



## Wildfires and Woodlot Licences Important Information for Woodlot Licensees

*The following has been prepared by the Federation of BC Woodlot Associations to provide information and references regarding woodlot licences and wildfires. It has been developed based on commonly asked questions from licensees whose WLs were impacted by a wildfire and is for general information only. It should not be considered as a complete or comprehensive list of all things a licensee should consider.*

### Fire Control on Private Land

Government has the authority to enter any land and carry out fire control activities. It also has the right to remain or re-enter private land to investigate, rehabilitate or another purpose. Sections 9(4) and 9(5) of the *Wildfire Act* address compensation to land owners and tenants when government enters private land to carry out fire control activities.

### Insurance

If you have insurance on your WL, check to see what the policy covers. Make sure you contact your insurance carrier and don't undertake any activities that may null and void the policy.

### Post Fire Rehabilitation

Sections 16 and 17 of the *Wildfire Regulation* deals with rehabilitation requirements if government or another person carries out fire control. Both sections require the preparation of a site rehabilitation plan. A woodlot licensee would be well advised to have input into a rehabilitation plan that involves their Schedule A and/or B lands. A plan is supposed to address actions required to minimize any fuel hazard created as a result of fire control operations, maintain natural drainage patterns, stabilize and re-vegetate soil disturbed or exposed by heavy equipment, stabilize stream channels and stream beds at crossings, and stabilize sump and dam locations that were created for the purpose of carrying out fire control.

### Assessing Fire Damaged Timber on Woodlot Licences

When assessing the damage caused by a wildfire and contemplating future actions, Licensees should differentiate between Schedule A and B land and categorize burned over areas by:

1. Incomplete obligations; e.g. areas where free growing had not yet been declared;
2. Immature and/or non-merchantable timber;
3. Economically viable, merchantable timber; and
4. Marginally economic or merchantable timber.

#### 1. Areas with Incomplete Obligations

Section 108 of the *Forest and Range Practices Act* (FRPA) addresses situations and circumstances whereby government may fund an extra expense or waive an obligation as a result of a wildfire. Note that an obligation is not limited to reforestation and free growing. Section 83 of the Woodlot Licence Planning and Practices Regulation provides more WL specific information, including what information an application for relief or funding must include.

For more information about applying for Section 108 funding, please refer to FRPA Bulletin #26 which can be found at <https://www.for.gov.bc.ca/ftp/HTH/external/!publish/web/frpa-admin/frpa-implementation/bulletins/frpa-general-no-26-govt-may-fund-extra-expenses-or-waive-obligations-Feb-14-2012.pdf>. Despite the declaration at the top of the bulletin, it does apply to woodlot licences. This was clarified in a letter dated August 1, 2017 from Jennifer Davis, Director, Resource Practices Branch to all woodlot licensees.

## **2. Immature and/or Non-Merchantable Timber**

There may be program funding from government available to rehabilitate and reforest burned over areas of immature and/or non-merchantable timber on Schedule B land; e.g. FES lists supporting the use of fibre from damaged and low value forests and improving damaged or low value forests as two of its purposes. Licensees should check with their local district office about the plans for assessing areas and prescribing projects. It's possible that districts will look to combine Schedule B and vacant crown lands in the same project in order to achieve better economies of scale.

Caution to licensees - Do not build road or harvest timber in these areas unless you are sure it won't trigger a reforestation obligation.

## **3. Economically Viable, Merchantable Timber**

Obviously, the quality and accessibility of the burned wood are key considerations. So too is log price, particularly in areas where the fires will have created a log oversupply situation. Some less obvious but important considerations with potentially serious cost and management implications are:

- In some timber types, the real impact of the fire may not be known for one or more growing seasons after a fire. Some trees may survive and could be factor when deciding if salvage logging is the correct course of action and what silviculture system and stocking standards should apply.
- Make sure the stocking standards and post-harvest obligations stated in your approved Woodlot Licence Plan (WLP) are still applicable given the post fire condition of the site and forest. For example, a fire killed dry belt Douglas-fir in the Cariboo may no longer be suited to multi storied stocking standards with Douglas-fir as the preferred species. In fact, it may be impossible or impractical to regenerate Douglas-fir. Lodgepole pine and aspen may be more suited to the site and the WLP and stock standards amended accordingly.
- The availability of suitable seed and seedlings. Seed and nursery capacity may be in short supply, particularly in areas such as the Cariboo where there has been a concentration of large fires.
- Check on the status of any higher-level plan requirements or orders (most often GAR orders) that apply to your WL. A wildfire doesn't null and void a HLP or an order! You will want to make sure that still existing HLP requirements or orders don't put you in a difficult to impossible situation; e.g. meeting the retention requirements for a visual quality objective or regenerating Douglas-fir in a mule deer winter range.
- Consider the impact the fire might have in the future. For example, the Cariboo was already facing a Douglas-fir bark beetle outbreak when the fires occurred. Fire killed or distressed timber may exacerbate the beetle program. Baiting and trap tree programs may need to be considered.

## **4. Marginally Economic/Merchantable Timber**

The law is clear. If you log, you are responsible for post-harvest obligations including reforestation and free growing.

However, if you don't log, then there may be program funding available for rehabilitation and reforestation.

No-one wants to see merchantable wood not utilized. But at this point, there is no avenue for government program funding to be used to 'augment' a licensee's cost to meet reforestation and free growing obligations. The ministry is aware of this issue and is working on it. Right now, if you aren't sure about the economics of logging a fire damaged stand, then it may be best to wait and see what the ministry comes up with. The Federation is involved and pushing for a reasonable resolution. New information will be distributed as it becomes available.

## Post Wildfire Harvesting (Salvage)

Licensees contemplating salvage logging should consider the status and applicability of their approved WLP, current cutting permits (CPs) and road permits (RPs) as well as any AAC or cut control implications.

### Woodlot Licence Plan

Check to make sure your approved WLP is still relevant and applicable given the impact of the wildfire. In addition to considering the implications to reforestation obligations, stocking standards, HLP requirements and GAR orders, there are other things to consider; e.g. disposition of natural range barriers, measures regarding invasive plants, strategy for the wildlife tree retention, etc. If necessary, amend your WLP before commencing salvage logging so you don't get caught with unreasonable, hard to deliver, and costly obligations!

### Cutting Permits

1 CP: Licensees operating under a 1CP should have the flexibility to shift the focus of operations from green wood to salvage.

Conventional CP: Licensees may want to consider or need to surrender or postpone conventional 'green' CPs and apply for a CP to harvest burned wood. CPs have a limited term. Upon expiry, or when harvesting of a block is considered complete, obligations kick in such as waste assessments, RESULTS reporting, hazard abatement, road deactivation, etc. These obligations continue to exist even if a licensee does the right thing and diverts their attention and operations to fire salvage. Also, once fire salvage is completed, there may not be enough AAC remaining within a cut control period to complete the harvesting that was planned originally.

A CP can be postponed for up to 2 years (see *Forest Act*, S. 58.21). The other option is to surrender the CP. This can be done by notifying the district manager. However, before doing so, make sure you know if standing timber will be assessed as waste and the obligations that will be incurred as a result of the surrender.

### Road Permits

As with any harvesting, a licensee must make sure to have the proper road authorizations in place.

### AAC and Cut Control

Make sure you have AAC available to accommodate salvage harvesting. A simple approach to getting a reasonable volume estimate is to identify the polygon(s) to be salvage logged and source volume information from the Woodlot for Windows data set; i.e. the same data that was used to determine the AAC in the first place. W4W data is usually included in the Management Plan.

If the volume of timber to be salvaged is likely to exceed the AAC available within the current cut control period then contact the Regional WL Forester as soon as possible to discuss options. The memo dated September 22, 2009 - "Guidance When Dealing with a Catastrophic Event Necessitating Increased Harvesting on Woodlot Licences" which can be found at

<https://www.for.gov.bc.ca/ftp/HTH/external/!publish/web/timber-tenures/woodlots/Guidance-catastrophic-sep-2009.pdf> is a good reference document. For many reasons, a cut control limit exemption (*Forest Act*, Section 75.9) is the recommended option.

If, after salvage logging, your WL is left in an overcut carry forward situation, please refer to memo dated June 27, 2011 - "Guidance Document to Deal with Two Available Options Regarding Overcut Carry Forward Volumes of Timber Harvested as a Result of Catastrophic Events on Woodlot Licences" which can be found at <https://www.for.gov.bc.ca/ftp/HTH/external/!publish/web/timber-tenures/woodlots/Guidance-doc-june-2011.pdf>.

## **Schedule A (Private) Land**

Program funding from government is not available for private (Schedule A) land. If you do log on Schedule A land, then the obligations and responsibilities associated with the licence and WLP apply. If this is of concern, then an option may be to apply to have some or all of the private land removed from the WL. The guidelines for deleting private land are currently under revision but the current version can be found at <https://www.for.gov.bc.ca/hth/timber-tenures/timber-admin-policy.htm>. Check regularly for the update guidelines which should be available soon.

## **When does a wildfire necessitate a new Management Plan (and a re-inventory)?**

The district manager may request a new management plan (MP) when circumstances warrant. Typically, a district manager will allow time for a licensee and FLNR staff to assess the damage and carry out salvage harvesting before requiring a new MP. Often it takes one or more growing seasons to fully understand and determine the extent of damage caused by a forest fire.

Whether a re-inventory is needed is a point of discussion between a licensee and the district manager. RESULTS records that capture the salvage harvesting and/or changes to polygons impacted by fire may be sufficient to update inventory information and base a new AAC calculation. In other cases, some polygons may have to be re-inventoried.

If asked to do a new MP while your WL is in an overcut carry forward situation, then you should refer to the “Guidance Document to Deal with the Two Available Options Regarding Overcut Carry Forward Volumes of Timber Harvested as a Result of Catastrophic Events on Woodlot Licences” (effective June 27, 2011). It can be found at <https://www.for.gov.bc.ca/ftp/HTH/external/!publish/web/timber-tenures/woodlots/Guidance-doc-june-2011.pdf>.