FOREST PRACTICES CODE

General Bulletin

Number 43 **December 14, 2001**

Bark Beetle Regulation

Introduction

The intent of the regulation is to better enable government and industry to manage the operational plan workload arising form the Forest Practices Code which will in turn lead to more effective management of the bark beetle epidemic. This regulation is consistent with the objectives outlined in the Mountain Pine Bark Beetle Action plan and the Minister's memo of November 11, 2001 which encourages SDM's to utilize all the legislative options and apply appropriate risk management principles to effectively manage the beetle outbreak.

Area Designation and Location

The effect of the designation is to geographically identify the area to which the regulation applies and provide context for DM's to consider when determining the measures taken to address an emergency (FPC42).

1. Pursuant to the regulation, the Minister of Forests is the statutory decision-maker for the purposes of designating an Emergency Bark Beetle Management Area (EBBMA). The EBBMA boundary is the minister's expression of the geographic extent to which he intends the regulation to apply.

Typical criteria the minister may consider in designating the boundary of an EBBMA include:

a) current infestation level and extent
b) location and abundance of susceptible host
c) the degree to which streamlined administration is critical to success
d) species of bark beetle presenting the threat
e) other similar criteria as determined by the Minister

It is anticipated that the EBBMA will be designed to include large portions of multiple districts that meet the type of criteria described above. It is not a requirement that the EBBMA include any particular district in its entirety, in fact, there is no relationship between the EBBMA and district administrative boundaries. Mapping will be at an approximate scale of 1:750,000. The boundary of the EBBMA can be revised over time based on where the beetle moves over time. Portions of districts not at risk to the bark beetle and areas where the bark beetle has passed through leaving only salvage or rehabilitation conditions behind are not to be included within the EBBMA. The design of the EBBMA boundary should be supported by recommendations of government entomologists based on best available information.

2. Emergency Management Units (EMU) are designated by the Beetle Management Co-ordinator (BMC).

These EMU's are intended to geographically sub-divide the EBBMA into various levels of infestation and treatment intensity, especially the leading edge or new portions of the infestation. The scale of an EMU map is at the discretion of the BMC, but will typically be 1:250,000. Where it makes operational sense, consideration should be given to using aggregated Landscape Unit (LU) boundaries as a focus for EMU boundaries. In any case, the EMU boundaries should be based on forest health survey information and the following criteria:

a) current infestation levels consistent with the intent of the regulation
b) the area is within the EBBMA
c) abundance of susceptible hosts
d) proximity to red attack
e) urgency/timing critical to success
f) species of tree/insect
g) others criteria as determined by the BMC

This designation may include further subdivision of EMU's for either or both of the following:

- Aggressive unit– the strategy is to use all forest health treatments to reduce the beetle infestation, including MSMA, pheromone trapping, single tree fell and burn, <5000 m3 SP exempt and regular Code for >5000m3 blocks
- Sanitation unit– the strategy is that harvesting will be the primary forest health treatment, <5000m3 SP exempt and regular code for >5000m3 blocks

Areas excluded from either the EBBMA or an EMU are, by default, areas where the provisions of the regulation do not apply – activities on these areas include: 1) non-emergency beetle salvage (red and grey attack), 2) regular harvesting where it is adequate to manage the bark beetle or, 3) regular harvesting of non-infected wood (green blocks).

The boundaries of EMU's should be supported by recommendations of government entomologists based on best available information.

3. Although not provided for in the regulation, a third type of zonation occurs administratively relative to timber harvesting approvals, when the DM issues a blanket CP for an area. The DM will determine the size of the blanket area based on factors such as existing access, chart boundaries, planning cells or topography.

All designated areas are subject to change as the case may be, and will be based on new beetle infestation information as it becomes available each year.
(approximately Sept 1st for EBBMA and October 1st for EMU's)

District Forest Health Strategy

When EMU's are laid over district level bark beetle strategies, they can help guide the best use of resources within and between districts. FDP's and amendments should be consistent with forest health strategies and assist in the application of the tools outlined in this regulation. The aggressive and sanitation designations align fairly well with zones A and B respectively in the district forest health strategies. It is envisioned that the survey maps will provide an important communication document for notifying other resource agencies, stakeholders and First Nations of these activities and where they are likely to occur.

Scope

This regulation applies only to the BMC designated EMU's within the EBBMA. This regulation does not apply within the EBBMA to salvage operations, uninfested trees, or to blocks larger than 5000 m3 which will require a regular SP and FDP. Existing Code provisions continue to apply to all other activities and should continue to be used.

Silviculture Prescription Exemptions

An SP exemption must be applied for by the licensee. The DM must be satisfied that the exemption is necessary to expedite measures to limit the spread of the bark beetle and be based on the most recent forest health survey information. Once granted it applies to all beetle harvests meeting the requirements of the regulation within the entire EMU, subject to DM imposed conditions. The condition provision is intended to allow management of issues within a specific EMU. District managers in exercising their discretion, are urged to consider the intent of the regulation and the objectives of the mountain pine beetle action plan to avoid attaching conditions that would lead to inconsistent application. The DM may consider consulting with the BMC prior to imposing conditions particularly where consistency may be an issue between districts.

For example, the requirement for conducting an AIA is linked to the SP. Since there is no SP, the DM may wish to require an AIA as a condition, and more specifically, for CMT's, require a report linked to s7 (8) of the bark beetle regulation that would mirror information required in the level 1 information form from the CMT handbook. Other examples of possible conditions include;

1) some longer term access planning considerations such as an exit strategy,
2) free growing standards for partial harvest silviculture systems,
3) a review of the FDP proposal to specially affected stakeholders, such as a tourist lodge adjacent to proposed operations,
4) the requirement to plant trees in openings less than one hectare.

District manager policies continue to function normally within EMU's and may be issued to clarify local application of the regulation.

An exempted person within the EMU is further exempted from the requirement to provide maps and schedules in the FDP as per FPC s10(1)(b)(i), identifying a road on an LP or SP, to construct a road as per FPC s58 (2)(b)(iii), and to obtain the consent under FPC s68 of the DM to construct a bladed or excavated trail.

Harvesting pursuant to an exemption must be focused on trees with brood as well as any incidental uninfested trees required to be removed to harvest the infested trees. Uninfested trees may also be expected to be removed to provide access to infested trees or areas of infested trees that would be critical to success along the leading edge of an infestation. The volume of harvest from a stand is expected to be along a spectrum or range from what is now covered by the snip and skid type operations through to a maximum of 15 ha clearcut and 5000 m3. Harvesting will result in small clear cuts or partial harvests that leave varying amounts of residual forest not infested by the beetle. The retention of residual non-attacked, red without brood and grey trees is intended to ensure that other forest management goals that may otherwise be prescribed in an SP are not compromised.

Exempted operations are eligible for the limited content FDP or limited content FDP amendment. This results in a balance between the need for key information and the need for expedited operations. The FDP or amendment is a key document for stakeholder and agency understanding of the operation likely to be undertaken in these special zones. Since the amendment may proceed using the emergency provisions that would not require a review and comment period, communication to all stakeholders using the forest health survey map outlining the nature of harvest activities is important.

Due to the urgent nature of these expedited operations, the First Nation's consultation process followed regarding normal forest operations may not be feasible. However, it is recommended the First Nation's whose asserted traditional territories may be impacted by expedited operations be notified wherever possible. Such notification should provide sufficient information to ensure that the First Nation's are fully aware of the urgent operational need, timeframe, nature and location of harvests that will take place pursuant to the exemption.

Special standards in this regulation are required for exempted operations:

- Soil disturbance and re-establishing drainage on access trails – the 10% figure applies to the opening area not the access to the opening, hence not permanent access
- Minimum requirements producing a free growing stand
- Reporting and mapping areas after harvest – recommend grouping openings with similar standards when entering the data into ISIS to save assigning an opening number to each small opening.
- Appropriate penalties added to the Admin. Remedies Regulation

Existing Safeguards

It is are important for industry's marketplace and all interested stakeholders to recognize that many of the existing FPC parameters continue to apply, in particular the following:

1. FDP (limited content)
2. FPCs51 (previously unidentified resource features)
3. FPC s45 and 48 (damage to the environment and remediation)

4. FPC s96 (unauthorized harvest if harvesting exceed 5000 m3 or contrary to any conditions)
5. the standards in this regulation
6. the practices in other regulation (timber harvest practices, silviculture practices, and others)

Issuance of the Harvest Authority

Although not originating from the regulation, it is important that timber harvesting and road approvals be streamlined so they do not become the 'limiting factor' in beetle control timing. Blanket cutting permits are recommended to achieve this for SP exempt operations. All harvesting and access will initially occur using blanket CP's. Section 18 of the operational planning regulation was amended to allow for limited content FDPs which include "a map showing areas within which roads may be constructed". This provision allows a licensee to show broad corridors in the limited content FDP within which roads will be constructed as field work refines the actual locations. To streamline road approvals, it is recommended the DM authorise road/trail construction (and exempted harvesting) via issuance of a blanket cutting permit. In the event a road is required for long term use (beyond the life of the cutting permit) authority to use the road may be converted to a road permit after the CP has expired. Cutblock blending policy currently exists for blocks in the <2000 cubic metre. Any further cutblock blending policy relating to blending <2000 cubic metre cutblocks with larger blocks will be communicated separately.

Contacts

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