

Rationale

for approval of blocks > 60 hectares where requests for exemption from green - up or adjacency requirements are made.

Background: Some major license holders have prepared Forest Development Plans in which blocks have been proposed that exceed the 60 hectare maximum cutblock size figure and require exemption from green-up or adjacency requirements. This initiative is largely due to MOF and MELP staff encouraging tenure holders to address the concerns with fragmentation and connectivity. There is some debate as to whether the District Manager has the legal authority to approve these exemptions. The following provides insight into that decision.

Legislation: The legislation that allows for DM approval around the above issue is as follows:

- OPR (21) (3) (b) which states “Despite subsection (2)” (which establishes maximum cutblock size of 60 ha. for Interior) “the district manager may specify a maximum cutblock size that may be proposed in the plan that is...larger than that specified in subsection (2) if the district manager is of the opinion that the cutblock design is consistent with the structural characteristics and the temporal and spatial distribution of natural openings.”
- OPR (23) (3) (d) which states that “the person referred to in subsection (1)...licensee...may propose to harvest a cutblock if the areas contiguous with it do not meet the green-up requirements of subsection (1), if...the district manager determines that the proposed harvesting activity is consistent with the actions required to achieve biological diversity objectives referred to in section (15) (7) (a)” . Section 15 (7) (a) requires that an FDP describes the actions required to achieve the known landscape level objectives, including any biological diversity objectives”.

Answer: The legislation allows the district manager to approve large blocks and waive green-up requirements because:

- Although the DM has never formally specified a maximum cutblock size to the tenure holders, he has recognized that “fragmentation” is a large concern that needs addressing immediately and has encouraged them to work with MELP and MOF staff to derive strategies to effectively deal with it. This strategy is derived using the Biodiversity Guidebook (strategies for Natural disturbance Type 3) and using a common sense approach. Formally, the District Biodiversity Policy (approved January 10, 1997) states that “Through this policy, Lakes Forest District establishes that it is in agreement with the principles of biological diversity as outlined in the objectives and recommendations of the Biodiversity Guidebook:
- The licensees incorporate biodiversity objectives (and statements around fragmentation) into their FDP which when approved forms the legal link we need to approve large blocks (and waive green-up requirements.)
- The following is an excerpt of the FDP approval letter and the Rationale around the DMs decision.

“Harvest Pattern (Fragmentation)

I recognize that fragmentation of the forest ecosystem is a concern which is characteristic of harvest design where blocks of relatively equal size are evenly dispersed across the landscape. I also recognize that you are working in a co-operative fashion with both Ministries (MOF, MoELP) to develop strategies for the maintenance and/or

establishment of more contiguous tracts of mature forest. This is evident in the configuration of those blocks within "2nd pass areas" (East Ootsa North) and those occurring east of Wolf Lake. Some of these blocks also exceed the 60 hectare maximum cutblock size imposed through Section 21 (2) (b) of the Operational Planning Regulation (OPR). Section 21 (2) (b) of the OPR specifies the circumstances where I may approve blocks exceeding the 60 hectare maximum. In discussions with MoELP staff in the District and my staff, I am confident that these larger blocks incorporate biodiversity objectives (Wildlife Tree Patches) and allow for wildlife movement patterns through linkages and the maintenance of contiguous units of mature forest. Their harvest will also serve to reduce fragmentation in other areas of your Chart. This is consistent with the Biodiversity Guidebook. I am of the opinion that the cutblock designs are consistent with the structural characteristics and the temporal and spatial distribution of natural openings. The above approval pertains to the following blocks: CP 421 Blks 3,4, CP 175 Blk 204, CP 176 Blks 206, 208, CP 173 Blk 211, CP 174 Blk 217, 218."

- The Biodiversity Guidebook makes recommendations about the temporal and spatial distribution of the cut and leave areas for the NDT3 on page 34. It states "Patch sizes greater than 40 or 60 hectares can be created by harvesting the entire patch at one time or by aggregating small cutblocks over time. In either case, structural attributes (i.e. live and dead trees) consistent with the natural disturbance type are to be retained within the patch. If smaller cutblocks are aggregated over time, **the district manager may waive or reduce green-up requirements to accomplish this**. When approved cutblocks exceeding 40 or 60 ha are advertised, and appear in the Gazette, the fact that they meet biodiversity retention objectives should be indicated. The size range of leave areas should be the same as that for openings.

Note: The green-up or adjacency requirements have not been waived within the Rationale of the FDP approval letters thus far. The approval of the specific blocks have been carried out on the Cutblock Approval Sheet and based on height table submissions within the FDP. It would probably be better to work these approvals directly into the Rationale and specify the legislation...I'll work that into the next submission.

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