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Advisory Bulletin No. 2024-08-22

BCTS Implementation of Old Growth Deferrals

Purpose

This bulletin replaces prior guidance to Timber Sales Managers via memorandum dated May 15, 2023.

Background

The Province has committed to true, lasting reconciliation with Indigenous peoples in British Columbia; this includes the implementation of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and the Calls to Action of the Truth and Reconciliation Commission (CTA).

The Province has committed to implementation of all Old Growth Strategic Review (OGSR) recommendations in collaboration with First Nations.

BC Timber Sales (BCTS) is a self-financing program within the Province's Ministry of Forests. While BCTS retains a level of financial and operational independence from the Ministry, the Province's commitments to reconciliation and forest stewardship are BCTS' commitments.

Updates to this guidance document reflect recent BCTS discussion with the First Nations Forestry Council (FNFC) and Union of BC Indian Chiefs (UBCIC) technical staff and are intended to clarify and improve upon content and language within the May 15, 2023 memorandum.

Content of this bulletin does not alter in any way BCTS' duty to consult with First Nations on proposed forestry activities and take appropriate measures to address interests raised related to old growth management or other values. Consistent with the Province's Draft Principles¹, BCTS recognizes that meaningful engagement with First Nations aims to secure their free, prior and informed consent when BCTS proposes to take actions which impact them and their rights, including their lands, territories and resources. This bulletin provides guidance to BCTS operations in areas that overlap the Old Growth Technical Advisory Panel (TAP) Priority Old Forest Deferral Areas ('TAP polygons')². It is intended to be supplementary to the

¹ Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples.

² TAP Priority Old Forest Deferral Areas consist of three subcategories of old growth—Ancient, Remnant Old Ecosystems and Priority Big Treed Old Growth.

Ministry's Field Verification Technical Guidance dated July 20, 2022 ('FV Guidance')³. If there is uncertainty in interpreting these two documents, please contact BCTS Provincial Operations staff for assistance.

Old growth deferrals implemented by BCTS as a result of the TAP initiative or other government-to-government (G2G) agreements are intended as a temporary measure only. The intent of these deferrals is to maintain certain at-risk old growth forests identified by TAP or First Nations until subsequent and more comprehensive biodiversity planning is completed for the area in question. This subsequent planning may be accomplished through Forest Landscape Planning, Modernized Land Use Planning or other initiatives as agreed to by the Province and First Nations. BCTS commits to maintaining current old growth deferrals until these processes are completed or it is directed to do otherwise.

Guidance

Limitation on Field Verification

As outlined within the FV Guidance, field verification is not required outside of the TAP polygons. BCTS planning, field work and associated assessments for future harvest and roads outside the TAP polygons may proceed consistent with outcomes of engagement and consultation with First Nations, current legal requirements and best practices.

Due Diligence Documentation and Information Sharing with First Nations

Actions taken by BCTS to assess TAP polygons and associated recommendations for activities planned within these polygons or replacement areas identified must be well documented. This documentation will be shared with First Nations during engagement and consultation processes or upon request.

First Nations TAP Engagement Status and Associated BCTS Actions

Since the original TAP announcements in November 2021, engagement and consultation with many First Nations on deferrals and old growth management has advanced from a strategic level with the Province to more specific discussion with BCTS staff at a local level. Wherever possible, this local engagement and consultation should be informing planning and operational decisions, guided by the following:

- Where First Nations have indicated support for the TAP recommendations, BCTS will continue to defer issuance of timber sales licenses (TSLs) within TAP polygons. Consistent with the FV Guidance, if potential cutblocks and/or roads overlap the TAP polygons, the area of overlap is assessed to confirm whether it meets the at-risk ecological criteria described by TAP. If the overlap area does not meet these TAP criteria, planning and field activities for the cutblocks and/or roads may continue, informed by engagement and consultation with First Nations.

Where TAP areas do not meet at-risk criteria and are identified for planned harvest, an ecologically equivalent replacement area, meeting TAP criteria, must be identified, informed by engagement and consultation with First Nations.

³ Current FV Guidance document is available at <https://www2.gov.bc.ca/gov/content/industry/forestry/managing-our-forest-resources/old-growth-forests/information-and-analysis/old-growth-deferral-field-verification>

- Where First Nations have indicated they do not support the TAP recommendations, BCTS will continue to operate consistent with old growth management requirements within G2G agreements for the area in question. In the absence of such G2G agreements, BCTS will continue to defer TAP Remnant Ecosystem polygons where at-risk ecological criteria have been confirmed. Through ongoing engagement and consultation, BCTS will work with local First Nations regarding old growth management, including potential alternate areas for deferral and/or replacement.
- Where First Nations have requested additional time or have not responded to Provincial engagement regarding TAP deferrals, BCTS will continue to engage and consult with these First Nations regarding old growth management and deferrals.

Road/Trail Guidance

Guidance in this section is informed by engagement and consultation with First Nations.

The objective is to mitigate unintended timber isolation resulting from TAP deferral polygons. Road/trail access is permitted through TAP polygons where there is no other practicable alternative route available. A practicable alternative is one that can be implemented successfully and includes consideration for being both practical and reasonably economically feasible. Due diligence documentation should be prepared where encroachments are deemed necessary.

Effort should be made to minimize the extent of road/trail encroachment through TAP polygons by narrowing right of way clearing to extent possible.

Where road/trail encroachments occur within TAP polygons, replacement is required consistent with the FV Guidance and the Replacement section of this memo.

Slivers

Guidance in this section is informed by engagement and consultation with First Nations.

For pre-existing BCTS developments, thresholds for minimum mapped polygons used for RESULTS reporting can be applied to the management of TAP polygon overlaps. Specifically, individual TAP/cutblock overlaps less than or equal to 0.1 hectare and cutblock aggregate TAP polygon overlaps less than or equal to 0.25 ha **do not** require re-engineering or a replacement area.

For new BCTS development it is expected that engineering will be conducted in a way that avoids TAP polygons to the extent possible.

Replacement

Guidance in this section is informed by engagement and consultation with First Nations.

It should be noted that the primary intent of replacement area is to ensure that an equivalent area, with equivalent ecological attributes as identified by TAP, is maintained in a deferred state until future comprehensive biodiversity planning is completed.

Size thresholds described in the Slivers section apply to replacements.

Identification of suitable replacement area for TAP encroachments at the TSL level is expected. Where old growth replacement is not available, older mature stands should be utilized.

Wildfire Recovery and Salvage

Harvesting or road construction may be necessary to facilitate wildfire recovery within the TAP polygons (e.g. salvaging damaged timber, undertaking ecosystem restoration or reforestation activities). Where priority deferral areas have been impacted by wildfire and salvage or recovery activities are considered, BCTS, Ministry Districts/Regions and First Nations will work together to develop a salvage plan. Recovery planning should consider the retention strategies outlined in the [2017 Chief Forester's Guidance on Post-Natural Disturbance Forest Retention](#).

In areas damaged by wildfires, stands with low burn severity or unburned stands within fire perimeters continue to meet priority deferral criteria where stand age, height, and diameter values align with FV Guidance criteria.

Stands with moderate and high burn severities are not considered to meet TAP deferral criteria. Identification of replacement areas is not expected when salvage harvest is proposed in moderate or high burn severity areas, consistent with direction from the Chief Forester.

BCTS staff may use Ministry burn severity mapping as the basis of field verification rationales, where it is available and where it is reflective of actual burn severity. Where burn severity mapping is unavailable or is not reflective of actual on-the-ground conditions, staff may adopt alternate approaches, ensuring associated due diligence is well documented.

Acute Forest Health Infestations

Where an active pest infestation is recorded, and the stand or forest type meets the FV Guidance deferral criteria at the time of survey, Business Areas will work with the Regional & District Forest Health Specialists and First Nations to determine the appropriate course of action.

Field Verification Submissions to the Ministry

BCTS field verification data within TAP polygons and any replacement areas designated must be submitted to the Ministry's Forest Analysis and Inventory Branch (FAIB) for tracking. BCTS is able to batch and submit this data directly to FAIB, so individual submissions to Districts via the CHEFS system are discontinued.

Contact

If you have questions about BCTS operations within a specific geographic area, please contact your local Timber Sales Office. [BC Timber Sales contact information](#)

If you have questions regarding this Advisory Bulletin or BCTS management of old growth in general, please contact BCTS Provincial Operations at Forests.BCTimberSalesHQOffice@gov.bc.ca.