

File: 19720-01 – web referenced in Jan 20, 2006, uplift procedures letter only
(ie. this letter was not mailed to licensees)

October 5, 2004 **REVISED January 16, 2006 -- revisions shown in red**

«licensee»

Dear «Salutation»:

This letter is intended to outline the Central Cariboo Forest District's new procedures for dealing with all future overcutting on woodlot licences due to timber at risk because of wind, fire, insect or disease. With the continuing beetle infestation and blowdown events, and the recent changes in the *Forest Act* cut control legislation, these new procedures are necessary in order to limit the risk to both licensees and the Crown.

In accordance with Section 75.5 of the *Forest Act*, a woodlot licensee must ensure that the volume of timber harvested during a five year cut control period, is less than 120% of the sum of the allowable annual cuts for that period. If a licensee exceeds this limit, then a monetary penalty **must** be paid to the government. However, the *Forest Act* also provides an opportunity to be exempted from this penalty, if timber is at risk.



The following steps outline our new procedures for dealing with future overcutting:

1. **Before** reaching 120%, a licensee should submit a letter, to the regional manager of the Southern Interior Forest Region, requesting an exemption from cut control limits under Section 75.9 of the *Forest Act*. This letter should include an estimate of the volume of damaged timber requiring removal over the remaining years in the five-year cut control period. Please also send a copy of this request letter to the district office.
2. District woodlot staff will review the request and forward their recommendation to the regional manager. If only damaged timber has been harvested, then a positive recommendation will likely be sent. If there is any evidence of harvesting non-damaged timber, then a negative recommendation will likely be sent.
3. Regional woodlot staff will review the district recommendation and all other pertinent information before providing a recommendation to the regional manager. A letter will be sent to the licensee outlining the regional manager's decision. If the regional manager

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grants an exemption from the 120% limit, he will set a new limit and may attach conditions to that exemption.

4. If the damaged timber situation increases and will exceed the new limit set in step 3, then the licensee **should apply to the district office for an uplift** prior to reaching the new limit (follow **Steps 8 to 12 below**).
5. At the end of the current five-year cut control period, district staff will review the licensee's performance against any conditions set out in the regional manager's letter (Step 3). Based on this review, the district manager will forward his recommendation to the regional manager for a final decision regarding compliance with any overcut exemption conditions.
6. The regional manager's final decision will be outlined in the final cut control statement for the current five-year cut control period. If the licensee is in compliance, then no penalty will be assessed. If a licensee is found to be non-compliant, then a penalty will be assessed in accordance with Section 75.91 of the *Forest Act*.
7. Despite the 120% limit or any new limits set by the regional manager, any volume above 100% - at the end of the current cut control period - will be carried forward into the next cut control period. This carried forward volume is considered volume harvested in this new cut control period.
8. If the volume carried forward was a result of salvaging a significant amount of damaged timber, then a licensee may apply for an uplift from the district manager. **Furthermore, if the volume carried forward will exceed the total AAC of the five year cut control period, then a licensee should apply for an uplift prior to the end of the five year cut control period. More specific instructions and examples will be forthcoming in a separate uplift procedures letter.**
9. When an uplift request is received, district woodlot staff will do an evaluation of the volume harvested. If, since the request of the overcut exemption, harvesting has been only damaged timber, then an uplift will likely be granted by the district manager. Uplifts will be calculated based on the amount of damaged timber harvested. Depending on the amount of volume harvested, licensees may be required to complete a reinventory before any adjustments will be made to their allowable annual cuts (AAC).
10. Before an uplift can be granted by the district manager, First Nations consultation must occur.
11. If an uplift is granted, then an annual rent invoice will be generated by regional staff once they receive the district manager's determination. The licensee will be required to pay annual rent on the uplift volume, in addition to his/her regular AAC volume.
12. Uplifts may not be granted if non-damaged blocks have been harvested during the period of time when the licensee was operating under overcut exemption provisions.

This new direction will provide consistency to all woodlot licensees within the Central Cariboo Forest District. A point form version of only those steps involving the licensee is

«Salutation»

also enclosed. Please note that the Act and Regulation requirements should be read in their entirety to ensure all legal obligations are adhered to.

The enclosed form letter was created for your use and, if used, should enable faster approvals.

Please note that if an uplift or overcut exemption request has already been submitted to our office, as of the date of this letter, and the estimate volume in that letter has not changed, then a new letter to the regional manager is not necessary. However, if the volume has changed, please submit a new letter in accordance with the instructions above.

The above is a summary provided to woodlot licensees in order to help clarify the overcut exemption and uplift options available to them. This summary does not replace any of the act or regulation requirements. Licensees are encouraged to read the *Forest Act* and the *Cut Control Regulation* in their entirety.

For further information, please contact me at 398-4384 or Mike Gatenby at 398-4689.

Yours truly,

Stephanie Mooney
Woodlot Forester
Central Cariboo Forest District

Enclosure(s): Licensee Steps and Form Letter