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## **Woodlot Salvage Permit Policy and the Effects on Managing Forest Health**

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**Complaint Investigation 070784**

**FPB/IRC/145  
September 2008**

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# The Investigation

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## Introduction

In July 2007, a woodlot licensee in the Central Cariboo Forest District (the complainant) filed a complaint with the Forest Practices Board saying that a recent change in the Ministry of Forests and Range's (MFR) policy on issuing salvage permits would create a forest health risk on his woodlot.

## Background

The complainant has a woodlot licence on Crown land adjacent to his private land parcel. The forest in the woodlot is dominated by Douglas fir, with small amounts of lodgepole pine and spruce. As with many of the Douglas fir stands in the interior, the stands in the woodlot licence have a high degree of bark beetle infestation. The beetle bores into the bark, and heavy infestations can kill the tree. Trees that are weakened by drought, disease or other agents are more susceptible to bark beetle attack and are therefore more likely to facilitate the spread of the infestation.

Woodlot licences in the interior of the province are typically 600 hectares in size—though recent changes to legislation have doubled that to 1,200 hectares for new licences. Each woodlot has an allowable cut assigned, and normally harvesting is done under cutting permits. To maintain the health of a stand and prevent the continued spread of insect or disease agents, such as the mountain pine beetle or the Douglas-fir bark beetle, the general practice is to remove the infested trees before the beetles have a chance to leave them and attack healthy trees. To expedite the harvesting of diseased or damaged trees, this type of harvest is often done under a separate salvage permit.

In the past, MFR issued woodlot licensees a blanket salvage permit for their entire woodlot licence area, authorizing them to harvest dead or damaged trees as they came across them. In December 2006, however, the deputy minister issued revisions to the existing policy on blanket salvage permits for woodlots.<sup>1</sup> These policy revisions reduced the area that could be authorized under a permit, from the entire woodlot to small openings and individual groups of damaged trees within the woodlot. In addition, as a result of MFR's shift to electronic forest management, licensees were required to submit a digital file providing the spatial location of each individual opening to MFR before a permit could be issued.

In the past year, the complainant focused on harvesting damaged trees under his blanket salvage permit. His management plan commits him to work on frozen soils, with an operating season from October to February.

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<sup>1</sup> Ministry of Forests and Range, "Blanket Salvage Permits for Woodlot Licensees," memorandum, Dec. 21, 2006.

Following the new policy, the local district decided not to extend the licensee's existing blanket salvage permit. Instead, the new policy requires that the individual openings to be created must be identified on the Exhibit "A" map accompanying the blanket salvage permit application. These openings can be clearcut cutblocks up to five hectares with provisions for 15 hectares where damage levels are at least 70 percent of the stand. With selective harvesting, areas greater than five hectares can be approved if the volume does not exceed 2,000 cubic metres, or 5,000 cubic metres for the heavily damaged stands.

Damaged or attacked trees located outside of the identified openings can only be harvested if the licensee gets an amendment to a permit. Any opening created that is greater than one hectare generates a free-growing obligation for the licensee. After the complaint was filed with the Forest Practices Board, the forest district allowed the complainant to submit an application identifying seven 50-hectare openings.

## Discussion

Section 52 of the *Forest and Range Practices Act* (FRPA) prohibits a person from harvesting or removing timber from Crown land unless authorized to do so under FRPA or the *Forest Act*. A woodlot licensee therefore requires a permit to salvage insect-attacked trees. The Board's interest in this complaint is the management of forest health issues on the woodlot. This investigation considered whether there is a potential impact on forest health due to the December 2006 policy on issuing blanket salvage permits.

### How does the policy affect the complainant?

For the complainant there are two specific issues related to the new policy:

The first is the requirement for a digital map. Under the new policy that restricts the area that can be applied for to relatively small areas, a licensee would likely need to submit numerous applications to cover the salvage areas, regardless of whether the areas are greater than one hectare. In the complainant's case, he applied for seven areas under one letter permit and had to hire a service provider to digitize the maps. The cost of having someone identify the sites with a global positioning system (GPS), and to have someone create a digital map, increases the likelihood that a licensee will choose to leave or delay harvesting the trees. Apart from the cost, the new requirement is inefficient for the licensee and, presumably for MFR as well.

The second, and more significant, issue for the complainant is the requirement to amend permits or apply for new ones if new areas requiring salvage are found. The complainant explained that infestations are typically scattered throughout the woodlot, and that new infested trees are often found during normal harvesting operations. He said that it was difficult to know where all salvageable trees were at any given time, such as upon application for a permit. This was demonstrated during the investigation field trip when several trees were found that had not been included in the seven areas under the complainant's new permit. MFR staff said that they found a similar situation in another woodlot. Under the policy, the

complainant would be required to leave those trees and apply for an amendment to the salvage permit.

Windthrow is a common event and can happen at any time during the year. It also creates a salvage situation. Strong winds brought down trees on the complainant's woodlot after the current salvage permit was issued. If those trees are outside of the permit areas, which is likely given the small size of the areas, an amendment is required. The district decision to exceed the policy limits has alleviated this somewhat.

The forest district staff said the amendment process would take a minimum of two weeks. The complainant said that, in that time, he likely would have finished harvesting an area and moved the equipment elsewhere on the woodlot, making it not practical to come back and take the damaged trees.

The effects on the complainant are the loss of flexibility and timeliness in how he can address salvage situations on the woodlot.

### **Is there a forest health concern?**

As policy only allows small areas to be in a permit application, and the applicant must know the harvest locations in advance, the complainant asserts that damaged or infested trees will be left on the woodlot.

In the Central Cariboo Forest District, the fir bark beetle is considered at an epidemic level. The provincial Douglas fir bark beetle plan classifies the management units within the district, including the complainant's woodlot, as requiring 'aggressive' management, with an objective of removing 80 percent of attacked trees. Provincial guidelines are that all current attack in this area should be addressed within two years.<sup>2</sup> A MFR forest health specialist agreed that the aggressive approach requires operators having flexibility to harvest infested trees promptly.

If licensees have to leave individual trees, or, as reported by the complainant, if some licensees abstain from salvage, this will increase the forest health risk on the woodlot. Leaving infested trees will facilitate the spread of the fir beetle within the woodlot (or the pine and spruce beetles in other woodlots). This is a concern for the management of the stands within a woodlot, and also for the district, as unsalvaged beetle-attacked trees provide a source to spread elsewhere.

### ***Finding***

It is the Board's opinion that the December 2006 blanket salvage permit policy creates a risk to forest health because it inhibits aggressive salvage harvesting.

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<sup>2</sup> Provincial Bark Beetle Management Technical Implementation Guidelines. Spring 2003.

The requirement for spatial information in a permit application is driven by MFR's Electronic Forest Management Initiative (e-FM), a move to conduct business and share information with licensees electronically. Permits are created through a Forest Tenures (FTA) database. FTA requires a spatial file describing the opening boundary before a permit can be issued. This allows MFR to ensure that new applications do not overlap with existing harvest authorizations.

Licensees must reforest all harvested areas (openings) within their woodlot licence area, but are only required to track openings that create a free-growing obligation (greater than one hectare). Those silviculture obligations are tracked through the Reporting Silviculture Updates and Land Status Tracking System (RESULTS) database and linked to the spatial information in FTA. A post-harvest submission identifying these areas must be made on RESULTS, but this first requires the spatial file in FTA. The requirement for spatial information does not explain the reduction in the allowable permit area from the entire woodlot to small patches. Presumably a 600-hectare submission would meet the spatial requirement for FTA.

One reason for no longer allowing entire woodlots to be included in a permit appears to be that MFR is cautious about losing control of where licensees are operating. Licensees could fail to report insufficiently restocked areas greater than one hectare, a situation that could occur under any forest licence. By requiring a spatial data submission before issuing the salvage permit, MFR knows where the licensee is harvesting and can later check to see if there are any unreported insufficiently restocked areas greater than one hectare.

However, there appears to be little risk of this with woodlot licences as they are area-based tenures rather than volume-based tenures like those of most major licensees, and woodlot areas are relatively small compared to areas under major licences or small business salvage licences. Central Cariboo Forest District staff acknowledged that woodlots were low risk for compliance and enforcement concerns. The district manager said that no woodlot compliance issues had been brought to him for decision. A 2007 report by the Federation of BC Woodlot Associations compared compliance actions on woodlots against such actions on other licences, including small-scale salvage licences, for 2005 and found that woodlot licensees had the fewest enforcement actions per million cubic metres.<sup>3</sup> As well, MFR knows that harvesting is occurring within a 600-hectare woodlot area, because notification of commencement of harvesting is required by the *Woodlot Licence Planning and Practices Regulation*.

### *Finding*

The requirement to submit a digital spatial file with each permit application is a result of MFR's electronic management program. The size restriction on areas included in a permit application is a measure to keep track of where harvesting is occurring, thereby reducing the risk that areas with free-growing obligations will go unreported. Nevertheless, that risk is low for woodlots.

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<sup>3</sup> Federation of BC Woodlot Associations, "Report on BC's Woodlot Licence Program," Nov. 2007.

In May 2008, MFR released the results of a forestry regulatory review process that began in January 2008. MFR decided to reconsider issuance of blanket salvage permits for entire woodlots to make woodlot licensees more efficient at salvage, and to save time and effort in permit applications. Implementation details were not yet developed. In August, the ministry posted a bulletin on its website stating that the district office will produce the initial spatial information and initiate the blanket salvage permit in those instances where no free-growing obligations are created. This decision may resolve the spatial submission aspect of the complaint.

The bulletin also states that a paper-only submission by the licensee, and a letter authority from the district office, should be used for those areas with no free growing obligation. Districts can apparently continue with whatever process they previously used to issue blanket salvage permits. Even though it is contrary to the December 2006 policy, some districts continue to issue blanket salvage permits for the entire woodlot. The Central Cariboo Forest District did not, but now intends to, issue the complainant a letter permit that should provide him the flexibility to address single tree and small group salvage situations without requiring an amendment to the permit. This may resolve the issue for the complainant.

The Board is encouraged with the procedural revisions that MFR has implemented, as the changes should simplify things for the complainant and other woodlot licensees. However, the Board remains concerned that there is a conflict between the official December 2006 policy which remains in place, and the administration practices of the districts which the ministry supports to resolve the problems. This disparity between official policy and the current advice to districts, and inconsistent approach between districts, could result in confusion and problems in the future for both the districts and the licensees.

## **Conclusion**

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The Ministry of Forest and Range's December 2006 policy created administrative hurdles for addressing forest health issues on a woodlot. It increased the risk to forest health by reducing the flexibility that woodlot licensees have to remove damaged and infested trees. Given the apparent low administrative risk with woodlots, the Board questions whether the pre-harvest spatial information requirement, and the December 2006 policy restricting the size of individual areas included within a salvage permit, are necessary for woodlots.

The recent decision by MFR to reconsider its approach to issuing blanket salvage permits for woodlot licensees, and to have the forest districts provide the initial spatial file requirements, may resolve much of the complaint. However the Board remains concerned with the continuing conflict between official policy and practice.

## Recommendation

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Under section 131(2) of the *Forest and Range Practices Act*, the Board makes the following recommendation:

The Ministry of Forests and Range should consider removing the December 2006 policy on salvage permits for woodlots, or amending it so that it is consistent with the administrative practices within forest districts. Whichever process is chosen for the administration of blanket salvage permits, it should provide woodlot licensees with as much flexibility as is reasonable to adequately address forest health issues as they arise in the long term.

Under section 132 of the *Forest and Range Practices Act*, the Board requests that the Ministry of Forests and Range respond in writing to the recommendation by March 31, 2009.