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File: 19505-55/2010-2016 SFMP

October 27, 2010

Darrell Regimbald, R.P.F.
Planning Coordinator North and East
Canadian Forest Products Ltd.
RR 1 Site 13 Comp 2
Fort St. John, British Columbia
V1J 4M6

Dear Darrell Regimbald:

On September 24, 2010, you as a representative of the Fort St. John Pilot participants requested under Section 25 of the *Fort St John Pilot Regulation* (FSJPPR) several variances to the regulation. These variances, once approved, would become the standard Field Performance Requirements replacing the FSJPPR regulation defaults, and these variances would become indicators under the certification regime supported by the SFMP. Also requested in your letter was an extension to the requirement for an annual report as per Section 51 of the FSJPPR. Please accept the following as my official rationale for decision in these matters.

In regards to your request for a variance to Section 51 of the FSJPPR as per Section 25 FSJPPR. My interpretation and understanding of Section 25 precludes me from being able to authorize any variance to Section 51 of the FSJPPR because Section 25 of the FSJPPR empowers me to approve only those variances that relate to Division 5 and/or Section 42 of the FSJPPR. Division 5 does not include Section 51. Further, my interpretation of Section 51 leads me to conclude that there are no mechanisms for extensions to the annual reporting timelines. However, I respect your concerns and understand the difficulties in achieving the required timelines this year. I suggest that you and the participants prepare the annual report as soon as practicable after the date of October 31st, should you be unable to submit the report before then.

I have the statutory authority to make a determination on your requests for Section 25 variances for Wildlife Tree Patch Retention Levels, Permanent Access Structures, Reforestation, Coarse Woody Debris, Riparian Reserves and Visual Quality Objectives. My determination must ensure that your requests manage and conserve the forest resources and may include conditions.

Ministry of Forests and Range | Peace Forest District | Location: 9000 – 17th Street Dawson Creek BC | Mailing Address: 9000 17th Street Dawson Creek BC V1G 4A4 Tel: (250) 784-1200 Fax: (250) 784-0143

Wildlife Tree Patch Retention Levels

You have requested to vary the standard set in Section 29(1) of the FSJPPR and replace that standard with the table found in Section 8.1.1 of SFMP #2. The base standard under the FSJPPR is 4%, your proposal offers a range of retention based on the landscape unit and offers between 3% and 8% retention. There are 2 Landscape Units (LUs) with 3% retention and the others are of a higher percentage. This is consistent with the previous SFMP and consistent with the science of natural retention ranges outlined by C. Delong's work. I approve this variance request and accept that the table found in Section 8.1.1 of SFMP #2 will be the new standard for Wildlife Tree Patch Retention.

Permanent Access Structures

You have requested to vary the standard set in Section 30 of the FSJPPR, limiting permanent access structures to a maximum of 7% of the total area harvested to a new standard listed in Section 8.1.2 of SFMP #2. The new standard will be determined by a 3 year rolling average. A 5% maximum is lower than the current level of 7%; however, the definition of a 3 year rolling average is not well described in Section 8.1.2. Therefore, I will approve your variance request, but, add the condition that a 3 year rolling average will be defined as a list of cutblocks that have completed harvesting by the FSJ Pilot Participants, in the 3 years previous to the submission date of the annual report (October of each year). An example of this calculation for the 2011 annual report would be a sum of the area of all the harvested cutblocks from November of 2008 to October of 2011 divided by the amount of road constructed.

Reforestation

8.1.3.1 Reforestation Declaration Process Change

Your request to vary the requirement, remove and change the process for reforestation declaration of coniferous, deciduous or mixed wood to the District Manager prior to Authorization as described in Section 23.1 of the FSJPPR is not approved because it is outside of the scope of my authority and can only be changed with a regulation amendment. I am not opposed to the changes you have presented and agree the need to inform the District Manager of the reforestation regime prior to authorization is not a critical decision point and I also agree that formally recognizing RESULTS in the FSJPPR is appropriate and overdue. I encourage you to pursue Regulation change.

8.1.3.2 Landscape Level Assessment of Coniferous and Deciduous Areas

Your request to vary Section 35(5) of the FSJPPR and to **"disapply"** Sections 32(3), (4), (5), (6), (8) and Section 98 and 99 is not approved. However, I can and will approve the use of alternate ***"applicable performance standard"*** as per Sections 32(4),(5),(6),(8), Section 98 and Section 99.

8.1.3.3 to 8.1.3.6

SFMP # 2 Sections 8.1.3.2 through to 8.1.3.6 and appendix 6 and 10 describe the variances to the applicable performance standards for silviculture that the Participants wish to be held to. I approve the proposed variances described in Sections 8.1.3.2 through to 8.1.3.6 and I am

satisfied that the use of the performance standards, are consistent with the FSJPPR, will manage and conserve the resource, and meet the test of the FPC preamble.
Table #1 below identifies the section within the FSJPPR and matches it to the section of the SFMP #2 that has my approval for a variance as per Section 25 of the FSJPPR.

Table #1:

FSJPPR Regulation to be varied	Approved applicable performance standard
FSJPPR Section 32(4)(a)	Appendix 6 standards for mixed woods, coniferous and deciduous and those standards set in Section 8.1.3.3 of the SFMP #2.
FSJPPR Section 32(5)(a)(i) and schedule F	Appendix 6 standards for mixed woods, coniferous and deciduous and those standards set in Section 8.1.3.3 and 8.1.3.5 of the SFMP #2.
FSJPPR Section 32(6)(a)(i) & 32(6)(b)(d) and Section 98(1)(2)(3)	Appendix 6 standards for mixed woods, coniferous and deciduous and those standards set in Section 8.1.3.3,8.1.3.5 and 8.1.3.6 of the SFMP #2.
FSJPPR Section 32(6)(c)&(e)	Standards stay as per Regulation
FSJPPR and Section 32(8)(a) and Section 99	Section 6.13 and Section 8.1.3.4 of the SFMP #2

Coarse Woody Debris

You have requested to vary Section 29(2)(b) and replace it with a standard as described in Section 6.6 and 8.1.4 of the SFMP #2. This standard prescribes a land base approach to Coarse Woody Debris management which defaults to approximately 46 m^3/year. I approve this variance and I am satisfied that this approach will manage and conserve the resource, meet the test of the FPC preamble and is consistent with the FSJPPR.

Riparian Reserves

You have requested to vary Section 28(1)(b)(i)(A) to allow for harvest within a Riparian Reserve Zone, if approved by the district manager, as described in Schedule "D" of the FSJPPR. I approve this variance and I am satisfied that this approach will manage and conserve the resource, meet the test of the FPC preamble and is consistent with the FSJPPR.

Visual Quality Objectives

You have requested to vary the requirement under Section 28(1)(c) to meet all known Visual Quality Objectives as described by a known scenic area by adding the ability to apply for a variance from the established VQO via an application and approval of the District Manager. I approve this variance and I am satisfied that this approach will manage and conserve the resource, meet the test of the FPC preamble and is consistent with the FSJPPR.

If you have any questions or concerns related to this letter please contact me, via telephone at 250-784-1200 or via email at dale.morgan@gov.bc.ca.

Yours truly,

Dale Morgan
District Manager
Peace Forest District