:
 - (a) for the area addressed under the plan
 - (i) the forest cover,
 - (ii) the location of Streams, Wetlands and lakes, community watersheds,
 - (iii) the location of Tla'amin Protected Areas and any requirements established for those areas,
 - (iv) the location of Monumental Cedar and Cypress, old growth management areas, wildlife habitat trees, etc.,
 - (v) nearest residential developments,

- (vi) nearest trails and recreation areas, and
 - (vii) viewscales and visual quality objectives;
- (b) for each proposed Cutblock
- (i) its proposed location, design and size,
 - (ii) its proposed silvicultural treatment, including the process that will apply to establish a Free Growing Stand in accordance with the regulations,
 - (iii) the proposed timing of harvest, and
 - (iv) the location of adjacent Cutblocks that are not currently Greened-Up;
- (c) for each proposed or existing road associated with proposed or existing Cutblocks
- (i) the approximate location of road construction operations to be carried out to provide access to the proposed Cutblocks,
 - (ii) the road structural maintenance operations that are to be carried out during the term of the plan, and
 - (iii) the road deactivation operations that are to be carried out during the term of the plan; and
- (d) the location of Resource Features that may be potentially affected by proposed Timber harvesting or road construction operations.
- (4) A Forest Stewardship Plan must be consistent with the Tla'amin Land Use Plan that is in effect at the time the plan is prepared.

Review and Approval of Forest Stewardship Plans

- 34.** (1) The Executive Council may only approve a Forest Stewardship Plan if the Executive Council determines that:
- (a) maximum practical use has been or is being made of any Tla'amin Nation or Tla'amin Corporation's right to harvest Timber on Tla'amin lands;
 - (b) the Forest Stewardship Plan is consistent with the purposes and values set out in section 8;
 - (c) the Forest Stewardship Plan is consistent with Tla'amin laws and Land Use Plans;
 - (d) the Forest Stewardship Plan appropriately takes into account the amount of Timber required for community projects or the needs of Tla'amin Citizens;

- (e) the Forest Stewardship Plan appropriately takes into account other potential or existing land uses, interests, and cultural needs related to the area that is the subject of the Forest Stewardship Plan;
 - (f) the level of Timber harvesting proposed in the plan is consistent with the Annual Harvest Level established for each Forest Management Unit;
 - (g) the Timber harvesting and related Forest Practices proposed in the plan
 - (i) are consistent with the requirements for Tla'amin Protected Areas,
 - (ii) are consistent with any Monumental Cedar and Cypress plan in place,
 - (iii) are consistent with the requirements of Part 6 and 7 of this Law, and
 - (iv) do not prevent the Forest Resources in the area underlying the Forest Stewardship Plan from being adequately managed and conserved; and
 - (h) the following persons have been invited to an open house or given an opportunity to review and comment on the plan for a period of at least 30 days:
 - (i) Tla'amin Citizens,
 - (ii) any non-Members who may be significantly and directly affected, and
 - (iii) persons specified by the Executive Council.
- (2) The Director may prepare, and the Executive Council may approve, an amendment to a Forest Stewardship Plan at any time.
- (3) A person who submitted a Forest Stewardship Plan in accordance with section 31(5) may submit an amendment to the Forest Stewardship Plan to the Director, who will make recommendations regarding its approval to the Executive Council.
- (4) The Executive Council may approve and the Director may give effect to an amendment to a Forest Stewardship Plan only if
- (a) the amendment meets the requirements of paragraphs (1)(a) to (g) and
 - (b) the Director, if required by the Executive Council, has made the amendment available for review and comment in accordance with paragraph (1)(h).
- (5) All Forest Stewardship Plans must be:
- (a) posted for review by Tla'amin Citizens and residents on Tla'amin Lands in accordance with Tla'amin regulations; and
 - (b) made available by request from Tla'amin Citizens and residents on Tla'amin Lands in accordance with Tla'amin regulations.

Site Plans

35. (1) If the Director is of the opinion that it is necessary to effectively manage the Forest Resources within a specific area, the Director may:
- (a) prepare and give effect to a Site Plan for that area that is consistent with the Forest Stewardship Plan in effect for the area; or
 - (b) direct the person who submitted, for approval, a Forest Stewardship Plan for the area to prepare and submit for approval a Site Plan for the area that is consistent with the Forest Stewardship Plan for the area.
- (2) The Director may approve and give effect to a Site Plan for an area submitted in accordance with paragraph (b) if, in the opinion of the Director, it effectively manages the Forest Resources of the area.

Stand Treatment Plans

36. (1) Before a person carries out a silviculture treatment on an area other than an area where Reforestation is being carried out, the person must prepare and obtain the Director's approval of a Stand Treatment Plan for that area that describes the following:
- (a) the location of the proposed treatment area;
 - (b) the current condition of the area;
 - (c) the nature and timing of the proposed treatment;
 - (d) the anticipated post-treatment condition of the area.
- (2) The Director may exempt a person from the requirements of subsection (1) if the Director is of the opinion that a Stand Treatment Plan is not necessary to adequately manage and conserve the Forest Resources on the area.
- (3) Wherever feasible, as determined by the Director, Stand Treatment Plans must be based upon variable retention.

Variances

37. (1) A person who is required to perform a Forest Practice in accordance with a requirement of this Law or the regulations may propose a variance from that requirement.
- (2) A proposal under subsection (1) must
- (a) be submitted in writing to the Director, and
 - (b) include the following:
 - (i) the requirement that the submission applies to;
 - (ii) the proposed variance; and

- (iii) a statement of the probable impact of the proposed variance on the area affected by the proposed variance.
- (3) The Director may approve a proposed variance if the Director is of the opinion that the proposed variance is
 - (a) consistent with forest management policies established by the Executive Council,
 - (b) necessary in the interests of public safety, or
 - (c) otherwise in the public interest.
- (4) If the Director approves the proposed variance, the person who submitted the proposal must comply with the variance.
- (5) A variance approved under this Part does not affect any fine, imprisonment, fee, charge or penalty to which a person is liable under this Law or the *Enforcement and Ticketing Law* if the offence or contravention occurred before the variance was approved.

PART 5 – GENERAL FOREST PRACTICES

Compliance with established requirements

- 38.** A person who carries out a Forest Practice must comply with all of the following that apply to the area where the Forest Practice is carried out:
- (a) requirements for Tla'amin Protected Areas established under Part 2;
 - (b) specifications contained in an Operational Plan; and
 - (c) authorizations, conditions or requirements specified by the Director or Enforcement Officer under this Law.

Protection of Forest Resources

- 39.** (1) A person must not carry out a Forest Practice that degrades Forest Resources.
- (2) A person does not contravene subsection (1) if the person is acting in accordance with
- (a) this Law or the regulations;
 - (b) an Operational Plan or a permit issued under this Law; or
 - (c) an authorization or exemption given under this Law.
- (3) A person who contravenes subsection (1) must

- (a) prevent any further degradation of Forest Resources;
- (b) promptly notify the Director; and
- (c) take any remedial measures that the Director requires.

PART 6 – RIPARIAN MANAGEMENT

Riparian management area widths

- 40.** (1) In this Division, “Active Flood Plain” means a level area, with alluvial soils, that is
- (a) adjacent to Streams;
 - (b) flooded by Stream water on a periodic basis; and
 - (c) at the same elevation as areas showing evidence of
 - (d) flood channels free of terrestrial vegetation,
 - (e) recently rafted debris or fluvial sediments newly deposited on the surface of the forest floor or suspended on trees or vegetation, or
 - (f) recent scarring of trees by material moved by flood waters.
- (2) Riparian management areas are measured from
- (a) the edge of a Stream channel bank;
 - (b) the edge of a Wetland; and
 - (c) the edge of the natural boundary of a lake.
- (3) Unless otherwise specified in writing by the Director, the riparian management area width for a Stream is
- (a) the Active Flood Plain for those sections of the Stream that have, over a 1 km length
 - (b) a channel width of 100 m or greater, and
 - (c) an Active Flood Plain width of 100 m or greater,
 - (d) subject to paragraph (a), 70 m if the Stream is greater than 20 m wide;
 - (e) 50 m if the Stream is of a width that is greater than 5 m but less than 20 m;
 - (f) 40 m if the Stream is between 1.5 m and 5 m wide; and
 - (g) 30 m if the Stream is less than 1.5 m wide.

- (4) Despite subsection (3), unless otherwise specified in writing by the Director, the riparian management area width is 30 m for a Stream that is designated by the Director in accordance with the regulations to not be a fish bearing Stream.
- (5) Unless otherwise specified in writing by the director, the riparian management area width for a Wetland is
 - (a) 40 m if the Wetland is greater than 5 ha in size,
 - (b) 30 m if the Wetland is between 1 ha and 5 ha in size, and
 - (c) 40 m if the area consists of 2 or more individual Wetlands with overlapping riparian areas and the combined size of the Wetlands is 5 ha or larger.
- (6) Unless otherwise specified in writing by the Director, the riparian management area width for a lake is 40 m.

General requirements within riparian management areas

- 41.** (1) Unless otherwise specified in an Operational Plan, permit or authorization under this Law, a person who carries out a Forest Practice in a riparian management area must
- (a) ensure that those Forest Practices minimize deleterious impacts on
 - (i) Stream channel dynamics, aquatic ecosystems, and water quality of the Streams, Wetlands and lakes adjacent to that riparian management area, and
 - (ii) the diversity, productivity and sustainability of wildlife habitat and vegetation adjacent to the Stream, Wetland and lake associated with that riparian management area;
 - (b) not increase the risk that the trees that are to be retained in areas adjacent to the Stream, Wetland and lake will be windthrown;
 - (c) retain important wildlife habitat attributes including Wildlife Trees, large trees, hiding and resting cover, nesting sites, structural diversity, coarse woody debris, and food sources characteristics of natural riparian ecosystems;
 - (d) retain sufficient vegetation along Streams to provide shade, reduce bank microclimate changes, maintain natural channel and bank stability and important attributes for wildlife;
 - (e) retain adjacent to Wetlands and lakes key wildlife habitat attributes characteristic of natural riparian ecosystems; and
 - (f) ensure that those Forest Practices are consistent with Tla'amin cultural values associated with Streams and rivers.
- (2) A person who carries out a Forest Practice must not deposit in any area slash or debris capable of damaging fish habitat or reducing water quality.

- (3) Unless permitted in an Operational Plan or otherwise authorized by the Director, a person who carries out a Forest Practice must ensure that the tracks or wheels of any ground based machinery used in carrying out the Forest Practice are not permitted within 5 m of a Stream bank unless the operations are conducted in such a manner that they protect Stream banks and minimize damage to understory vegetation.
- (4) Unless authorized by the Director, a person who carries out a Forest Practice must ensure that machinery used in carrying out the Forest Practice is not fuelled or serviced within the riparian management area.

PART 7– SOIL CONSERVATION

Limits on unrehabilitated roads, landings and Logging Trails

42. (1) The maximum proportion of the area within a Cutblock that may be occupied by unrehabilitated roads, landings and Logging Trails is
- (a) the amount specified for the Cutblock in an Operational Plan, or
 - (b) 7% if no amount is specified for the Cutblock in an Operational Plan.
- (2) A person who carries out a Forest Practice must not establish an amount of unrehabilitated roads, landings and Logging Trails that results in a contravention of the limit specified in subsection (1).
- (3) If a person contravenes section (2), the person must
- (a) promptly notify the Director; and
 - (b) carry out any site rehabilitation measures required by the Director.

Limits on Soil Disturbance

43. (1) In this Division:

“Soil Disturbance” means any of the following that have resulted from a Forest Practice:

- (a) an area occupied by a Logging Trail of a temporary nature;
- (b) an area occupied by Corduroyed Trail;
- (c) a Compacted Area; or
- (d) an area of Dispersed Disturbance;

“Dispersed Disturbance” means an area that meets any of the following:

- (a) an area of soil that is at least 1 m x 2 m and that otherwise meets the requirements of a Compacted Area;
- (b) a rut in the soil that

- (i) is at least 30 cm x 2 m, and
 - (ii) has a minimum depth for a distance of at least 2 m, of 5 cm from the surface of the undisturbed mineral soil;
 - (c) an excavation into mineral soil that is
 - (i) deeper than 30 cm,
 - (ii) deeper than 5 cm if it covers
 - (A) at least 80% of a 1.8 m x 1.8 m area, or
 - (B) an area of a least of 1 m x 3 m, or
 - (iii) to the depth of bedrock;
 - (d) an area in which the forest floor has been removed from over 80% of a 3 m x 3 m area.
- (2) The maximum proportion of the area within a Cutblock where Reforestation is required that may be occupied by Soil Disturbance is
 - (a) the amount specified for the area in an Operational Plan; or
 - (b) 5%, if there is no amount specified for the area in an Operational Plan.
 - (3) The maximum proportion of the area to be treated under a Stand Treatment Plan that may be occupied by Soil Disturbance is
 - (a) the amount specified in the plan; or
 - (b) 5%, if the amount is not specified in the plan.
 - (4) A person who carries out a Forest Practice must not exceed the limit for Soil Disturbance specified in subsection (2) or (3).
 - (5) If a person contravenes subsection (4), the person must
 - (e) promptly notify the Director; and
 - (f) carry out any site rehabilitation measures required by the Director.

PART 8 – BIODIVERSITY

Biodiversity objectives and management strategies

44. (1) Subject to the

- (a) Tla'amin Land Use Plan, or any other land use plan approved by the Executive Council; or

- (b) requirement under Part 2 for a Tla'amin Protected Area,
- the long term objective of the Tla'amin Nation is to promote the restoration of natural biodiversity across Tla'amin Lands.
- (2) Subject to section (4), the Director must manage biological diversity
 - (a) at the landscape level to promote a reflection of natural disturbance patterns, by manipulating
 - (i) seral stage distribution,
 - (ii) temporal and spatial distribution of harvested areas and retention areas,
 - (iii) connectivity across the landscape,
 - (iv) stand structure, and
 - (v) species composition, and
 - (b) within Cutblocks by maintaining
 - (i) stand structure,
 - (ii) tree and vegetation species composition, and
 - (iii) coarse woody debris.
 - (3) If a Cutblock in a Forest Stewardship Plan is adjacent to a previously harvested Cutblock that is not Greened-Up, the Director may only authorize harvesting of the Cutblock if:
 - (a) at least 40% or more of the pre-harvest basal area will be retained and evenly distributed;
 - (b) the total area of the Cutblock to be harvested and the area that is not Greened-Up does not exceed 60 hectares; or
 - (c) the primary purpose of the harvesting is to recover damaged Timber .
 - (4) Nothing in this Division limits the Director from specifying a Cutblock design that is inconsistent with the requirements of this Division, if the Director is of the opinion that the Cutblock location and design
 - (c) is appropriate in the circumstances; and
 - (d) adequately manages and conserves the Forest Resources of the area.

Biological diversity requirements within Cutblocks

45. (1) Unless otherwise authorized by the Director, a person who carries out Timber harvesting operations within a Cutblock must
- (a) maintain stand structure by retaining
 - (i) at least 10% of the Cutblock area in Wildlife Tree patches,
 - (ii) patches of advanced regeneration, and
 - (iii) non-merchantable defect trees as recruitment snags;
 - (b) maintain tree and vegetation species composition by retaining
 - (i) across the Cutblock, a variety of native understory Plants and Plant communities, and
 - (ii) minor tree species which form less than 20% of the trees present on the Cutblock; and
 - (c) maintain coarse woody debris by
 - (i) limbing and topping harvested trees on the Cutblock,
 - (ii) leaving any residue and waste distributed across the Cutblock, and
 - (iii) leaving non-merchantable material on the Cutblock.
- (2) If a person carrying out a Forest Practice finds a Resource Feature that was not identified on an approved Operational Plan or permit, the person carrying out the Forest Practice must
- (d) modify or stop any Forest Practice that is in the immediate vicinity of the Resource Feature to the extent necessary to refrain from threatening it; and
 - (e) promptly advise the Director of the existence and location of the Resource Feature.

PART 9 – TIMBER HARVESTING

No harvesting without Cutting Permit

46. (1) The holder of a Timber harvesting license or Timber Harvesting Contract must apply for and obtain a Cutting Permit prior to harvesting Timber.
- (2) An application for a cutting license must include:
- (a) the proposed layout of Cutblocks, including roads, slash piles, landings, Logging Trails, and other infrastructure; and
 - (b) the proposed timing of the harvest of Cutblocks.

- (3) The Director may only approve a Cutting Permit if the Director determines that approval of the application is consistent with:
 - (a) the Tla'amin Land Use Plan, or any other land use plan in place for the area at the time the application is submitted;
 - (b) with any Forest Stewardship Plan in place for the area at the time the application is submitted;
 - (c) the any requirements for Tla'amin Protected Areas;
 - (d) this law and regulations pursuant to this law; and
 - (e) other existing land uses, interests, and cultural needs related to the area that is the subject of the permit.

No harvest of reserves

47. (1) If required by the Director, before a person commences Timber harvesting, the person must mark in the field the location of any Timber reserves that are identified in an Operational Plan or otherwise required to be retained within a Cutblock.
 - (2) Marking under subsection (1) must be visible during harvesting and for a period of at least 6 months after the completion of harvesting of the Cutblock.
 - (3) A person must not harvest or damage any Timber reserves that are identified in an Operational Plan or otherwise required under this Law to be retained within a Cutblock.

Ensuring terrain stability

48. (1) If required by the Director, before a person carries out Timber harvesting within a Cutblock, the person must assess to the satisfaction of the Director the stability of the terrain within the Cutblock.
 - (2) The Director may, by written notice to the person described in subsection (1), require the person to modify the proposed harvesting operations to the extent necessary to ensure the terrain within the Cutblock remains stable.

Harvesting on sensitive slopes

49. (1) In this Part "Clearcut" means a silvicultural system that
 - (a) removes the entire stand of trees in a single harvesting operation from an area that is
 - (b) one ha or greater, and
 - (c) at least 2 tree heights in width; and
 - (d) is designed to manage the area as an even-aged stand.

- (2) Unless authorized in writing by the Director, a person must not
 - (a) Clearcut Timber on an Unstable Area;
 - (b) construct a Logging Trail on an Unstable Area; or
 - (c) sidecast material onto Unstable Areas.

Logging Trails

50. (1) A person must not build a Logging Trail unless it is
- (a) provided for in an Operational Plan; or
 - (b) authorized in writing by the Director.
- (2) A person who builds a Logging Trail must ensure that the Logging Trail:
- (a) prevents subsurface seepage water from being diverted onto unstable slopes or into Stream channels or gullies that would not naturally have received the water;
 - (b) maintains stability of cut slopes and fill slopes;
 - (c) maintains surface drainage patterns;
 - (d) facilitates any rehabilitation treatments required under subsection (3);
 - (e) minimizes soil erosion and the amount of sediment entering Streams.
- (3) At the conclusion of harvesting, a person who builds a Logging Trail must rehabilitate the area occupied by the Logging Trail by
- (a) carrying out to the satisfaction of the Director all of the following:
 - (b) decompacting the running surface, unless the soil is sand, loamy sand, or contains in excess of 70% coarse fragments by volume,
 - (c) placing sidecast fill material on the excavated portion of the trail,
 - (d) recontouring the slope,
 - (e) re-establishing surface drainage patterns, and
 - (f) scattering woody debris on exposed mineral soil surfaces; or
 - (g) carrying out other measures approved by the Director.
- (4) The Director may relieve a person from the requirements of subsection (3) if the Director is satisfied that
- (c) the Logging Trail will be required to provide access for future harvesting; or

- (d) treating the area occupied by the Logging Trail
- (e) is unlikely to restore soil productivity to an acceptable level, or
- (f) creates an unacceptable risk of damaging Forest Resources.

Landings

51. (1) Unless permitted in an Operational Plan or otherwise authorized in writing by the Director, a person who harvests Timber must not construct a landing within 30 m of a Stream.
- (2) A person who harvests Timber must deactivate a landing when the landing is no longer required for harvesting operations.
 - (3) A person who deactivates a landing under subsection (11) must
 - (a) if the landing is a permanent structure,
 - (i) incorporate drainage systems to minimize runoff flowing onto the landing and erosion of the landing fill and material, and
 - (ii) ensure that the landing is stable; or
 - (b) if the landing is a temporary structure,
 - (i) incorporate drainage systems to minimize runoff flowing onto the landing and erosion of the landing fill and material,
 - (ii) carry out measures to ensure that the landing area is stable,
 - (iii) decompact the landing area,
 - (iv) spread retrievable soil material, that was displaced to construct the landing, over the surface of the landing,
 - (v) re-establish natural surface drainage,
 - (vi) place some woody debris over exposed mineral soil, and
 - (vii) revegetate exposed mineral soil.

Harvesting in gullies

52. (1) In this Part, "Gully" means an area containing a Stream where
- (a) the overall Stream gradient is at least 25%; and
 - (b) a portion of the Stream that is at least 100 m long, has
 - (i) a side wall greater than 3 m,

- (ii) a side slope greater than 50%, and
 - (iii) a Stream channel gradient greater than 20%.
- (2) Unless authorized in writing by the Director, a person must not carry out harvesting in a Gully.
- (3) The Director must not authorize a person under subsection (2) unless the Director is satisfied that the harvesting activity will
- (c) not increase the risk of erosion of the gully banks;
 - (d) cause excessive damage to the understory;
 - (e) not increase sediment and debris transport potential; and
 - (f) adequately manage and conserve the Forest Resources of the area.

Slash accumulations

53. (1) Unless otherwise authorized by the Director, a person must burn the combustible slash that accumulates at landings and roadside work areas before
- (a) any insects emerge, if the slash is insect-infested; or
 - (b) the end of the first burning season after harvesting is completed, if the slash is not insect-infested.

Rehabilitation of Compacted Areas and Corduroyed Trails

54. (1) At the conclusion of Timber harvesting activities, or at another time specified by the Director, a person who carries out harvesting must rehabilitate Compacted Areas and Corduroyed Trails to the satisfaction of the Director.
- (2) The Director may exempt a person from the requirements of subsection (1) if the Director is of the opinion that:
- (a) the area is too small to warrant rehabilitation; or
 - (b) rehabilitating the area
 - (i) is unlikely to restore productivity to an acceptable level, or
 - (ii) creates an unacceptable risk of damaging Forest Resources.

PART 10 - ROADS AND ROAD USE

Not applicable to settled portions of Tla'amin Lands

55. Nothing in this Part applies to the settled portions of Tla'amin Lands.

Road Permits

56. (1) A person may apply to the Director for a Road Permit to construct a road or access a road on Tla'amin Lands.

(2) The Director may issue a Road Permit to construct a road or access a road, including the right to harvest Timber from the area under the permit, if the Director is satisfied that

(a) the location of the proposed road is identified on a Forest Stewardship Plan; and

(b) the Timber must be harvested to construct the road.

(3) A Road Permit

(a) must describe the location of the road to be constructed under the Road Permit;

(b) must authorize its holder to construct and use the road;

(c) must authorize its holder to manage and use the area under the Road Permit for sand pits, gravel pits, rock quarries or other quarries that provide materials for the construction or maintenance of the road;

(d) must, if the Road Permit grants the right to harvest Timber, require its holder to pay Stumpage under section 86; and

(e) may include any other terms and conditions, consistent with this Law and the regulations, that the Director considers necessary.

Road Use Permits

57. (1) A person must not, without a Road Use Permit, use a road to facilitate the carrying out of Timber harvesting or an Industrial Activity, unless the person is

(a) authorized under a licence, permit, contract, agreement, or other authorization issued under this law, or

(b) the holder of a Road Permit for that road.

(2) The Director may issue a Road Use Permit for a road if the Director is satisfied that the use of the road is necessary to facilitate the carrying out of Timber harvesting or an Industrial Activity.

(3) A Road Use Permit:

(c) must describe the road that its holder may use; and

(d) may include other terms and conditions, consistent with this Law and the regulations, that the Director considers are necessary.

Road Use Permit exemption

58. The Director may exempt a person from the requirement to have a Road Use Permit, on being satisfied that the person's use of a road will not materially affect the use of the road by others.

Declaration of Tla'amin Forest Roads

59. (1) The Executive Council may declare a road to be a Tla'amin Forest Road.
- (2) If a road, declared to be a Tla'amin Forest Road under subsection (1), is subject to an active Road Permit or Special Use Permit at the time of the declaration, the Director must grant a Road Use Permit to the holder of the Road Permit or Special Use Permit, as the case may be.

Non-industrial use of a road under a Road Permit

60. (1) A road under a Road Permit may be used by any person for non-industrial purposes without charge.
- (2) The holder of a Road Permit may with the prior consent of the Director, close the road or restrict its use if the use of the road for non-industrial purposes would likely cause significant damage to the road or environment or endanger life or property.
- (3) The holder of a Road Permit may, at the expense of the owner of a vehicle, remove the vehicle from the road if the presence on the road of a vehicle would likely cause damage to the road or environment or endanger life or property.

Use of a Tla'amin Forest Road

61. (1) The Director may order in a notice published in accordance with Tla'amin Law that, for the period specified in the notice, use of a Tla'amin Forest Road is restricted or prohibited
- (2) It is an offence to use a Tla'amin Forest Road in contravention of an order made by the Director under subsection (1).

Damage to roads

62. A person must not use a road in a manner that damages that road.

Liability insurance

63. (1) A person must not operate a motor vehicle or trailer, other than a motor vehicle or trailer described in section 2(2) of the *Motor Vehicle Act* (British Columbia), on a Tla'amin Forest Road unless the driver and motor vehicle or trailer are insured under a valid and subsisting contract of accident insurance providing insurance against liability to third parties in the amount of at least \$200,000.
- (2) A person referred to in subsection (1) must
- (a) carry

- (i) written evidence, supplied by the insurer, of the insurance described in subsection (1), or
 - (ii) a copy of that written evidence; and
- (b) produce that written evidence, on demand, to an Enforcement Officer.
Enforcement Officer

PART 11 – ROAD CONSTRUCTION, MAINTENANCE AND DEACTIVATION

Authorization

- 64.** (1) Before a road is constructed by the Tla'amin Nation for the purpose of accessing Timber , the road must be identified on a Forest Stewardship Plan.
- (2) A person, other than the Tla'amin Nation, may only construct a road if the road
- (a) is identified in a Forest Stewardship Plan, and the construction has been authorized by a Road Permit or Timber Harvesting Licence; or
 - (b) has been authorized in a Special Use Permit or under another enactment.

General requirements

- 65.** When constructing, maintaining or deactivating a road a person must
- (a) provide for user safety;
 - (b) protect Forest Resources;
 - (c) protect water quality, Stream bank stability and fish habitat;
 - (d) provide for safe passage of fish in Streams for the purposes of spawning, rearing or migration;
 - (e) protect structural integrity of the road and drainage structures;
 - (f) maintain slope stability;
 - (g) maintain surface drainage patterns; and
 - (h) minimize surface soil erosion and sediment entering into Streams.

Road construction

- 66.** Unless exempted by the Director, before a person begins construction of a road, the person must prepare and obtain the approval of the Director of a road layout and design that includes
- (a) a map showing the location of

- (b) the road,
- (c) any proposed Stream or lake crossings, and
- (d) the outer boundary of any riparian management area in or adjacent to a proposed road other than at a proposed crossing of a Stream, Wetland or lake; and
- (e) specifications for road design, drainage design and re-vegetation.

Road maintenance

67. (1) Unless otherwise expressly stated in the permit, licence or authorization, a person who uses a road under a Road Permit, a Timber Harvesting Licence or a Special Use Permit must maintain the road until
- (a) the road is deactivated; or
 - (b) the person is relieved of the obligation to maintain the road by the Director under section 68.
- (2) The Executive Council must ensure that the following roads are maintained until deactivated
- (a) a road constructed by the Tla'amin Nation;
 - (b) a road referred to in paragraph (b).
- (3) Despite subsection (1) or (2), the Director may require the holder of a Road Use Permit for a road to assume all or part of the responsibility for maintaining the road.

Road deactivation

68. (1) A person who is required to maintain a road under section 67 must, at the conclusion of use of the road, deactivate the road unless the person is notified, in writing, by the Director that deactivation is not required.
- (2) The Executive Council must, at the conclusion of use of a road that it is required to maintain under sections 66(1) to (3), deactivate the road unless the Director is of the opinion that deactivation is not required.

PART 12 – SILVICULTURE

Reforestation

69. (1) The holder of a Tla'amin Public Lands Licence must Reforest those portions where Timber has been harvested or destroyed in accordance with the Forest Stewardship Plan and the prescribed requirements.

- (2) The Executive Council must ensure, in accordance with this Part, the Forest Stewardship Plan and prescribed requirements, that areas, not referred to at subsection (4), where the Timber has been destroyed are Reforested.
- (3) The Director may publish in accordance with a process prescribed by the Executive Council and with Tla'amin Law, a notice inviting applications from Tla'amin Citizens to carry out prescribed silviculture treatment required for any Tla'amin Lands.
- (4) Despite subsection (2), the following areas are not required to be Reforested:
 - (a) those areas within a Cutblock where the land will be used for a purpose that is incompatible with the establishment of successive crops of trees;
 - (b) a Cutblock where the harvesting in the Cutblock was limited to removal of a volume of Timber not exceeding 500 m³;
 - (c) those portions of a Cutblock that are occupied by
 - (i) roads, landings or Logging Trails that will be used in future Timber harvesting operations,
 - (ii) areas of rock, Wetland or any other areas that in its natural state is incapable of growing a stand of trees that meets the stocking requirements specified in this section, or
 - (iii) a reserve area;
 - (d) those portions of settled Tla'amin Lands that were harvested for the purpose of expansion of useable land for development; and
 - (e) an area where the Timber was destroyed and the Director is of the opinion that the size or remoteness of the area makes it impractical to Reforest.
- (5) Unless a different period is specified by the Director, an area to be Reforested must establish a Free Growing Stand within 15 years of the harvesting or destruction of the Timber, of which stand must contain at least the minimum number of crop trees per hectare as determined to be ecologically appropriate for the area by the Director.
- (6) The Director may publish in accordance with Tla'amin Law a notice inviting applications from Tla'amin Citizens to carry out prescribed silviculture treatment required for any Tla'amin Lands.

Silviculture treatment restrictions

70. (1) In this Part, "Leave Tree" means trees designated to be left on-site to protect the regenerating understory.
- (2) A person who carries out spacing or pruning must ensure that the Leave Trees are not damaged.
 - (3) Without limiting subsection (2), a person who carries out pruning must leave at least 30% live crown on each Leave Tree.

- (4) A person who uses fertilizer in silviculture treatments must ensure that it is stored, handled and applied in a manner that protects Forest Resources.
- (5) Unless authorized by the Director, a person must not use pesticides when carrying out a silviculture treatment.
- (6) Unless exempted by the Director, a person who uses trees to trap insects or pheromones to concentrate insect populations must ensure that the insect brood is destroyed before the insects emerge.

PART 13 – ECOSYSTEM RESTORATION AND CARBON RIGHTS

71. (1) In this Part:

“Ecosystem Restoration Contractor” means, in relation to an Ecosystem Restoration and Carbon Rights Agreement, the person entering into the agreement with the Executive Council;

“Ecosystem Restoration and Carbon Rights Agreement” means an Ecosystem Restoration and Carbon Rights Agreement entered into under section 72;

“Ecosystem Restoration Area” means, in relation to an Ecosystem Restoration and Carbon Rights Agreement, the area of Tla’amin Lands to which the agreement applies;

“Ecosystem Restoration Plan” means a plan for carrying out an Ecosystem Restoration Project, including, but not limited to, stocking standards, mapping standards, silviculture treatment and site preparation methods, replanting prescriptions, including planting stock species, age and provenance, post-planting assessment methods and stand tending work to be undertaken;

“Ecosystem Restoration Project” means a project to restore an Ecosystem Restoration Area to a functional woodland state in accordance with an Ecosystem Restoration Plan approved by the Director;

“Greenhouse Gas Emissions” means human induced emissions to the atmosphere of gases known or suspected to contribute to climate change; and

“Sequestered” means, in relation to an Ecosystem Restoration and Carbon Rights Agreement, sequestered in the trees planted in the Ecosystem Restoration Area by or on behalf of the Ecosystem Restoration Contractor in accordance with the Ecosystem Restoration Plan approved by the Director.

Designation of Tla’amin Corporations and Tla’amin Partnerships and Entering into Agreements

- 72. (1)** The Executive Council may enter into an Ecosystem Restoration and Carbon Rights Agreement with a Tla’amin Corporation or a partnership held by the Tla’amin Nation or designated by regulation.

- (2) The Executive Council may enter into carbon credit or related agreements with other governments and organizations in relation to Tla'amin Lands provided any such agreements are in the best interests of Tla'amin.

Ecosystem Restoration and Carbon Rights Agreement

73. (1) An Ecosystem Restoration and Carbon Rights Agreement

- (a) may have a term of up to 100 years;
- (b) may apply to an Ecosystem Restoration Area of up to 300 hectares;
- (c) must require the Ecosystem Restoration Contractor to submit to the Director for approval an Ecosystem Restoration Plan for an Ecosystem Restoration Project to be undertaken on the Ecosystem Restoration area;
- (d) may confer on the Ecosystem Restoration Contractor the exclusive right, during the term of the agreement, to claim, sell, assign or otherwise dispose of any or all of the entitlements, benefits, allowances, allocations and credits that may from time to time be available in relation to the carbon Sequestered under the agreement, including as an offset of the Greenhouse Gas Emissions of any person pursuant to a greenhouse gas reduction or mitigation program, whether voluntary or regulated by an international, Canadian or British Columbia governmental authority or body;
- (e) may specify the terms and conditions under which the Ecosystem Restoration Contractor may claim, sell, assign or otherwise dispose of all or any part of the Ecosystem Restoration Contractor's rights and obligations under the agreement;
- (f) must provide that the trees planted in the Ecosystem Restoration Area by or on behalf of the Ecosystem Restoration Contractor in accordance with the Ecosystem Restoration Plan approved by the Director will be the property of the Tla'amin Nation;
- (g) may require the Ecosystem Restoration Contractor to pay to the Tla'amin Nation such fees or other amounts as are set out in the agreement or determined by the Executive Council from time to time; and
- (h) may include other terms and conditions, consistent with this Law and the regulations, that the Executive Council considers necessary or advisable.

Director approval of Ecosystem Restoration Plan

- 74.** The Director may, in the Director's discretion, approve an Ecosystem Restoration Plan for the purposes of an Ecosystem Restoration and Carbon Rights Agreement if the Director is satisfied that the plan, if implemented, will be consistent with the objectives set out in section 8.

Timber harvesting on an Ecosystem Restoration Area

75. Nothing in an Ecosystem Restoration and Carbon Rights Agreement will authorize an Ecosystem Restoration Contractor to harvest any Timber on an Ecosystem Restoration Area except as may be required to implement the applicable Ecosystem Restoration Plan approved by the Director.

Ecosystem restoration as a Forest Practice

76. For the purposes of Part 5 of the Law,

- (i) the implementation of a Ecosystem Restoration Project will be deemed to be a Forest Practice; and
- (j) an Ecosystem Restoration Plan approved by the Director will be deemed an approved Operational Plan.

PART 14 – PROTECTION OF TIMBER FOREST RESOURCES

PART 15 – FIRE AND PREVENTION

Wild Fire Prevention

77. The Executive Council will establish policies and regulations with the objective of minimizing wild fires originating from Tla'amin Lands.

Invasive Plants and Noxious Weeds

78. (1) A person carrying out a Forest Practice must carry out measures that are

- (a) specified in the applicable Operational Plan; or
- (b) authorized by the minister,

to prevent the introduction or spread of prescribed species of invasive Plants, or noxious weeds.

- (2) Despite expiry of the Operational Plan referred to in subsection (25), subsection (1) continues to apply to the holder of that plan in respect of any area that is subject to a Cutting Permit or Road Permit issued in respect of the plan before the plan expired.
- (3) If an Operational Plan is amended to remove the holder of a licence or an agreement as a party to the plan, subsection (1) continues to apply to that holder in respect of any area that is
 - (a) included in the plan; and
 - (b) subject to a Cutting Permit or Road Permit issued in respect of the plan before the plan was amended.

Control of insects, diseases, animals or abiotic factors

79. (1) If the Director determines that a forested area on Tla'amin Lands is being damaged by insects, diseases, animals or abiotic factors, the Director, by written notice given to the tenure-holder, permittee, licensee or operator on the lands, may require them to submit, for that forested area, a proposal that conforms to subsection 1(3) to control or dispose of the insects, diseases, animals or abiotic factors.

(2) If the Director determines that on a forested area on Tla'amin Public Lands that is subject to

(a) a Timber Harvesting License;

(b) a Cutting Permit;

(c) a Road Permit;

(d) a Tla'amin Free Use Permit; or

(e) any other type of authorization prescribed by regulation

there are insects, diseases, animals or abiotic factors that are causing damage to the forest, the Director, by written notice given to the holder of the plan, may require the holder to submit, for that forested area, a proposal that conforms to subsection (3) to control or dispose of the insects, diseases, animals or abiotic factors.

(3) A person required under subsection (1) or (2) to submit a proposal must

(a) submit the proposal to the Director within the period specified by the Director;

(b) in the proposal, specify reasonable measures to be carried out for that forested area by the owner or holder, as the case may be, to control or dispose of the insects, diseases, animals or abiotic factors; and

(c) state the time frame within which the measures are to be completed.

(4) The Director may approve or reject a proposal received in response to the Director's written notice given under subsection (1) or (2).

(5) If the Director approves a proposal under subsection (4), the owner or holder who made the proposal must carry out the measures specified in the proposal.

(6) By order, given to a person identified in this section who does not submit a proposal as required, the Director may require the owner or holder to carry out measures specified in the order by a date specified in the order.

(7) If the Director

(a) approves a proposal submitted under subsection (3); or

(b) makes an order under subsection (6),

and considers it necessary or desirable to facilitate the carrying out of the proposal or order, the Director may exempt the affected owner or holder from complying with one

or more provisions of this Law, the regulations, a licence, permit or contract under this Law, or a Forest Development Plan.

- (8) If the Director makes an order under subsection (6) that is inconsistent with a provision of this Law, the regulations, a licence, permit or contract under this Law, or a Forest Stewardship Plan, the Director, in making the order, must exempt the owner or holder from that provision.

Forest health emergency

80. (1) If the Executive Council considers that a forest health emergency exists in an area of Tla'amin Lands, they may designate the area by regulation as a forest health emergency management area.

(2) The Director may order

(a) the holder of a permit, contract or license under this Law that authorizes Timber harvesting in the emergency management area; or

(b) Tla'amin employees

to carry out measures in the emergency management area, limited in the case of the holder, to the area of the holders agreement, to prevent, contain or limit the spread of forest health factors.

(3) An order under subsection (2) must specify

(a) the measures to be carried out;

(b) the date by which the measures must be completed; and

(c) the person's right to a review under section 101.

(4) A person is exempt from any provisions of this Law, the regulations, a permit, license or contract under this Law, and/or a Forest Stewardship Plan that, if complied with, would prevent the person from carrying out the measures referred to in this section.

PART 16 – RECORDS AND PAYMENTS

Requirement to scale Timber

81. (1) The following persons must ensure that the Timber they harvest is scaled promptly to the satisfaction of the Director:

(a) a holder of a Timber Harvesting Licence;

(b) a holder of a Timber Salvage Permit;

(c) a holder of a Timber Harvesting Contract;

- (d) a holder of any other form of tenure, licence, permit or contract prescribed by regulation.
- (2) The Director may relieve a holder of a Timber Harvesting Contract of the requirement under subsection (1).
- (3) If the Director is not satisfied that a person referred to in section subsection (1) has correctly scaled Timber that is required to be scaled, the Director may
 - (a) order the person to scale or rescale the Timber , as the case may be; or
 - (b) have the Timber independently scaled.
- (4) If the Director has Timber scaled under section (3)(b), the Director may order the person who was originally responsible for scaling the Timber under subsection (1) to reimburse the Tla'amin Nation for the costs incurred in having the Timber independently scaled.

Scale return

- 82.** A person who is required to have Timber scaled under subsection (1) must ensure that copies of all scale returns, including any check scale details, are delivered to the Director within the time specified by the Director.

Records and returns for Timber

- 83.** (1) A person who is the holder of a tenure, licence, contract or permit referred to in section 81 must maintain accurate records of their activities under the licence, contract or permit, as the case may be.
- (2) The Director may inspect, at reasonable times, records described in subsection (1).
 - (3) If requested by the Director, the person required to maintain records described in subsection (1) must submit copies of those records at the times and in the manner specified by the Director.
 - (4) Without lawful excuse, it is an offence to:
 - (a) obstruct the Director in the lawful exercise of the Director's duties under subsection (2); or
 - (b) fail to comply with a request of the Director made under subsection (3).

Records and returns for Plants

- 84.** (1) A holder of a Plant Gathering Permit and the holder of a Plant Buyer Permit must keep accurate records of
- (a) the volume of the Plant gathered or purchased and
 - (b) the species, grade and price of the Plants purchased under each Plant Buyer Permit issued under section 30.

- (2) The Director may inspect, at reasonable times, records required to be kept under subsection (1).
- (3) If requested by the Director, a holder of a Plant Gathering Permit and the holder of a Plant Buyer Permit must submit, at the times and in the manner specified by the Director, the records required to be kept under subsection (1).
- (4) Without lawful excuse, it is an offence to:
 - (a) obstruct the Director in the lawful exercise of the Director's duties under subsection (2); or
 - (b) fail to comply with a request of the Director made under subsection (3).

Ownership

85. Subject to compliance with this Law and any applicable other laws, ownership of Timber or Plants that are harvested under a licence or permit under this Law vests in the holder of the licence or permit.

Payment to Tla'amin Nation

86. The holder of a licence or permit under this Law must pay to the Tla'amin Nation, Stumpage, fees, rents and other charges required by the licence or permit or as prescribed by regulation.

Recovery of money

- 87.** (1) Money that is required to be paid to the Tla'amin Nation under this Law or the regulations
- (a) is due on, and payable by, the date specified for payment in a statement to, or notice served on, the person who is required to pay it;
 - (b) bears interest as prescribed; and
 - (c) may be recovered in a court proceeding as a debt due to the Tla'amin Nation.

Responsibility for payment

- 88.** A person who acquires Timber on which Stumpage or other charges are owing to the Tla'amin Nation must
- (a) report the acquisition to the Director, in a form required by the Director, not later than 10 days following the date on which the acquisition occurred; and
 - (b) pay all money payable to the Tla'amin Nation in respect of the Timber .

PART 17 – COMPLIANCE AND ENFORCEMENT

Division 1 – CANCELLATION AND LOSS OF ELIGIBILITY

Cancellation

- 89.** (1) In addition to any Administrative Penalty assessed, or order made, under this Law, the regulations, or proceeding under the *Enforcement and Ticketing Law*, the Executive Council may cancel a right granted under this Law if the person to whom the right is granted has
- (a) made a material misrepresentation, omission or misstatement of fact in an application for a licence or permit, or in information provided with an application;
 - (b) failed to perform an obligation required to be performed under a licence or permit;
 - (c) failed to comply with a requirement of this Law or the regulations; or
 - (d) made an assignment for the benefit of its creditors, become insolvent or committed an act of bankruptcy.
- (2) Despite the expiry, surrender or cancellation of a licence or permit granted or issued under this Law or the regulations, the holder of the licence or permit is liable for all of the following that were incurred before the expiry, surrender or cancellation:
- (a) to pay any fees, costs and penalties owing to the Tla'amin Nation in respect of the licence or permit;
 - (b) to perform all obligations under the licence or permit; and
 - (c) to perform all obligations imposed by or under this Law or the regulations with respect to the licence or permit.

Eligibility

- 90.** If the Director determines that the holder of a licence has failed to
- (a) provide security or a deposit required under this Law or the regulations; or
 - (b) perform an obligation under this Law, the regulations or the licence in respect of an area of land specified in a Road Permit or Road Use Permit associated with the licence,
- the Director may refuse to issue a permit required by the holder of the licence until the failure has been corrected.

Division 2 – INSPECTING, STOPPING AND SEIZING

Entry and inspection

- 91.** (1) For any purpose related to the administration or enforcement of this Law and the regulations, an Enforcement Officer may enter, at any reasonable time, on land or premises, other than a dwelling house or a room being used as a dwelling, if the Enforcement Officer has reasonable grounds to believe that the land or premises

- (a) has located on it Timber that is required to be scaled;
 - (b) is the site of a Forest Practice;
 - (c) is the site of trading in Plants;
 - (d) is the site of an activity that is regulated under this Law; or
 - (e) is the site of an Industrial Activity.
- (2) An Enforcement Officer may, at any reasonable time, enter on land to inspect for fire hazards if the Enforcement Officer has reasonable grounds to believe that an activity is being carried out or a condition exists on the land that might cause or produce a fire hazard.
- (3) An Enforcement Officer who enters on land or premises under this Division may
- (a) inspect any thing or any activity that is reasonably related to the purpose of the inspection; and
 - (b) require production for the purposes of inspection or copying of
 - (c) a licence, permit or Operational Plan that is required for the activity; and
 - (d) a record required to be kept under this Law or the regulations.

Stopping vehicles

92. (1) For any purpose related to the administration and enforcement of this Law and the regulations, an Enforcement Officer may stop and inspect a vehicle the Enforcement Officer has reasonable grounds to believe contains or is transporting Timber, Timber products or Plants.
- (2) An Enforcement Officer may stop and inspect a vehicle if the Enforcement Officer has reasonable grounds to believe that an occupant of the vehicle is contravening or has contravened this Law or the regulations.
- (3) The operator of a vehicle must stop the vehicle when required to do so by an Enforcement Officer under this section who
- (a) is in uniform;
 - (b) displays an Enforcement Officer badge; or
 - (c) is in or near a vehicle that is readily identifiable as a Tla'amin Nation vehicle.
- (4) An Enforcement Officer may stop and inspect a person and that person's belongings if the Enforcement Officer has reasonable grounds to believe that the person is contravening or has contravened this Law or the Regulations.

Obligation of an Enforcement Officer

93. An Enforcement Officer who conducts an inspection under this Division, or who seizes goods under section 95, must, on request, provide proof of identity to the person who has apparent custody or control of the property or activity being inspected or the goods being seized.

Obstruction

94. (1) A person must not obstruct the Director or an Enforcement Officer in the lawful exercise of the Director's or the Enforcement Officer's duties.

(2) The occupant of the premises or vehicle that is being inspected by an Enforcement Officer in accordance with this Law must, on the request of the Enforcement Officer, produce proof of identity.

(3) A person who has been stopped by an Enforcement Officer in accordance with this Law must, on request of the Enforcement Officer, produce proof of identity.

(4) It is an offence to obstruct the Director or an Enforcement Officer in the lawful exercise of the Director's or the Enforcement Officer's duties under this section.

Forfeiture of forest products

95. (1) An Enforcement Officer may seize any of the following:

(a) Timber that the Enforcement Officer has reasonable grounds to believe was cut or removed in contravention of this Law or the regulations;

(b) forest products on which Stumpage and other charges have not been paid in accordance with section 86;

(c) Timber that the Enforcement Officer has reasonable grounds to believe

(i) has not been scaled in accordance with this Law; or

(ii) is mixed with Timber to which this section applies;

(d) any Timber product that the Enforcement Officer has reasonable grounds to believe has been manufactured from Timber that has not been scaled under this Law;

(e) a Plant that the Enforcement Officer has reasonable grounds to believe has been harvested, bought or traded contrary to this Law; or

(f) a vehicle transporting Timber, Timber products or Plants to which paragraphs (35) to (e) apply.

(2) The Director may sell

(a) at a public auction or by private sale, Timber seized under subsection (35) or Plants seized under paragraph (e); and

- (b) at a public auction, Timber or Timber products seized under paragraphs (1)(b), (c) or (d).
- (3) If Timber or Timber products are to be auctioned under paragraph (2)(b), the Director must, at least 10 days in advance of the auction, publish in accordance with Tla'amin Law, a notice that
 - (a) specifies the time and place of the auction; and
 - (b) identifies the name of the person from whom the Timber or Timber product was seized.
- (4) Subject to subsection (5), if
 - (a) property sold at an auction under this section is
 - (i) Timber or a Timber product seized under paragraph (1)(b), or
 - (ii) Timber seized under sub-paragraph (1)(c)(ii), and
 - (b) the money realized from the public auction exceeds the money that is payable to the Tla'amin Nation, including interest and costs of seizure, storage and sale,

the surplus must be paid to the person who possessed the property when it was seized.
- (5) If, within 30 days after an auction under subsection (2), a person serves on the Director a notice of a claim to the surplus money referred to in subsection (4), the surplus must be retained until the rights of persons claiming the surplus have been determined and settled.
- (6) A vehicle seized under paragraph (1)(f) must be released by the Enforcement Officer when the Timber, Timber product or Plant is delivered to a location specified by the Enforcement Officer.

PART 18 – ADMINISTRATIVE REMEDIES

Administrative Penalties

96. (1) If the Director determines that a holder of a licence, contract or permit granted under this Law or their employee, agent or contractor has contravened this Law, the regulations or an Operational Plan, the Director may assess an Administrative Penalty payable to the Tla'amin Nation against the holder of the licence, contract or permit up to the maximum amount and in the manner prescribed.
- (2) If the holder of a licence, contract or permit described in subsection (1) is a corporation, a director or officer of it who authorized, permitted or acquiesced in the contravention of this Law, the regulations or an Operational Plan also commits the contravention.

- (3) Before the Director assesses an Administrative Penalty under subsection (1), the Director must consider all of the following:
 - (a) previous contraventions of a similar nature by the person;
 - (b) the gravity and magnitude of the contravention;
 - (c) whether the contravention was repeated or continuous;
 - (d) whether the contravention was deliberate;
 - (e) any economic benefit derived by the person from the contravention;
 - (f) the person's cooperativeness and efforts to correct the contravention; and
 - (g) any other prescribed consideration.
- (4) When assessing an Administrative Penalty under this section, the Director must give a notice of the determination to the person against whom the Administrative Penalty is assessed setting out all of the following:
 - (a) the nature of the contravention;
 - (b) the amount of the Administrative Penalty;
 - (c) the date by which the Administrative Penalty must be paid.

Remediation order

- 97.** (1) If the Director determines that a holder of a licence, contract or permit granted under this Law or their employee, agent or contractor has contravened this Law, the regulations or an Operational Plan, the Director may, by notice of determination, order the holder of the licence, contract or permit to carry out measures to remedy the contravention.
- (2) A notice of determination under subsection (1) must set out the following, as applicable:
 - (a) the nature of the contravention;
 - (b) the nature of the work to be done to remedy the contravention;
 - (c) the date by which the work must be completed.
 - (3) If a person fails to comply with an order under subsection (1) by the date specified in the notice of determination, the Director may do one or more of the following:
 - (a) in a notice given to the person, prohibit the person from carrying out the work referred to in the order;
 - (b) carry out the work; or
 - (c) realize on any security the person was required to provide.

- (4) If security is realized upon under subsection (3)(c), the person described in that subsection must immediately replace the security to the extent it has been realized.
- (5) If there is a surplus remaining from the realization of security under subsection (3)(c) after payment of the costs incurred by the Tla'amin Nation in doing the work, the Director must promptly refund the surplus to the person referred to in subsection (3)(c).

Suspension order

- 98.** (1) If the Director or an Enforcement Officer determines that a person is contravening this Law, the regulations, a licence, a permit or an Operational Plan, the Director or an Enforcement Officer may order, in writing, that the person suspend operations to the extent specified by the order.
- (2) If the Director or an Enforcement Officer believes that the nature of the contravention is causing, or may imminently cause, serious damage to the environment, the Enforcement Officer may make an oral order that the person suspend operations.
 - (3) The Director may at any time rescind an order made under subsections (1) and (2).

Order to vacate

- 99.** If the Director or an Enforcement Officer determines that a person has contravened this Law or the regulations in relation to the use of a Recreation Site, the Director or Enforcement Officer may, by notice served on the person, order the person to vacate the Recreation Site for a period specified in the notice.

Order for compliance

- 100.** If the Executive Council considers that a person is not complying, or has not complied, with an order, decision or determination of the Director or an Enforcement Officer under this Law or the regulations, the Executive Council may apply to the Supreme Court of British Columbia for an order directing the person to comply with the order, decision or determination.

Appeal and Review

- 101.** A person who is subject to

- (a) cancellation of a Timber Harvesting Licence or Timber Salvage Permit under section 89; or
- (b) an order or determination under sections 96 to 98

may submit a written appeal or request for review to the Executive Council in accordance with the regulations or policies under the Administrative Decision Review and Appeals Policy.

PART 19 – OFFENCES AND COURT ORDERS

Limitation period

102. (1) The time limit for laying an information respecting an offence under this Law or the regulations is three years after the facts on which the information is based first came to the knowledge of the Director.
- (2) A document purporting to have been issued by the Director certifying the day on which the Director became aware of the facts on which an information is based, in the absence of evidence to the contrary, is proof of the matter certified.

Offences

103. (1) A person who contravenes:
- (a) section 10, 13(1), 1(2) or 1(4), 17, 20(6), 1(2), 231(2), 241(5), 261(7), 271(2)1(3), 28(1) or 1(9), 291(2) or 1(3), 30(1) or 1(8), 36(1) 371(4), 38, 41(1), 1(2)1(3)1(4), 451(2), 48, 57(1), 611(2), 62, 631(2), 641(2), 65, 66, 67(1) or 1(3), 68(1), 691(5), 701(2), 1(5), or 1(6), 78(1), 791(3), 1(5), or 1(6), 801(2), 811(3)1(4), 82, 83(1) or 1(3), 84(1), 1(2)1(3) or 1(4), 86, 88, 891(2), 921(3), 94, 107, 109, or 114 of this Law,
 - (b) any of the sections set out in subsection (2), or
 - (c) any other part of this Law or the regulations,
- commits an offence and is liable on conviction to penalties specified in this law, the regulations or the *Enforcement and Ticketing Law* or regulations.
- (2) A person who:
- (a) contravenes section 12(1) or 1(2), 18, 39(1) or 1(3), 421(2) or 1(3), 431(4), 46(1), 471(2)1(3), 1(5), 491(2), 501(2)1(3), 511(2)1(3), 521(2), 53(1), 54(1),
 - (b) or who intentionally or recklessly causes damage to Timber or forests on Tla'amin Lands, including by starting or causing or contributing to a fire,
- commits an offence and is liable on conviction to a fine not exceeding \$1,000,000, or to imprisonment for not more than 3 years, or to both.
- (3) Subsections (1) and (2) do not apply to the Executive Council, the Director or an Enforcement Officer acting in the course of their duties.
- (4) A proceeding, convictions or penalty for an offence under the *Enforcement and Ticketing Law* for a contravention of this Law or the regulations does not relieve a person from any other liability under this Law.

Employer liability

104. (1) In a proceeding under the *Enforcement and Ticketing Law* for a contravention of this Law or the regulations, it is sufficient proof of the offence to establish that it was committed by the defendant's employee, agent or contractor.

- (2) Subsection (1) applies even if the defendant's employee, agent or contractor has not been prosecuted for the offence.

Offence by Directors and officers

105. If a corporation commits an offence under the *Enforcement and Ticketing Law* for a contravention of this Law or the regulations, a director or officer of the corporation who authorized, permitted or acquiesced in the offence also commits the offence.

PART 20 – GENERAL

Permitting Requirements Apply to Tla'amin

106. All permitting requirements apply to the Tla'amin Nation, Tla'amin corporations and to any Tla'amin Nation entity, representative, employee, operator or contractor carrying out forestry activities on Tla'amin Lands.

WCB and Safety

107. Any person who receives, or carries out operations or activities under, any tenure, permit, license or authorization under this law shall follow all applicable Workers Compensation Board and other safety standards.

Acceptance of Liability; Waiver and Release

108. Any person who receives, or carries out operations or activities under, any tenure, permit, license or authorization under this law:
- (a) is deemed to accept all responsibility and liabilities for any claims, damages, accidents, injuries, or lawsuits or any kind arising in relation to that person's interests or operations; and
 - (b) waives all claims against the Tla'amin Nation and releases the Tla'amin Nation and all of its elected officials, representatives, staff, and contractors from any liability of any kind.

Non-Exclusivity and Compatible Use

109. (1) Except as stated in a tenure, license or permit, all tenures, licenses and permits issued under this Law are non-exclusive and no licence or permit issued under this Law prevents or impedes the Tla'amin Nation from using, or granting the use of, Tla'amin Lands for any other purpose permitted under this Law or another enactment.
- (2) The Tla'amin Nation shall work with interest-holders to ensure multiple compatible land uses in areas that are designated for or used for Forest Practices.
- (3) Any land uses or activities authorized within areas designated for or in active use for Forest Practices:
- (a) must be carried out safely in relation to the Forest Practices; and

- (b) must respect closed areas and closed time period during active logging.

Service of documents

110. (1) A notice or other document that is required to be given to a person under this Law or the regulations may be given to the person in the following manner:

- (a) if the person is an individual

- (i) by leaving it with the individual,
- (ii) by leaving it at the individual's last or most usual place of residence with someone who is or appear to be at least 16 years of age, or
- (iii) by mailing it by registered mail to the individual's last known postal address;

- (2) if the person is a corporation

- (a) by leaving it with

- (iv) a director, officer or manager of the corporation,
- (v) a receptionist at a place of business of the corporation, or
- (vi) the attorney of the corporation appointed under the Business Corporations Act (British Columbia),

- (b) by leaving it at the registered office of the corporation if the corporation is incorporated under the Business Corporations Act (British Columbia), or

- (c) by mailing it by registered mail to

- (i) the registered office of the corporation,
- (ii) the attorney of the corporation appointed under the Business Corporations Act (British Columbia), or
- (iii) an address for service provided by the corporation.

- (3) A notice or other document that is mailed to a person by registered mail under subsection (1) is deemed to be served on the person on the eighth day after it is mailed.

Designation

111. (1) The Director may designate any Enforcement Officers necessary for the purposes of this Law and the regulations and may establish the terms of the designation.

- (2) A document purporting to have been issued by the Director certifying that the Director has designated a person as an Enforcement Officer under this section is admissible

as evidence of the designation without proof of the signature of the Director purporting to have signed the document.

Delegation

- 112.** (1) In this Law or the regulations, a reference to
- (a) the Executive Council includes a reference to a person authorized by the Executive Council to act on its behalf; and
 - (b) the Director includes a reference to a person authorized by the Director to act on behalf of the Director.
- (2) A document purporting to have been issued by the Executive Council certifying that the Executive Council has delegated a power or duty to a person under this Law or the regulations is admissible as evidence of the delegation without proof of the signatures of the members of the Executive Council purporting to have signed the document.
- (3) A document purporting to have been issued by the Director certifying that the Director has delegated a power or duty to a person under this Law or the regulations is admissible as evidence of the delegation without proof of the signature of the Director purporting to have signed the document.
- (4) A person who exercises a power through a delegation referred to under subsection (1) is required to comply with the requirements of this Law and the regulations in respect of the exercise of that power and a decision of the delegate is a decision of the person who delegated the power.

Director's included powers

- 113.** (1) If, under this Law, the Director is empowered to establish an authorization, condition or requirement, the Director is also empowered to establish the manner and timing for carrying out the authorization, condition or requirement.
- (2) If the Director exempts a person from a requirement of this Law, the Director may make the exemption subject to conditions.

Compliance with notices, orders and determinations

- 114.** (1) A person who is served with a notice, order or determination made under this Law or the regulations must comply with the requirements or the notice, order or determination, as the case may be.
- (2) A person must comply with the requirements, restrictions or prohibitions specified in a notice or order that is
- (a) made under this Law or the regulations; and
 - (b) published in accordance with Tla'amin Law.

- (3) Without limiting subsection (1) or (2), a person must comply with any of the following as specified in a notice, order or determination made under this Law or the regulations:
- (a) a requirement to perform an activity or perform the activity in a specific manner or subject to specific conditions;
 - (b) a requirement to refrain from performing one or more activities, in whole or in part;
 - (c) a requirement to not enter an area or to restrict activities within the area;
 - (d) a requirement to leave an area;
 - (e) a requirement to pay any monies specified.

Regulations

115. (1) The Executive Council may make regulations including, but not limited to the following:
- (a) defining a word or expression used in this Law;
 - (b) prescribing forms for the purposes of this Law;
 - (c) respecting fees for the provision, under this Law or the regulations, of a service by the Tla'amin Nation to any person;
 - (d) requiring security to be provided by the holder of a licence or permit granted under this Law or the regulations, and prescribing
 - (i) the type of security that is acceptable or not acceptable,
 - (ii) the form and content of the security, and
 - (iii) the circumstances under which the security may be realized;
 - (e) respecting bidding and direct award criteria and processes;
 - (f) respecting the determination and payment of fees, including Stumpage that are required to be paid to the Tla'amin Nation;
 - (g) respecting the recovery of money that is required to be paid to the Tla'amin Nation under this Law or the regulations;
 - (h) respecting the exemption of a person, place, thing or transaction from a provision of this Law or the regulations, including
 - (i) making the exemption subject to conditions, and
 - (ii) restricting the Director's authority to exempt a person from a provision under this Law or the regulations;

- (i) respecting land use including Tla'amin Protected Areas and Special Use Permits;
- (j) respecting Operational Plans and road layout and designs, including
 - (i) providing for review and comment,
 - (ii) the carrying out, submitting and retaining of surveys, and
 - (iii) the making, submitting and retaining of assessments and reports;
- (k) respecting Forest Practices, including
 - (i) silvicultural systems,
 - (ii) silviculture treatments,
 - (iii) collection, drying, processing, registration, transportation, purchase, sale, disposition and standards of quality of tree cones, tree seeds, vegetative propagules and vegetative material,
 - (iv) rehabilitation of areas that fail to comply with a requirement of this Law or the regulations, and
 - (v) Timber harvesting practices and methods;
- (l) respecting Cutblocks, including size, design and spatial distribution;
- (m) respecting roads and rights of way, including
 - (i) the use of Tla'amin Forest Roads and rights of way,
 - (ii) the use and operation of vehicles or classes of vehicles on Tla'amin Forest Roads or rights of way, and
 - (iii) construction, maintenance or deactivation;
- (n) respecting the protection of Forest Resources;
- (o) respecting fire use, prevention, control and suppression, including
 - (i) fire precautions to be taken in relation to Plants, machinery and equipment in or near forests and in relation to utilities, and
 - (ii) regulating or prohibiting burning;
- (p) respecting penalties, fines, administrative remedies including, administrative charges, fees, remediation orders and suspension orders in cases where there is a failure to comply with the requirements of
 - (i) this Law or the regulations, or
 - (ii) an Operational Plan under this Law or the regulations; and

- (q) respecting the process and rules governing the submission and evaluation of tenders for Tla'amin Timber resources.
- (2) In making a regulation under this Law, the Executive Council may do one or more of the following:
 - (a) delegate a matter to an individual;
 - (b) confer a discretion on an individual; and
 - (c) make different regulations for different persons, places, things or transactions.
- (3) The Executive Council may make regulations respecting the criteria that a person must use in exercising a discretionary power conferred on the person under this Law.

Transition

- 116.** (1) The Executive Council may make regulations considered necessary or advisable for the purpose of more effectively bringing into operation this Law or amendments to this Law, and to remedy any transitional difficulties encountered in doing so.
- (2) A regulation made under subsection (2) may be made retroactive to a date not earlier than the effective date.

PART 21 -- COMMENCEMENT

Commencement

- 117.** This Law comes into force on the date of its enactment by the Tla'amin Legislative Assembly.

THIS LAW IS HEREBY DULY ENACTED by the Tla'amin Legislative Assembly on the 5th day of April, 2016, at Powell River, in the Province of British Columbia.



ORDER OF THE LEGISLATIVE ASSEMBLY OF THE TLA'AMIN NATION

Legislative Assembly Order No.: TNO-LA 19/2016

Approved and Ordered: April 5, 2016

Order

The Legislative Assembly hereby enacts the *Forest Law* to take effect on the Effective Date.

Authority

This Legislative Assembly Order is made under the authority of the Final Agreement and the Constitution and in accordance with the *Order of the Legislative Assembly of the Tla'amin Nation* TNO-LA 01/2016 (respecting the Tla'amin Nation Effective Date Period Procedures).

*Signed by the Hegus on behalf of the
Legislative Assembly of the Tla'amin Nation*

(Note: This portion is for administrative purposes only and is not part of the Order)

Authority under which the Order is made:

Law: *Constitution*

Other (please specify): Final Agreement and the *Order of the Legislative Assembly of the Tla'amin Nation* TNO-LA 01/2016 (respecting the Tla'amin Nation Effective Date Period Procedures).

DEPOSITED IN THE TLA'AMIN
REGISTRY

ON 12/04/16
(day/month/year)


Signature of Law Clerk