

# COMPLAINT INVESTIGATION

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## Management of Old Forests on Quadra Island

AUGUST 2024  
FPB/IRC/252



**Forest  
Practices  
Board**

BC'S INDEPENDENT  
WATCHDOG FOR  
SOUND FOREST &  
RANGE PRACTICES

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# Board Commentary

Old forests are essential for many reasons. They contribute to the conservation of biodiversity and resilience from natural disturbances. Old forests store carbon, provide habitat, intercept and store water, and provide recreation opportunities for public enjoyment. Only about one percent of the forest on Quadra Island is old (older than 250 years), due to a history of wildfires and forest harvesting.

Almost 25 years ago, when the provincial government completed the Vancouver Island Land Use Plan, it intended that subsequent landscape unit plans would address biodiversity at a regional scale. These plans would have identified old forests and recruitment areas that would eventually bring the amount of old forests up to target levels. Unfortunately, the provincial government did not complete landscape planning for the Quadra landscape unit.

Without a landscape unit plan, licensees manage old forests according to the provincial non-spatial old growth order. The order enables licensees to prepare a recruitment strategy to achieve the full target amount of old forest. TimberWest committed in its forest stewardship plan (FSP) to recruit old forests, but it did not describe *how* the commitment would be verified, which is a legal requirement. Further, government should not have approved the FSP without a measurable or verifiable commitment to recruit old forests to at least target levels.

To address this situation, the Board is recommending that TimberWest amend its FSP to include a measurable or verifiable strategy for the recruitment of old forest that describes how it will ensure the full target amount of old forest is achieved in the Quadra landscape unit.

Ultimately, the solution for the Quadra landscape unit involves implementing a planning process to identify and conserve old forests and priority recruitment areas. This should involve integrating adaptive management to ensure that recruitment areas continue to reflect and prioritize old forest values over time. In the meantime, it is up to the provincial government to understand what old forest values exist in the Quadra landscape unit and ensure that operational plans set out measurable or verifiable commitments to manage them.

# Executive Summary

On April 5, 2023, the Forest Practices Board (the Board) received a complaint from a representative of the Discovery Islands Forest Conservation Project (the complainant) who believes that the remaining old forest on Quadra Island is at risk of being harvested. This investigation looks at the harvesting carried out by three licensees operating on Quadra Island: TimberWest Forest Corp. (TimberWest), Okisollo Resources Ltd. (Okisollo), and Younger Brothers Holdings (Younger Brothers).

Quadra Island has a long history of natural and human-caused disturbances. Timber harvesting started in the late 19th century, and much of the island was burned by wildfire in the mid-1920s. This has resulted in a deficit of old forests, with only about one percent of forests in the Quadra landscape unit (the Quadra LU) greater than 250 years of age or 'old'.<sup>i</sup>

The Board found that TimberWest did not comply with section 21 of the *Forest Planning and Practices Regulation* (FPPR) with respect to its forest stewardship plan (FSP) strategy for old forests. In its FSP, TimberWest commits to not logging old forests and to ensuring retention and recruitment occur to satisfy applicable legal objectives. TimberWest can demonstrate that it doesn't log existing old forests or individual old trees. Since there is already a deficit of old forests, recruitment is required to satisfy the full target amount, which is greater than nine percent. TimberWest cannot demonstrate how its planning for primary forest activities ensures that the entire target will be satisfied, or that adequate amounts of mature forest are being recruited to eventually become old forest. The FSP strategy for old forest was approved without a measurable or verifiable description of steps, practices, or outcomes to recruit the full amount of old forest as required by FRPA.

The Board found that Okisollo did not comply with the wildlife tree retention strategy in its approved woodlot licence plan (WLP). Okisollo protects all existing old forests within reserves called 'areas where harvesting will be avoided' in its WLP. The WLP addresses the conservation of individual trees in the wildlife tree retention strategy. The WLP is clear that wildlife trees can only be cut, damaged, or removed if an assessment of wildlife characteristics is done and alternatives to removal are considered. Okisollo did not prepare an assessment of wildlife characteristics and it is impossible to know if any of the trees removed from the cutblocks met the WLP definition of a wildlife tree and what alternatives to removal existed or were considered.

The Board found that Younger Brothers did not comply with its WLP when it cleared approximately 200 metres of road right-of-way through an area where harvesting was to be avoided.

The *Order Establishing Provincial Non-Spatial Old Growth Objectives* is the higher-level plan in place to protect and conserve old-growth forests in the Quadra LU. It is over 20 years old, and to this day, it remains unclear who is responsible for addressing the recruitment of old forests in landscape units with an old forest deficit. Although mature forests are abundant in the Quadra LU, without a recruitment strategy, candidate areas with higher densities of veteran trees or the oldest mature forests may not be set aside to achieve an old forest condition.

# Introduction

## The Complaint

On April 5, 2023, the Forest Practices Board (the Board) received a complaint from a representative of the Discovery Islands Forest Conservation Project (the complainant) who believes that the remaining old forests on Quadra Island are at risk of being harvested. Part of the work the complainant has been doing is accumulating drone imagery, seeking to find the last remnant areas of old forest on the ground, and mapping those that remain. The complainant believes that the failure to complete landscape-level planning and to spatially define old growth management areas (OGMAs), combined with the provincial government's decision to establish or expand 11 woodlots in special management zone (SMZ) 19, has put the remaining old forests at risk of being logged. The complainant believes that the three licensees named below continue to log old forests on the island. The complainant wants an effective approach to conserving the remaining old forests on Quadra Island.

### TimberWest Forest Corp – Tree Farm Licence 47

The complainant alleges that:

- TimberWest Forest Corp. (TimberWest) is degrading small patches of old forest in tree farm licence (TFL) 47, and by doing so, it is not abiding by the strategies recommended by the *Vancouver Island Summary Land Use Plan* (VISLUP).
- TimberWest has no effective strategy to meet the mature seral stage targets set out in the *Vancouver Island Land Use Plan Higher Level Plan Order* (VILUP Order).
- TimberWest has no effective strategy to meet the old seral stage targets implied by the VILUP Order.
- TimberWest is not abiding by the strategies recommended in the land use plan for managing concentrations of veteran trees.
- TimberWest's strategy for sustaining forest ecosystem structure and function is ineffective because it doesn't retain forest *within* cutblocks as required by objective 1(b) of the VILUP Order.

## Okisollo Resources Ltd. – Woodlot Licence 2031

The complainant alleges that:

- Okisollo Resources Ltd. (Okisollo) is logging old forests despite stating in its woodlot licence plan (WLP) that it would retain existing old forests, even ‘scattered small patches of old forest.’

## Younger Brothers Holdings – Woodlot Licence 2032

The complainant alleges that:

- Younger Brothers Holdings is logging old forest to build roads in an area where harvesting is to be avoided during the term of the plan.
- Younger Brothers Holdings made substantive changes to its WLP in 2019 concerning old forest reserves without any written communication with the ministry about a major amendment to the plan.

## Background

Quadra Island is at the north end of the Strait of Georgia, northeast of Campbell River. The island lies within the territories of the Klahoose First Nation, K’ómoks First Nation, Tla’amin Nation, Wei Wai Kum First Nation, Wei Wai Kai First Nation, and the Homalco (Xwemalhkwu) First Nation.

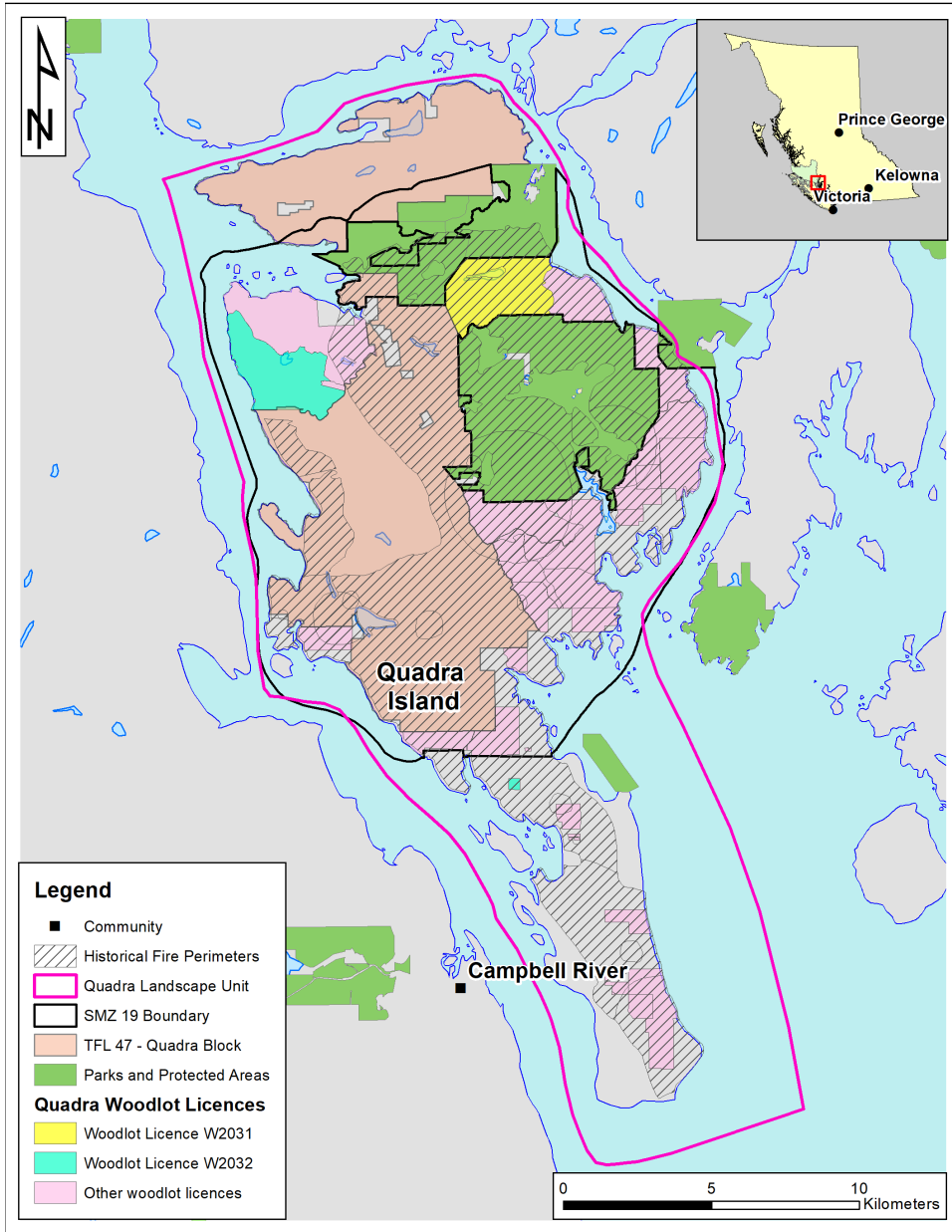
Quadra Island has a long history of natural and human-caused disturbances. Timber harvesting started in the late 19<sup>th</sup> century, and much of the island was burned by wildfire in the mid-1920s (see Figure 1).<sup>1</sup> These fires burned with varying intensity, leaving patches of old forest and scattered veteran trees intact.

By the late 20<sup>th</sup> century, most of the public forests on Quadra Island had been incorporated into TFL 47. In 1987, the provincial government took back five percent of the allowable annual cut from all major tenure holders in British Columbia to redistribute to the small business sector through a government program, now known as BC Timber Sales. The provincial government used the volume on Quadra Island to issue new woodlot licences.

The Quadra LU includes Quadra Island and has a gross area of about 38 000 hectares. Over 11 000 hectares are water, ocean, and lakes. Today, 11 woodlot licences within the Quadra LU cover a forested area of about 5 400 hectares. TFL 47 covers 9 400 forested hectares and 4 200 forested hectares in parks (see Figure 1).

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<sup>1</sup> According to provincial data for historical fire perimeters, the area within Woodlot 2032, held by Younger Brothers Holdings, was not burned.



**FIGURE 1.** Quadra LU showing the distribution of tenures and the historical fire perimeters. Much of the island burned in 1925.

### Management of Old Forests

The management of old forests on Quadra Island has been the subject of public interest since the early 1990s. In 1993, the Ministry of Forests worked with the Quadra Island Forest Resources Committee,<sup>2</sup> members of the general public, and resource agencies to develop the *Quadra Island Forest Management Plan* (the Quadra Plan). The Quadra Plan set out objectives and adopted measures to address the range of values identified by the local community, including the protection and recruitment of old forests. Although the Quadra Plan was not legally enforceable, it informed forest management decisions and practices.

<sup>2</sup> The Quadra Island Forest Resources Committee was an umbrella group that represented the interests of a variety of concerned groups and individuals on Quadra Island.

In 1995, the provincial government introduced the *Forest Practices Code of British Columbia Act* (FPC). It set out legal requirements for forest practices and enabled the provincial government to establish legal land use objectives.

In 2000, the provincial government published the VISLUP and brought the VILUP Order into force. The VILUP Order designates a portion of Quadra Island as SMZ 19 (1 of 21 SMZs on Vancouver Island). The VILUP Order sets biodiversity objectives to sustain ecosystem structure and function in SMZ 19, including targets for mature seral forests and objectives for stand-level biodiversity. It does not set legal targets for old forests. The intent in 2000 was for subsequent landscape unit planning to establish OGMAs. However, the VILUP Order had a two-year transition period; if a landscape unit plan was not completed during that time, then the biodiversity requirements specified in the order would become the objectives for licensees to follow. Landscape unit plans were never completed for SMZ 19, and the biodiversity objectives still apply today.

**TABLE 1.** Attributes and Differences Between the Quadra SMZ and the Quadra LU

QUADRA SMZ	QUADRA LU (outside the SMZ)
Mature target applies (the VILUP Order)	Old target applies (Non-Spatial Order)
Includes only a portion of Quadra Island	Includes all of Quadra Island
Parks not included	Parks included
Includes woodlots	Exclude woodlots
TimberWest FDU Qs	TimberWest FDU Qs and Qn

In 2004, the *Order Establishing Provincial Non-Spatial Old Growth Objectives* (Non-Spatial Order) established landscape units (LUs) and objectives for old forests across the province. The Non-Spatial Order does not apply to woodlots. The order set non-spatial old forest targets by biogeoclimatic variant within a LU. No OGMAs exist for the Quadra LU, and old forest targets are still managed non-spatially. Table 1 describes the differences between the Quadra SMZ and the Quadra LU.

The ecology of old growth forests is complex and highly variable across sites and forest ecosystems. The term ‘old growth’ is often used interchangeably with ‘old forest’ or ‘old seral forest.’ In this report, we use the term old forests. The Board has previously described coastal old forests in BC as stands that are older than 250 years, structurally complex with large old living trees, and with large dead snags, fallen dead trees and multi-layered canopies. The Board believes this qualitatively describes old forests but has no legal bearing.

#### Non-Spatial

Defines the percentage of old forest attributes to be retained within a specified area. The attributes are identified using vegetation inventories, but patches of old forest are not delineated and mapped.

#### Spatial

Using forest inventories to locate and map areas containing, or managed to contain, old forest attributes. Spatially identifying these areas leads to their designation as legal or non-legal OGMAs.

Source: Forest Practices Board, *Conserving Old Growth Forests in BC*, 2012. Available at: <https://www.bcfpb.ca/wp-content/uploads/2016/05/SIR36-OGMAs.pdf>



In recent years, the definition of old forests has received much attention through processes like the development of the *Great Bear Rainforest Land Use Objectives Order* (GBRO). As part of the Old Growth Strategic Review,<sup>3</sup> the provincial government formed the Old Growth Technical Advisory Panel (the Technical Panel) to carry out a detailed analysis of the status of old forests in BC and make recommendations on priority areas for deferrals.<sup>ii</sup> Although the complainant's interpretation aligns with the GBRO and Technical Panel's definitions of old forest, neither the GBRO nor the Technical Panel's definitions have legal bearing on Quadra Island.

On Quadra Island, old forests are legally defined by the Non-Spatial Order as forests greater than 250 years of age for the natural disturbance type and biogeoclimatic zones within the Quadra LU. The Non-Spatial Order does not incorporate stand structure or successional stage into the legal definition of old forests. How stand age is determined is important to understand because of the long disturbance history on Quadra Island. The provincial Vegetation Resources Inventory (VRI)<sup>iii</sup> defines stand age based on the estimated age of the main canopy, typically the co-dominant trees, for the leading and second leading species. The leading species has the highest basal area occupancy in the stand; the second leading species would have the next highest.

#### Great Bear Rainforest Land Use Objectives Order (GBRO)

A legal order that includes a definition for old forests that incorporates age, structural characteristics (including understory vegetation), and younger stands (<250 years) that have reached the climax successional stage for the ecosystem.

The **Technical Panel** describes old forests as **structurally complex natural ecosystems** that develop over long periods and vary with a landscape's topography, climate, soil and natural disturbance regime. The panel introduces the concept of **primary forests**. It describes primary forests as **naturally regenerating forests** whose structure, composition, and dynamics are **dominated by ecological and evolutionary processes**. They include naturally disturbed areas (wildfire) and forests managed by Indigenous peoples. Primary forests have not been disturbed by industrial activities.

<sup>1</sup> Ministry of Forests, Old Growth Technical Advisory Panel, 2021. Priority Deferrals – An Ecological Approach. Background and Technical Appendices. Accessed on March 28, 2024 at: [og\\_tap\\_background\\_and\\_technical\\_appendices.pdf \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/land/forests/oldgrowth/ogtap/ogtap-background-and-technical-appendices.pdf)

The past disturbances on Quadra Island have led to an abundance of mature forests (aged 80 to 120 years) and a scarcity of old forests. A recent provincial government report indicates only 143 hectares of old forests remain in the Quadra LU—approximately 1 percent of the forested public land outside of woodlots.<sup>iv</sup> The report states that 47 percent of the forested public land in the Quadra LU, including parks but excluding the area within woodlots, is mature forest. These mature forests often have scattered veteran trees present, remnants from past disturbances.

<sup>3</sup> In 2019, the government of British Columbia appointed an independent, 2-person panel as part of an Old Growth Strategic Review to engage the public in a conversation about old growth. On September 11, 2020, the government of British Columbia released the panel's report, [A New Future for Old Forests](#), and announced it was embarking on a new, holistic approach to protecting old-growth forests.

The density of these veteran trees varies across the island. Some, but not all, of these veteran trees are older than 250 years. In this report, veteran trees means both individual old trees and veteran trees. The complainant refers to these naturally disturbed stands as 'primary forests' and believes they should be considered old forests, however, these stands do not meet the age-based definition of old forests in the Non-Spatial Order.

**Veteran trees** are considerably older than the rest of the stand and are remnants of a much older stand. Veteran trees will have a much larger diameter or height than the main stand.

*Source: Banner, A., D. Meidinger, R.N. Green, and S.C. Saunders. 2019. Guidelines to support implementation of the Great Bear Rainforest Order with respect to Old Forest and Listed Plant Communities. Prov. B.C., Victoria, B.C. Land Manag. Handb.72. [www.for.gov.bc.ca/hfd/pubs/Docs/Lmh/LMH72.htm](http://www.for.gov.bc.ca/hfd/pubs/Docs/Lmh/LMH72.htm)*

The legal objectives set out in the VILUP Order and the Non-Spatial Order were established under the FPC. The management intent of these orders was described in supplemental documents such as the VISLUP and the implementation policy for the Non-Spatial Order. Under the FPC, provincial government decision-makers could use discretion in statutory decision-making to ensure that licensees' plans and permits were consistent with the management intent of the orders.

When the *Forest and Range Practices Act* (FRPA) replaced the FPC in 2005, decision-makers lost management discretion, and the onus was placed on licensees and professionals to ensure the results of their forest practices met the legal requirements. The best management practices described in guidance documents and the non-legally binding content of land use plans are intended to be considered and delivered by professionals as part of their mandate to uphold the public interest. This is a foundational underpinning of the FRPA model.

## Legal Requirements

This investigation involves assessing the compliance of TimberWest's forest practices with its forest stewardship plan (FSP) and the two woodlots' forest practices with their woodlot licence plans (WLPs).

### Forest Stewardship Plans

Section 5 of FRPA requires a licence holder who submits an FSP to the Minister for approval to specify intended results or strategies for objectives set by the government. Section 5(1.1) of FRPA requires the results and strategies in an FSP to be consistent with objectives set by the government. Once the FSP is approved, the results and strategies become enforceable under FRPA. There is no direct requirement to comply with the objectives set by the government, except through the commitments in an approved FSP.

Section 16(1) of FRPA requires the Minister to approve an FSP if it conforms to section 5. Forest district managers are normally delegated that authority by the Minister.

Section 21 of FRPA requires the holder of an FSP to ensure that the intended results specified in the FSP are achieved and strategies described in the FSP are carried out.

This means that the district manager must approve an FSP if the proposed results and strategies are consistent with the objectives set out in the VILUP Order and the Non-Spatial Order. Once

approved, under section 21 of FRPA, licensees must achieve the results and carry out the strategies specified in the FSP.

## Woodlot Licence Plans

Section 13 of FRPA sets out the content requirements for a WLP. It also specifies that a WLP need not be consistent with objectives set by the government to the extent that those objectives pertain to the retention of old forest, seral stage distribution, landscape connectivity, or temporal and spatial distribution of cutblocks.

The *Woodlot Planning and Practices Regulation* (WLPPR) includes several requirements that must be addressed in a WLP. Section 8(3) requires a woodlot licence holder to describe, in the WLP, areas where harvesting will be avoided or modified during the term of the plan for reasons including addressing resource management zones and landscape units established or continued under the *Land Act*. Section 11 requires a woodlot licence holder to specify a wildlife tree retention strategy that describes the species and characteristics of wildlife trees and the conditions under which wildlife trees may be removed.

These requirements are enforced under different provisions in the WLPPR:

- Section 53(1) states that a woodlot licence holder must not harvest timber in areas where harvesting will be avoided during the term of the WLP.
- Section 52(2) says that a woodlot licence holder must not cut, damage or remove wildlife trees except in accordance with the wildlife tree retention strategy.

Section 16(1) of FRPA requires the Minister to approve a WLP if it meets the content requirements set out in section 13.

Section 20(1) of FRPA permits a WLP to be amended without approval from the Minister. This section provides broad discretion for a woodlot licence holder.

In summary, a WLP is not required to be consistent with objectives for old forest or seral stage distribution in the VILUP Order or the Non-Spatial Order. A WLP must still address established resource management zones, including SMZs and LUs, in the areas where harvesting will be avoided or modified. The wildlife tree retention strategy in a WLP must describe the species and characteristics of a wildlife tree and under what conditions a wildlife tree can be cut. Unless these conditions apply, a wildlife tree cannot be cut, damaged, or removed from the woodlot licence area.

The detailed legal requirements are described in Appendix 1.

# Investigation Findings

This investigation involves three licensees operating on Quadra Island within SMZ 19 and the Quadra LU. The complainant believes that the government's failure to complete landscape-level planning and to spatially designate OGMAs, combined with the government's decision to establish or expand 11 woodlots in SMZ 19, has put the remaining old forests at risk of being logged or degraded. This investigation does not examine the government's past decisions on whether or not to complete landscape unit planning.

Board complaint investigations focus on compliance with FRPA and the *Wildfire Act*. Therefore, this report focuses on the three licensees' compliance with the legal requirements addressing ecosystem structure and function in the VILUP Order for SMZ 19 and the old forest objectives in the Non-Spatial Order for the Quadra LU.

The report first addresses the complainant's concerns with TimberWest on TFL 47. The investigation considers whether TimberWest's result and strategy for ecosystem structure and function in SMZ 19 are consistent with the VILUP Order objectives as required by section 5 of FRPA, and then whether TimberWest complied with section 21 of FRPA when it harvested five cutblocks within SMZ 19. The report then discusses whether TimberWest complied with section 21 of FRPA regarding how it plans and manages old forests within the Quadra LU.

The report then addresses the concern that Okisollo is logging old forests contrary to its WLP and is not adhering to its wildlife tree retention strategy, by assessing compliance with sections 53(1) and 52(2) of the WLPPR.

Finally, the report addresses the concern that Younger Brothers logged old forests to construct a road and then made substantial changes to its WLP without approval from the Ministry of Forests, by assessing compliance with section 53(1) of the WLPPR and section 20 of FRPA.

To investigate the issues identified in the complaint, the Board interviewed each licensee, the complainant, and numerous provincial government staff (current and retired). The Board reviewed the operational plans (FSP/WLP) and conducted a field review of the cutblocks identified in the complaint within all three licensees' operating areas.

## TimberWest

### **1. Are TimberWest's results and strategies for sustaining forest ecosystem structure and function in SMZs consistent with the VILUP Order objectives for SMZ19, as required by section 5(1.1) of FRPA?**

The complainant believes that TimberWest's FSP strategy for sustaining forest ecosystem structure and function within cutblocks is ineffective because TimberWest doesn't retain forest *within* cutblocks. The investigation examined whether the approved FSP is consistent with objectives 1a and 1b of the VILUP Order.

When a licensee submits an FSP for approval, it must be approved by the decision-maker if it conforms with section 5 of FRPA, which states that results and strategies must be consistent with established objectives. There is no legal requirement for FSP content to be effective.<sup>4</sup>

The TimberWest FSP includes a result or strategy for objectives 1(a) and (b) related to sustaining forest ecosystem structure and function in SMZ 19 (within the Quadra South Forest Development Unit, called FDU Qs). The bold superscript numbers in Figure 2 indicate the individual components of the objective that a result or strategy needs to address to be consistent with government objectives.

**VILUP HLPO Objective 1(a) and (b)**

1. Sustain forest ecosystem structure and function in SMZs, by:

(a) <sup>1</sup>[creating or maintaining stand structures and forest attributes associated with mature and old forests], subject to the following:

i. the <sup>2</sup>[target for mature seral forest should range between one quarter to one third of the forested area of each SMZ]; and

ii. in <sup>3</sup>[SMZs where the area of mature forest is currently less than the mature target range referred to in (i) above, the target amount of mature forest must be in place within 50 years];

(b) <sup>4</sup>[retaining, within cutblocks, structural forest attributes and elements with important biodiversity functions]

**FIGURE 2.** A breakdown of the individual components of the VILUP Order objective 1

The VILUP Order describes the structure and attributes of mature forests as 80 to 120 years old or older, having canopies that vary vertically or horizontally, or both. The order describes the structure and attributes of old forests as generally greater than 250 years of age, containing live and dead (downed and standing) trees of various sizes, including large-diameter trees and various tree species, including broad-leaved trees.

The TimberWest FSP includes the following commitments related to creating or maintaining stand structures and attributes associated with mature and old forests:

1. ***Creating or maintaining stand structures and forest attributes associated with mature and old forests.***

The TimberWest strategy commits to:

- Not harvesting any old forest; this includes individual veteran trees.
- Retaining wildlife tree retention areas (WTRAs).
- Retaining coarse woody debris (CWD) and wildlife trees and snags within cutblocks, where safe to do so.
- Managing to a small opening size, less than five hectares if clearcut.

<sup>4</sup> The Forest and Range Evaluation Program (FREP) measures the effectiveness of forest and range practices. The results from FREP evaluations should inform forest practices and the approval of FSPs and WLPs. A 2011 FREP report #30 found that in the CWHxm, density of large CWD pieces was lowest of the six subzones assessed at 11 percent of the baseline measurement. The FREP report recommends increasing the density of big pieces of CWD maintained in the harvest area.

**2. *Retaining at least 25 percent mature forest.***

The TimberWest strategy commits to:

- Not causing the proportion of mature forest area to drop below 25 percent within the Quadra FDU.

**3. *Recruitment of mature within 50 years, if necessary.***

The FSP didn't need to include a recruitment strategy for mature forests as TimberWest can demonstrate there is greater than 25 percent mature forest within the Quadra FDU.

**4. *Retention within cutblocks or non-contiguous with cutblock boundaries.***

The TimberWest FSP commits to:

- Retaining WTRAs. This strategy enables WTRAs to be placed contiguous with cutblock boundaries or sufficiently close to the cutblock that the wildlife trees could directly impact on, or be directly impacted by, a forest practice carried out in the cutblock.
- Retaining CWD, and wildlife trees and snags within cutblocks, where safe to do so.
- Not harvesting old forests, including veteran trees.

## Finding

TimberWest complied with section 5(1.1) of FRPA. Its result or strategy for sustaining forest ecosystem structure and function in SMZs is consistent with the VILUP Order objectives for SMZ 19. It commits to results or strategies that will create or maintain stand structures and forest attributes associated with mature and old forests, and retain, within cutblocks, structural forest attributes and elements with important biodiversity functions.

**2. Did TimberWest comply with section 21 of FRPA regarding its FSP strategies for sustaining ecosystem structure and function in SMZ 19?**

*VILUP Order Objective 1(a)*

*Sustain forest ecosystem structure and function in SMZs by:*

*(a) Creating or maintaining stand structures and forest attributes associated with mature and old forests, subject to the following:*

- the target for mature seral forest should range from one quarter to one third of the forested area of each SMZ, and,*
- in the SMZs where the area of mature forest is currently less than the mature target range referred to in (i) above, the target amount of mature forest must be in place within 50 years.*

The complainant believes that TimberWest has no effective strategy to meet the old forest targets implied by the VILUP Order. The complainant believes the VILUP Order ‘implies’ that old forest retention is required. VILUP Order objective 1a sets targets for mature forests. While old forests within the SMZ can contribute to achieving the mature forest target, there are no legal requirements for old forest targets in the VILUP Order. The TimberWest FSP includes results or strategies for FDU Qs that apply to the TFL 47 portion of SMZ 19. The old forest requirements are addressed in question 3, related to compliance with the Non-Spatial Order.

The TimberWest FSP sets out the following result and strategy for objective 1(a):<sup>5</sup>

Regarding objective 1(a), when planning primary forest activities, TimberWest will:

- i. Collaborate as required with other harvesting licence holders operating in the Special Management Zone to ensure that planned development and harvesting activities will not result in the proportion of mature forest area dropping below 25% in the FDU.

Section 21 of FRPA requires the holder of an FSP to ensure that the intended results specified in the plan are achieved and the strategies described in the plan are carried out. TimberWest conducted numerous SMZ analyses for TFL 47 and SMZ 19 between 2015 and 2023, and Board investigators verified them. These analyses indicate that more than 25 percent of the TFL 47 forested area within FDU Qs is mature or older forest. When TimberWest planned the harvesting activities on the five cutblocks in question, the forester referred to the most recent analysis to confirm that harvesting that area would not cause the amount of mature or older forest to drop below 25 percent. This is documented in the site plan for each cutblock.

The most recent analysis forecasts that at the end of its current five-year plan (2028), 41 percent of the forested area in TFL 47 will be mature or older. There are no other licensees harvesting timber within FDU Qs. Therefore, TimberWest doesn't need to collaborate with any other licensees to ensure its planned activities do not result in the amount of mature forest area dropping below 25 percent in the FDU.

## Finding

TimberWest complied with section 21 of FRPA regarding its strategy to address objective 1(a) of the VILUP Order. It ensured that the intended results specified in the plan were achieved and the strategies described in the plan were carried out. TimberWest conducted analyses between 2015 and 2023, demonstrating that development and harvesting activities would not result in the proportion of mature forest area dropping below 25 percent in the FDU. This was documented in the site plan for each cutblock.

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<sup>5</sup> This result or strategy was in effect from 2013 to 2022 and is applicable to the five blocks reviewed in the field.

## *VILUP Order Objective 1(b)*

*Sustain forest ecosystem structure and function in SMZs by:*

- (b) *Retaining, within cutblocks, structural forest attributes and elements with important biodiversity functions.*

The investigation examined the complainant's concern that TimberWest's results and strategies for sustaining forest ecosystem structure and function within cutblocks are ineffective because TimberWest doesn't retain forest *within* cutblocks. The complainant also believes that areas previously set aside for wildlife tree retention end up being logged. To assess this aspect of the complaint, the investigation examined whether TimberWest complied with its approved FSP strategy for objective 1(b) of the VILUP Order for five cutblocks<sup>6</sup> identified by the complainant.

The TimberWest FSP commits to the following results to address the retention of forest for objective 1(b) of the VILUP Order:

- retain wildlife trees as specified in section 66 of the FPPR, as it was at the time of the submission of this plan, and
- retain snags and wildlife trees within cutblocks, where safe to do so.

Board investigators field-reviewed the five cutblocks to determine whether TimberWest achieved these FSP commitments. TimberWest provided a summary for each 12-month period where harvesting each of the five cutblocks was completed to demonstrate compliance with section 21 of FRPA.

### *Part i – Wildlife Tree Retention Areas*

TimberWest achieved the minimum WTRA of 3.5 percent of the cutblock, as specified in section 66(2) of the *Forest Planning and Practices Regulation* (FPPR), in all but one of the five cutblocks. During each relevant year of harvest the minimum percent retention of seven percent of the total area of all cutblocks was exceeded.

WTRA is defined in the FPPR and by TimberWest's FSP as:

an area occupied by wildlife trees that is located

- (a) in a cutblock,
- (b) in an area that is contiguous to a cutblock or
- (c) in an area that is sufficiently close to the cutblock that the wildlife trees could directly impact on, or be directly impacted by, a forest practice carried out in the cutblock.

One TimberWest cutblock, 12-301, was designed to be mainly within the temporary deferred area of a larger planned opening involving multiple passes (cutblock 12-109C-P2). The WTRA for cutblock 12-109C-P2 applies to the entire planned opening and any future harvesting within the

<sup>6</sup> Cutblocks 12-108, 12-108A, 12-110, 12-301, and 12-650.



temporary deferral area, including cutblock 12-301. The WTRA is a larger polygon at 4.4 hectares, is anchored to a lake, and incorporates broad recreational values. It is representative of the surrounding stand and achieved 7.8 percent of the original planned opening (12-109-P2). However, the WTRA was approximately 200 metres away from cutblock 12-301, which is not sufficiently close<sup>7</sup> to the cutblock, so it does not meet the definition of a WTRA as set out in TimberWest's FSP. Cutblock 12-301 was harvested in early 2018, and the historic practice of 'shared' WTRAs is no longer used.

Accurate tracking of the location of WTRAs is necessary to ensure their long-term retention. All WTRAs must be reported to the district manager each year.<sup>8</sup> TimberWest reported the WTRA for each of the five cutblocks to the district manager. They appear in the forest cover reserve layer in the BC Data Warehouse. Sometimes TimberWest co-locates WTRAs with other types of reserves. The WTRAs were reported as riparian management area reserves (RMAs) for two of the cutblocks investigated.<sup>v</sup> WTRAs and RMAs are constrained for an entire rotation.

To ensure previously established WTRAs are not harvested when planning new cutblocks, TimberWest engineers use a map that shows all previously established retention types, including WTRAs and RMAs. If they propose to relocate any WTRAs, they follow the approved strategy in the FSP to guide when, how and where a WTRA can be relocated. When TimberWest harvested the five cutblocks, it did not harvest or relocate a WTRA.

### *Part ii – Retention within cutblocks*

Wildlife trees are broadly defined in the FPPR as a tree or group of trees that provide wildlife habitat and assist in conserving stand-level biodiversity. Some attributes of high-value wildlife trees include:

- trees with decay, crevices, brooms, or other structural element suitable for wildlife use,
- large dead trees,
- large trees for the site, including veterans,
- locally important wildlife tree species, and
- uncommon species, stand characteristics and other elements of stand-level biodiversity.

TimberWest retained wildlife trees and downed logs on all cutblocks examined by the Board. The trees retained were consistent with the attributes of a high-value wildlife tree. TimberWest told the Board that a veteran tree is left on site when it must be felled for safety reasons.

Investigators observed this in the field.<sup>vi</sup>

## Findings

TimberWest did not comply with section 21 of FRPA because a designated WTRA was not sufficiently close to cutblock 12-301.

TimberWest complied with section 21 of FRPA when it retained wildlife trees within cutblocks.

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<sup>7</sup> Both the [Wildlife Tree Retention Management Guidance](#) and the [FRPA Bulletin 15 Managing and Tracking WTRAs under FRPA](#) refer to one tree length as "sufficiently close" to a cutblock.

<sup>8</sup> Section 86(3)(iv) of the FPPR refers to reporting on the location and approximate size of all associated wildlife tree retention areas.

### 3. Did TimberWest comply with section 21 of FRPA regarding its FSP strategy for old growth objectives in the Provincial Non-Spatial Old Growth Order?

The complainant is concerned that TimberWest has no effective strategy to meet old forest targets. They also assert that TimberWest is not abiding by the general biodiversity conservation management strategy recommended in the VISLUP, which refers to maintaining second growth with high portions of veteran trees to achieve old forest retention. Although this strategy is not a legal requirement, it should inform forest management practices.

Old forest targets that apply to the Quadra LU are set out in the Non-Spatial Order. The investigation considered whether TimberWest complied with section 21 of FRPA related to its FSP strategy for the Non-Spatial Order.

The TimberWest FSP commits to the following strategy<sup>9</sup> for FDU Qs and Quadra North (Qn) within the Quadra LU:

- Old Forest Targets
  - Planning of primary forest activities will take place in a manner that ensures the amounts of old forest retention specified in the Non-Spatial Order for retention and recruitment are satisfied, to the extent practicable.
  - TimberWest will not allow its primary forest activities to cause the percentage retention to fall below the target amounts specified in the Non-Spatial Order.
- Operational Commitments
  - TimberWest remains committed to not harvesting any old growth, other than that absolutely required for road construction or safety until OGMAs are established.

#### *Old Forest Targets*

The Non-Spatial Order sets legal targets for old forests based on natural disturbance type (NDT), biogeoclimatic zone (BEC), and biodiversity emphasis defined in the Non-Spatial Order. The Quadra LU is in the NDT 2, coastal western hemlock (CWH) biogeoclimatic ecosystem, with an intermediate biodiversity emphasis. The old forest target for the Quadra LU is greater than nine percent of the forested public land, excluding woodlots, within the LU.

The Non-Spatial Order objective for old forests is subject to a provision addressing recruitment<sup>10</sup> and points to the *Implementation Policy*<sup>vii</sup> for guidance. The *Implementation Policy* states that in intermediate emphasis LUs like Quadra, the intent is to capture the entire old forest objective immediately and that recruitment strategies must reflect the strategies outlined in the *Landscape Unit Planning Guide*<sup>viii</sup> (LUPG). The *Implementation Policy* and LUPG are supporting documents to the Non-Spatial Order, not legal requirements, but they inform the implementation of the Order.

The LUPG contains a range of specific directions and guidance related to planning for old forests. It indicates that in intermediate emphasis LUs, such as the Quadra LU, where there is a deficit of old forests, a recruitment strategy should indicate where and how the old forest target will be

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<sup>9</sup> TimberWest FSP content is summarized here under headings that are not part of the approved strategy. This is not verbatim to the content of the FSP. It is summarized in this way to improve clarity in how the content is referenced in this report.

<sup>10</sup> 7. In landscape units where there is: a. An immediate recruitment situation due to insufficient old forest in a variant; or b. An epidemic or catastrophic natural event such as wildfire or insects, a recruitment strategy approved by the Minister or delegate can be used to meet the requirements of Objective 2, 3, and 4.

achieved in the shortest possible timeframe. Non-productive lands such as swamps, grasslands, and non-productive forests do not contribute to meeting old forest targets. RMAs may contribute to old forest targets and commonly form an anchor for OGMAs. Similarly, WTRAs contribute to landscape-level forest structure and may contribute to old growth targets if:

1. they are comprised of old forests; and
2. they are more than two hectares in size.

For TFL 47, TimberWest monitors the legal targets using its forest cover inventory data. TimberWest analyses from 2017 and 2023 indicate the amount of old forest in the TFL 47 portion of the Quadra LU (FDU Qs and Qn) is between 4 and 5 percent. The most recent TimberWest analysis indicates there are 471 hectares of old forests or 5 percent of the forested area within TFL 47 (Table 2).<sup>11</sup> This is less than the minimum old forest target set in the Non-Spatial Order.

**TABLE 2.** Seral Stage Distribution in TFL 47 in the Quadra LU – TimberWest Analysis

LAND BASE REFERENCE	FORESTED AREA (ha)	LEGAL TARGET		ACTUAL DISTRIBUTION					
		OLD (>250yr) FORESTED AREA (ha)	% OLD	OLD (>250yr) FORESTED AREA (ha)	% OLD	MATURE (>80 -250 yr) FORESTED AREA (ha)	% MATURE	YOUNG (<=80yr) FORESTED AREA (ha)	% YOUNG
TFL 47 in Quadra LU	9433	849	9	471	5	3347	35	5615	60

The TimberWest FSP strategy was approved with a commitment to ensure the old forest target is satisfied for retention and recruitment. Since there is only five percent of old forest remaining within FDU Qs and Qn, there is a deficit of old forest. The word ‘ensure’ refers to making certain of the outcome and requires active measures and systems to demonstrate the commitment is being achieved. The word ‘satisfy’ means to comply fully. The FSP strategy was approved without measurable or verifiable steps in place, which is a legal requirement, to ensure the old forest target would be satisfied.

To ensure the existing old forest is retained, the TimberWest FSP strategy commits to not harvesting it. When planning primary forest activities, TimberWest avoids development within patches of old forest identified in the inventory. As discussed earlier, these are stands of forest where the estimated age of the main canopy (not the veteran trees) is greater than 250 years. TimberWest also considers areas with greater than 20 individual veteran trees per hectare as old forests. If old forest is found during layout activities, it is excluded from the cutblock. For each of the 5 cutblocks, the site plan indicates that no old forest existed within the cutblock.

<sup>11</sup> The 2023 analysis does not include parks and protected areas in the calculation.

To ensure recruitment of mature forests to satisfy the old forest target, TimberWest carries out regular analyses to monitor that overall, the amount of available mature forest is not diminished or less than the amount needed to fulfil the mature forest target and the deficit of old forest. TimberWest told the Board there are almost 400 hectares of long-term retention polygons on Quadra Island that could form the anchors for OGMA polygons. These long-term retention polygons are the stand-level retention areas comprised primarily of WTRAs and RMAs. These long-term stand-level retention polygons represent four percent of the TFL 47 forested land base within the Quadra LU. The age class distribution of the long-term retention polygons is described in Table 3.

**TABLE 3.** Age Class Distribution of Areas Within Long-term Stand-level Retention Polygons in the Quadra LU

AGE CLASS	FORESTED AREA (ha)	PERCENT OF RETAINED
0-40	7.5	2
41-80	29.1	9
81-120	290.6	87
121-250	3.2	1
250+	4.6	1
<b>TOTAL FORESTED (ha)</b>	<b>334.9</b>	
<b>NON-PRODUCTIVE</b>	<b>48.0</b>	
<b>TOTAL RETENTION (ha)</b>	<b>382.9</b>	

Due to the small cutblock sizes in SMZ 19, the WTRAs are small. According to TimberWest tracking information, the average size of WTRAs for cutblocks harvested in the Quadra LU<sup>12</sup> is 0.6 hectares. Since these WTRAs are smaller than two hectares, they are not ideal candidates for recruitment areas.

TimberWest does not employ a strategy to ensure that the appropriate amount of mature forests will become old. The long-term stand-level recruitment polygons are generally very small, and the non-productive area does not contribute to the recruitment of old forests. TimberWest told the Board it does not intend to identify spatial OGMA polygons without direction from the First Nations and the provincial government as part of future forest landscape planning. There is currently no forest landscape planning scheduled for Quadra Island.

<sup>12</sup> The sample analyzed included four years of harvesting data on Quadra Island in TFL 47 between the years 2017 – 2022.



**FIGURE 3.** TimberWest cutblock 12-650. Veteran trees were retained during the harvesting of the surrounding stand.

### *Operational Commitments*

The TimberWest FSP commits to not harvesting any individual old trees. In practice, TimberWest retains individual veteran trees that may be younger than 250 years of age and refers to both as veteran trees. TimberWest told the Board that veteran trees rarely need to be removed for safety reasons, and if they do need to be cut, they are left on site as CWD. This is consistent with observations Board investigators made in the field where veteran trees identified on the site plans were left standing within cutblocks. The Board also observed veteran trees felled for safety and retained on-site.

TimberWest also told the Board that veteran trees rarely need to be removed during road construction. TimberWest showed Board investigators an example where road construction

avoided numerous veteran trees. The site plans for cutblocks evaluated by the Board identified veteran trees for retention in the cutblock and adjacent to roads.

In summary, TimberWest's FSP commits to planning primary forest activities in a manner that ensures the amounts of old forest retention specified in the Non-Spatial Order for retention and recruitment are satisfied. Since there is only five percent of old forest remaining in Qs and Qn<sup>13</sup>, there is a deficit of old forest, and recruitment is required. TimberWest's planning of primary forest activities does not demonstrate how it will ensure recruitment of mature forest will occur to achieve the old forest target. It depends on the contribution of small stand-level retention polygons that are primarily less than 100 years of age and on the abundance of mature forests in the LU that will eventually become old.

## Finding

TimberWest did not comply with section 21 of FRPA regarding its FSP strategy for the Non-Spatial Order objective for old forests. The TimberWest FSP strategy commits to planning primary forest activities to ensure the amount of old forest retention specified in the order for retention and recruitment is satisfied. However, TimberWest's planning does not ensure that the amount of old forest specified in the order will be satisfied.

## Okisollo Resources Ltd. (Okisollo)

### 1. Did Okisollo Resources comply with sections 52(2) and 53(1) of the WLPPR when it harvested cutblocks 19-01 and 19-02?

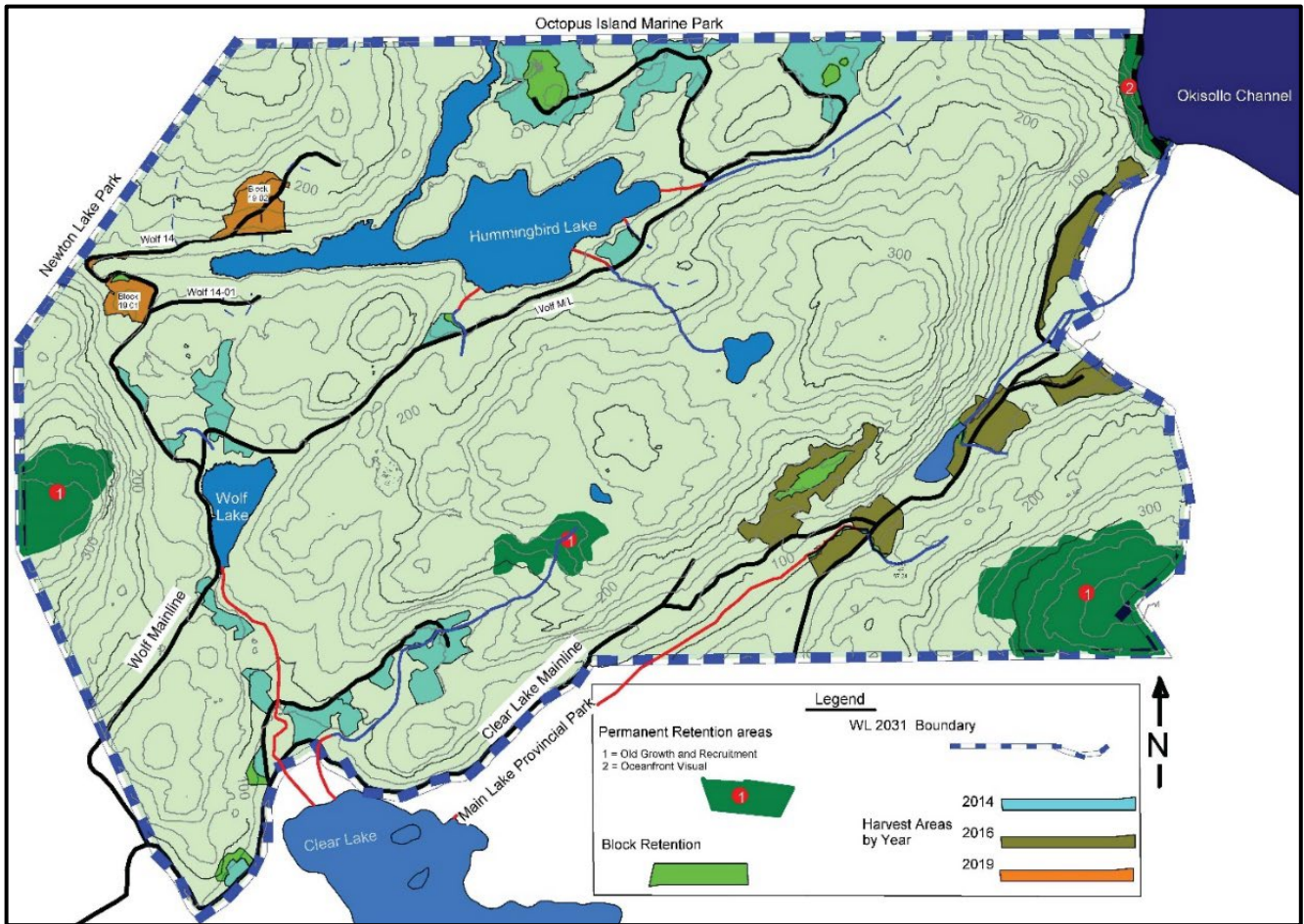
The complainant believes Okisollo is logging old forests despite stating in its WLP that it would retain existing old forests, even "scattered small patches of old forest." They are concerned about the logging of about 35 veteran trees from block 19-02 and believe this was not consistent with the WLP. Woodlots are not required to protect or conserve old forests, as the Non-Spatial Order does not apply to woodlots. The investigation examined two recent cutblocks to determine if Okisollo followed its WLP commitments for areas where harvesting will be avoided and wildlife tree retention.

#### *Section 53(1) of the WLPPR*

Section 53(1) of the WLPPR states that a woodlot licence holder must not harvest timber in areas identified under section 8(3) of the WLPPR as areas where harvesting will be avoided during the term of a WLP. According to section 8(3)(c) of the WLPPR, woodlot licensees are required to describe in the WLP areas where timber harvesting will be avoided or modified to "address" areas described as resource management zones and landscape units. The Okisollo WLP identifies permanent retention areas, including biodiversity reserves, as areas where harvesting will be avoided for the term of the plan (see Figure 4). The three biodiversity reserves include the areas of old forest (>250 years) identified in the woodlot management plan (2010) and timber supply analysis report (2007). Two biodiversity reserves incorporate adjacent mature stands as recruitment areas to enlarge existing and future old forests.

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<sup>13</sup> According to TimberWest inventory data and analysis.



**FIGURE 4.** Map showing the location of the W2031 permanent reserves and cutblocks 19-01 and 19-02 (two brown areas in the top left corner).

Okisollo harvested cutblocks 19-01 and 19-02 in 2019. The site plans described both cutblocks as vigorous second-growth forests with a sparse understory, scattered veteran trees, and evidence of fire. Neither cutblock was over 250 years old, nor did either overlap an area where harvesting would be avoided during the term of the WLP.

**Finding**

Okisollo complied with section 53 of the WLPPR as the two cutblocks did not overlap with an area where harvesting would be avoided during the term of the WLP.

***WLPPR Section 52(2)***

Section 52(2) of the WLPPR states that a woodlot licensee must not cut, damage or remove wildlife trees or trees within a WTRA except in accordance with the wildlife tree retention strategy (WTR strategy) approved in the WLP.

The FPPR defines wildlife trees as a tree or group of trees that (a) provide wildlife habitat and (b) assist in the conservation of stand-level biodiversity. The FPPR definition of a wildlife tree applies to the WLPPR. The WLPPR contemplates a woodlot licensee providing a more specific or detailed description of wildlife trees. Section 11 of the WLPPR requires a woodlot licence holder to specify

in their WLP a WTR strategy that generally describes the species and characteristics of individual wildlife trees and the conditions under which individual wildlife trees may be removed.

The preamble in the Okisollo WTR strategy describes the intent of the strategy, but the content is not enforceable. The preamble states that the WTR strategy involves assessing individual old veterans scattered in some mid-seral stands during the planning phase for retention potential. It also indicates there will be limited utilization of individual wildlife trees.

The enforceable part of the WTR strategy is the description of the species and characteristics of an individual wildlife tree and the conditions under which individual wildlife trees may be removed. Both of these requirements are described in detail in the Okisollo WLP under clearly defined headings.

### **Species and Characteristics of Individual Wildlife Trees**

The Okisollo WLP describes the species and characteristics of individual wildlife trees as:

- Tree classes 4-9<sup>1</sup>, dead trees that generally have no merchantable log value.
- Tree classes 1-3<sup>1</sup> that provide for future wildlife tree value over time.
- Trees that include some or all of the following features:
  - greater than 15m in height
  - at least 30cm in diameter for large cavity nesters
  - smaller diameter for small cavity nesters
  - broken tops
  - some intact bark and branches
  - forks, crooks, or large brooms
  - active use
  - proximity to other resources (riparian)
  - wind-firmness

In the extensive stands of mature second growth, high-value individual WLTs have current wildlife presence or other indicators suggesting decay or structural potential for future use.

Burned areas may provide larger diameter veteran Douglas-fir and western red cedar that are suitable wildlife habitats. These old trees are frequently class 2 wildlife trees with broken tops, evidence of heart rot, and thick sloughing bark.

The section of Okisollo's WLP describing the species and characteristics of individual wildlife trees commits to doing assessments for wildlife tree potential in three separate instances within the strategy, referencing an emphasis on the traditional high-value wildlife species of Douglas-fir and western red cedar, and that trees will be assessed for wildlife characteristics, rated habitat value and also the danger category based on the activity planned. It also commits to conducting a windthrow assessment for high-value wildlife trees to determine the future stability of the trees after the treatment is conducted.



### *Conditions Under Which Individual Wildlife Trees Can be Removed*

The Okisollo WLP includes the conditions under which wildlife trees can be removed.

- Specific wildlife trees may be removed if they are assessed and determined to be a safety hazard or become infested with insects.
- Alternatives to the removal of the wildlife tree will be given priority, such as establishing a no-work zone. Where tree removal is necessary, salvage will be allowed.

Both cutblocks harvested by Okisollo burned in a wildfire in the 1920s, and both had scattered remnant Douglas-fir and western red cedar veteran trees that survived the fire. In cutblock 19-01, two of five veteran trees were retained within the block, one individual and one in a WTRA. In cutblock 19-02, 16 of the approximately 50 veteran trees were retained (see Figure 5). Several scattered veteran trees were retained outside the boundary of both cutblocks.



**FIGURE 5.** Retention of veteran trees within cutblock 19-02 – In the left image, there were approximately 50 veteran trees during harvesting activities. In the right image, 16 veteran trees remain upon completion of harvesting.

Okisollo told the Board that it instructed the logging contractors and contract managers to retain the scattered individual veteran trees where safe and practicable. Okisollo could not provide the Board with documented assessments of the wildlife tree characteristics, habitat value or safe retention potential of individual veteran trees conducted for either cutblock. It is unknown if any of the removed trees exhibited wildlife tree characteristics other than:

- being remnants from stands previously burned by wildfire,
- the species,
- the height, and
- the large diameter.

It is also unknown if any alternative to removal was considered.

Okisollo cannot demonstrate how it assessed individual trees for wildlife tree characteristics and retention potential. The description of individual wildlife trees in the WLP is broad and relies heavily on the assessment of wildlife characteristics, rated habitat value, and the danger category. The WLP is clear that wildlife trees can only be cut, damaged, or removed if an assessment of wildlife characteristics is done and alternatives to removal are considered. Since no assessments were documented, it is impossible to know if any veteran trees removed from the cutblocks met the WLP species and characteristics of a wildlife tree and what alternatives to removal existed or were considered. Documentation of the assessment<sup>14</sup> is necessary in order to verify that the WTR strategy was carried out.

## Finding

Okisollo did not comply with section 52(2) of the WLPPR because it did not follow its wildlife tree retention strategy when it harvested cutblocks 19-01 and 19-02.

## Younger Brothers Holdings (Younger Brothers)

### 1. Did Younger Brothers Holdings comply with section 53 of WLPPR when it harvested trees to build a road through an "area where harvesting will be avoided" identified in the approved WLP?

The complainant is concerned that Younger Brothers is logging old forests to build roads and degrading old forests by removing trees 250 years old and younger that surround old trees. They provided an example of this at Darkwater Lake on Quadra Island. The investigation considered whether Younger Brothers complied with its WLP when it built a road through two areas identified in the WLP as areas where harvesting would be avoided.

The WLP was approved in 2011 with a network of reserves identified as 'areas where harvesting will be avoided.' A total of 122 hectares were identified as reserves; 56 hectares of those were designated old forest reserves, intended to preserve old forest types. The same 122-hectare network of reserves was also identified as a WTRA in the wildlife tree retention strategy. According to section 53 of the WLPPR, the WLP holder must not harvest any timber from within areas where harvesting will be avoided for the term of the WLP. The WLP's wildlife tree retention strategy includes conditions under which trees may be removed from a WTRA, including providing road access to adjacent stands. Although the wildlife tree retention strategy allows road construction through a WTRA, section 53 continues to apply, restricting all harvesting within the same areas.

Younger Brothers harvested trees in September 2018 and March 2019 to build a road. They cleared approximately 200 metres of road right-of-way through the middle of polygons identified in the WLP as areas where harvesting will be avoided. Both polygons were typed as age class 9 (>250 years) in the forest cover label<sup>15</sup> on the WLP map and identified as old forest reserves on the WLP map. Younger Brothers told the Board that no old trees were harvested along the road right-of-way. Younger Brothers told the Board it believed it was operating within the bounds of

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<sup>14</sup> According to the Forest Professionals of BC, documentation of a professional decision must be sufficient to support the decision and meet the intended objectives of the decision and actions (Professional Quality Rationales, FPBC, March 2021).

<sup>15</sup> The Board recognizes that forest cover inventory labels require field-verification to confirm the attributes of the polygon, including stand age.

its WLP when constructing an access road through a WTRA. While no old trees were harvested, Younger Brothers still harvested trees from areas where harvesting was to be avoided.

## Finding

Younger Brothers did not comply with section 53 of the WLPPR because when it built the road, it harvested trees from an area where its WLP said harvesting was to be avoided.

### **2. Did Younger Brothers Holdings comply with section 20 of FRPA when it amended its WLP to modify the “areas where harvesting will be avoided” and the “wildlife tree retention strategy” sections of the WLP?**

The complainant asserts that Younger Brothers made substantial changes to its WLP without approval from the Ministry of Forests. Section 20(1) of FRPA offers broad authority to woodlot licence holders to amend their WLP without approval. The investigation considered whether the February 17, 2019, amendment to the WLP complied with FRPA<sup>16</sup>.

According to section 20(1) of FRPA, the only required conditions to amend a WLP without approval are that the proposed amendment conforms to the basic legal requirements of section 13 of FRPA and “does not materially change the intended results or strategies in the plan.” FRPA and the WLPPR then exempt woodlot licence holders from having to propose results and strategies in their WLP for most government objectives.<sup>17</sup> This means that woodlot licence holders have very broad discretion to amend any part of their WLP, except the cultural heritage resources result or strategy, without public review and comment or government approval, as long as the WLP meets all the content requirements.

Younger Brothers prepared an amendment not requiring approval on February 17, 2019. This letter references amendments to the wildlife tree retention strategy and changes to the areas where timber harvesting will be avoided. Neither of these sections of the WLP are “results or strategies” as defined in the FPPR. The letter was signed by a forester acting as a consultant to the woodlot licence holder and sent to the Campbell River Natural Resource District on the same day.

An amendment not requiring approval is effective when it is signed in accordance with section 13(4) of FRPA. That section simply requires the woodlot licence holder, or by a person who is authorized to sign on behalf of the licensee, to sign the WLP or an amendment to the plan. As such, the amendment took effect on February 17, 2019.

## Finding

Younger Brothers complied with section 20 (1) of FRPA when it amended its WLP.

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<sup>16</sup> This amendment was made after the harvesting for the road right-of-way occurred, so it has no bearing on the previous finding.

<sup>17</sup> Section 10 of the WLPPR exempts a woodlot licence holder from specifying a result or strategy for all but the cultural heritage resource objective. See the Appendix for the full text of section 10.

# Discussion

The complainant is concerned old forests that should contribute to achieving the old forest target in the Quadra LU are being harvested. They are concerned that woodlots were issued in the Quadra LU when the Province knew that woodlots did not have to adhere to old and mature forest targets. They believe the failure to complete landscape-level planning for the Quadra LU put the remaining old forests at risk of being harvested. The Board considered who is currently responsible for monitoring the achievement of seral-stage targets.

## Who is responsible for monitoring the achievement of old and mature seral targets, and is that being done?

The legal objectives for old and mature targets were established over 20 years ago. When these objectives were established, the provincial government intended that landscape unit planning would happen and old forests would be spatially identified up to the target amounts. Under the FPC, forest districts monitored the achievement of targets to inform decision-making. The implementation of FRPA in 2005 marked a shift in the regulatory approach, transitioning to a results-based legal framework. Under this system, district manager discretion was removed, and the responsibility for meeting legal requirements primarily shifted to licensees.

The Ministry of Forests told the Board that it is not currently monitoring the achievement of the old and mature forest targets. The Land Use Planning and Cumulative Effects Division of the Ministry of Water Land and Resource Stewardship recently published the *Current Condition Report for Old Growth Forest on Vancouver Island – 2019 Analysis*.<sup>ix</sup> This report identifies the status of old forests in LUs on Vancouver Island, including those that are deficient in old forests including the Quadra LU (Table 4). It speaks to the need for recruitment strategies to be in place for units that have fewer old forests than the target amounts. It is unclear who is responsible for ensuring old forest recruitment strategies are in place so that targets can eventually be achieved.

**TABLE 4.** Summary of the Area Within the Quadra LU by Seral Stage and Old Target

QUADRA LU	FORESTED LAND BASE (ha)	IMMATURE (ha)	MATURE (ha)	OLD (ha)	OF TARGET	% of TARGET IN OLD	% of TARGET IN RECRUITMENT
CWHxm1	1403	578	824	1	126	0	100
CWHxm2	9491	4612	4754	125	854	15	85
CWHmm1	1289	1076	196	17	116	15	85

The Technical Panel identified old forest recruitment polygons in the Quadra LU, but those were not included as temporary deferrals.<sup>18</sup> Representatives from the Campbell River Forest District (the District) told the Board that some licensees are concerned about the impacts that deferrals for old forest recruitment would create on timber supply. They also told the Board that some

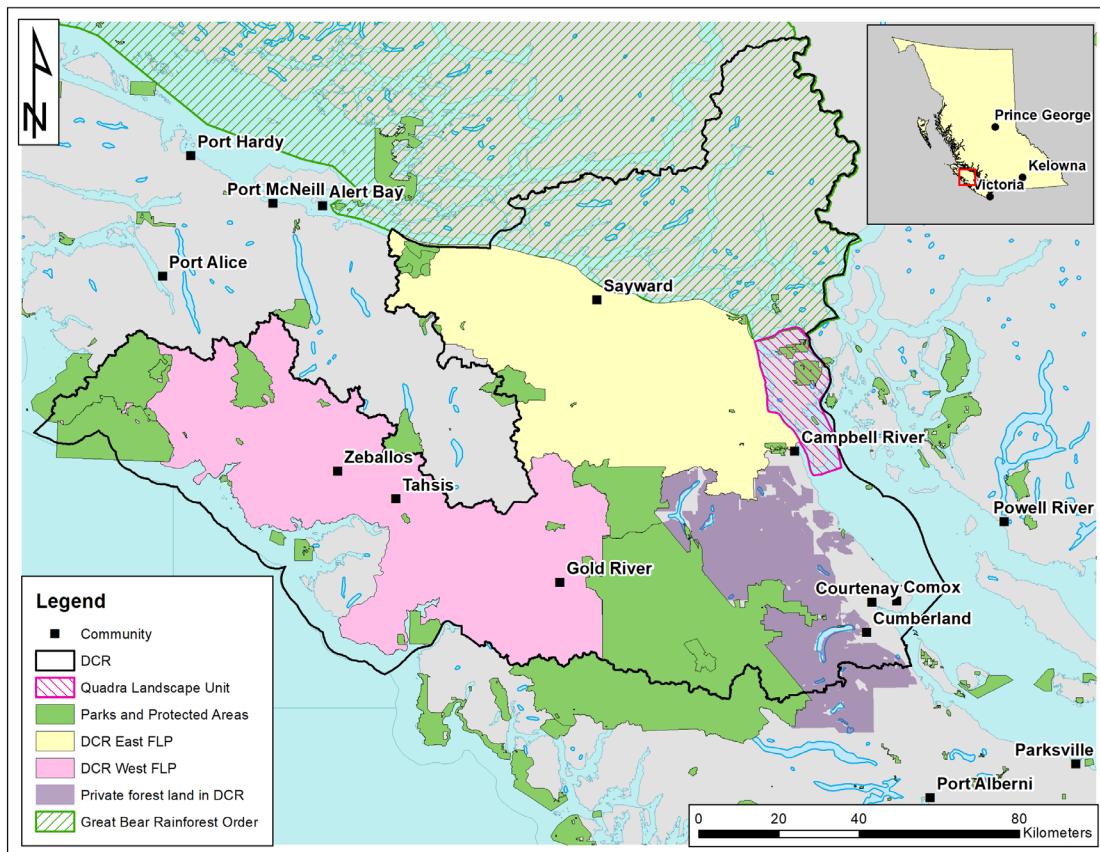
<sup>18</sup> The Old Growth Technical Panel identified temporary deferral areas to help protect and support old growth vulnerable old growth forests while First Nations, the provincial government, and other partners developed long-term approaches for old growth forest management.

members of the Quadra Island community and some First Nations within the broader area are interested in old forest recruitment. However, since the provincial government's response to the Technical Panel didn't require deferrals for old forest recruitment, nothing has been done.

The government recently amended FRPA to include forest landscape plans (FLPs) as part of a new approach to managing forests. Two new FLPs were initiated in the District, but neither includes the Quadra LU. The area to the north of Quadra Island is subject to the GBRO, which also does not include the Quadra LU. The area south of the Quadra LU is almost entirely private land (see Figure 6.) This means that the current FLPs won't address the old forest deficit issue on Quadra Island.

## What are the implications of the current approach to old forest management in the Quadra LU?

It is unclear how much old forest area exists in the Quadra LU. The *Current Condition Report for Old Growth Forest on Vancouver Island* excludes the forested area in woodlots, which is 30 percent of the forested area in the LU. Since the area in woodlots is not included in the area of the LU, the establishment of woodlots reduces the amount of old forest required within that LU. The report indicates there are 143 hectares of old forest in the Quadra LU. TimberWest's inventory data identifies 471 hectares of old forest within TFL 47 in the Quadra LU. Regardless of which numbers you use, there is a deficit of old forest in the Quadra LU relative to the target in the Non-Spatial Order.



**Figure 6.** Quadra Island is surrounded by LU's already incorporated into other land use plans or FLP planning units.

The Non-Spatial Order is over 20 years old, and it remains unclear who is responsible for addressing the recruitment of old forests in LU's with an old forest deficit. Without a recruitment strategy, areas with higher densities of veteran trees or the oldest mature forests may never have the opportunity to grow into old forests.

## Conclusions

This investigation examined the activities of three licensees operating on Quadra Island within SMZ 19 and the Quadra LU. The complainant believes that the failure to complete landscape-level planning and to spatially designate old growth management areas, combined with the provincial government's decision to establish or expand 11 woodlots in SMZ 19, has put the remaining old forest at risk of being logged or degraded.

The Board found that TimberWest complied with the legal requirement regarding managing mature forests but did not comply with the requirement for old forests within TFL 47. At the stand-level, TimberWest is retaining elements of biodiversity and ecosystem function within cutblocks but did not achieve wildlife tree retention requirements in one cutblock.

TimberWest can demonstrate that it doesn't log existing old forests or individual old trees. However, since there is a deficit of old forests, recruitment is required to satisfy the full target amount of greater than nine percent. TimberWest cannot demonstrate how its planning for primary forest activities ensures that the entire target will be satisfied, or that adequate amounts of mature forest will eventually become old.

Okisollo is managing the old forest polygons within W2031 as areas where harvesting will be avoided for the term of the WLP. The wildlife tree retention strategy in the Okisollo WLP does not require additional commitments for old forest polygons beyond the areas where harvesting will be avoided, but it does commit to retaining wildlife trees within cutblocks. Okisollo could not demonstrate how it assessed individual trees for wildlife tree characteristics and retention potential, which is a requirement in the WLP.

The Younger Brothers WLP commits to not harvesting old trees, and it included some old forest polygons as areas where harvesting will be avoided in its WLP. The same network of reserves was also identified as WTRAs in the wildlife tree retention strategy. When Younger Brothers built a road through a WTRA (which is permitted in the WLP), it also built a road through an area where harvesting was to be avoided for the term of the plan, which did not comply with the WLPPR.

This investigation highlighted concerns with old forest management on Quadra Island. Woodlots cover 5,400 hectares within the Quadra LU, but since they are excluded from the Non-Spatial Order, there is no old forest target in woodlots, and any old forest in those woodlots does not contribute to meeting provincial targets. There is a deficit of old forest in the Quadra LU; how much of a deficit depends on which data is used—the licensee's or the provincial government's.

No one in the provincial government considers it their responsibility to ensure recruitment strategies are in place where a deficit of old forest exists. It points to FLPs as the solution to this issue. However, forest landscape planning will not solve this problem in the short term as the Quadra LU has not been included in either of the two new FLPs in the District.

## Recommendations

In accordance with section 131 of the *Forest and Range Practices Act*, the Board recommends that TimberWest amend its FSP to include a measurable or verifiable strategy for the recruitment of old forest that describes how it will ensure the full target amount of old forest is achieved in the Quadra LU.

In accordance with section 132 of FRPA, the Board requests TimberWest respond by December 31, 2024, stating whether it accepts, partially accepts, or rejects this recommendation, and describe the actions it intends to take to address it.

# Appendix 1 – Legal Requirements

## *Vancouver Island Land Use Plan*

1. Sustain forest ecosystem structure and function in SMZs, by:
  - a) Creating or maintaining stand structures and forest attributes associated with mature<sup>19</sup> and old<sup>20</sup> forests subject to the following:
    - i. The target for mature seral forest should range from one-quarter to one-third of the forested area of each SMZ;<sup>21</sup> and
    - ii. In the SMZs where the area of mature forest is currently less than the mature target range referred to in (i) above, the target amount of mature forest must be in place within 50 years;
  - (b) retaining, within cutblocks<sup>22</sup>, structural forest attributes and elements with important biodiversity functions<sup>23</sup>;

## *Provincial Non-Spatial Old Growth Order*

2. To contribute to the conservation of biodiversity, licensees must maintain old forest by biogeoclimatic variant within each landscape unit.
  - Quadra Landscape Unit – Intermediate Biodiversity emphasis
    - CWHmm1 – >9% (NDT2)
    - CWHxm – >9% (NDT2)

## *Forest and Range Practices Act*

### Forest stewardship plan required

- 3 1) Before the holder of a licence or an agreement harvests timber or constructs a road on land to which the licence or agreement applies, the holder, subject to section 4, must
  - (a) prepare and obtain the minister's approval of a forest stewardship plan that includes a forest development unit entirely containing the area on which
    - (i) the timber is to be harvested, and
    - (ii) the roads are to be constructed, or

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<sup>19</sup> The mature seral forest is defined as generally 80 to 120 years old or older, depending on species and site conditions. The structure of mature seral forests generally includes canopies that vary vertically or horizontally, or both. The age and structure of the mature seral stage will vary significantly by forest type and from one biogeoclimatic zone to another.

<sup>20</sup> The old seral forest is defined as generally greater than 250 years old, containing live and dead (downed and standing) trees of various sizes, including large diameter trees, and of various tree species, including broad-leaved trees. The structure of old seral forest varies significantly by forest type and from one biogeoclimatic zone to another.

<sup>21</sup> Mature seral targets will be established through landscape unit planning. See transition provisions under III.

<sup>22</sup> 'Within cutblocks' generally means non-contiguous with cutblock boundaries.

<sup>23</sup> This includes, but is not limited to snags, wildlife trees, downed logs.



(b)propose and obtain the minister's approval of amendments that provide for the holder to become a party to a forest stewardship plan that includes a forest development unit described in paragraph (a).

#### Content of forest stewardship plan

5 (1) A forest stewardship plan must...

(b)specify intended results or strategies, each in relation to

(i)objectives set by government, and

(ii)other objectives that are established under this Act and that pertain to all or part of the area subject to the plan,...

(1.1) The results and strategies referred to in subsection (1)(b) must be consistent to the prescribed extent with objectives set by government and with the other objectives referred to in subsection (1)(b)(ii).

#### Woodlot licence plan required

12 (1) Before the holder of a woodlot licence harvests timber or constructs a road on land to which the licence applies, the holder must prepare, and obtain the minister's approval of, a woodlot licence plan that includes the area on which the timber is to be harvested and the roads are to be constructed.

#### Content of woodlot licence plan

13 (1)A woodlot licence plan must

(a)include a map that

(i)uses a scale and format satisfactory to the minister,

(ii)provides prescribed information about forest resources, and

(iii)shows the boundaries of areas for which the woodlot licence plan specifies intended results or strategies,

(b)except in prescribed circumstances, specify intended results or strategies, each in relation to

(i)objectives set by government, and

(ii)other objectives that are established under this Act and that pertain to all or part of the area subject to the plan, and

(c)conform to prescribed requirements.

(2)A woodlot licence plan must be consistent with the objectives referred to in subsection (1) (b).

(3)A woodlot licence plan need not be consistent with objectives set by government to the extent that those objectives pertain to

(a)retention of old forest,

(b)seral stage distribution,

- (c) landscape connectivity, or
- (d) temporal and spatial distribution of cutblocks.

(4) A woodlot licence plan or an amendment to a woodlot licence plan must be signed by the person required to prepare the plan, if an individual or, if a corporation or band as defined in the *Indian Act* (Canada), by an individual or the individuals authorized to sign on behalf of the corporation or band.

#### Approval of forest stewardship plan, woodlot licence plan or amendment

- 16 (1) The minister must approve a forest stewardship plan or an amendment to a forest stewardship plan if it conforms to section 5.
- (1.1) The minister must approve a woodlot licence plan or an amendment to a woodlot licence plan if it conforms to section 13.

#### Minor amendments to forest stewardship and woodlot licence plans

- 20 (1) Despite section 16, except in prescribed circumstances, an approval is not required to amend a forest stewardship plan or a woodlot licence plan if its holder determines that
- (a) the proposed amendment
    - (i) conforms to section 5, for an amendment to a forest stewardship plan, or to section 13, for an amendment to a woodlot licence plan, and
    - (ii) does not materially change the intended results or strategies specified in the plan, or
  - (b) the proposed amendment conforms to prescribed requirements.

#### Compliance with plans

- 21 (1) The holder of a forest stewardship plan or a woodlot licence plan must ensure that the intended results specified in the plan are achieved and the strategies described in the plan are carried out.

#### *Forest Planning and Practices Regulation*

"wildlife tree retention area" means an area occupied by wildlife trees that is located

- (a) in a cutblock,
- (b) in an area that is contiguous to a cutblock, or
- (c) in an area that is sufficiently close to the cutblock that the wildlife trees could directly impact on, or be directly impacted by, a forest practice carried out in the cutblock;

"wildlife trees" means a tree or group of trees that

- (a) provide wildlife habitat, and
- (b) assist in the conservation of stand level biodiversity;

### Wildlife tree retention

- 66 (1) If an agreement holder completes harvesting in one or more cutblocks during any 12-month period beginning on April 1 of any calendar year, the holder must ensure that, at the end of that 12 month period, the total area covered by wildlife tree retention areas that relate to the cutblocks is a minimum of 7% of the total area of the cutblocks.
- (2) An agreement holder who harvests timber in a cutblock must ensure that, at the completion of harvesting, the total amount of wildlife tree retention areas that relates to the cutblock is a minimum of 3.5% of the cutblock.
- (3) For the purposes of subsection (1) and (2), a wildlife tree retention area may relate to more than one cutblock if all of the cutblocks that relate to the wildlife tree retention area collectively meet the applicable requirements of this section.
- (4) A fibre recovery tenure holder is exempt from this section.

### Restriction on harvesting

- 67 An agreement holder must not harvest timber from a wildlife tree retention area unless the trees on the net area to be reforested of the cutblock to which the wildlife tree retention area relates have developed attributes that are consistent with a mature seral condition.

### Coarse woody debris

- 68 (1) An agreement holder who carries out timber harvesting must retain at least the following logs on a cutblock:
- (a) if the area is on the Coast, a minimum of 4 logs per hectare, each being a minimum of 5 m in length and 30 cm in diameter at one end;
  - (b) if the area is in the Interior, a minimum of 4 logs per hectare, each being a minimum of 2 m in length and 7.5 cm in diameter at one end.
- (2) An agreement holder is exempt from subsection (1) if
- (a) the holder's agreement or an enactment requires the holder to act in a manner contrary to that set out in subsection (1),
  - (b) the holder carries out on the cutblock a controlled burn that is authorized under an enactment, or
  - (c) the holder is a fibre recovery tenure holder.

### *Woodlot Licence Planning and Practices Regulation*

### Mapping and information

- 8 (1) Unless exempted under subsection (2), a woodlot licence holder must include in the holder's woodlot licence plan, for the area required to be addressed in the plan under

section 7 [woodlot licence plan area], information and maps that describe or identify the following:

- (a) the forest cover;
  - (b) topography;
  - (c) the location and riparian class of streams, wetlands and lakes shown on government-endorsed
    - (i) forest cover maps,
    - (ii) terrain resource inventory maps, and
    - (iii) fish and fish habitat inventory maps;
  - (d) any of the streams identified in paragraph (c) that are fish streams;
  - (e) the biogeoclimatic ecosystem classification of the area, to the subzone level;
  - (f) public utilities on Crown land including
    - (i) transmission lines,
    - (ii) gas and oil pipelines, and
    - (iii) railways;
  - (g) resource management zones, landscape units and sensitive areas that are continued or established under the *Land Act*;
  - (h) wildlife habitat areas;
  - (i) scenic areas;
  - (j) ungulate winter ranges;
  - (k) community watersheds or fisheries sensitive watersheds;
  - (l) community and domestic water supply intakes that are licenced under the *Water Sustainability Act* and any related water supply infrastructures;
  - (m) contiguous areas of sensitive soils;
  - (n) existing roads;
  - (o) temporary or permanent barricades to restrict vehicle access;
  - (p) private property within or adjacent to the woodlot licence area;
  - (q) resource features other than wildlife habitat features, archaeological sites, and domestic water supply intakes licenced under the *Water Sustainability Act*.
- (3) A woodlot licence holder must describe in the holder's woodlot licence plan areas where timber harvesting will be avoided or modified during the term of the plan for the following reasons:
- (a) to protect resource features;
  - (b) to address the interests of private property owners or aboriginal peoples;
  - (c) to manage resource values including specifying retention of trees in riparian management zones;
  - (d) to address areas described in subsection (1) (g) to (k).

## Established objectives

- 9 (1) For the purpose of section 13 (1) (b) (i) [content of woodlot licence plan] of the Act, the objectives set by government are as follows:
- (a) maintaining or enhancing an economically valuable supply of commercial timber from the woodlot licence area;
  - (b) conserving the productivity and the hydrologic function of soils;
  - (c) conserving within riparian areas, at the landscape level, water quality, fish habitat, wildlife habitat and biodiversity;
  - (d) conserving and protecting cultural heritage resources that are
    - (i) the focus of a traditional use by an aboriginal people that is of continuing importance to that people, and
    - (ii) not regulated under the *Heritage Conservation Act*;
  - (e) subject to section 52 (1) [*wildlife tree retention*], any land use objective.
- (2) For the purpose of section 13 (1) (b) (ii) of the Act, the following objectives apply:
- (a) any fisheries sensitive watershed objective or water quality objective established for a watershed within which the woodlot licence area is located;
  - (b) subject to subsection (3), conserving sufficient wildlife habitat in terms of amount of area and distribution of areas, and attributes of those areas for
    - (i) the winter survival of specified ungulate species,
    - (ii) the survival of a species at risk, and
    - (iii) the survival of a species of regionally important wildlife.
- (3) A woodlot licence holder required to prepare a woodlot licence plan must act in a manner consistent with the objective stated under subsection (2) (b) only if the minister responsible for the *Wildlife Act* notifies the holder of the applicable
- (a) species referred to in subsection (2) (b), and
  - (b) indicators of the amount, distribution and attributes of necessary wildlife habitat described in subsection (2) (b).
- (4) On or after December 31, 2004, a notice described in subsection (3) must be given at least 4 months before the woodlot licence plan is submitted for approval.

## Results or strategies not required

- 10 For the purpose of section 13 (1) (b) [content of woodlot licence plan] of the Act, a woodlot licence holder is not required to specify a result or strategy in relation to the following:
- (a) any objective listed in section 9 (1) or (2) [*established objectives*], except that described in section 9 (1) (d);
  - (b) an objective for an interpretive forest site, recreation site or recreation trail;
  - (c) a wildlife habitat area objective;

- (d)an ungulate winter range objective;
- (e)a lakeshore management zone objective;
- (f)a visual quality objective.

#### Wildlife tree retention strategy required

- 11 For the purpose of section 52 (2) [*wildlife tree retention*], a woodlot licence holder must specify in the holder's woodlot licence plan a wildlife tree retention strategy that describes
- (a)generally, the species and characteristics of individual wildlife trees,
  - (b)generally, the forest cover attributes of wildlife tree retention areas,
  - (c)the conditions under which individual wildlife trees may be removed,
  - (d)the conditions under which trees may be removed from within a wildlife tree retention area, and
  - (e)how trees removed under subparagraphs (c) and (d) will be replaced.

#### Minor amendments that do not require approval

- 21 (1) For the purpose of section 20(1)(b) [*minor amendments*] of the Act, a proposed amendment to a woodlot licence plan does not require approval of the minister if the proposed amendment is in respect to
- (a)correcting a mapping or non-substantive data entry referred to in section 8 [*mapping and information*], that will not
    - (i)decrease the area where harvesting will be avoided or constrained, or
    - (ii)increase the adverse impact on forest resources,
  - (b)the reclassification of a stream, wetland or lake, or
  - (c)the wildlife tree retention strategy prepared under section 11 [*wildlife tree retention strategy required*], that will not decrease the nature or quality of wildlife trees or wildlife tree retention areas.
- (2) An amendment that does not require the approval of the minister takes effect when it is signed in accordance with section 13 (4) [*content of woodlot licence plan*] of the Act or section 16 [*signature*].

#### Wildlife tree retention

- 52 (2) A woodlot licence holder must not cut, damage or remove wildlife trees or trees within a wildlife tree retention area except in accordance with the wildlife tree retention strategy prepared under section 11 [*wildlife tree retention strategy required*].

#### Restriction on harvesting

53 (1) A woodlot licence holder must not harvest timber in areas identified under section 8(3) [mapping and information] as areas where harvesting will be avoided during the term of the woodlot licence plan.

(2) A woodlot licence holder must harvest timber in areas described in section 8(3) as areas where harvesting will be modified during the term of the woodlot licence plan in accordance with the modifications described in the plan.

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- <sup>iii</sup> Ministry of Forests, Forest Analysis and Inventory Branch. 2022. Vegetation Resources Inventory – Photo Interpretation Procedures v.3.8. Accessed on January 29, 2024 at: [vri\\_photo\\_interpretation\\_procedures\\_version\\_38.pdf \(gov.bc.ca\)](#)
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- <sup>viii</sup> Ministry of Forests. Ministry of Environment, Lands and Parks. March 1999. Landscape Unit Planning Guide. Accessed on April 26, 2024 at : [Landscape Unit Planning Guide \(gov.bc.ca\)](#)
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