Chief Forester Order
Respecting the AAC Determination for the Invermere TSA

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, then ... the chief forester by written order may postpone the next determination...to a date that is up to 10 years after the date of the last determination, and must give written reasons for the postponement.

In October 2005, I released my rationale for determining a new allowable annual cut (AAC) for the Invermere Timber Supply Area (TSA). The current AAC of 598,570 cubic metres was effective November 1, 2005. The new AAC was set 17,000 cubic metres higher for ecosystem restoration and small scale salvage. There are no partitions.

In deciding whether to postpone the AAC determination for the Invermere TSA, I have reviewed:

- each of the Section 8 factors of the *Forest Act* potentially affecting timber supply on the TSA;
- the *Invermere TSA Rationale for AAC Determination*, dated October 12, 2005;
- the *Invermere TSA Timber Supply Area Analysis Report*, dated May, 2004;
- the First Nations consultation process that covered the period from May 15, 2008 to July 13, 2008; and
- a field tour and meeting with Rocky Mountain Forest District staff on July 16, 2008.

I note the base case in the 2004 analysis report projected that a harvest level of 581,570 cubic metres per year could be maintained for 30 years before declining by 9 percent to the mid-term harvest level. In the eleventh decade projected timber supply then increases to a long-term level of 621,570 cubic metres. In the base case projection, growing stock in the short, medium and long terms was, 30 million, 25 million and 27.5 million cubic metres respectively.

Several factors were identified after the 2004 analysis was developed which indicated that short-term timber supply could be 17,000 cubic metres higher than projected in the base case. This is reflected in the current AAC of 598,570 cubic metres.

In my 2005 rationale, I discussed the impact and interaction of key factors affecting timber supply in the short, medium, and long terms. I have reviewed each of those factors as specified under Section 8 of the *Forest Act* and have also discussed current practice and the availability of new information with Ministry of Forests and Range (MFR) district and branch specialists. I am aware that since the last (2005) determination:

- There are no land use decisions or new data available that significantly changes the size of the timber harvesting land base (THLB) assumed in the 2004 analysis.
- The mountain pine beetle infestation has not been as severe in the Invermere TSA compared to other TSAs in the province. I note that the district has been aggressively harvesting affected stands within the current AAC and as a result, a salvage harvest uplift is not required at this time.
- The three most important issues/factors affecting timber supply in the previous analysis were:
  - Harvest profile performance. I requested that the district monitor the performance of licensees' use of cable harvest systems. Based on a District review of recent harvest history and operational plans, I am satisfied by the licensee's performance harvesting the profile.
  - Prior to the 2005 AAC determination but after the development of the base case, new Ungulate Winter Range (UWR) along with associated General Wildlife Measures were legally established by written order. The measures specify forest cover requirements that are less restrictive than the Kootenay Boundary Land Use Plan (KBLUP) based forest cover requirements assumed in the base case. After accounting for the new UWR, I noted that timber supply projected in the base case was likely underestimated by about 7 percent.
  - The base case included site index biogeoclimatic ecosystem classification (SIBEC) derived site indices for managed stands. Because the site indices are new information I asked the district to track the growth of managed stands against the new site indices. As FIA funding becomes available more comprehensive studies can be implemented.

I am aware of the Province's legal obligation to consult with First Nations on proposed forest management decisions. I have reviewed the information obtained through the First Nations consultation that was undertaken by the MFR with those First Nations whose asserted traditional territories overlap with the Invermere TSA. I note that:

- The First Nations that have overlapping territory with the Invermere TSA include the Shuswap Indian Band and the Ktunaxa Nation Council who represents the Akisq'nuk First Nation, St. Mary's Band, and the Tobacco Plains Band. The Akisq'nuk First Nation is the only band represented by the Ktunaxa Nation Council that resides within the Invermere TSA.
- The Ktunaxa Nation Council with its represented bands and the Shuswap Indian Band signed FRO agreements in 2006 that cover the Invermere TSA. Within the TSA two NRFL's have been issued for a total volume of 184,180 cubic metres over 5 years. One NRFL is issued to the Ktunaxa Kinbasket Development Corporation representing the Akisq'nuk Band and the other NRFL is issued to the Shuswap Indian Band.

- Treaty negotiations are at Stage 4 – agreement in principle – and are ongoing. No *Forest Act* Part 13 areas have been established.
- There are archaeological sites and areas of significant interest to the First Nations within the TSA. To a large degree forest operations can be adjusted to protect values and continue forestry development.
- A pilot project is ongoing with the Ktunaxa Nation Council for a domestic timber management opportunity. The volume involved is likely to be small compared to the overall TSA AAC.
- Letters were sent to First Nations with aboriginal interests within the TSA requesting information regarding the decision to postpone the AAC on May 15, 2008. A representative of the Ktunaxa Nation Council Lands and Resources Agency on June 19, 2008, indicated that the agency has limited capacity to respond to referrals. The representative also indicated that the Ktunaxa Band Communities are in the same position in this matter. The representative also indicated that the Ktunaxa Band Council only respond to referrals that trigger a high interest. No written responses were received.

Having reviewed the information, I am satisfied that the First Nations whose asserted traditional territories overlap with the Invermere TSA were adequately consulted on the postponement of the AAC determination. Through the consultation process I am unaware of aboriginal issues that may be affected by a postponement of the AAC determination. I note that district staff will continue to be available to consult with First Nations on local issues such as operational planning. If any new information does arise I will consider it at that time and decide to either revisit the AAC determination or wait to include it in the next AAC determination.

In summary, based upon my review of the factors discussed in the 2005 rationale, the limited changes since the last determination, my knowledge of the timber supply dynamics of this management unit and the July 16, 2008 field tour, I have determined that the current AAC for the Invermere TSA (598,570 cubic metres) is unlikely to change with a new AAC determination.

Under my authority as outlined in Section 8 (3.1) of the *Forest Act*, I hereby postpone the next AAC determination to a date prior to November 1, 2015, which is 10 years since the last determination. If significant new information is made available to me, or if major changes in management assumptions occur, then I am prepared to revisit the next determination sooner than the maximum 10-year period indicated in the legislation.

Jim Snetsinger, R.P.F.
Chief Forester

Sept 30/08
Date

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