

**Chief Forester Order
Respecting an AAC Determination
for Tree Farm Licence 56**

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. 56 (TFL 56), held by Revelstoke Community Forest Corporation (the licensee):

- I have reviewed each of the factors considered in the most recent relevant AAC determination, made on April 18, 2001. That determination set the AAC at 100,000 cubic metres, effective April 18, 2001. Based on the current five-year term and the licensee's request for a five-year postponement, the AAC would be re-determined before April 18, 2011.
- According to the base case of the analysis used for the last determination, the current AAC of 100,000 m³ could be maintained for twenty years before dropping to a long-term harvest level of 74,100 m³/yr.
- I have revisited the many factors that were sources of uncertainty in the 2001 AAC determination. For many of these factors the available information has not changed since the last determination.
 - The accuracy of the inventory used to classify the non-productive and non-forested land remains uncertain;
 - A long-term program to collect and refine site index data is currently in progress but has not yet produced results that may be applied in timber supply analysis;
 - Harvesting in the Keystone Standard Basin area continues to be avoided in current practice while no formal designation has been assigned to the area;
 - Harvesting in the mature forest retention areas continue to be avoided to meet wildlife habitat and biodiversity objectives;
 - No research has been carried out to refine the minimum age at which stands can be harvested; and
 - No research has been completed to quantify volume losses due to root disease.
- I have investigated whether any significant new information exists concerning each factor specified under Section 8 of the *Act*.

- The *Revelstoke Higher Level Plan Order* (RHLPO) was made effective in March 2005. This order does not change any of the management strategies set out in the Revelstoke Minister Advisory Committee (RMAC) guidelines which were assumed to be current practice in the last determination.
- In December 2004, the wildlife objective notices under Section 7 of the Forest Planning and Practices Regulation were made effective. Contrary to the assumptions made in the previous analysis, no ungulate winter ranges were identified on TFL 56. However, the UWR areas previously identified in TFL 56 were almost completely overlapped with other management objectives that have equivalent retention objectives. Therefore no effect on timber supply is anticipated from this change.
- I am aware of the Province's legal obligation stemming 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 (MOFR) with the First Nations whose asserted traditional territories cover all or part of the area covered by TFL 56. The First Nations consulted were: Spallumcheen Indian Band, Shuswap Nation Tribal Council, Shuswap Indian Band, Okanagan Indian Band, Ktunaxa Kinbasket Treaty Council, Akisq'nuk First Nation, and the Okanagan Nation Alliance.
 - This consultation process was initiated with a letter sent by the MOFR to each of the First Nations listed above, providing them with information regarding the AAC determination postponement being considered and asking them for information about the scope and nature of their aboriginal interests, and how postponing the AAC determination may affect these interests. MOFR staff offered to meet with the First Nations to discuss information about their interests and how it might be incorporated in this process. A second letter was sent by MOFR staff to remind the First Nations that this decision was pending.
 - The Shuswap Nation Tribal Council responded to the MOFR's request for information. It noted that the consultation framework, land use referral policy and administrative system are inadequate to deal with its land and resource interests, and did not meet the fiduciary obligations of B.C. It noted that, as a result, it does not agree with the contemplated development activity.
 - I note that the input provided by the Shuswap Nation Tribal Council regarding this decision does not include site-specific information about aboriginal interests pertaining to TFL 56 that may be affected by a postponement of the AAC determination.
 - In considering the input from the Shuswap Nation Tribal Council, I note that the Province is examining these and other broad issues under the "New Relationship" initiative. The postponement of the AAC determination does not constitute development activity on TFL 56, nor will it result in greater or lesser harvesting activity over the next five-year period than presently on the TFL. It does constitute an assessment of any changes in information since the last determination and any possible affect on a new determination at this time.

- MOFR staff are not aware of any other currently available information concerning aboriginal interests that may affect short-term timber supply on TFL 56.
- I am satisfied that the currently available information concerning aboriginal interests on TFL 56 would not affect short-term timber supply on the TFL, and no change to the AAC is necessary at this time on that account.
- As noted below, if circumstances change or if additional information regarding aboriginal interests becomes known that, in my judgement, would warrant a change to the AAC for the TFL, then I am prepared to rescind this order and initiate a process that will lead to an AAC determination under Section 8 of the *Forest Act* at an earlier date than the deadline specified below.
- I remain guided by the economic and social objectives of the Crown as expressed in the Minister's letter dated July 28, 1994. The Minister wrote "any decreases in allowable annual cut at this time should be no larger than are necessary to avoid compromising long-run sustainability". As mentioned above, a decline in timber supply is projected to occur only after twenty years, or the year 2021 in the most recent timber supply analysis.

In the 2001 AAC determination rationale the deputy chief forester made specific requests to the licensee to address the issues with uncertainty. I noted with concern that many of these requests have not been acted on to date. The following was requested:

- Reconcile the forested area suitable for inclusion as timber harvesting land base to reduce uncertainty around the classification of productive and non-productive area;
- Refine site productivity loss estimates for areas managed under group selection and continue to collect local site productivity data to compare with estimates derived from inventory data;
- Work with district staff to clarify management objectives for the Keystone Standard Basin Local Resource Use Plan area;
- Review the criteria and methodology used to derive minimum harvestable ages to ensure it provides the best reflection of operational considerations; and
- Collect local data to refine estimates of volume loss from root disease;

Most of these instructions present opportunities to gain information supporting an increased timber supply. The completion of the second phase of the VRI would help reconcile the uncertainty around non-productive areas. The collection of local site productivity information could help correct the potential underestimation of managed stand yields and mitigate the projected mid-term reduction in the harvest level.

The licensee requested the postponement in order to address two unfolding factors. First, the mountain caribou recovery team is anticipated to present a completed plan in the near future. The licensee indicated that implementing the plan will likely have significant impacts on the current timber supply. Second, the management planning process requirements are in a state of transition. The licensee is reluctant to start the preparation of the plan when the documentation requirements may change in the near future.

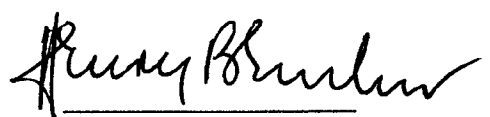
I see no reason that a change in the management plan preparation process should have an influence on timber supply analysis and timber supply determination. I do agree that there is uncertainty around the effects on timber supply of implementing the new mountain caribou recovery plan. I therefore request that when the team reports the new plan, the licensee will immediately initiate an analysis to investigate its effect on the timber supply and to supply me with the findings.

As to the request for AAC postponement, I reflect back on the 2001 base case analysis, which projected that the current AAC can be maintained until 2021, where it would decline to 74,100 m³/yr. I am satisfied that there would be limited additional risk to future wood supply by maintaining the current AAC until the mountain caribou planning work is completed and interpreted.

Having reviewed the factors considered in the last AAC determination and the currently available information, I have determined that the AAC for TFL 56 is not likely to be changed significantly with a new determination made according to the existing schedule. Under authority of Section 8(3.1) of the *Forest Act*, I hereby postpone the next AAC determination for TFL 56 to no later than April 18, 2011, being ~~five~~ **TEN** years after the completion date of the last AAC determination.

I believe that implementing the deputy chief forester's instructions in the 2001 rationale will be especially important when facing the constraints the licensee anticipates from the new caribou strategy. Therefore, as a condition of the postponement, I request that the licensee provide me with an annual report documenting progress made on these instructions and any completed results.

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. Therefore, when the caribou recovery team completes its work, I will consider rescinding this order if the analysis prepared by the licensee at that time indicates a potential timber supply impact from the recovery plan. I will also rescind this order if any new issues arise concerning First Nations that may impact timber supply.


Henry Benskin
Deputy Chief Forester

Dec 13, 2005.
Date