



FOREST ACT BULLETIN

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Managing Priority Old Growth within Woodlot Licences with a One Cutting Permit

Information contained in this bulletin does not constitute legal advice. Practitioners within government should seek legal advice from the Ministry of Attorney General, whereas practitioners outside government should seek independent legal advice. Users of the bulletin should always refer to the legislation and regulatory requirements referred to in the bulletin for the exact legal wording of the requirements.

This bulletin should be considered along with the following documents:

- [Cutting Permit and Road Tenure Administration Manual](#)
- [Field Verification of Old Forest Priority Deferral Areas: Technical Guidance](#)
- [One Cutting Permit Administration Manual](#)

1.0 Background

In 2021, government implemented “A New Future for Old Forests, 2020”, Recommendation #6, which states: “Until a new strategy is implemented, defer development in old forests where ecosystems are at a very high risk of irreversible biodiversity loss.” The province is undertaking consultation with First Nations as part of the commitment to the *Declaration of Indigenous Peoples Act*.

Government has discretion to protect old growth polygons with the use of Part 13 of the *Forest Act* through the establishment of Designated Areas by Cabinet and associated Ministerial Order’s (MOs). In the interim, woodlot licensees can continue to exercise their rights as a licence holder, including operating under any issued cutting permits (CP) and road permits (RP). In addition, woodlot licensees may continue to submit CPs and RPs to government for decision. A District Manager cannot refuse to issue a CP solely based on the presence of priority old growth and has the discretion to issue a conventional CP in lieu of a 1 CP.

The purpose of this bulletin is to provide advice to decision makers, woodlot licensees and forest practitioners for the issuance of CPs within and outside of areas identified as Priority Old Growth polygons by the Old Growth Technical Advisory Panel (TAP). This Bulletin does not apply to private land (Schedule A land) on woodlots unless there were prior commitments to manage old growth. This does

not prevent woodlot licensees from developing voluntary old growth strategies for the private land portion of the woodlot licence.

2.0 Roles and Responsibilities

The woodlot licence program is designed to manage multiple values on a sustainable basis and woodlot licensees are urged to consider social license and the public interest. In a letter dated April 4, 2022, the Minister informed woodlot licensees that they were only required to manage for old growth polygons that meet the ancient forest or remnant old ecosystem criteria. Woodlot licensees were provided the opportunity to continue to harvest polygons identified exclusively as priority big-treed old growth, with the understanding that harvesting in these polygons may be of concern to the public and First Nations.

To determine which polygons are included in ancient and remnant, the following map layer and selection query should be used:

Priority Old Forest Deferral Areas - Current View

<https://catalogue.data.gov.bc.ca/dataset/f257ca4a-0c33-4eb2-9da8-21dff4482f58/resource/bdb02531-4090-4bc7-839b-799640d43f8b>

where ANCIENT_FOREST_IND = 'Y' (or) REMNANT_OLD_ECOSYS_IND = 'Y'

These layers must be used to identify the TAP mapped areas of ancient or remnant. The priority big-treed old growth areas may overlap ancient and/or remnant old growth forest polygons. To be clear, any priority big-treed old growth polygons overlapping ancient or remnant are subject to potential deferral.

2.1 Old Growth Deferrals

District staff will engage with woodlot licensees where First Nations support old growth deferrals. Where First Nations have not provided any information to government, engagement will be incorporated into the consultation process at a level based on protocols for CP and RP consultation requirements. Woodlot licensees are also encouraged to actively information share with First Nations to expedite and facilitate CP issuance. Where First Nations do not support old growth deferrals, there is no expectation that harvesting will be deferred from any identified old growth polygons – ancient, remnant or big tree.

2.2 Field Verification

Government has released a Field Verification Guide that is designed to confirm stand level attributes as they relate to the mapped old growth polygons. Where there is First Nations support for deferrals, based on the identified polygons, woodlot licensees are being asked to voluntarily engage in the process outlined in the document, titled [“Field Verification of Old Forest Priority Deferral Areas: Technical Guidance.”](#) In some cases, woodlot licensees may have more accurate inventory information, and local knowledge of the area that can assist in the accurate identification of ancient and remnant polygons and support this process.

Woodlot licensees may use the field verification procedures to confirm if an area of planned harvest inside a polygon does not actually meet the criteria. In these circumstances woodlot licensees should notify the Ministry of Forests staff through the field verification form (<https://chefs.nrs.gov.bc.ca/app/form/submit?f=e4591d9b-9005-4bd6-8145-2c92ce890d91>) and, to the extent possible, locate replacement areas within the woodlot licence boundaries. If areas outside the originally identified TAP criteria meet the attributes and were missed, agreement holders could consider including ancient and remnant polygons within wildlife tree patches (WTP) as identified in a woodlot licence plan (WLP).

2.3 Voluntary Deferrals

In a situation where a CP has been issued, woodlot licensees may delay harvest voluntarily until the CP expires or a final decision has been made on the identified old growth deferral. There is no risk to timber pricing impacts given woodlot licences are appraised using tabular rates and waste will be measured based on current policy. Woodlot licensees may consider initiating a 1 CP amendment by either submitting a new map excluding areas of ancient and remnant or requesting reserved timber clauses be added to the CP document. Alternatively, a WLP can be amended to include the areas as WTPs or areas where harvesting will be modified. Although not required, strategies could be developed within the WLP to manage any big-treed old growth polygons, as appropriate.

In the case of a voluntary deferral on a new CP, ancient and remnant old polygons can be excluded spatially or using the reserved timber clauses – this should be part of the application. Engagement with First Nations and the Ministry of Forests staff is advisable to discuss the rationale for why harvesting may be appropriate where a woodlot licensee is not proposing voluntary deferrals. Cut block design and road construction decisions are the responsibility of the designated professional and the woodlot licensee. Old growth polygons do not restrict a woodlot licensee from completing road maintenance activities and road construction within an old growth polygon is acceptable when there is no other option.

3.0 Designated Areas – Cutting Permits and Road Permits Obligations and Liabilities

If a Designated Area is established through Order in Council under Part 13 of the *Forest Act*, the associated Ministerial Order (MO) will provide legal direction regarding the issuance of future authorizations and the status of active authorization within the Designated Area, which may include suspension of some or all existing authorizations and refusal to issue future authorizations within the designated area. Ongoing obligations and liabilities continue for all CP and RPs and are the responsibility of the woodlot licensee within Designated Areas.

There is flexibility for the minister to amend a MO in extenuating circumstances.

4.0 QUESTIONS & MORE INFORMATION

Questions can be directed to district or regional Ministry of Forests staff with further guidance available by emailing Forest Tenures Branch staff at ForestTenuresBranch@gov.bc.ca.