



# THE WOODLAND ALMANAC



www.woodlot.bc.ca

Winter 2014

## IN THIS ISSUE

- 3 GENERAL MANAGER'S REPORT
- 6 COASTAL TIMBER PRICING
- 8 INTERIOR TIMBER PRICING
- 9 SPOTLIGHT ON SAFETY
- 10 E-BITS FOR YOUR TWO BITS:  
1 CP REPORTING
- 11 E-BITS FOR YOUR TWO BITS:  
SITE PLAN AMENDMENTS
- 12 SCHOLARSHIP AWARD  
INFORMATION AND APPLICATION FORM
- 14 ASSOCIATIONS ON DECK
- 14 LINKS OF INTEREST
- 15 FEDERATION'S LAUNCH OF  
WOODLOTTER'S SECTION OF WEBSITE
- 16 BULLETIN: RESULTS REPORTING
- 16 THANK YOU TO OUR CONTRIBUTORS
- 18 BULLETIN: DISPOSITION OPTIONS  
FOR WOODLOT LICENCES
- 20 THE TSILHQOT'IN LAND CLAIM DECISION  
BY THE SUPREME COURT OF CANADA:  
INFORMATION FOR WOODLOT LICENSEES
- 21 MY TWO CENTS WORTH:  
A LICENSEE'S OPINION
- 22 WOODLOT 4 WINDOWS
- 22 LETTER TO THE EDITOR
- 23 CONTRACTOR'S CORNER
- 23 R&D PROJECT FUNDING AVAILABLE

## FBCWA President's Message

# "There's a fire on your woodlot" ...

by Mark Clark

Not exactly the phrase you're hoping to hear on a Saturday morning in mid-July, following a record breaking hot spell and with no rain in sight. But there it was. Ken, our local Guide Outfitter had been out to his lakeside lodge and was driving into town late on Friday evening when he saw that unnatural glow above the road, and decided to give us a call. We had just logged 25 hectares the previous winter and it was now fresh slash and a brand new plantation of pine and spruce. So with more than a little nervousness, we hurried out to see what was happening.

Like most woodlots, ours is firmly in the urban interface, about 25 km from downtown Prince George. The nearest private residence is immediately adjacent, and another 25 families live within 5 km of our woodlot. So a fire in the area was a major concern not only to us, but much of the local community as well.

On arrival, we were happy to see the crews from the Wildfire Management Branch (WMB) hard at work. The fire had started in the center of our fresh slash, likely from firewood cutters or other public. Two bucketing helicopters and 12 ground personnel had been on the fire since a few



hours after ignition, and a dozer was pushing guards. During the hot afternoon, water bombers were dropping steadily. After 3 days the smoke had thinned and patrols were in place. It truly is amazing how quickly and effectively the WMB had acted on that fire. But the \$200,000 cost to bring it under control was concerning, to say the least. Needless to say, we were very happy that the \$0.10/m<sup>3</sup> Fire Levy was in place for woodlot licences.

And that levy brought back memories of yours truly and our General Manger meeting with Wildfire Management Branch staff in Victoria back in 2009. We successfully argued that the \$.10/m<sup>3</sup> fire levy should remain in place for BC woodlots. Here was a clear example of the strength an organization like the FBCWA presents, and why our members should be thankful for that representation.

This issue of the Almanac has a many other great examples of why FBCWA members are well represented at many important discussions around BC, and why your continued support is so important. Please make yourself heard at your local association meetings, via the annual questionnaire, or at the provincial AGM. The next fire could be on your woodlot licence! ♦



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# Federation Working for Woodlots

by Brian McNaughton

Welcome to 2015; which promises to be another busy year for woodlot licensees, Associations and the Federation. To kick off the new year, I thought it would be a good idea to provide an update on some of the key tasks and projects the Federation is currently working on. If you have any questions or comments, please contact Brian McNaughton (brian@woodlot.bc.ca) or a member of the Executive Committee.



Brian McNaughton,  
General Manager

## 1 Authorization

The concept behind 1 Authorization is for the Woodlot Licence to become the sole authorization required by a WL licensee to operate. In effect, the licence document would incorporate the Management Plan (MP) and Woodlot Licence Plan (WLP), and be the authorization for timber harvesting and road construction, maintenance & deactivation. The benefits are that 5 statutory decision-making processes (WL licence replacement, MP, WLP, cutting permits and road permits), including FN consultation, would become consolidated into one decision. It will greatly simplify WL administration especially in light of new legislation, direction and administrative processes being developed with the province's shift to the 'one land manager.' 1 Authorization will result in significant workload and cost savings for WL licensees and the Ministry of Forests, Lands & Natural Resource Operations (FLNRO). Minister Thomson has endorsed the project and the Deputy Minister & Chief Forester are supportive of scoping out this initiative. The FBCWA has submitted a document which summarizes the concept as well as a first draft of a 1-authorization WL licence document to FLNR for review. 1 Authorization is a high priority for the WL Joint Working Group, which in the process of forming a sub-committee specifically to work on it. Be advised that this will not be a short-term project. It is very complex with a lot of variables and implications to consider, and will likely involve making changes to legislation.

## Natural Resource Road Act

Currently, BC has eleven different acts and regulations dealing with natural resource roads. The goal of the Natural Resource Road Act (NRRA) is to bring all natural

resource road legislation under one Act. Two key reasons for supporting the development of a NRRA are so natural resource roads are 'use at your own risk' and to address road safety. WorkSafeBC was moving towards declaring roads as workplaces when Government decided that the NRRA would address road safety. However, it is worth noting that the NRRA would not supplant WSBC when it comes to actual work sites on a road such as a bridge or culvert installation, grader working, etc. Since the NRRA is an Act under development, its content is confidential. Suffice it say that the Federation is working hard on your behalf to ensure the NRRA requirements and administrative model will be no more of a burden in terms of workloads, costs, and responsibilities than the current legislation governing roads.

## Natural Resource Permitting Project (NRPP)

The NRPP is one of the projects under government's one land manager initiative; i.e. what's been referred to as integrated decision making. Currently, decisions between resource sectors are poorly coordinated. The objective of the NRPP is to integrate data, legislation, people, processes and systems across all natural resource sector ministries and agencies thereby resulting in integrated resource activities and authorizations. How a small tenure such as woodlot licences will fare in such a mega project is unknown but based on past experiences, administrative process designed for large tenure holders often don't work well for small tenure holders. The Federation thinks 1 Authorization would be a better option for WLs.

## WLP Extensions

The 10-year term for a large majority of Woodlot Licence Plans (WLP) is coming due. FRPA, S. 14(2) requires the minister to extend the term of a WLP that conforms to prescribed requirements. FLNRO & FBCWA are working on a bulletin that will provide advice and guidance to FLNR regional & district staff as well as WL licensees. The bulletin will clarify such things as it being FLNRO's responsibility to initiate the extension process by determining if an existing plan conforms to prescribed requirements, who must make decisions, and that it's acceptable to amend a WLP that is subject to extension. Woodlot licensees are advised to check the expiry date for their WLP. If it's within a year of expiry, you might want to contact your district manager to find out when the extension process is set to begin.

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## ► From page 3

### **Waste Proposal**

At the request of the Ministry, the Federation submitted a proposal for a flat fee waste assessment option that would greatly simplify waste assessments and billings. In a nutshell, a % waste factor for each of the 3 interior zones and 2 coast zones was calculated using actual waste data. The % would be applied to the actual scaled volume of timber harvested to determine the billing. No survey or waste data entry would be required. The FBCWA also made the case that waste volume should not be charged against AAC because for small area based tenures it amounts to double accounting. The Federation's rationale is that the AAC determination process takes into account the volume of growing stock. So if volume has been harvested and wasted, then the AAC calculation will catch it, and a reduced AAC will impact the licence and the licensee! The proposal is currently stuck in neutral. Around the same time the proposal was submitted, the Minister called for a review of waste benchmarks. The FBCWA has been told that its proposal will be 'considered' as part of this review. As you can guess, that doesn't sit well with the FBCWA so we're working on what needs to be done to push this proposal forward.

4

### **Tsilhqot'in Land Title Decision**

Government, in particular the natural resource ministries, are in the process of trying to understand the implications of the Tsilhqot'in land title decision and decide how to respond. While this decision was with respect to a specific piece of land, it has a bearing on how other land within the province is viewed. For more information on the provincial government's actions in response to the Supreme Court's decision, and how those actions may affect woodlot licences, please see the article in this edition of the Almanac.

### **Land Deletions**

The FBCWA submitted a proposal to government for changes in legislation to address shortcomings and fairness issues with respect to land being deleted from WLs. The proposal is currently under consideration. Four (4) issues were addressed:

1. Compensation for land deleted from a WL for which there was a bonus bid.
2. Negotiated Agreements for land deletions from WLs - Forest Act, Sections 60.01 & 60.3 allow the Minister to delete Crown land from a woodlot licence based on a request for 'access' or 'another purpose.' There are no tests or criteria to guide the Minister and ensure fairness to all concerned, including the Ministry. The Federation proposed that Forest Act, Sections 60.01(1) and 60.3

be amended to say 'Where provided by regulation', the minister may by written order, delete crown land from a woodlot licence area. A 'regulation' would require:

- The parties to try and reach a negotiated settlement;
  - The use of arbitration when the parties failed to reach a negotiated settlement; and
  - The Minister to make a decision if negotiation and arbitration fail to resolve the issue.
3. Full Compensation - Current legislation limits compensation to AAC and improvements (under certain circumstances), but does not require compensation for all the time and costs incurred by a woodlot licensee including but not limited to negotiating a settlement and/or arbitration; amending the woodlot licence document including the Exhibit A map; updating the WL inventory; amending or producing a new Management Plan; amending the Woodlot Licence Plan; time and costs associated with the statutory decision making process including First Nations information sharing and consultation regarding licence, Management Plan and Woodlot Licence Plan amendments; updating FTA; reconciling RESULTS records; loss of investment in reforestation and incremental silviculture; loss of land base; lost opportunities; etc. Simply stated it's unfair that a woodlot licensee impacted by a land deletion must deal with and pay for all the extra work associated with the land deletion in months and years that follow while the person who benefits from the land deletion gets to go off and continue their business.
  4. De-facto land deletions - when a higher-level plan or order renders land with a woodlot licence unavailable for timber harvesting; e.g. species at risk and some GAR orders. Since the impact is considered a land or management 'constraint' and not actual land deletion, there is no opportunity for compensation. The Federation believes the scope of the compensation provisions in Forest Act, Section 60.7 need to be expanded to include de-facto land deletions.

### **Species at Risk**

In February 2014 a Federal Court judge ruled that the Federal government failed to enforce certain provisions of the Species at Risk Act. The Federal Environment Minister responded by acknowledging that recovery strategies or management plans are currently required for 192 species, of which 163 are overdue. Consequently, addressing the habitat requirements of species at risk by the Federal and provincial governments has become a higher priority. Depending on the way a recovery strategy is structured, it can have a significant effect on a WL; ranging from

constraining activities to being a de-facto land deletion. The responsibility for coming up with recovery strategies which meet the needs of a species at risk while adequately taking into account economic and social considerations rests with the province. The Federation actively advocates for plans and strategies that integrate woodlot management with the habitat requirements of species at risk.

### **New Federation Website**

The FBCWA's new website was launched in September. It has been specifically designed to be more user-friendly and improve its utility to woodlot licensees. To that end, there is a private, secure site that provides information and resources to assist woodlot licensees in their business. It also contains information pertaining to Federation business such as governance, forms & applications and the questionnaire. How to sign up so you can login to the secure woodlotter's site can be found elsewhere in this Almanac, or simply go to [www.woodlot.bc.ca](http://www.woodlot.bc.ca) and follow the instructions.

### **WL Inventory**

The FLNR Inventory Branch is working on a new Inventory Handbook for Woodlots. The FLNR goal is to explain to Licensees how to access and use the inventory materials that are freely available from FLNR on line, and to provide guidance on inventory improvements a Licensee may wish to consider. The Federation believes that the new handbook must reflect the stipulations of the Forest Act that Woodlot Management Plans are required to provide a) inventories on the timber resources within the woodlot and b) any other inventories specified in the woodlot licence document. The Federation also advocates that stock VRI data, updated for significant human and natural disturbances, is completely satisfactory for Management Plan purposes. The Federation goal is to avert expansion of baseline inventory requirements through this handbook.

### **RESULTS**

As discussed in this edition of the Almanac, and as cannot be overstressed, RESULTS reporting is a legal obligation. Woodlots have had and continue to have problems with RESULTS. However, "problems" are not a defence for failure to meet a legal obligation. You may not like RESULTS, but you have to use it or pay someone to use it for you.

That said, it is important to be aware that the penalty for failure to report is a maximum \$5000 fine, per the Administrative Orders and Remedies Regulation. FLNRO not issuing a CP, not extending a Woodlot Licence Plan, or not processing a request are not mandated penalties for

failure to report.

The Federation continues to provide support and assistance to Licensees who are interacting with RESULTS, and free software to create the key "spatial data submissions" to RESULTS. We also continue to interface with FLNR on issues such as reporting Code blocks vs FRPA blocks, RESULTS reporting in a 1 CP environment, and the nature of and extent of reporting problems.

Woodlots around the province will face RESULTS reporting challenges in the next few years as the need to report Free to Grow on Code era harvest units arrives. The RESULTS data entry for many older harvest units was poorly done, and it is not uncommon to find and have to fix a number of old errors before Free to Grow can be successfully declared in RESULTS. The Federation does not like this situation, but our efforts to arrive at an alternative solution have been unsuccessful so far.

### **Forest & Range Practices Advisory Council – FRPA oversight**

The FBCWA is a member of the Minister's Forest and Range Practices Advisory Council (PAC). PAC is mandated under S. 170 of the Forest and Range Practices Act (FRPA) to undertake periodic reviews of the requirements that apply to operational planning and forest practices or range practices under FRPA and to make recommendations to the minister. To that end, PAC is in the process of assessing whether or not FRPA has achieved the goals for which it was established which include reducing administrative complexity, strengthen industry's freedom to manage, maintain high environmental standards, maintain the supply of timber, etc. This is an important project in that it will identify FRPA's strengths and weaknesses, and depending on what the Minister decides with respect to PAC's recommendations, will shape the future with respect to WL planning and practices.

### **Professional Reliance**

The role of professionals, and the concept of professional reliance, is confounding, confusing and concerning to many woodlot licensees. The Federation continues to have discussions with FLNRO and the Association of BC Professional Foresters (ABCFP) in attempts to improve the understanding and ensure woodlot licensees retain the right to manage and work on their own WL. To that end, the Federation will soon be releasing a bulletin entitled Retaining Professionals - Guidance for Woodlot Licensees and plans are in the works for subsequent bulletins to be written in cooperation with the ABCFP. ♦

# Coastal TAB Rates set to increase March 1

by Ed Hughes

Estimated TAB stumpage rates for 2015/16 Coastal Woodlots have been provided (Table 1) effective March 1, 2015. TAB rates for some species (Douglas fir and Cedar) will increase by approximately \$1/m<sup>3</sup>. Other species rates are still estimated to be less than a dollar.

Due to staff shortages within Timber Pricing Branch the estimated TAB rates were received later this year than in the past. Prior to the estimates being provided (December 8, 2014) it was the general advise that our TAB rates would not change significantly until 2016. Although a dollar increase is not huge, it is showing a trend towards higher rates, which Licensees should be preparing for over the next few years.

Stumpage projections for 2015/16 are based on information from Timber Pricing Branch and other sources. The TAB rate estimates for 2015/16 along with the existing current rates are included in Table 1. The current rates are separated between north and south zones, where the 2015/16 estimates are for the entire coastal region (not yet separated).

The stumpage rate projection table provides preliminary estimates only, using data up to the end of November 2014. The preliminary estimates provide a good indication of the TAB rates after March 1, 2015. The final table will use the full calendar year, and will be separated between the south and north zones. It should be expected once the 2015/16 estimates are separated that the south zones will



Ed Hughes,  
Coastal Timber Pricing  
Coordinator

experience a higher average increase than the north.

As the trend towards higher average market values for our logs has been occurring over the past few years, there has been a lag in our TAB stumpage increases. The lag has been delayed in the past partially due to the large number of major licensee cutting permits that were on minimum stumpage rates. Now that there are fewer permits on minimum rates increases in our TAB rates will be more immediate in the future. Another stumpage increase warning for coastal Woodlot licensees.

The increases in Average market value (AMV) for our logs and corresponding higher bid prices for BCTS Timber Sales, will put upward pressure on our TAB rates. To demonstrate the changes in AMV, timber prices by species for June and December are provided from 2007 to 2014.

### Coastal Timber Prices over time period of our TAB rates:

Since our TAB rates were implemented in 2009 (revised to 30% of District averages stumpage rates on March 1, 2010) our rates for most species have been less than \$1/m<sup>3</sup>. Log prices have fluctuated by species and grade over the review period 2007 to 2014. Log prices influence the bidding practices for the BCTS timber sales, which ultimately impacts our TAB rates. Over the past few years log prices have increased on the coast.

In Table 2, I have provided a few examples of the AMV log price (One month AMV in Howe Sound Log booms) trends for Fd, Hw and Cw “J & H” grades over an 8 year period to demonstrate the changes in AMV’s

over time. It is important to note that there are often many different sorts (for J logs I can think of at least 10 different sorts with a huge range in log prices) for each statutory grade. Specific sorts AMV’s fluctuate to a much greater degree than the averages that the charts demonstrate. The message is still the same, relative to the fluctuations in the AMV of logs. Log prices have been heading upward (possibly at a high point) on the coast for most of the grades noted. Cw has been heading (for an extended period of time) for a peak high AMV. All this AMV is good news, but this will partially be offset by the potential longer term TAB stumpage rate increases.

Woodlot licensees should consider the AMV trends on the anticipation that prolonged periods of higher prices will be followed by higher stumpage lagging a year or so behind. When market prices decrease, the stumpage reduction will lag for at least a year, and likely longer until the high rate impacts flow through the cycle.

Permission to use the AMV data was provided by Timber pricing branch.

### Coastal Appraisal Manual Extended Road Amortization agreements:

For Licensees who have Extended Road Amortization agreements the time to consider an MPS permit might be worth a review. Noted below is section 7.2.1 of the Coastal Appraisal Manual, Section 7.2.1:

*“Where a cutting authority has been issued under a woodlot licence with an effective date after November 30, 2008, with an extended road amortization agreement that has been entered into under section 5.3.2.1, the stumpage rate will be calculated using the*

market pricing system.”

**Coast MPS Advisory Committees:**  
MPS advisory committee completed the annual analysis in October. The committee does not have any meetings scheduled over the next few months.

**Coast Timber Pricing Advisory Committees:**  
The next CTPAC meeting is scheduled for Jan 29, 2015.

**Flat Fee for Woodlot Waste:**  
There is ongoing work required to implement the Flat Fee for Waste proposal. An implementation delay is linked to the provincial waste review until September 2015.

**New Appraisal Issues – Continuous communication**

The Coastal Timber Pricing portfolio provides assistance to Woodlot Licensees upon request.

If you have any concerns or issues I can be reached at 778-424-6129 or by email at ehughes2@shaw.ca. ♦

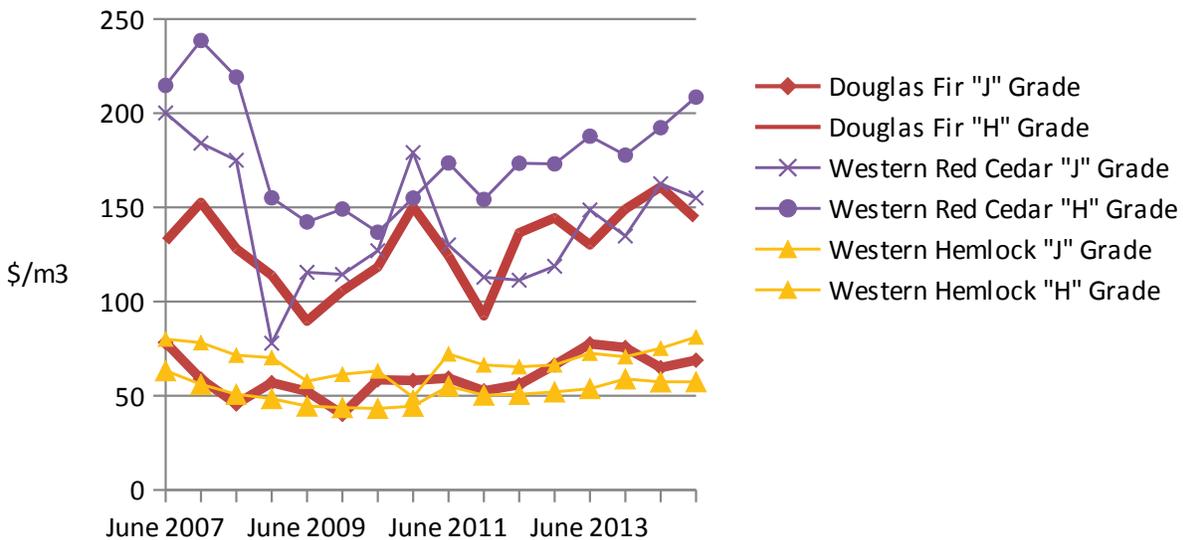
*1 Personal contributions of labour or equipment time.*

**Table 1: Preliminary TAB rate (Coastal Woodlot Licences) estimates for March 1, 2015**

Species	2015/16 (est)	Current TAB rates (2014/15)
Balsam	\$0.44/m3	.33-.34
Cedar	\$1.61/m3	.51-.93
Cypress	\$0.65/m3	.38-.54
Fir	\$1.56/m3	.25-.58
Hemlock	\$.71/m3	.29-.41
Spruce	\$.37/m3	.25-.42
Other	\$1.02/m3	.37-.54

**Table 2: Examples of AMV log price trends.**

Douglas Fir, Western Red Cedar, and Western Hemlock AMV "J" and "H" grade  
June and December Values from 2007 to 2014



The FBCWA has a number of items that would make great gifts for Friends, Family, Contractors and others on your list. Items in stock include Screen-printed logo on T-shirts and Coffee Mugs, Embroidered FBCWA logo on golf shirts, oilskin ball caps and knitted toques. Order through the WPDC coordinator, Cathy McClary. ♦

## ■ Interior timber pricing

# Still using MPS? Then ACTION required by YOU!

Does changed circumstance certification concern you?

by Debbie Zandbelt, RPF

It is not too often that the Federation's timber pricing forester has to stick her foot out to get the attention of the woodlot folks NOT using tabular rates and instead still subject to the Market Pricing System full appraisal. – This is one of those times!



Debbie Zandbelt, RPF  
Interior Timber Pricing  
Coordinator

*that a changed circumstance has not occurred on the cutting authority area. The statement of certification must be submitted to the appropriate region no later than 60 days after the cutting authority expiry date.”*

Does this affect you -

Absolutely! In what way: once your CP expires your forest professional must refer to the manual to determine if a changed circumstance has occurred and IN WRITING provide that information to the Ministry of Forests (MOF). If a changed circumstance has not occurred – you still must provide a certified statement that this is the case. There is a specific form to be used and a specific address to send the information to at the MOF Regional offices. Please contact me if you do not have this information for your region. (dzandbelt@telus.net) Do not know what a changed circumstance is? Section 2.2.1 of the IAM is a must read section for you.

For MPS cutting authority holders, I cannot stress the importance of fulfilling this IAM requirement.

At the Southern Interior Appraisal Advisory Committee meeting last November a compliance and enforcement staff member attended and discussed Forest Act penalties that may be applicable if this section of the manual is not followed.

### Interior Timber Pricing Time allocation:

At the request of the Federations Directors; a summary of the approximate time spent on various tasks is included below. The Timber Pricing portfolio is certainly broader than just Timber Pricing. With the ever changing policy world – it is continually important for the Federation to pay attention to what updates occur and to communicate them to the relevant parties.

Direct contact with woodlot holders on timber pricing matters – 30%

Flat Fee for Woodlot waste survey proposal – 40%

Almanac, Timber Pricing reports, director communication, AGM attendance – 15%

Interior Appraisal Advisory Committee and Regional Appraisal Advisory Committees - 15%. ♦

8

There has been a significant update to the Interior Appraisal Manual (IAM) that requires the Cutting permit (CP) holders to **certify in writing** if a changed circumstance has or has not occurred on your cutting authority's appraisal.

To quote from the Interior Appraisal Manual page 2-4 Section 2.1.1.

(<https://www.for.gov.bc.ca/hva/manuals/interior.htm>)

*“Effective October 1, 2014, for fully appraised cutting authorities where the cutting authority expiry date is on or after October 1, 2014, and unless there has been a changed circumstance as described in subsection 2 of this section, the licensee's forest professional must submit a statement of certification*

## FBCWA Vision

Woodlot holders/owners will participate in a healthy and diverse forest industry with woodlot licenses and private forest lands, making significant contributions to local communities and providing a sustainable supply of forest products. The FBCWA will have a voice in forest and economic policy. BC's woodlots will be models of forest management excellence, and world-renowned for their social, economic, recreational, cultural, and educational contributions to rural communities. ♦

# The business case for safety

by Reynold Hert, chair and CEO,  
the BC Forest Safety Council

Sometimes we overcomplicate safety. We treat it as a separate program to reduce injuries when in reality, injury prevention is mostly accomplished by doing very well the same items that cause a business to run reliably, predictably, on quality specification, and at an effective cost. Losing control of quality, reliability and cost effectiveness leads to an increased risk or unexpected surprises. These surprises can be higher bills, off spec product, or an injury. All of these are indicators that our business is not running as well as it could be, and that there is an opportunity for business improvement.

The business case for safety is the same case that says a well-planned business with good systems for reliability, well skilled people, good operating systems, the right tools all the time, systems that protect equipment and the support from leadership will give better business results. When injuries occur the incident investigation often finds poor planning, lack of knowledge or skill, the wrong tool, poor maintenance or a poor method. These same items also cost the business in quality and productivity.

The companies with the lowest injury rates in the world are often in high risk industries: nuclear power

plants, airlines, oil and gas, major plant construction and mining, or in highly competitive industries like textiles or consumer products. These companies have recognized that constantly reviewing their operating procedures in detail, making sure every employee is fully trained before working, updating their tools and methods, and having a high expectation that employees follow the standards and rules are necessary for reliable, competitive results. High injury rates are a sign that a business is not in control. If you cannot manage your process so people don't get injured, why would you think you can manage it to stay on cost or quality?

## The differences between forestry and other businesses

In forestry we often believe people know what to do, while low injury rate industries make no such assumption. They rely on detailed review of what is required to operate well, have crisp and clear documentation on the critical items, and rigorously train people so they have the skill. They also actively involve their employees in identifying places where the employees are at risk because the business results are also at risk. In forestry, we tend to rely on "common sense" and experience. Other industries know that "common sense" is not an intuitive process. The only way to have "common sense" is through

well thought out methods and training to establish skills. "Common sense" in their world is achieved by clear definition, solid training, identifying the right tools, and making sure everyone uses the right approach.

We often still

rely on hope, where other businesses regularly use their top people to identify best practices. We all know that airlines use detailed checklists to ensure each flight is ready to go. Pilots have detailed manuals and training on what to do if one system fails. In forestry, equipment operators sometimes don't even get a copy of the operating manual. Our training often still relies only on the most experienced person mentoring a new person.

The business case for safety is not complicated. Having your business in control through good methods, skills, training and the right tools all the time leads to a business that is reliable and ready to produce quality products at an effective cost. We can have it all: good business results and everyone home without injury. And, the smaller the business the more important good practices are. The negative impact of an incident on a smaller business is far greater than on a larger business.

It is with the business case for safety in mind that we are pleased to announce that the first woodlot and community forest safety committee meeting was scheduled to be held shortly after the deadline for this edition. Next edition, we will update readers on the content of that meeting and the mandate of the committee going forward in helping to support woodlot owners/operators and community forest operators in achieving excellence in safe and efficient operations.

*This is one of a series of Spotlight on safety columns produced for the Woodland Almanac by the BC Forest Safety Council. If you have a suggestion or would like to see a particular safety topic covered, please let us know. BSFSC has a team of safety advisors with more than 100 years of combined forestry and safety experience to provide trusted guidance and advice in all safety matters. Email [safetyadvisors@bcforestsafe.org](mailto:safetyadvisors@bcforestsafe.org) or call toll-free: 1-877-741-1060. The BCFSC is here to support industry achieve excellence in health and safety for all forest operations and their workers. ♦*

## Want trusted safety advice? Best practices? Confidential input?

Contact your woodlot safety experts.  
Email [safetyadvisors@bcforestsafe.org](mailto:safetyadvisors@bcforestsafe.org) or  
call toll-free: 1-877-741-1060  
[www.bcforestsafe.org](http://www.bcforestsafe.org)



BC Forest Safety

# 1 CP Reporting

by Tom Bradley

The first WL 1 CPs are coming to an end. My, didn't those 4 years fly by quickly! It's now time to make sure all the harvesting and road building carried out under a 1 CP gets reported.

Reporting harvested areas to RESULTS is pretty simple. If you are one of those licensees who's been reporting 1 CP blocks as they were completed, then you are done with your block reporting. But you will want to make note of when stocking surveys should be done and when free growing surveys and declarations are due. For clarity, stocking surveys must be done but don't have to be reported into RESULTS. Free growing surveys and declarations must be done and reported into RESULTS.

If you chose to wait and report your blocks en masse "upon completion," then be aware that the expiration date of the 1 CP is the completion date! Your legal obligation to report kicks in and you must report all harvested openings to RESULTS by April 30th of following year. The end of the first permit draws the completion line. Even if you plan to log more beside a current opening with a new CP ASAP.

You have to report the current opening under your first CP, and any subsequent harvesting under the next CP.

Roads can be more complicated.

There are no reporting obligations for roads built under Road Permit (RP) authorization. In fact, the area of a RP road clearing that passes thru a cut block is not included in the opening area to be reported to RESULTS.

However, WLs enjoy the operational flexibility of being able to construct road under 1 CP authorization. If you built roads on your WL under 1 CP, then you are obliged to report the disturbance and potential NP area in some manner.

Also be aware that the industrial use authorization for roads built under CP authorization expires when the CP expires. You must maintain the road until it is deactivated or until you are relieved of the obligation to maintain or deactivate by the District Manager, but you cannot use a road built under an expired CP for industrial purposes "as is."

If you plan to use a road built under 1 CP authorization for an industrial purpose in the future; e.g. to haul logs, then the road will have to be included under a RP, and you should do it now. Including the road in a RP "reports the road" and conveys the authorization to use the road for industrial purposes. The already constructed length of road can be amended into an existing RP, or a new RP can be created if necessary. If a 1 CP road is converted to a RP road, your reporting obligations for that road are met.

If you choose not to convert a road constructed under 1 CP

authority to a RP road, and do not plan to fully rehabilitate the road and return it to the forested landbase, one of the following potential reporting situations will apply:

1. NP area of road is < 0.1 ha and road is within a harvest opening.  
The road should be reported to RESULTS as an un-mapped netdown to Net Area Reforestable (NAR) in the harvest unit.
2. NP area of road is > 0.1 ha and < 0.25 ha and road is within a harvest opening.  
The road can be reported to RESULTS as a mapped NP polygon or as an un-mapped netdown to NAR in the harvest unit. (Your choice. Unmapped is cheaper.)
3. NP area of road is > 0.25 ha and road is within a harvest opening.  
The road should be reported to RESULTS as a long, narrow polygon of NP-Road within the block. (FLNR indicates this policy is under review, and may change to "use unmapped netdown". We will keep you posted.)
4. NP area of road is > 0.1 ha and road is outside of a harvest opening.  
The road should be reported to RESULTS as a mapped NP polygon.  
This will capture the disturbance from roads constructed outside of a cut block under 1 CP authority. Logically, this report will require an Opening and Forest Cover report. There are no reforestation obligations, so no Standards Unit (SU) report is required.  
The "unmapped" option for 0.1 ha to 0.25 ha roads is not viable as there is no other polygon being reported that can contain the unmapped netdown.
5. NP area of road is < 0.1 ha and road is outside of a harvest opening.  
There is no way to report this road. (Note that a 12 m wide road clearing 83 meters long is 0.1 ha.)

With regard to Option 4, I am describing The Plan. I do not have a proven success for Option 4 on my desk yet, so I do not know if we will hit interesting challenges.

One final potential road scenario exists: road disturbance created under 1 CP authority that is fully rehabilitated and returned to the productive forested landbase. If this area is within a harvest unit, there is nothing to report - it is just part of NAR. If the road is outside a harvest unit, it would be the same case as Option 4 above, except that there would be a SU report and an applicable stocking standard for the disturbed area. ♦

# Site Plan Amendments

by Tom Bradley

As we move into the period when old Forest Practices Code blocks approach deadlines for free growing, some Licensees may be re-considering their Code era Site Plan commitments.

Preferred and acceptable species, target stocking levels, and other standards that looked good in 2001 may provoke a "What was I thinking?" reaction today. This can lead to proposing a Site Plan Amendment.

A key principle is that Code era site plans for Woodlot Licences (WL) remain under and must be amended according to the provisions of the Forest Practices Code and WLFMR. FRPA 202 states that "The holder of a woodlot licence plan may amend the site plan information ... in accordance with the Code and the Code regulations." So to amend, you first need to find and dust off the Forest Practices Code of BC Act and the Woodlot Licence Forest Management Regulation.

Foresters used to working under FRPA tend to think in terms of "exemption" when things are not going to plan. Larger licensees who operate under Forest Stewardship Plans had the option to move their outstanding Code era blocks into a FRPA management regime, and most did. This allows them to amend performance requirements under FRPA, and, when required, to invoke FPPR Section 97.1 to declare that they have met their obligations to the extent practicable. If the Minister accepts their rationale and declaration, they are done.

Woodlots do not have access to FPPR Section 97.1, or any other part of FPPR. WLPPR Section 78 establishes that the Minister may grant an exemption to the prescribed reforestation standards on a WL FRPA era cutblock "if the minister is satisfied that it is not practicable, given the circumstances or conditions applicable to a particular area" to meet those standards. But, there is no provision to move Code era blocks in Woodlots under FRPA administration.

The Code era approached things not going to plan differently. WLFMR Section 24 directs that "A holder

of a woodlot licence who has a forest development plan or site plan and knows or ought reasonably to know that performing the operations specified in the plan will not ensure that the results specified in the plan or this regulation will be achieved ... must submit to the district manager an amendment to the plan..."

So on Code era blocks where things are not going according to plan or site circumstances have changed, and issues cannot reasonably be expected to be addressed by further effort, WLs have to propose a Site Plan amendment accompanied by a rationale, and submit it for consideration and hopefully approval. Code era Site Plans required a RPF signature, and so do Site Plan Amendments and rationales.

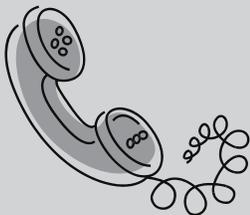
If you are thinking that an amendment to Code era Site Plan will be required, start well in advance of the Free Growing deadline. The process can take months; or longer. For example, you may find that you need a survey that can only be carried out in snow free conditions to document something.

Peer review of amendments and rationales prior to submission is sound practice. An amendment request can be read as a notification that meeting the current legally binding performance requirements in an area is not likely. This is uncomfortable territory, and careful consideration of statements and wording is recommended.

The business process of proposing a Site Plan amendment is generally filing the desired changes as a Stocking Standards Amendment in on-line RESULTS, and attaching the written rationale for the amendment to the RESULTS opening file. A courtesy email to your Woodlot Forester notifying them of your amendment proposal is also a good step. ♦

## Purpose of the WPDC

The primary purpose of the WPDC is to ensure that levy fees are spent on woodlot licensee priorities to benefit and promote the woodlot industry throughout BC. Funds are collected through powers granted to Council under the Farming and Fishing Industries Development Act. ♦



Telephone Support for using the Woodlot for Windows AAC program is available to all woodlot licensees or their representatives.

Contact Mike Bandstra  
ph: 250-847-4822 fax: 888-273-0209  
email: mbandstra@forsite.ca ♦



## Scholarship Award Information and Application Form

### RULES & REGULATIONS

1. Applications for this award must be received on or before April 24, 2015. Late applications will not be considered.
2. Applicants must be a direct family member of a woodlot licensee or private land owner who is a member of the local Woodlot Association and/or the FBCWA. In cases where the woodlot is not owned by an individual, one applicant per woodlot is eligible to apply in any given year.
3. Applicants must be planning to attend a post secondary institution within 24 months of the application deadline.
4. Preference will be given to students in grade 12 and recent high school graduates.
5. Preference will be given to students entering a forestry-related program. Students entering other areas of study are welcome to apply, knowing there is preference for forestry related study.
6. **Two scholarships, one for \$2,000.00 and one for \$1,000.00 will awarded to the top two ranked applications.**
7. The awards will be payable on receipt by the FBCWA of documentation confirming registration into the institution for post secondary education. This generally occurs in mid September.
8. Essays or letters and photos from applicants, particularly the successful applicant, may be printed in the Almanac.
9. The decision of the Awards Committee is final.
10. The Award Committee of the Federation of B. C. Woodlot Associations will be empowered to:
  - a) grant this award at its discretion;
  - b) withhold this award in any year if there are no eligible applicants, or for any reason deemed good or advisable.

12

### IMPORTANT

Incomplete or late applications will not be considered. Please complete the application form and attach:

1. A letter describing the reasons which you feel qualify you for this award. Your letter should also include a detailed description of your experience in forestry, particularly on woodlots. Your letter may include information about your various interests and extra curricular activities.
2. A one page (approximately 500- 700 word) type-written essay titled ***“If I am the licence holder of a woodlot, what steps and management decisions would I take in order that my woodlot can be the greatest benefit to my community.”***
3. Two letters of reference from previous or current teachers or employers,
4. A copy of your ***most recent*** report card, and
5. A recent photo of yourself.

Return to: Federation of B.C. Woodlot Associations  
Attention: Nancy Pezel, Treasurer  
304-4510 Willingdon Ave.  
Powell River, BC V8A 2M8

Or send it digitally to [islandswest@shaw.ca](mailto:islandswest@shaw.ca) with a subject heading of FBCWA Scholarship Application

**Applications must be received by April 24, 2015**



**Scholarship Award Application Form**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

**EDUCATIONAL INFORMATION:**

Currently enrolled in: \_\_\_\_\_

Post Secondary School you plan to attend: \_\_\_\_\_

Program you will be registered in for 2014-15: \_\_\_\_\_

Relationship to Woodlot Licensee or to private land owner for Woodlot # (ie; daughter of Joe Smith, Woodlot #2345)

\_\_\_\_\_

Woodlot Licensee/Private Land Owner to whom you are a direct family member, has been a member of the woodlot association and for how many years?

\_\_\_\_\_

Please include information on volunteer work, extra curricular activities, membership in school and community organizations, sports, interests, hobbies etc as well as employment information. (You may use another sheet if you need more room or if it's more convenient for you.)

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## NIWA AGM and Christmas Party

*submitted by Wolfram Wollenheit*

The North Island Woodlot Association combined their AGM with a Christmas party on December 14th. It was a festive evening with a great buffet and background music provided by Len Apedaile's 12 year old daughter on her electric piano, doing a good job of playing some Christmas tunes and others. The social evening held at the Salmon Point Restaurant, included guest speaker Bill Wagner, Ph.D., RPF. Along with our new young president, Jordan Benner, we elected a new director from the next generation (Kevin Griessel) which helped to bring the average age of the board substantially down!

14

The secret for the turnout was NIWA subsidizing the meal and one drink. We also hired John Marlow and Coleen MacLean-Marlow's daughter, Mairi, to make the invitation, assemble a mailing list to all members and non-member woodlot licensees, send out the invitation, follow up with a phone call, track the RSVPs and then we phoned up the maybes just before we had to commit for the number of meals. A lot of effort but in the end it turned out well. We collected NIWA membership fees along with selling meal tickets and nobody complained, so it worked out well financially too. ♦

## The Boundary Woodlot Association

*submitted by George Dore*

The Boundary Woodlot Association held its AGM on January. 17, 2015 with 17 paid members attending representing 21+ out of 34 Licensees. Elections were held resulting in a new Executive including George Delisle as BWA President.

Guests included a Director of the Midway Community Forest (MCF) and a representative from Vaagens, who noted that in the more than three years since the award, they are still working through the Plan and notification processes. MCF hope to have a Cutting Permit in a year or so, with most of the volume to be harvested by, and sold to Vaagens Mill.

Andrea Inwards from Kamloops Region, passed along the information that the Sale/Transfer of George Dore's woodlot was completed in 3 weeks and spanning the Christmas holidays. Well done Andrea!

Neil Bow and Ian Wiles from Selkirk District, gave updates on the First Nations' process and noted the latest Chilcotin [Tsilhqot'in] court decision only affects those within their claim area; all other Woodlot consultation and notification remains essentially the same.

With a full agenda and getting very squeezed for time, FBCWA General Manager Brian McNaughton, was gracious enough to add his most informed wisdom throughout the meeting and updating all on the latest Federation issues, including WLP renewals.

The meeting ended with a test presentation by Todd Manning, contracted by the MOE, to notify WL Licensees on the latest Government Actions Regulation (GAR) about Species at Risk and best practices of the 15 species he thought may impact Boundary Licensees and noting that only the Williamson sapsucker may impact one license.

The BWA is most grateful to the Woodlot Product Development Council (WPDC) who funded our lunch costs which helped facilitate the great turnout and quality comment from guests. ♦

## Links of Interest

- British Columbia Trees App: <http://abcfptrees.com/appsplash/>
- Check out the interesting stories in a CIF publication highlighting successes in the forest sector: <http://www.cif-ifc.org/wp-content/uploads/2014/11/CIF-IFC-SuccessStoriesV9.pdf>
- Our own website: <http://woodlot.bc.ca>
- Woodlot Safety Program: Safety info & Tools – Resources Packages: [http://www.bcforestsafe.org/safety\\_info/resource\\_packages.html](http://www.bcforestsafe.org/safety_info/resource_packages.html)
- The Working Forest newspaper offers an e-newsletter and a newspaper on small-scale forestry across Canada: [www.workingforest.com](http://www.workingforest.com) ♦

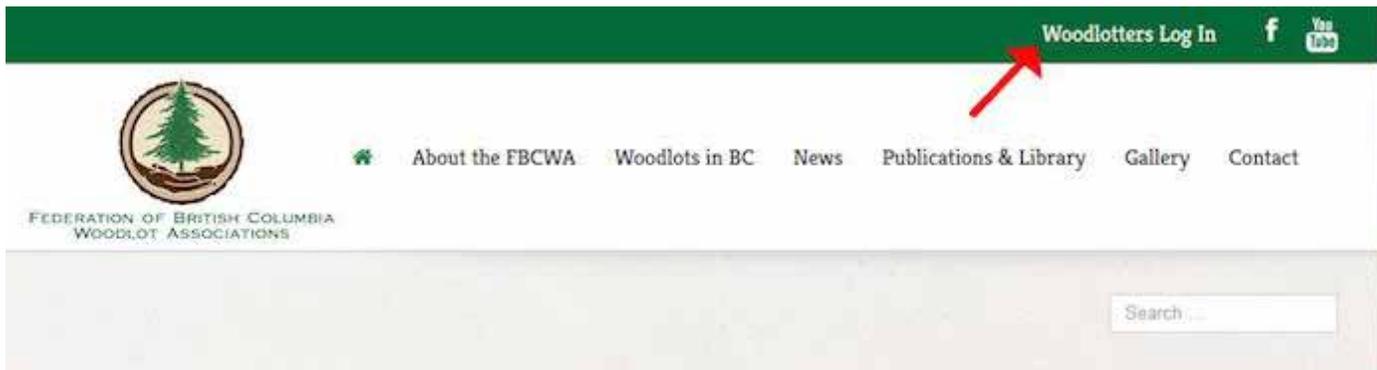


# Federation's Launch of Woodlotters' Section of Website

The FBCWA has launched the secure section of its' website dedicated to woodlot licensees and member associations to provide resources and support.

To use the secure part of the website, you must first register. The registration form can be found at: <http://woodlot.bc.ca/account-registration/>

Once you have completed the registration form you will receive 2 emails. One advising that your registration has been received. One letting you know your registration has been approved and instructions on how to log-in for the first time.



Click on the link for Woodlotters Log In (see above). You will then be taken to a login page where you will have to enter your username (email) and password.

You should now be logged in and 3 tabs will appear along the top along with all the public content: Woodlot Business, FBCWA Business and Log Out

Should you have any questions or problems with registering, please contact me.

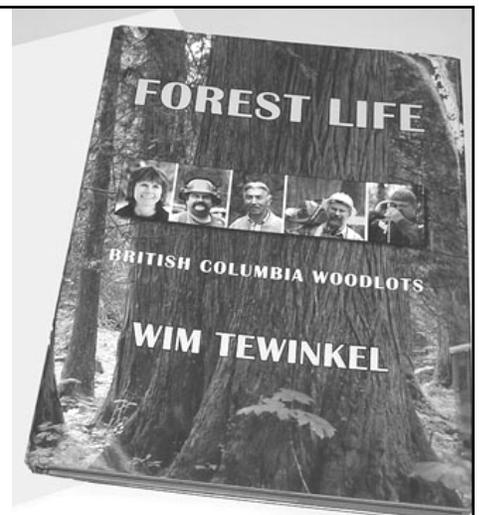
Lisa Marak, Admin Support, FBCWA  
T: 250-765-6156 or Email: [admin@woodlot.bc.ca](mailto:admin@woodlot.bc.ca) ♦

## “Forest Life” makes a great gift

Are you looking for a great gift idea? Look no further! Forest Life: British Columbia Woodlots by Wim Tewinkel showcases and celebrates BC's woodlots, woodlot licensees, and their families.

Through beautiful photos and a few words, this book captures the seasonal beauty of coastal and interior woodlots and portrays the landscapes and diversity of our forests as well as the stewardship of those who manage them.

You can order it from [www.woodlot.bc.ca](http://www.woodlot.bc.ca) for only \$39.95, or woodlot licensees can buy it from their woodlot associations for only \$20.00 ♦



# Bulletin: RESULTS Reporting

## Introduction

RESULTS, which is the acronym for the Reporting Silviculture Updates and Land Status Tracking System, is the required reporting format and defines the information that an annual report must contain. This bulletin is intended:

- As a reminder to woodlot licensees that they are legally obligated to report their activities to the Ministry of Forests, Lands and Natural Resource Operations (FLNR) via RESULTS by April 30th of each year; and that a paper report is not an option!
- To provide information regarding some new developments regarding RESULTS.
- To offer some guidance regarding missing or erroneously entered old data and spatial information.

Activities that must be reported are described in the Results Information Submission Specifications for Woodlot Licences (RISS-WL) manual; and include new openings, silviculture activities, updates, changes or amendments to existing openings, and free growing declarations. The link to the RISS-WL manual can be found under Key Message #1 below. For instructions on how to check the reporting status of your openings, please refer to the bulletin on pages 22 & 23 of the Winter 2011 Woodland Almanac which is available at: [www.woodlot.bc.ca/woodland-almanac/](http://www.woodlot.bc.ca/woodland-almanac/)

Information on past activities may be missing from RESULTS, or incorrect information may have been reported. A woodlot licensee is responsible for entering complete and correct data for all reportable activities on their woodlot licence that occurred after January 1, 2006. FLNR is responsible for entering and correcting WL data in RESULTS for activities carried out prior to January 1, 2006.

## Key Messages

### 1. Where do I find information on how to submit RESULTS information?

On line RESULTS training material are located at:

<http://www.for.gov.bc.ca/his/results/training/index.htm>

The reporting manual for WL submissions, which describes

the current form, manner and requirements for reporting can be found at:

<http://www.for.gov.bc.ca/his/results/RESULTS%20INFORMATION%20SUBMISSION%20SPECIFICATIONS%20-%20wl%20-%20November%2019-2012.pdf> or by googling 'riss-wl.'

You may also wish to refer the Woodlot ESF Submission Tool manual, which provides background material and step-by-step instructions and can be found at:

[http://www.woodfor.com/WLGML/WLGML\\_Users\\_Manual\\_Ver\\_2\\_4.pdf](http://www.woodfor.com/WLGML/WLGML_Users_Manual_Ver_2_4.pdf)

### 2. What must be reported?

For a block harvested under the FRPA / WLPPR / Woodlot Licence Plan regime, the following must be reported:

- New openings and changes or amendments to existing openings, including spatial data.
- Standards Units within Openings, with spatial data;
- The harvesting activity (i.e. disturbance) in openings;
- The 'Harvest Complete' milestone, when harvesting and any rehabilitation work are completed;
- Forest cover within openings, with spatial data;
- Planting activities (to record seedlot);
- Silvicultural surveys and treatments; and
- The free growing declaration, with a map (meaning spatial forest cover data). The free growing declaration is called the 'Free Growing Milestone.'

Please note, openings created under permits issued pre-FRPA under the *Forest Practices Code Act of BC* and the *Woodlot Licence Forest Management Regulation* likely have a regeneration reporting requirement in addition to a free growing declaration. A licensee must submit stocking survey information, declare the Regeneration Milestone, and submit updated forest cover for Code era openings prior to the final regeneration date.

### 3. What openings must be reported?

As a general rule of thumb, a licensee is required to report all areas where timber harvesting has created an opening of 0.25ha or greater in size. As per bullet #4 below, some openings may be exempt from free growing but for which some information to be reported.

If you have any doubt as to whether or not to report an opening, it is strongly recommended that you contact your district WL forester for clarification.

### 4. Openings exempt from free growing must still be reported

WLPPR, S. 34(2) exempts a woodlot licence holder from the requirement of achieving a free growing stand under certain circumstances;

- (a) Harvesting timber to eliminate a safety hazard.



**Thank you  
to our contributors  
for this issue**

Mike Bandstra  
Tom Bradley  
Dick Brenton  
Mark Clark  
George Dore  
Reynold Hert

Ed Hughes  
Lisa Marak  
Brian McNaughton  
Wolfram Wollenheit  
Debbie Zandbelt

- (b) Harvesting timber to facilitate the collection of seed, leaving an opening not greater than 1 ha.
- (c) Removing felled trees from landings and road right of ways.
- (d) Commercial thinning, removal of individual trees, or a similar type of intermediate cutting.
- (e) Harvesting of special forest products.

With respect to (d) and (e) above, in order to qualify for this exemption a woodlot licence holder must ensure that, for a period of 12 months after completion of harvest, the area conforms to the stocking standards for the area (*WLPPR, S. 34(3)*).

The WLPPR defines intermediate cutting as the harvesting of timber if the harvesting takes place before the final harvest or regeneration cut and the majority of the pre-harvest volume is not removed; or the harvesting of bark beetle infested timber by harvesting scattered trees, small clumps of trees or for access trails required to harvest the timber.

While a licensee may be exempt from achieving free growing on openings as per (a) to (e) above, they must still report openings that exceed 0.25ha into RESULTS for land tracking purposes, and for (d) and (e) they must record and declare compliance with the applicable intermediate stocking standard. This is done by entering the spatial information for the opening, entering the intermediate stock standards applicable to the opening (either (d) or (e) above), and declaring the ‘NO REGENERATION’ milestone. Making this declaration confirms an opening complies with *WLPPR, S. 34* and is exempt from free growing. A forest cover report is required for these openings. The forest cover report to RESULTS will update the VRI data for the WL, which can be used with Woodlot for Windows to calculate the AAC.

**5. RESULTS data the FLNR is responsible for entering**

It is FLNR’s responsibility to enter and/or correct WL data and maps for activities carried out prior to January 1, 2006 into RESULTS, including any missing information that has been found recently. For example, it’s not uncommon to discover that a pre-2006 opening that was digitized for entry into RESULTS from a paper map is incorrect when compared to a more recent map done by GPS or Google Earth. Missing or erroneous pre-2006 data or maps could preclude a woodlot licensee from entering updated data or making a free growing declaration. If you find yourself in this circumstance, it is hoped that licensees and FLNR will work together to check records and cooperatively find fixes to any problems that are discovered. Woodlot licensees, like the FLNR, benefit by having accurate records.

**6. Access to RESULTS**

A new RESULTS Access Policy is being implemented which will cause the ‘Update’ and ‘Declare’ roles to expire after 2 years. FLNR has informed the Federation that it

feels the need to ensure users are competent and proficient with RESULTS. As a result, they are moving towards an accreditation type of program whereby users will have to pass a web-based test in order to get their access permission renewed. This change is specific to accessing RESULTS for the purpose of submitting, updating or amending information or making declarations. Access permission to view RESULTS information without making changes will not expire after 2 years. It will be the users responsibility to maintain/renew their access.

**7. Old cutblocks not reported in RESULTS**

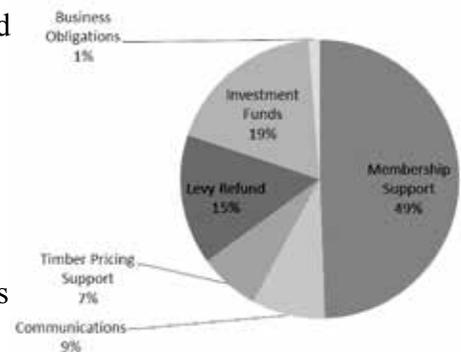
Does your WL have any old cutblocks listed in FTA (Forest Tenure Administration system) without a corresponding opening in RESULTS? Could it be that the block was never harvested or that the opening was reported into RESULTS as part of another opening?

If you answered yes to either of these questions, you will need to contact the Ministry and work with them to ‘clean up’ the situation. The Ministry official will have to go into FTA and record the block as ‘harvesting completed’ and the harvest area as 0 hectares. This will remove the block or opening from appearing in RESULTS as an unreported opening.

If a block has been logged and not reported, then the licensee should endeavor to get the required data entered into RESULTS as soon as possible. ♦

# Where your \$0.25 annual levy goes

The Woodlot Product Development Council has a responsibility to ensure funding originating from the woodlot levy is prudently managed and used only for work and activities consistent with the Purpose of the Council which are to: Promote a positive image of the woodlot industry and its products; educate the general public and buyers about the benefits of BC woodlots and small-scale forest management and initiate and support research programs for the development and enhancement of the woodlot industry in the province. The pie chart shows a breakdown of where the levy is used. ♦



# Bulletin: Disposition Options for Woodlot Licences

*This bulletin is for information only. Woodlot licensees who are considering disposing of their woodlot licence are encouraged to research the subject carefully and seek credible advice. This bulletin is an update of a 2006 bulletin prepared by Dave Haley, WL Forester, FLNRO and Brian McNaughton, General Manager, FBCWA.*

## Introduction

Many woodlot licensees have seen their woodlot licence areas devastated by a catastrophic event such as a mountain pine beetle infestation, wildfire, or blow-down. What was thought to be a forest that would provide a sustainable harvest forever had to be harvested in a short period of time. Today, many licensees are questioning the future of their woodlot licence and wondering what to do.

A licensee who is contemplating what to do with their woodlot licence should consider all of their options, after understanding the applicable legislation and their legal obligations.

## Legislation & Obligations

The Forest Act governs the disposition of tenure rights, which essentially comes down to four (4) options:

1. Keep the licence;
2. Surrender the licence;
3. Let the licence become non-replaceable (Forest Act, Section 46); or
4. Transfer the licence (Forest Act, Sections 54 to 54.8).

Each option is discussed below in this bulletin.

In addition to the Forest Act, it is recommended that licensees refer to the Forest & Range Practices Act, Cut Control Regulation, Woodlot Licence Regulation, and the Woodlot Licence Planning & Practices Regulation.

Licence obligations do not simply disappear because a licence is surrendered, transferred, or allowed to become non-replaceable and expire. Section 79 of the Forest Act addresses continuing liability and states that despite the expiry, surrender, suspension or cancellation of a holder's agreement, a licensee is obligated to:

- Pay all stumpage, annual rent, costs and penalties incurred before its expiry, surrender, suspension or cancellation of the WL,
- Perform all obligations under the agreement and applicable forestry legislation including establishing free growing stands, deactivation and proper maintenance of constructed roads, dispose of waste, etc., and
- Comply with all orders and provide information as required, e.g. annual reports.

## Options

### 1. Keep the Woodlot Licence

A licensee who opts to keep their licence will continue to

operate as before.

For woodlot licences where timber harvesting was accelerated to address a catastrophic event, a licensee should consider preparing, or the Ministry may require, a new Management Plan. Be aware some forest inventory work will likely be necessary in order to get current information on which to base a new or revised AAC. Depending on the severity of the catastrophic event and its impact, a new or amended Woodlot Licence Plan may be necessary.

It is strongly recommended that a woodlot licensee address their licence's overcut situation (if one exists) before preparing or amending a new Management Plan. If a new, lower AAC is determined before an overcut situation is resolved, then the overcut carry forward volume will take much longer to 'write off' or be accounted for. Consequently, it would be much longer before a licensee would be able to resume any harvesting on their WL. There are two options available for dealing with overcut carry forwards. Both are explained in detail in a memo that can be found at: <http://www.for.gov.bc.ca/ftp/HTH/external!/publish/web/timber-tenures/woodlots/Guidance-doc-june-2011.pdf>

### 2. Surrender the Woodlot Licence

Under Section 10(1) of the Woodlot Licence Regulation, the holder of a woodlot licence may apply in writing to the minister to surrender their licence. It is strongly recommended that a licensee talk with their District Manager prior to making a decision to surrender a licence. What you believe to be the situation with your woodlot licence may not concur with the Ministry's records. In particular, it's important for you to know and understand the cut control situation and what the Ministry considers to be your current and/or outstanding obligations.

The current cut control period (CCP) becomes the final CCP [Forest Act, Section 75.41(2)(a)], which ends on the date the licence is surrendered! Since it is the final CCP, the volume of timber harvested cannot exceed 100% of the AAC. In other words, the additional 20% allowance is not applicable to the final CCP! Once a licence is surrendered, the Ministry cannot grant an AAC increase and the volume overage is subject to a stumpage penalty.

As noted previously, Section 79 of the Forest Act addresses continuous liability, meaning that a woodlot licensee remains responsible for free growing, road deactivation, waste disposable, reporting, etc. even after the license is surrendered! Government will NOT assume a licensee's responsibilities or obligations. Section 29.1 of the Forest & Range Practices Act and Section 81 of the Woodlot Licence Planning & Practices Regulation do allow a licensee to transfer their silviculture obligations to a third party. The transferee would have to provide a security deposit to the

MOFR. Note: Silviculture obligations can be transferred at any time, not just when a woodlot licence is surrendered.

### 3. Let the Woodlot Licence become non-replaceable

For WLs which are replaceable, (i.e. virtually all WLs), Section 46 of the Forest Act requires a regional or district manager to offer a replacement licence during the 6 month period following the ninth anniversary of the existing licence, except where there is just cause to not do so. A licensee has 3 months to accept the offer of a replacement Woodlot Licence (see Forest Act section 46(6)). A licensee's failure to respond to the replacement offer has the same effect as a licensee formally declining the offer; which means the licence automatically becomes non-replaceable and will expire at the end of its 20-year term. In effect, the tenure becomes a 10-year non-replaceable woodlot licence. Declining a replacement offer is a decision that cannot be reversed! There is no legal way to make a licence replaceable again once the replacement opportunity has been missed.

A licence becoming non-replaceable does not change a licensee's obligations. They must still meet all payment and activity obligations as per Section 79 of the Forest Act.

### 4. Transfer the Woodlot Licence

An existing WL licence holder could transfer (i.e. sell or give) their WL to a person, First Nation band or corporation that is eligible to enter into the licence as per the Sections 44(4), (5) & (5.1) of the Forest Act.

The legal provisions pertaining to the transfer of forest tenures are set out in Sections 54 to 54.8 of the Forest Act.

It is important to note that while the transferee assumes all obligations from the time of the transfer, Section 54.6(2) states that the person who transfers a WL is jointly and severally liable with the person who acquires the WL, for payment and obligations accrued or accruing as of the date of completion of the transfer and still outstanding as of that date. When a WL is transferred the former licence holder should also consider transferring the free growing obligations to the new licence holder under Section 29.1 of the Forest & Range Practices Act.

In the case of a woodlot licence transfer that involves private (Schedule A) land, either the existing Schedule A land must be transferred with the woodlot licence or replacement private land must be included. Replacement land must either be fee simple or under a lease agreement that is acceptable to the minister. The replacement private land must meet an equivalency test – which typically means the new Schedule A land will produce about the same number of points as the original private land did in the original evaluation when the woodlot licence was awarded. In other words, the replacement land must be as good or better than the land it's replacing in terms of forest management and productivity. The decision as to equivalency rests with the Minister. The new licensee must

honor all the commitments made with respect to private land that are contained in the licence agreement or approved management plan. It is possible to have those commitments eliminated or amended by agreement with the District Manager. If the Schedule A land has been replaced, then a new Management Plan may be required.

The following are some additional notes about transferring a woodlot licence.

- The financial aspects of a transfer are a private matter between buyer and seller. Both parties are advised to get expert advice on the tax implications of selling or buying a WL.
- The value or price of a WL is a function involving many factors including but not limited to the WL's AAC, current cut control situation, the quantity and quality of timber on the WL, proximity to markets, log prices and any current or outstanding obligations. Past information and experience indicates that the price of a WL varies by location; i.e. the region of the province.
- Current and outstanding obligations include such things as reforestation obligations, road maintenance, waste disposal, surveys, Woodlot Licence Plan amendments, commitments to other tenure holders, etc. Buyers and sellers should be very thorough in their assessment of licence obligations.
- One woodlot licensee may hold two woodlot licences.
- A woodlot licensee can consolidate two woodlot licences providing the total area of the two licences combined does not exceed the maximum area of Crown land allowed under a woodlot licence as per the Forest Act – 800 hectares on the coast and 1200 hectares in the interior. The guidelines for consolidation two woodlot licences can be found at: <http://www.for.gov.bc.ca/ftp/hth/external!/publish/Web/timber-tenures/woodlots/woodlot-consolidation-procedures-oct-2009.pdf> ♦

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# The Tsilhqot'in Land Claim Decision by the Supreme Court of Canada

## Information for Woodlot Licensees

### Background Information

- The Supreme Court of Canada's (SCC) decision declaring Aboriginal Title was with respect to a specific piece of land claimed by the Tsilhqot'in First Nation. Private land was not considered within the decision and there were no area-based tenures within the claim area.
- The SCC decision declared Aboriginal title lands for one of the 6 bands that make up the Tsilhqot'in Nation and outlines the criteria to be used to determine where Aboriginal Title lands may exist. In the future, the Province's preference is to negotiate, not litigate, such claims and assertions.
- The decision has implications for the following aspects of consultation required for land and resource applications:
  - o How the strength of claims to Aboriginal title (SOC) are to be assessed;
  - o The depth of consultation and accommodation in areas of strong title claims; and
  - o Consultation will continue to be carried out in accordance with the Haida decision.
- Aboriginal title includes the right to exclusive use and occupation of the land, as well as the ability to determine the uses to which the land will be put.
- The SCC decision has clarified certain features of the Aboriginal title test. The most substantial change is a shift away from the idea and past practice of the Province that Aboriginal title is restricted to only site-specific locations.
- The Province has established and trained eight (8) regional, multi-agency committees (RSOC) to carry out 'strength of claim' assessments. The Province is developing operational tools to assist consultation staff and decision makers to make timely and

durable decisions.

- If an application for an authorization falls into an area with a low impact on an Aboriginal title claim, then the current requirements to consult with First Nations will be carried out.
- If an application for an authorization falls within an area of moderate to strong impact on the strength of claim for title, the authorization or application will be referred to the RSOC for further assessment. The RSOC will provide the results of its assessment to the statutory decision maker (SDM) who would then consider the information as part of the decision making process.

### General Advice for Woodlot Licensees

- Start early engagement with First Nations when applying for an authorization; i.e. Woodlot Licence Plan (WLP) approval, road permit or cutting permit (including 1 CP).
- It's recommended that each woodlot licensee build a positive relationship with all First Nations that have overlapping traditional territory with their licence area. Local district offices can provide a list of overlapping First Nations. As noted above, if all or part of the area covered by the authorization is subject to a moderate or strong SOC, it will be referred to a RSOC and the time required to get an authorization may be longer than usual. It's impossible to say how much longer because every situation is different.
- While engaging with First Nations consider tailoring the application for an authorization to only include areas that are not subject to an assertion of land title or where the strength of claim is low. Doing so may remove the need for the application to be referred to the RSOC and may reduce the processing time. This may be particularly important where time is an important

factor such as harvesting volume to meet cut control requirements, seasonal limitations, salvage or trying to control insects or diseases.

- Build stronger relationships with First Nations. The stronger the relationship the more informed a woodlot licensee will be about assertions to Aboriginal title as well as their spiritual, cultural (including archaeology) and traditional uses of the land within or near to the woodlot licence area. Plans and authorizations that respect and accommodate First Nations' uses of the land and aboriginal rights will be much easier and faster to approve. Submit this information including any support from First Nations for your application to the statutory decision maker.
- It is recommended that woodlot licensees share Management Plan and WLP information with First Nations including a review of the spatial information; i.e. where future harvesting and road construction will occur, won't occur or may occur with constraints. Finding out and responding to Aboriginal interests (including title and rights) will help reduce uncertainty and decrease the chance of issues arising when applying for an authorization.

More information regarding the implications of the Tsilhqot'in land claim decision to woodlot licences will be distributed as it becomes available. Questions specific to a woodlot licence should be directed to the local district manager and/or woodlot forester. More general questions, such as those involving policies and legislation, should be forwarded to [Neil.Edwards@gov.bc.ca](mailto:Neil.Edwards@gov.bc.ca) and [Emma.Neill@gov.bc.ca](mailto:Emma.Neill@gov.bc.ca) with a copy to Brian McNaughton ([gen\\_manager@woodlot.bc.ca](mailto:gen_manager@woodlot.bc.ca)). ♦

## ■ My two cents worth: a licensee's opinion

# Add Another Cent

by Dick Brenton

Hello to Harold and all you other woodlotters. I can identify with most of your obvious resistance to change, Harold. I retired in 2005 but still attend association AGMs to keep a finger on the pulse.

I can only "one-up" you in one place; my favourite riding place was on the front fender of our 1948 Chev which was designed for the purpose with a hood ornament for security.

At our recent AGM, the members of the West Kootenay Woodlot Association revealed a sad truth to me. Ed Hughes echoed this truth by saying, "As Woodlots, we cannot compete in the high volume log business". In our area, log prices compare with those received in the early 1990s. Lumber prices have had volatility, but remain essentially the same. Mechanized loggers are working on slim profit margins per meter and need a contract rate of \$17-24 to make money. Our members can no longer hire a traditional small contractor to remove small annual volumes. These loggers need a rate of \$30-35 to make it our area. This is too

big a slice for the logging phase of woodlotting at current log prices. The only option for those who do not do their own logging is to remove multi year cuttings in one pass with heavy equipment.

My wife and I managed WL491 as a family operation performing all phases except hauling. This was our livelihood, and most years, enabled us to raise a family without having to seek other work. I guess there is nothing stopping a Licensee from doing this today providing he or she does not bother to calculate their hourly wage. However, most are unwilling to do this.

What has been lost is the "warm fuzzy" aspects of running a tiny Woodlot show. Licensees are forced to opt for the large industrial model. This does not have to result in poorer forestry, (other than the risk of ground compaction), but it removes the element of small scale forestry operation from woodlotting. This is what saddens me, but like Harold, times must change and so must I. ♦

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# Happy New Year Woodlotters!

by Mike Bandstra

The new version of Woodlot for Windows (W4W) (Version 4.1.0.20) has been available for quite a few months now and despite the expected learning curve issues, has been generally well received. I have been asked to provide a brief article providing an overview of the common threads surfacing during the provision of W4W support services to both licensee and forestry consultant clients.

As Version 4 was developed, numerous beta versions were created and tested. As a side effect of this process, older beta versions are still loaded on some computers. It is very important that the latest version (4.1.0.20) be installed. Installation of the latest W4W software takes care of many of the issues already uncovered during previous testing and usage. Unfortunately, this is currently a 2 step process. First, the original version 4.1 must be installed, then the upgrade to Version 4.1.0.20 must be installed.

Both files available from the Federation website at <http://woodlot.bc.ca/woodlot-for-windows>. (Or just look under the main Woodlot Business tab.)

The other common thread in resolving support issues has been the preparation of data prior to import into W4W. The accuracy, availability, vintage and format of timber inventory data varies greatly between woodlots. Often woodlot licensees are patching together the most recent VRI information with recent harvesting or forest health information not reflected in the VRI data. It is highly recommended that any adjustments required to reflect new disturbances be made within a

GIS environment before importing a VRI shape file (the digital file type associated with VRI) into W4W. W4W is not a GIS mapping program, although it does permit you to see the polygon shapes. Many (if not most) of the errors encountered by users who contact support service can be traced back to improper, mislabelled or missing data in the input file.

The easiest manner to determine correct format of the polygon attributes required is to load the sample file that comes with W4W when installed. Once loaded you can export as a .csv file (under the File menu). This file can be opened with Microsoft Excel and both the data column headings and format of the values can be seen. Appendix 6 of the User's Manual also provides information on variables and data format. And finally, a "minimum VRI data required" sample shape file is available at the W4W section of the Federation web site.

A step by step process description is beyond the scope of this article. The variety of data sources utilized by various licensees, combined with different ways of combining old and new data, make creation of a generalized "checklist" problematic. But in general, should you encounter compilation errors or import issues when working with W4W, a thorough review of your input files will usually lead to a relatively painless fix and proper program functioning.

If unfamiliar with any of the terminology or standard processes within the program I highly recommend reading/reviewing the User's Manual or the support training

videos found at the Ministry website at <http://www.for.gov.bc.ca/hth/timber-tenures/woodlots/woodlot-for-windows.htm>. Should this not clarify your particular issue please do not hesitate to contact me at 250-847-4822 or send me an email describing the issue and attaching your .wlt or .shp file if possible to [mbandstra@forsite.ca](mailto:mbandstra@forsite.ca). ♦

## ***Please note:***

*The opinions expressed in the Almanac do not necessarily reflect those of the Federation, the Council, or their members.*



## **Letter to the Editor**

Please extend my thanks to the Federation and Council for their condolences and support over the death of my mother. I appreciated the obituary being published in the last Almanac.

Sincerely Dave Haley. ♦

Please help us out! If you are transferring or selling your woodlot make sure the new licensees get their own copy of the Almanac by asking them to send their contact information to the WPDC Coordinator. Also if you wish to remain on the Almanac's mailing list let Cathy know. ♦

*The FBCWA contracts a number of qualified people to work on projects that benefit all woodlot licensees. Projects are consistent with the activities approved in the annual work plan and are funded by the WPDC levy. In each issue of the Almanac this space will be dedicated to introducing the contractors, or FBCWA committee heads and executive members who oversee the contracts. Introducing...*

# Your New FBCWA Executive Members

The Federation held their elections in September, 2014. We would like to say a big thank you to Cliff Manning, Nadina and Wolfram Wollenheit, North Island, who both stepped down from their volunteer service at local and provincial levels.

The Federation would like to welcome three new executive members:

### ***Brian Amies, Columbia Woodlot Association***

Brian, our recent host of the AGM in Golden and long standing president of the Columbia Woodlot Association moved from Ontario to Golden in 1980, where he worked for the MOF for 15 years and graduated from UBC in 1989.

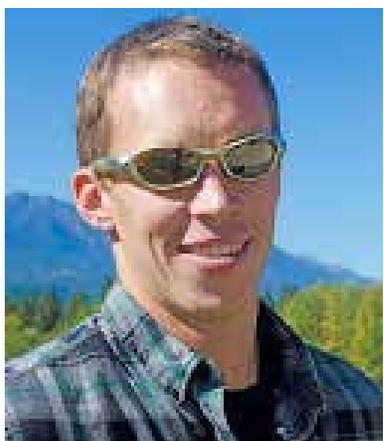
He left the MOF in 1996 to go consulting and get a woodlot. He now assists with the management of 7 other woodlots in the area. Brian raised his 2 sons, now 20 and 23, in Golden as well.

### ***Jordan Benner, North Island Woodlot Association***

Jordan grew up on Quadra Island, where he is now involved in all aspects of managing and operating his family's intergenerational woodlot license. In addition to working as a logger and forestry consultant, Jordan is pursuing a PhD from Simon Fraser University, focusing on research about ecosystem-based management on the Central Coast of BC. Jordan recently re-located to the Comox Valley with his wife and two children after spending several years in Vancouver.

### ***Jon Seinen, Nadina Woodlot Association***

Jon has been working his family woodlot for over 20 years. He started brushing and tree planting. He now does virtually everything on his own woodlot. From layout to log hauling...planting to processing. His children are eagerly waiting for the day when they are old enough to come work with dad. When he isn't side tracked by snowmobiling or fishing he has been known to work on the surrounding woodlots also. ♦



## R & D Project Funding Available

The annual work plan has an allotment of \$5,000 for R & D Projects that will benefit woodlot licensees. If you have an idea for a project, submit a proposal to the Woodlot Product Development Council. Once submitted, proposals will trigger a discussion between the Council, Federation and proponent(s). The project proposal form can be found at: <http://www.woodlot.bc.ca/wpdc.html#projects> ♦



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