

Section 8 (3.1) Order Respecting the AAC Determination for Tree Farm Licence 10

Section 8 (3.1) of the *Forest Act* stipulates in part that

If ... the chief forester considers that the allowable annual cut ... is not likely to be changed significantly with a new determination ... the chief forester ... by written order may postpone the next [allowable annual cut] determination ... to a date that is up to 10 years after the date of the relevant last determination, and ... must give written reasons for the postponement”.

In accordance with Section 23(3) of the *Interpretation Act*, the deputy chief forester is expressly authorised to carry out the functions of the chief forester, which include those required under Section 8 of the *Forest Act*. I, the deputy chief forester, have considered the factors described below and order the postponement of the allowable annual cut (AAC) determination for the reasons noted in this document.

In considering whether to postpone the next allowable annual cut (AAC) determination for Tree Farm Licence No. 10 (TFL 10) held by Hayes Forest Services Limited (the licensee), I have reviewed the following:

- I note that the most recent AAC determination for TFL 10 was made on September 13, 2001 when International Forest Products Limited was the licensee. The deputy chief forester determined the AAC to be 170 950 cubic metres of which 55 000 cubic metres are partitioned to the Toba Inlet portion of the TFL.
- I am aware that effective December 31, 2005, the *Forestry Revitalization Act* Order No. 3(2) 12-2 came into effect reducing the AAC for TFL 10 by 48 852 cubic metres and transferring this volume to the ministry apportionment within the licence.
- I note that effective March 20, 2006, Instrument Number 15 came into effect, removing 69 171 hectares from the TFL. The area represents the contribution from the reduction associated with the *Forestry Revitalization Act* (48 852 cubic metres) and a contribution from the accessible AAC portion (6 097 cubic metres) of the BC Timber Sales Program within TFL 10. The resulting AAC is 116 001 cubic metres.
- I note that TFL 10 was transferred from International Forest Products Limited to Hayes Forest Service Limited on September 8, 2006.
- I have reviewed the letter provided by Hayes Forest Services Limited dated April 18, 2007 requesting that the AAC determination for TFL 10 be postponed to September 13, 2011, which is ten years after the date of the last determination.
 - In the letter the licensee indicated that the analysis assumptions used for the last AAC determination for TFL 10 have not changed significantly.
 - The TFL falls within an area where a land use planning process is being contemplated. It is unknown when this process will be initiated or completed.

Postponing the AAC, would allow for the possibility of these plans to be initiated, as they may impact future AAC determinations.

- I have reviewed the factors that were considered sources of uncertainty in the 2001 AAC determination.
 - I note that there has been no harvesting on the TFL since 1989.
 - The timber supply forecast used in the last AAC determination indicates that the initial harvest level for remaining TFL land base can be maintained for up to four decades before declining.
 - I am aware of the development of wildlife habitat strategies for grizzly bears and ungulate winter range, however it is unlikely these will significantly impact the timber harvesting land base of TFL 10.
 - I am unaware of other factors that have changed to the extent that they would affect the short-term timber supply for TFL 10.
- I am aware of the Province's legal obligation arising from court decisions to consult First Nations on proposed decisions concerning various forest management matters. I have reviewed the information obtained through the First Nations consultation process undertaken by the Ministry of Forests and Range (MFR) with the First Nations whose asserted traditional territories overlap with TFL 10.
 - The First Nations are Klahoose First Nation, WeWaiKum First Nation, and WewaiKai Nation. I note that the latter two First Nations are members of the Hamatla Treaty Society.
 - An initial letter was sent to each First Nations group on September 24, 2007 requesting information about how its aboriginal interests may be affected by postponing the AAC determination for TFL 10.
 - The Klahoose First Nation sent a letter to the Regional Executive Director of the Coast Forest Region dated October 9, 2007. In response, the Regional Executive Director addressed Klahoose First Nations' concerns in a letter dated November 27, 2007.
 - In its letter to the Regional Executive Director dated October 7, 2007, the Klahoose First Nation expressed concerns about the reliability of the information and inventories associated with the current AAC determination. I note that the current inventory represents the best available information, and that work is underway to update and clarify information bases including grizzly bear habitat, ungulate winter range, localized site productivity, and forest cover. As referenced above, the harvest forecast projects a stable timber supply, and I conclude that even with some uncertainty in the inventory the current AAC can be maintained for up to four decades.
 - MFR Coast Forest Region staff sent follow-up letters to First Nations on February 6, 2008, except for the WeWaikum First Nation, in which case a

follow-up letter was sent on February 22, 2008. Although no further comments were received, I note that district staff continue to be available to meet and consult with First Nations on specific operational issues. Through the First Nations consultation process I unaware of aboriginal interests that may be affected by a postponement of the AAC determination. However, if any new information does arise, then I will consider it in the next determination which I may make sooner than the timeframe indicated below.

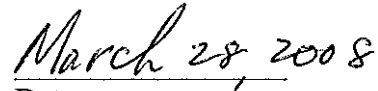
In the Implementation section of the 2001 rationale for AAC determination, the former deputy chief forester asked the licensee to undertake certain tasks and studies before the next AAC determination. Having reviewed the rationale and discussed them with MFR district staff, I note that these tasks and studies are still relevant. I therefore request that the licensee address them so that any results may be incorporated into the next timber supply review.

Having reviewed the critical issues and the current available information, I have determined that the AAC for TFL 10 is unlikely to change with a new determination according to the existing schedule. Under the authority of Section 8(3.1) of the *Forest Act*, I hereby postpone the next AAC determination for TFL 10 to a date no later than September 13, 2011, being ten years after the completion of the last AAC determination.

I am authorized to rescind this order under Section 8(3.2) of the *Forest Act* if I conclude that circumstances on the TFL that influence timber supply have changed significantly during the interim. I may also rescind this order should any new issues arise concerning First Nations interests that may impact timber supply.



Craig Sutherland, R.P.F.
Deputy Chief Forester



Date

