

**Chief Forester Order**  
**Respecting an AAC Determination**  
**For Tree Farm Licence No. 57**

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 authorized to carry out the functions of the chief forester, which include those required under Section 8 of the *Forest Act*. As the deputy chief forester, I have considered the factors described below and order the postponement of the Tree Farm Licence No. 57 (TFL 57) allowable annual cut (AAC) determination for the reasons noted in this document.

In my determination of the postponement of the AAC determination for TFL 57, held by Iisaak Forest Resources Ltd. of Ucluelet, B.C. (the licensee), I have considered the following:

I note the last AAC determination under Section 8 for TFL 57 was made on November 8, 2004. Since then, the licensee has been participating in the Tree Farm Licence Area-Based AAC Trial Program and in conformance with this trial the AAC was set at 381 hectares. Of this area 92 hectares is attributed to even-aged harvesting systems, and 289 hectares to uneven-aged harvesting systems.

I have reviewed the licensee’s submission dated June 18, 2008 requesting that the AAC determination for TFL 57 be postponed for five years. The licensee stated that:

- There have been no new changes in management practices on TFL 57 since the approval of Management Plan No. 1 (MP No. 1).
- There have been no new concerns raised by the public, First Nations or other stake holders since the approval of MP No. 1.

The licensee also identified deficiencies in the vegetation inventory, the economic operability and the productivity estimates for TFL 57. I concur with the licensee that the information should be improved for the next determination and I have included instructions as noted below.

I note that MP No. 1 was effective October 1, 2004 which is close to the date of the most recent AAC determination made on November 8, 2004.

I have reviewed the base case for the 2004 determination, which shows an even-flow harvest level of 375 hectares per year for 250 years. Also, I am aware that TFL 57 lies within the area covered by the provincial government's 1993 Clayoquot Sound Land Use Decision and that forest management in that area must be consistent with the recommendations of the Scientific Panel for Sustainable Forest Practices in Clayoquot Sound (the Scientific Panel).

I have reviewed each of the factors considered in the most recent relevant AAC determination made on November 8th, 2004 and investigated whether there is new information about these factors and whether there are any additional factors that would affect the AAC for TFL 57.

- Forest Analysis and Inventory Branch (FAIB) staff state that the Vegetation Resources Inventory (VRI) was completed for Clayoquot Sound before the new data standard had been developed for VRI. In addition, not all attributes were collected because Terrestrial Ecosystem Mapping was also underway at the time the VRI was being completed. The TFL 57 VRI has now been submitted to FAIB and it is expected to be available and updated before the next AAC determination.
- I have reviewed the available information about the 1985 Meares Island injunction preventing McMillan Bloedel Ltd. from harvesting on the TFL 44 portion (now TFL 57) of the island. Since then no harvesting has taken place on Meares Island. I concur with the former deputy chief forester that until a watershed plan is developed for the island and plans for harvesting are made, this area is unlikely to contribute to the timber supply of TFL 57. For this decision I therefore consider that the assumption applied in the base case for the 2004 analysis to exclude the Meares Island area from contributing to timber supply is still appropriate.
- I have reviewed the available information regarding terrain class IV and found no new information that would change the considerations made by the former deputy chief forester on this account in the 2004 determination.
- I am aware the watershed plans that were being developed in accordance with the recommendations of the Scientific Panel at the time of the last determination are now completed and have been established by ministerial order. District staff inform me that the completed watershed plans do not differ significantly from the three completed plans that were available for consideration in the last determination and that, subject to my considerations of the Marbled Murrelet reserves mentioned below, the extrapolations made from the three completed plans to account for the previously incomplete watershed plans for the last determination adequately reflect current practice.
- The Marbled Murrelet reserves that have now been identified on TFL 57 are incorporated in the reserves in the watershed plans, and therefore the seven-percent adjustment applied by the former deputy chief forester in the 2004 determination is now fully accounted for in the plans.

- I have reviewed the information available about the Eehmiis areas. I understand they have particular significance and generally have no harvest history. The licensee identified them after taking into consideration discussions with First Nations, a Memorandum of Understanding with environmental groups, and the 1998 Chapman Report on undeveloped watersheds. On TFL 57 Eehmiis areas occur in six watershed units and contain about 10 000 hectares of timber harvesting land base, or about 37 percent. I note the legal status of these areas has not changed and that no new or different management practices have been developed in the watershed plans for these areas. I therefore consider there is no change to the timber supply on this account since the 2004 determination.

I have reviewed the factors for which the former deputy chief forester requested better information under 'Implementation' in his 2004 AAC rationale, as follows: road widths; effects of variable retention harvesting on timber availability including the productivity of regenerating stands; Site Index Biogeoclimatic Ecosystem Classification (SIBEC) information as it affects minimum harvestable age, and operability information.

At this time, no new information on road widths, operability or SIBEC has been collected. Some data has been collected regarding the impact on regeneration of variable retention harvesting, but this work is incomplete.

I have reviewed the licensee's harvesting performance and found that over the four years from 2005 to 2008 the licensee harvested 61 percent of its AAC, of which they complied with the area specified in the last determination for even-aged and uneven-aged harvesting systems.

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 (MFR) with the First Nations whose asserted traditional territories cover all or part of the area covered by TFL 57. The First Nations consulted were the Toquaht, Tla-o-qui-aht, Ahousaht, Ucluelet and Hesquiaht First Nations.

- For the consultation process, an initial letter was sent to the five First Nations in early July 2008. The Toquaht First Nation inquired about the extent of overlap of TFL 57 with its asserted territory. MFR district staff responded that the overlap is small, and consequently the Toquaht First Nation indicated that this issue is not a concern to them.
- District staff sent a second letter to the remaining four First Nations on September 29, 2008 to follow up on the letter sent in July. No input was received from the First Nations.

On December 4, 2008 the Clayoquot Sound Central Region Board (the Board) responded by letter to a presentation made by South Island Forest District staff at the November 20, 2008 meeting of the Board. It supported both extending the TFL Management Plan and postponing the Chief Forester's AAC decision for three years.

I have reviewed the consultation summary from the recent Tree Farm Licence 57 replacement process, which includes information about First Nations' interests that MFR staff collected from other sources. These sources include: Forest and Range Agreements; traditional use surveys; archaeological assessments, and wildlife information. The information indicates that:

- The Ahousaht and Tla-O-qui-aht First Nations' traditional territories overlap significantly with TFL 57 while the other First Nations' territories only overlap to a small extent.
- The First Nations, particularly the Ahousaht and Tla-O-qui-aht First Nations, used the TFL 57 area to hunt and gather plants. They used the trees (including western red and yellow cedar) and particular sites for cultural and spiritual purposes. The precise locations of these historical, cultural and spiritual activities are not known to MFR staff with any certainty at this time.
- The watershed plans were prepared by the Nuu-chah-nulth First Nations working in collaboration with provincial government agencies on the Clayoquot Sound Technical Planning Committee. The primary responsibility of the Committee was to complete watershed-level planning pursuant to the recommendations of the Scientific Panel, and it recommended that culturally important areas be identified by Nuu-chah-nulth First Nations and they be protected in ways that are consistent with traditional knowledge.

Based on the above and other information included in the consultation summary for the licence replacement process, particularly noting the First Nation's involvement in the Technical Planning Committee, I am satisfied there is no new and significant information that might impact the timber supply at this time. Also, I note that the consultation process undertaken for this decision was appropriate.

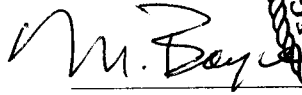
To prepare better information for the next timber supply analysis, I request the following:

- The vegetation resources inventory for TFL 57 as compiled by the Forest Analysis and Inventory Branch be utilized for the analysis for the next AAC determination unless the licensee has better information;
- The operability mapping for TFL 57 be updated using the inventory data mentioned above to redefine inoperable and marginal stands;
- Local road width data be collected in the TFL;
- As requested in the 2004 AAC determination, I encourage the licensee to collect SIBEC information for the TFL, and

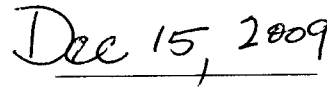
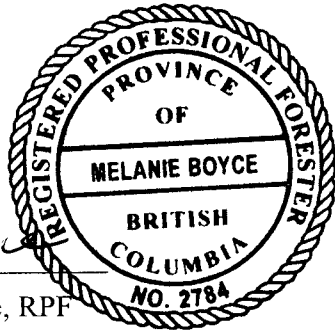
- For the next determination I encourage the licensee to collect data to assess the severity of mistletoe in uneven-aged stands in the TFL and to provide a strategy to manage mistletoe.

In summary, from my review of all the available information, I have determined that the AAC for TFL 57, set in November 2004, would not likely change with a new determination at this time. Under my authority as outlined in Section 8(3.1) of the *Forest Act*, I hereby postpone the next AAC determination for TFL 57 to a date prior to November 8, 2014.

If new information shows that circumstances on the TFL that influence timber supply have changed significantly, then this order will be rescinded, as authorized under Section 8(3.2) of the *Forest Act*, before November 8, 2014. Also I will rescind this order if any new issues arise concerning First Nations that may impact timber supply.



Melanie Boyce, RPF  
Deputy Chief Forester



Date

