



Ministry of Forests and Range

Post Harvest Reporting Requirements

for

Small Scale Salvage

Licences to Cut



**BRITISH
COLUMBIA**

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Definitions

Specific to this guidance:

- **“cut block”** means the licence area (defined by the “Exhibit A” map) in which the agreement holder has the authority to harvest crown timber.
- **“forestry licence to cut”** means a small scale salvage forestry licence to cut entered into under Section 47.6 (2)(a), (2.2), or (5) of the *Forest Act*.
- **“harvest area”** means the area in which timber was removed from within the cutblock or licence area of the forestry licence to cut.
- **“licence area”** means the area of land shown on the “Exhibit A” map attached to the licence agreement in which the licensee has been authorized to harvest crown timber.
- **“major licence”** is defined in the *Forest Act*¹ and in the context of this guidance means a forestry licence to cut licence agreement that specifies that it is a major licence.
- **“minor tenure”** is defined in the *Forest Planning and Practices Regulation*² and in the context of this guidance means a forestry licence to cut that is not a major licence and limits:
 - (i) the area from which timber may be harvested to 1 ha or less, and
 - (ii) the volume of timber to be harvested to 2 000 m³ or less
- **“net area to be reforested”** means the definition in the *Forest Planning and Practices Regulation*³.

¹ Link to *Forest Act* definitions: <http://www.for.gov.bc.ca/tasb/legsregs/forest/foract/part1.htm>

² Link to *Forest Planning and Practices Regulation* definitions:
<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section1>

³The *Forest Planning and Practices Regulation* can be viewed at:
<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section1>

Part 1: Overview

The objective of this guidance is to clarify free growing liabilities (Part 2) and data input standards to RESULTS (Part 3) for the Small Scale Salvage Program (SSSP).

Part 2 describes when a free growing liability is created in the SSSP and describes how stocking standards may be assigned to the SSSP. Figure 2 provides a reference for the legal framework in section 46 of the *Forest Planning and Practices Regulation* (FPPR) and possible scenarios that illustrate the application of the free growing obligation requirements in Appendix 1.

Part 3 describes when and how to enter post harvest information into RESULTS for SSSP blocks.

Part 2: Small Scale Salvage Program Free Growing Obligations

Purpose

The purpose of Part 2 is to help district/regional managers understand and consistently interpret when free growing obligations are created in the Small Scale Salvage Program (SSSP).

Legislation

Sections 46 (1) and (3) of the FPPR⁴ describe when a free growing obligation for a SSSP forestry licence to cut (FLTC) is created.

Interpretation of “cutblock” and “harvested area”

FPPR uses the term “cutblock” in s. 46 (1) and “harvested area” in s. 46(3).

The term “cutblock” is not defined by the FPPR; however, the term in tenure agreements means the area in which the agreement holder is authorized to harvest timber, which is illustrated on the “Exhibit A” map attached to the FLTC agreement.

For purposes of this guidance, the term “cutblock” is defined as:

“The licence area (illustrated on the “Exhibit A” map) where the agreement holder has the authority to harvest Crown timber and occupy Crown land”

The term “harvested area”, although not defined in the FPPR, means for the purposes of this guidance:

“The area in which timber harvesting activities have taken place within a cutblock authorized under a forestry licence to cut”

⁴ Section 46 of the *Forest Planning and Practices Regulation* can be viewed at:
<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section46>

In the field, differences between a “cutblock” and a “harvested area” are often not discernible. However, the distinction between the terms is necessary to consistently interpret sections 46 (1) and (3) of the FPPR. Figure 1 demonstrates the difference between “cutblocks” and “harvested areas”.

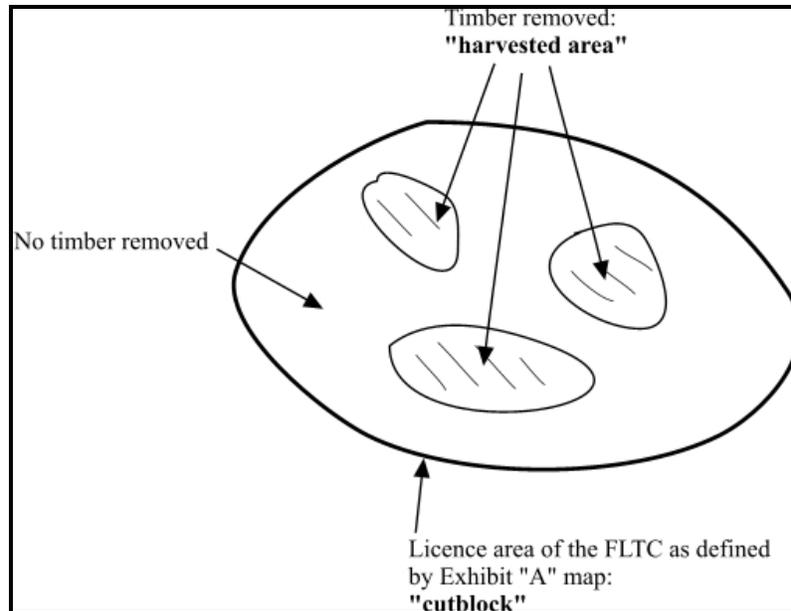


Figure 1 Difference between "cutblock" and "harvested area"

Background

Figure 2 outlines the decision making process in considering the intent of free growing requirements for SSSP forestry licences to cut.

The classical definitions of silvicultural systems found in the *Silvicultural Systems Guidebook*⁵ do not apply to salvage harvesting. In most situations, the intent of the SSSP FLTC is to harvest timber that meets the criteria outlined in Section 47.6 (2) of the *Forest Act*.

In the context of FPPR s.46, the term “clearcut” simply means an area where all the timber has been removed. Anything else would fit into the category of “other than clearcut”. In more complex salvage situations, some district managers have developed guidance definitions for interpreting the differences between the two categories.

It is the district manager’s decision to determine whether to issue a SSSP FLTC within a timber supply area (TSA). The district manager determines the blend of

⁵ The link to the *Silvicultural Systems Guidebook* is:
<http://www.for.gov.bc.ca/tasb/legsregs/fpc/fpcguide/system/sstoc.htm>.

SSSP forestry licences to cut with free growing obligations that the Ministry of Forests and Range (MOFR) is prepared to manage.

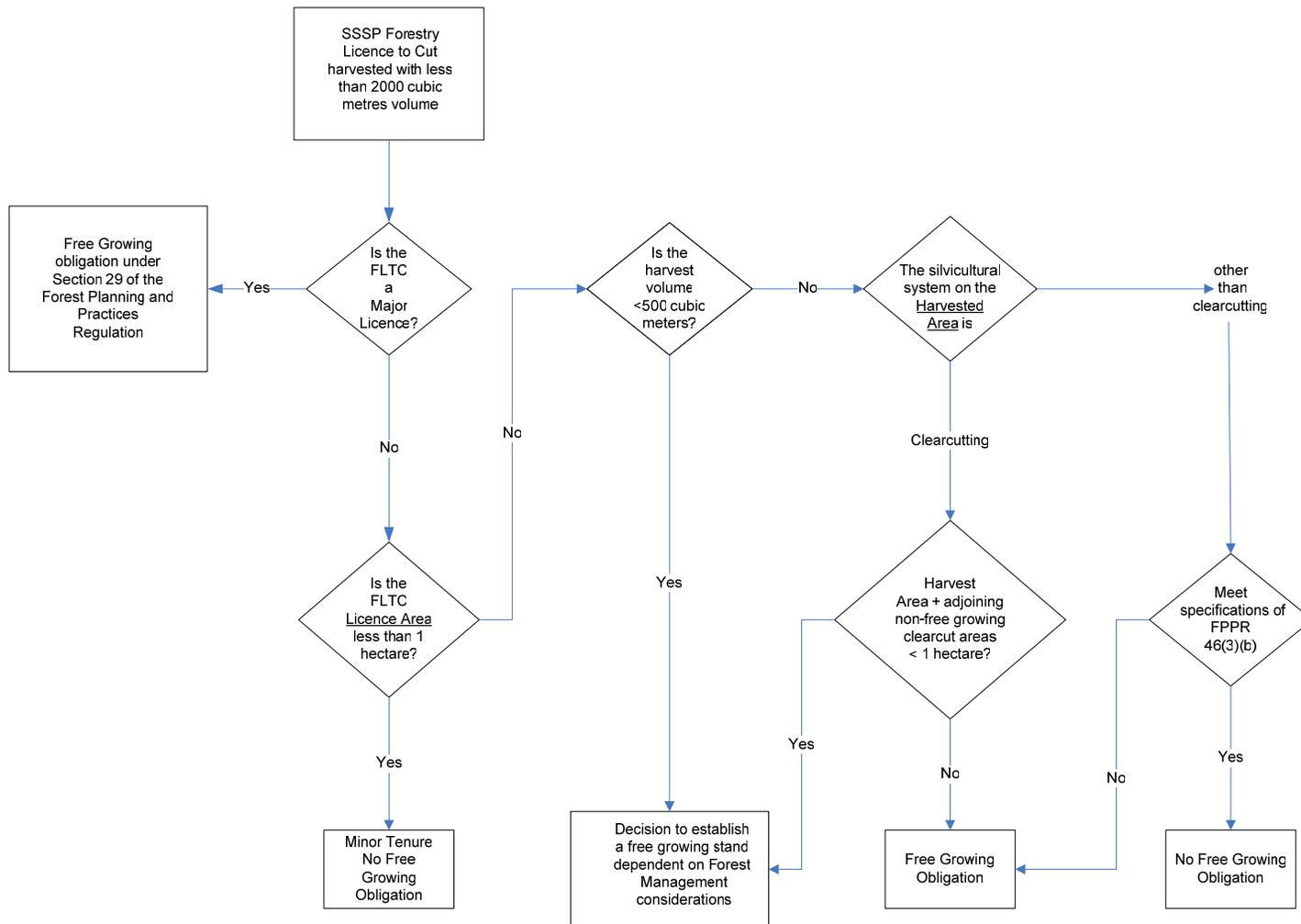
One of the provincial objectives of the SSSP three year strategic plan is to limit the number of small scale salvage licences which would trigger free growing obligations. However, it is recognized that there will be deviations from this strategy to fit specific TSA salvage objectives.

From a statutory perspective, some situations may not require free growing obligations under the FPPR; however, based on forest management considerations; the district manager may still consider it appropriate to reforest those areas. Given that the free growing obligation is not a statutory liability, funding for the work may not be obtained through the use of the silviculture levy provision in the Coast and Interior Appraisal Manuals.

Some factors to consider in deciding to undertake a free growing obligation not required by FPPR s.46 would include:

- Planned timing of next stand entry, and ensuing likelihood of damage to the regenerated stands;
- Potential growth loss by delaying or not achieving a free growing stand for the harvested area;
- TSA priority for reforesting newly harvested areas; and,
- Likelihood of forest health problems in the areas adjacent to the harvested area which will result in more salvage harvest in the near future.

Figure 2 Decision-making process for FPPR S. 46 free growing obligations for Forestry Licences to Cut issued under FA S.47.6(2)



Free growing obligations for SSSP forestry licences to cut designated as a “major licence”

Under the provisions of Section 47.7(d) of the *Forest Act*, a SSSP FLTC is only a major licence if it is designated as one in the licence agreement.

It is not likely that a SSSP FLTC would be designated as a major licence. In the event that it was deemed a major licence, Section 29 of the *Forest and Range Practices Act*⁶ establishes when a free growing obligation is created.

When the scale of a licensee’s harvesting operations creates a free growing obligation, the licence holder bears the responsibilities and costs of establishing a free growing stand.

Free growing obligations for a SSSP FLTC that is a “minor tenure”

When a SSSP forestry licence to cut licence area meets the definition of a minor tenure in the FPPR, s. 46(1) of the FPPR does not assign a free growing obligation.

Free growing obligations for a SSSP FLTC that has less than 500 cubic meters of timber harvested from a cut block.

If a SSSP FLTC, is not a major licence or a minor tenure, but has a volume less than 500 cubic meters, FPPR s. 46(1) does not assign a free growing obligation. However, the district manager may establish a free growing stand based on the factors previously discussed in the “Background” section (Part 2) of this guidance.

⁶ Section 29 of the *Forest and Range Practices Act* can be viewed at: <http://www.for.gov.bc.ca/tasb/legsregs/frpa/frpa/part3.htm#section29>.

Stocking standards applicable to SSSP forestry licences to cut

FPPR s. 46(2)⁷ specifies the applicable stocking standards when a free growing obligation is created. The MOFR publication *Reference Guide for Forest Development Plan Stocking Standards* referenced in FPPR s. 46(2) is available on-line⁸.

The stocking standards in the *Reference Guide for Forest Development Plan Stocking Standards* are differentiated by “even-aged” and “uneven-aged” or “single tree selection”. In general, even-aged stocking standards apply to FPPR s.46 (3)(a) and uneven-aged stocking standards apply to FPPR s. 46(3)(b). In more complex salvage situations, district managers may provide further guidance to differentiate which stocking standards are appropriate for a given situation.

The minister’s authority to authorize new stocking standards under FPPR s. 46(2) has been delegated to the district managers. The delegation matrix is available on-line⁹.

When authorizing new stocking standards, sections 46 (4) and (5) of the FPPR require district managers to consider matters set out in subsections 26(3) and (4)¹⁰ of the FPPR when making decisions respecting the applicable stocking standards, regeneration and free growing dates.

Interpretative scenarios

Appendix 1 contains possible scenarios that illustrate the application of the free growing obligation requirements discussed in the legislation and displayed in Figure 2.

In all scenarios with a free growing obligation, the minister’s costs to establish a free growing stand is funded by monies collected through the silviculture levy provision in the coast and interior appraisal manuals.

⁷ Section 46(2) of the *Forest Planning and Practices Regulation* can be viewed at: <http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section46>.

⁸ The link to *Reference Guide for Forest Development Plan Stocking Standards* is: http://www.for.gov.bc.ca/ftp/hfp/external/!publish/Stocking%20Standards%20for%20FDPs/Reference_Guide.xls.

⁹ The link to the delegation matrix is: <http://gww.for.gov.bc.ca/hcp/legislation/authoritymatrix/FRPA%20delegation%20attach%20Dec%202005.pdf>.

¹⁰ Section 26 for the *Forest Planning and Practices Regulation* can be viewed at: <http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section26>.

Part 3: Post Harvest Reporting Requirements

Part 3 outlines the process to be used by SSSP staff to enter harvesting information into the Forest Tenure Administration (FTA) System and Reporting Silviculture Updates and Land status Tracking System (RESULTS). The submission standards laid out in this guidance are consistent with the requirements of Part 6 of the FPPR¹¹.

Given that Part 6 of the FPPR does not specifically require the district manager to report free growing obligations for small scale salvage, the MOFR manages this through policy.

Updating the “Forest Tenure Administration” (FTA) System

To track forest inventory updates and free growing obligations, all areas harvested under the SSSP that are spatially entered into FTA, must also be entered into RESULTS. This includes SSSP blocks with and without free growing obligations.

Updating RESULTS

MOFR policy requires the SSSP to report information in accordance with the *RESULTS Information Specifications: Government Funded Silviculture Activities*¹² and the *Silviculture Information Submission Guidebook*¹³.

Specific requirements for updating RESULTS for the SSSP are documented in this section.

¹¹ Part 6 of the *Forest Planning and Practices Regulation* can be viewed at:

<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#part6>.

¹² Available online at <http://www.for.gov.bc.ca/hfp/publications/00220/resultsSubmission.pdf>

¹³ Available online at <http://www.for.gov.bc.ca/hfp/publications/00026/pdf/fs708-guide.pdf>

Identifying stocking standards for SSSP cutblocks

When submitting the opening definition to RESULTS, district staff will:

1. Select a stocking standards ID described in the *Reference Guide for Forest Development Plan Stocking Standards* referred to in FPPR s.46(2) ; or
2. Create stocking standards that vary from the default stocking standards authorized by the minister.

To create and have standards authorized by the minister, district staff will use the RESULTS standards proposal and approval process which is available on-line¹⁴.

Reporting requirements when a SSSP free growing obligation occurs

The FPPR requires that, for areas subject to free growing obligations, the minister is required to report in the following manner:

- Site specific standards outlined in section 87(5):

For cut blocks in which the minister must establish a free growing stand under section 46, the minister must prepare and retain a map indicating standards units and the different standards that apply to them, including any changes to them.

- Silviculture treatment records outlined in section 88(3):

If the minister carries out a silviculture treatment on an area to which section 46 applies, the minister must maintain records of the silviculture treatment until a free growing stand is established on the area.

¹⁴ Resource materials for the RESULTS standards proposal and approval process are at: http://www.for.gov.bc.ca/his/results/fsp_sss.htm

Post harvest reporting requirements for all SSSP blocks spatially entered into FTA

The reporting requirements of the FPPR s. 86(3)¹⁵ apply partially to a SSSP licensee.

- **Section 86(3)(a)** of the FPPR does not apply to a SSSP agreement holder. However, the information required by this section is vital to the minister's ability to meet the requirements of sections 87(5) and 88(2) of the FPPR and for the update of inventory information. Through the contractual requirements of the FLTC agreement, within 60 days of the completion of harvesting operations, the licensee must submit to the district manager or regional manager a Post Harvest Report signed by a licenced forest professional which specifies:
 - the area in which the harvesting occurred;
 - an assessment of the post harvest free growing obligations within the licence area
 - the amount of area harvested;
 - an update of the forest cover inventory;
 - the location and approximate size of all associated wildlife tree retention areas.
- **Section 86(3)(b)** of the FPPR applies to a SSSP agreement holder. SSSP agreement holders are required to submit the information as outlined in this section of the regulation.
- **Section 86(3)(c through e)** applies to the SSSP licensee, however, since the minister is responsible for the free growing obligation, district SSSP staff will report the information requirements to RESULTS using the information required contractually in the licence. This reporting will satisfy the minister's reporting requirements in Section 88(3) of the FPPR. For each cutblock, the district manager (to whom this responsibility has been delegated by the minister) is expected to report by June 1 of each year:
 - the stocking standards that have been assigned to each standards unit;
 - pertinent information about seed used to grow seedlings planted
 - the area harvested;
 - the silviculture accomplishments; and
 - the forest cover information and declarations

¹⁵ Section 86(3) of the *Forest Planning and Practices Regulation* can be viewed at: <http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section86>.

All information submitted to RESULTS will be through the *eziLink*[™] submission software. *eziLink*[™] provides for direct information transfer to RESULTS and the Land and Resource Data Warehouse (LRDW).

Compliance and Enforcement of SSSP free growing obligations

Section 107 of the *Forest and Range Practices Act*¹⁶ applies to the holder of an agreement. Since the district manager is not the holder of an agreement, the declaration requirements in section 107 do not directly apply.

To track compliance with the performance measures, all declarations including free growing declarations must be submitted electronically by a MOFR district Registered Professional Forester (RPF). The submissions will include the following minimum data elements:

- the standard unit
- declaration type
- the date of the declaration

Designation of Key Staff for RESULTS reporting

District managers should designate staff to submit SSSP silviculture information into RESULTS. District managers will be accountable for the timeliness, quality and compliance with reporting requirements.

Standards other than those taken from the reference guide and declarations must be submitted to RESULTS by a MOFR district Registered Professional Forester (RPF). Electronic submissions that are related to activities and forest cover may be made by any district SSSP staff with the appropriate RESULTS authority. If declarations are submitted to RESULTS by a non-RPF, the hard copy signed by the RPF can be retained on file or attached electronically to the opening in RESULTS.

¹⁶ Section 107 of the *Forest and Range Practices Act* can be viewed at:
<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frpa/part7.htm#section107>.

District managers should consider the following RESULTS authority levels for staff that submit and manage RESULTS data:

1. **RESULTS Approval:** can create new opening definitions, assign openings and approve opening-related information, including amendments, standards, and FRPA s. 108 application (ministry IDIR only)
2. **RESULTS Declaration:** can make an on-line declaration (RPF's only)
3. **RESULTS Update:** can update opening-related information
4. **RESULTS Report:** can run reports through the Corporate Reporting System (CRS)
5. **RESULTS View:** can run general inquiries

Further Information:

For questions related to RESULTS submissions, please visit the RESULTS web site <http://www.for.gov.bc.ca/his/results/support.htm>.

Please address other questions to

Brad Harris 250 387-8633
Ralph Winter 250 387-8906

Brad.Harris@gov.bc.ca
Ralph.Winter@gov.bc.ca

Appendix 1

Interpretative Scenarios for free growing obligations in the SSSP

Scenario 1 – Multiple small clearcuts

A new SSSP FLTC that contains, within the licence area, multiple non-contiguous harvested areas that have the entire stand removed from them. Each individual harvested area is less than 1 hectare, but the sum of all of the harvested areas within the licence area exceeds 1 hectare (Figure 2).

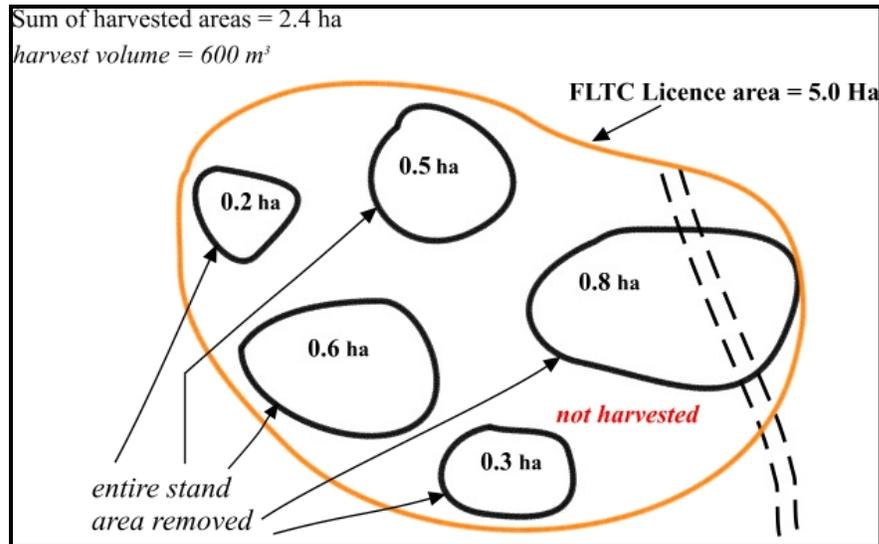


Figure 2 Multiple small clearcuts

Is this a minor tenure?

No.

This scenario is not a minor tenure because the forestry licence to cut licence area (cutblock) is greater than one hectare.

Does section 46(3) apply here?

Yes.

Given that the harvest volume in this scenario is greater than 500 m³, the Forest Planning and Practices Regulation Section 46(1) is subject to 46(3).

Is this subject to a free growing obligation?

No.

Given that the stand has been completely removed from each of the harvested areas, they would be clearcuts and the free growing obligation would be determined by section 46 (3)(a) of the Forest Planning and Practices Regulation. Each one of the clearcuts are distinctly separate and none of them exceed the one hectare threshold specified in the regulation.

Other Considerations

If less than 500 m³ was removed from the harvest areas, no free growing obligation would apply.

Despite the absence of free growing obligation in the harvested areas, the district manager may decide that the harvested areas should be reforested.

Scenario 2 – Adjoining Clearcuts

A new SSSP harvested area on which all the timber has been removed is within a licence area that is greater than one hectare. The harvested area is adjoining a non-free growing harvested area on which all the timber has been cut, and the sum of the resultant combined harvested areas exceed one hectare (Figure 3).

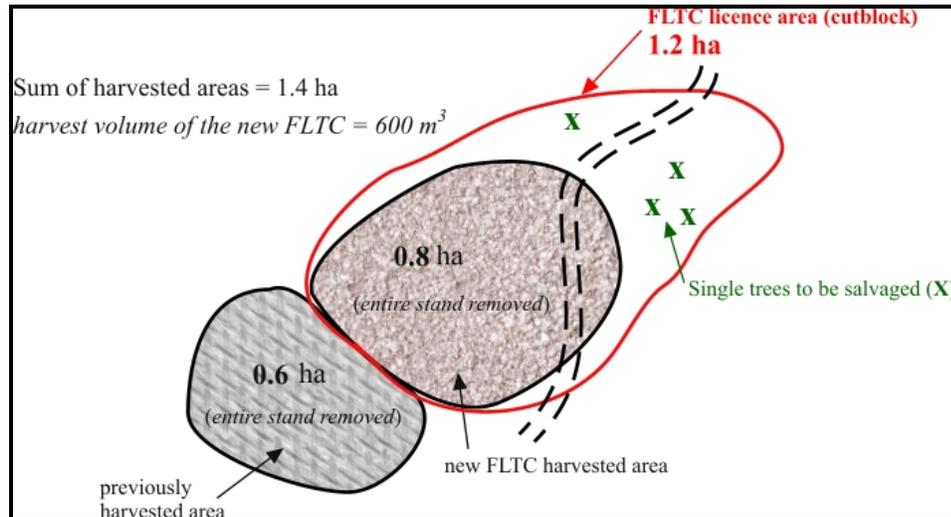


Figure 3 Adjoining Clearcuts

Is this a minor tenure?

No.

In this scenario, since the licence area is greater than one hectare, this FLTC does not qualify as a “minor tenure”.

Does section 46(3) apply here?

Yes.

Given that the volume removed from the FLTC area is greater than 500 cubic meters, the free growing obligation assigned in Section 46(1) of the FPPR is subject to Section 46(3).

Is this subject to a free growing obligation?

Yes.

The harvested area is a clearcut. When taken together with the adjoining clearcut area that is not occupied by a free growing stand, the total area exceeds one hectare. A free growing obligation applies to the net area to be reforested of the harvested area within the FLTC licence area. The free growing obligation does not extend to the adjoining previously harvested area.

Other Considerations

If the licence area was less than one hectare, it would be a minor tenure and not subject to a free growing obligation.

The district manager may elect to reforest the previously harvested non-free growing clearcut area if funding can be obtained.

Scenario 3 – New non-clearcut over previously harvested non-clearcut

The licence area of a new SSSP cutblock with a silvicultural system other than clearcut, overlays a major licence area previously harvested with a silvicultural system that is other than clearcut (Figure 4).

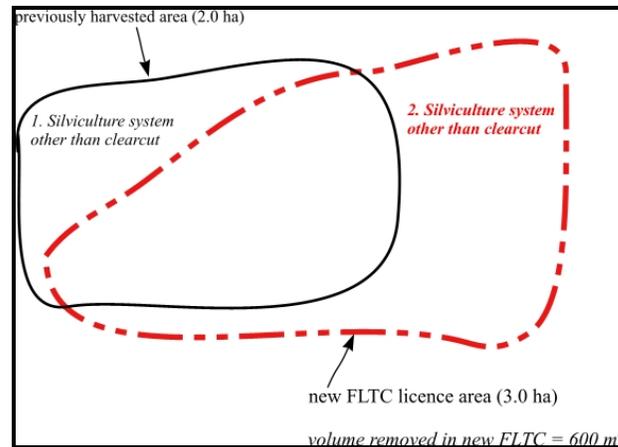


Figure 4 New non-clearcut over previously harvested non-clearcut

Is this a minor tenure?

No.

In this scenario, since the licence area of the new forestry licence to cut is greater than one hectare, it does not qualify as a “minor tenure”.

Does section 46(3) apply here?

Yes.

Given that the volume removed from the forestry licence to cut area is greater than 500 cubic meters, the free growing obligation assigned in Section 46(1) of the FPPR is subject to Section 46(3).

Is this subject to a free growing obligation?

The minister would have a free growing obligation if the post harvest stand of the new FLTC did not conform to the specifications outlined in FPPR s. 46 (3)(b)(i) and (ii).

Other Considerations

If the previously harvested area has an outstanding free growing obligation, then the new harvested area overlaying it would make it impossible for the original licensee to meet the free growing obligation. This would require resolution by the original licensee requesting relief from their free growing obligation under FPPR s. 46.2¹⁷.

¹⁷ FPPR s. 46.2 can be viewed at:

<http://www.for.gov.bc.ca/tasb/legsregs/frpa/frparegs/forplanprac/fppr.htm#section46-2>.

Scenario 4 – Clearcut with a Wildlife Tree Patch

A new FLTC cutblock greater than one hectare which has within it: a harvested area less than one hectare in which the timber has been entirely removed, a small wildlife tree patch and a permanent access structure (road) (Figure 5).

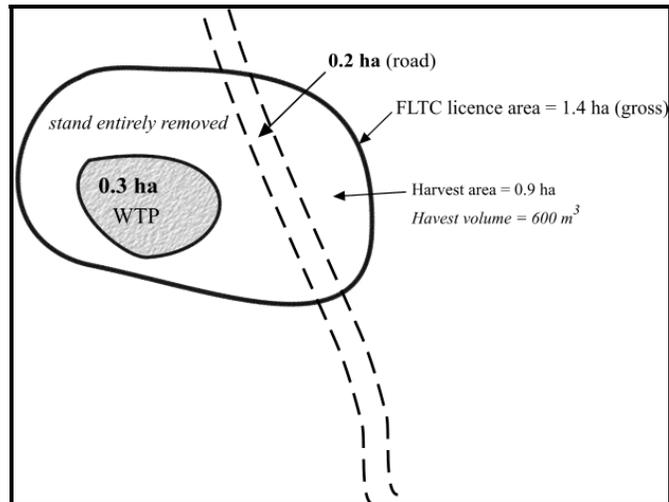


Figure 5 Clearcut with a wildlife tree patch

Is this a minor tenure?

No.

In this scenario, the FLTC is not a minor tenure because the licence area is greater than 1 hectare.

Does section 46(3) apply here?

Yes.

Given that the volume removed from the FLTC area is greater than 500 cubic meters, the free growing obligation assigned in FPPR s. 46(1) is subject to Section 46(3).

Is this subject to a free growing obligation?

No.

Given that the stand is entirely removed in the harvested area, this is a clearcut. The harvested area is less than one hectare which means there is no free growing obligation assigned by section 46 (3) (a).

Other Considerations

Despite the absence of a free growing obligation in the harvested areas, the district manager may decide that the harvested areas should be reforested.