COMMENTS RESPECTING

THE TIMBER SUPPLY REVIEW (TSR) FOR TREE FARM LICENCE 46 (TFL 46)

AND THE RENEWAL OF THE FOREST STEWARDSHIP PLAN (FSP)

OF TEAL CEDAR PRODUCTS LTD. (TEAL-JONES) FOR TFL-46

SUBMITTED BY YVES MAYRAND – FEBRUARY 28, 2022 – CORRECTED MARCH 1, 2022

1. Executive Summary

Teal Cedar Products Ltd. (Teal-Jones) is the holder of Tree Farm Licence 46 (TFL 46), which it acquired from Timber West in 2004. TFL 46 is located on the west side of South Vancouver Island near Port Renfrew, on provincial Crown land covering unceded First Nations traditional territories. Its 10-year Allowable Annual Cut (AAC) is currently subject to a timber supply review (TSR) by the Chief Forester as mandated by the *Forest Act* (BC). The TSR process requires a public comment period on Teal-Jones' management plan that includes a Timber Supply Technical Analysis Report stating the licensee's proposal to the Chief Forester for a new AAC determination for TFL 46.

There are significant and unexplained issues with Teal-Jones' conduct during this TSR process, which has extended well beyond the expiry date of the latest 10-year AAC determination for TFL 46, while Teal-Jones continued its timber harvesting activities within TFL 46 and will likely continue to do so until a new AAC determination is made. There are also several significant deficiencies in the information provided by Teal-Jones for public review and comment.

The information provided by Teal-Jones does however clearly show that the timber resource in TFL 46 has been overharvested by Teal-Jones during its tenure. Teal-Jones formally acknowledges the "precarious nature of the timber supply situation" in TFL 46. Yet, Teal-Jones proposes a new AAC with a higher annual volume of timber harvesting for TFL 46 for the next 10-year period. In the circumstances, the proposal of Teal-Jones to the Chief Forester will also prove to be unsustainable.

Furthermore, Teal-Jones clearly intends to clearcut all the available old growth tree stands still remaining within TFL 46 essentially in the next ten years without regard for old growth logging deferrals and without regard for the resulting adverse consequences, particularly with respect to the required protection of the natural old growth habitat for the Marbled Murrelet, a bird species protected under the authority of the *Species at Risk Act* (Canada), as well as an order and notice respectively issued under the authority of the *Land Act* (BC)

and the *Forest and Range Practices Act* (BC). At-risk old growth forest ecosystems with very large and healthy old trees having several centuries of age, and even more than 1,000 years of age, are directly threatened by Teal-Jones' proposed management plan for TFL 46.

For these reasons, the new AAC determination for TFL 46 to be made by the Chief Forester (or Deputy Chief Forester) should : 1) be set for a period that is shorter than the maximum 10-year period permitted by the *Forest Act* (BC); 2) be set at a significantly lower annual volume level than the annual volume set in the previous AAC determination and the annual volume proposed by Teal-Jones; 3) include a partition setting separately the allowable timber harvesting volume for areas of second growth and areas of old growth within TFL 46 for the duration of the shorter AAC period; and 4) specifically exclude from the Teal-Jones timber harvesting land base (THLB) and the AAC for TFL 46 the old growth areas on provincial Crown land that are: (a) already subject to logging deferrals under the authority of the *Forest Act* (BC); (b) subject to further logging deferrals pending consultations with First Nations; and (c) necessary to effectively protect the natural habitat of the Marbled Murrelet pursuant to federal and provincial law.

2. Introduction

The comments in this submission follow up on an earlier submission made to Diane Nicholls, Chief Forester, on March 10, 2021, with copies sent respectively to Shane Berg, Executive Director and Deputy Chief Forester and Jim Brown, Manager, Forest Analysis and Data Management Branch (FAIB), of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD), as well as to Teal-Jones (attached as Appendix 1). A reply was received on April 22, 2021, from Shane Berg on behalf of MFLNRORD (attached as Appendix 2). No acknowledgement of receipt or reply was received from Teal-Jones or Teal-Jones Group.

The present submission incorporates and further updates the comments made in the earlier submission attached as Appendix 1. It has been sent on February 28, 2022, this corrected version was also sent on March 1, 2022, by email to forestryadmin@tealjones.com and by registered mail to the office of Teal-Jones Group, 17897 Triggs Road, Surrey, B.C, V4N 4M4. A follow-up letter to Diane Nicholls, Chief Forester, and Shane Berg, Deputy Chief Forester, together with a complete copy of this updated submission, and the corrected version, has been sent to them by email for their information (attached as Appendix 3). For ease of reference, this present submission contains a list of rules, requirements, guidelines and related information considered for our comments (attached as Appendix 4).

3. Preliminary Comments Relating to the Required Public Review, Timeline and Ongoing Timber Harvesting Activities of Teal-Jones During the Pending TSR Process for TFL 46

Before commenting on the substance of the Proposed Management Plan #5 documents posted by Teal-Jones Group on its website on December 15, 2021, and on the state of Teal-Jones Group's Forest Stewardship Plan for TFL 46, it is necessary in the circumstances to point out some significant issues respecting the required public review and timeline for the pending TSR process for TFL 46 and the pursuit of timber harvesting activities by Teal-Jones within TFL 46 during that process.

3.1. Filing of Required Documents Comprising the TSR Information Package for TFL 46 and the Renewal of the FSP for TFL 46

3.1.1. TSR Information Package for TFL 46

Several versions of the Timber Supply Analysis Information Package document were prepared by Ecora Engineering and Resource Group Ltd. on behalf of Teal-Jones for the purpose of the TFL 46 TSR process. The second version of this document (Version B dated July 28, 2020) was submitted for review by MFLNRORD on July 28, 2020. The third version (Version C dated August 10, 2020) was posted by Teal-Jones Group on its website in August 2020, apparently without the related Public Review Strategy and timeline, but was subsequently removed from the website. The fourth version (Version D dated March 10, 2021) was submitted for MFLNRORD review and apparently accepted by MFLNRORD on July 15, 2021, but not posted by Teal-Jones Group on its website until December 15, 2021.

After due inquiry at MFLNRORD in April 2021 and in the months following the expiry, on May 24, 2021, of the latest 10-year AAC determination for TFL 46, we were advised that Teal-Jones had yet to complete and submit its timber supply analysis report for review by MFLNRORD to complete the required Information Package documents and trigger the required public comment period. We were also advised that Ministry staff met several times with the TFL holder staff and contractor to discuss various technical aspects of the analysis and the content requirements of the timber supply analysis report.

Subsequently, three versions of the Timber Supply Analysis Technical Report were prepared by Ecora Engineering and Resource Group Ltd. on behalf of Teal-Jones for the purpose of the TFL 46 TSR process, with the first version (Version A dated November 18, 2021) being submitted for review by Teal-Jones, the second version (Version B dated November 24, 2021) being submitted for review by the Forest Analysis and Inventory Branch (FAIB) of MFLNRORD, and the third version (Version

C dated December 14, 2021) being finally posted on the website of Teal-Jones Group for public review on December 15, 2021, together with the other documents comprising the Proposed Management Plan #5 Information Package.

3.1.2. Forest Stewardship Plan for TFL 46

Version B of Teal-Jones' Proposed Management Plan #5 dated December 14, 2021, which covers and incorporates all the Appendices of the Information Package, contains the following statements on the Forest Stewardship Plan for TFL 46:

> *"Management objectives and strategies that pertain to operations on the TFL are specified in the Forest Stewardship Plan in accordance with the Forest and Range Practices Act.* ***They are considered in the timber supply analysis included in this Management Plan****."* (Page 2 – emphasis added)
>
> *"Teal Cedar has a Forest Stewardship Plan for TFL 46 that the South Island District Manager approved on June 29, 2017. A Forest Stewardship Plan (FSP) outlines how potential forest development activities will be conducted on the area described in the Plan.* ***It is a critical document because it makes legal commitments that are subject to government inspection for compliance and enforcement.***
>
> *FSPs are written and approved for a period of up to five or – if extended – up to 10 years. The FSP also identifies general areas where forest development, such as harvesting and road work, may occur over the term of the FSP. These areas are identified as forest development units (FDUs). There is no requirement to show the location of cut blocks and roads in an FSP – only the general areas where development may occur over the term of the FSP.*
>
> *The FSP must address all 'Objectives Set by Government' (OSBG) for resource values through a 'result' or 'strategy' for each objective. These objectives are established through the Forest and Range Practices Act (FRPA), Forest Practices and Planning Regulation (FPPR), VILUP, the Renfrew SRMP and the supporting LUO.*
>
> ***Based on commitments made in the 'results' or 'strategies' documented in the FSP, the government can hold agreement-holders accountable for their forest management practices. It also provides a vehicle for agreement-holders to solicit and consider the expectations of the public and other stakeholders for their use of the Crown land and resources."*** (Page 10 – emphasis added)

The current FSP of Teal-Jones for TFL 46 is due to expire on June 29, 2022, five years after the date of its approval by MFLNRORD. We have not found on the website of Teal-Jones Group a proposed new FSP for TFL 46 or any indication as to when this new FSP would be made available for public review and comment as required, or whether Teal-Jones has applied or plans to apply to have the current FSP extended without change.

Based on the licensee's own statements above, the applicable FSP for the forest development units comprised in TFL 46 is of critical importance and is directly relevant for the pending review of the AAC for TFL 46 and the comments from stakeholders, First Nations and the public.

By way of contrast, Teal-Jones Group has posted on its website for public review and comment a draft of a new proposed FSP dated October 22, 2021, submitted to the Chilliwack Natural Resource District of MFLNRORD, for the timber harvesting activities of Teal-Jones in the Fraser Timber Supply Area (Forest Licence: A19201; Timber Licence T0822), together with a draft memorandum of Supporting Information. This new proposed FSP, which will replace the latest FSP for these two licences dated March 17, 2017, also due to expire soon this year, is not only up-to date but also considerably more detailed and informative for stakeholders, First Nations and the public than the previous FSP.

We submit that it is neither justifiable nor appropriate for Teal-Jones to selectively omit or delay the publication of a new proposed FSP for TFL 46.

3.2. Continued Timber Harvesting Activities Within TFL 46 After the Expiry of the Latest 10-Year AAC Determination for TFL 46

Teal-Jones has pursued the enforcement of an interlocutory injunction and related court order issued by the Supreme Court of British Columbia on April 1, 2021 (2021 BCSC 605) and its extension from September 26, 2021, to September 26, 2022, by the Court of Appeal of British Columbia (2022 BCCA 26). It is of public knowledge that Teal-Jones has continued its timber harvesting activities within TFL 46 after the expiry of the latest 10-year AAC determination for TFL 46 on May 24, 2021.

Paragraph 8 (1) (b) of the *Forest Act* makes it mandatory for the Chief Forester to determine an allowable annual cut (AAC) at least once every 10 years after the date of the last determination for each tree farm licence area. Subsection 8 (3.1) of the *Forest Act* allows the Chief Forester to postpone the next AAC determination to a date that is up to 15 years after the date of the relevant last determination, but only if the AAC is not likely to be changed significantly with a new determination, and subject to the

issuance of a written order and written reasons for the postponement by the Chief Forester.

We have not found any evidence of, and Teal-Jones Group has not posted on its website, a written order duly issued by the Chief Forester that would have postponed the AAC determination for TFL 46 beyond May 24, 2021, or any written reasons given by the Chief Forester for such a postponement. Furthermore, as at the date of this present submission, there is no mention of, or reference to, such a postponement order on the BC government website with respect to the latest AAC determination for TFL 46 under the heading "Allowable annual cut – tree farm licences". This is in obvious contrast with the recent written postponement orders formally issued by the Chief Forester with respect to the latest AAC determinations for TFL 6 (Western Forest Products Inc.), TFL 3 (Interfor Corporation) and TFL 23 (Interfor Corporation). A written postponement order was also issued by the Chief Forester for TFL 8 (Interfor Corporation), but it no longer appears on the BC government website, as the new AAC determination for TFL 8 was very recently issued by the Chief Forester effective February 10, 2022.

In the circumstances, it is our understanding that Teal-Jones has been conducting timber harvesting activities within TFL 46 since May 25, 2021, without a valid AAC determination in effect for that licence, and that it will likely continue to do so until the TSR process for TFL 46 is eventually completed and a new AAC determination is made by the Chief Forester for TFL 46. The Information Package documents ignore this issue and provide no estimation of the volume and areas of timber harvested or to be harvested by Teal-Jones within TFL 46 from May 25, 2021, until a new AAC determination is eventually made for TFL 46.

3.3. Material Documentation Not Made Publicly Available, Opportunity for Additional Comments from the Public, and Summaries of Public Comments

3.3.1. Documentation Required by MFLNRORD, Issues Respecting the Information Package and the Public Review Strategy Timeline

The December 14, 2021, Information Package documents made publicly available on the website of Teal-Jones Group do not contain any information on the nature and scope of the elements and the changes to the documentation that were required by MFLNRORD in meetings with representatives of Teal-Jones and its contractor Ecora Engineering and Resource Group Ltd., particularly with respect to the required Timber Supply Technical Analysis Report attached as Appendix C of the Information Package. Stakeholders, First Nations and the public are therefore not able to understand what requirements or issues were involved, more

specifically with respect to the late filing of the Timber Supply Analysis Technical Report and the ensuing delay for the public review and comment period for this TSR, contrary to the timeline included in the Public Review Strategy for TFL 46 MP#5 prepared by Teal-Jones and approved by MFLNRORD on December 2, 2019.

The June 2021 Provincial Guide for the Preparation of Information Packages and Analysis Reports for Area-based Tenures specifies on page 63 that the Management Plan and Analysis Report should be filed by the tenure holder of a TFL at least 6 months before the required date for the new AAC determination. This confirms a well-established practice as required in paragraph 4(1)(a) of the *Tree Farm Management Plan Regulations*. This requirement was not followed by Teal-Jones, no justification, explanation or agreement with the Chief Forester is provided in the documents made available for public review.

3.3.2. Further Documentation, Changes, Additions and Report of Teal-Jones to MFLNRORD

Teal-Jones states that Version B of the proposed Management Plan #5 dated December 14, 2021, and all its Appendices comprising the Information Package will be removed from the website of Teal-Jones Group. There is no commitment by Teal-Jones to post or otherwise disclose any further documents, changes to documents, comments received, and its report to MFLNRORD.

It therefore appears that stakeholders and members of the public will not have the opportunity to review, after the deadline for public comments: 1) any document modifications or additions to the Proposed Management Plan #5 and related correspondence with MFLNRORD; 2) the actual comments made by various stakeholders and the public during the public review period; 3) the report and the comment summaries prepared and submitted by Teal-Jones to MFLNRORD; and 4) the actual concerns, proposals and recommendations of First Nations following the subsequent government consultation with First Nations.

4. Principles and Factors Applicable for the TSR Review and the New AAC Determination for TFL-46

4.1. No Entitlement to a Set AAC Volume in the New Determination

The current 25-year TFL 46 licence of Teal-Jones for TFL 46 is set to expire on June 30, 2037. Its licensed timber harvesting activities within TFL 46 are however subject to the periodic AAC determinations of the Chief Forester as required under Paragraph 8 (1) (b)

of the *Forest Act*, and subject to other limitations and restrictions in furtherance of the *Forest Act* and the *Forest and Range Practices Act.*

There are precedents for new AAC determinations providing for a lower AAC than under the previous determination during the currency of a TFL tenure.

The licensee of a TFL does not have an entitlement or vested right to obtain from the Chief Forester, as the outcome of a TSR required pursuant to the *Forest* Act, the same or a greater AAC than the AAC in the latest determination made by the Chief Forester for the TFL licence area, even though its TFL licence may extend beyond the mandatory 10-year term review and the term set in a new AAC determination pursuant to a TSR.

Furthermore, paragraphs 4.03 and 19.05 of the Teal-Jones licence for TFL 46 clearly provide that the timber harvesting activities of Teal-Jones within the TFL 46 licence area must be conducted in compliance with forestry legislation.

4.2. Sanction for Failure to Prepare and Supply Required Plans, Studies, Analyses and Information

Section 9 of the *Forest Act* provides for a sanction where the Chief Forester determines that the holder of a TFL has failed to comply with its obligation to prepare and supply to the Chief Forester plans, studies, analyses and information required for an AAC determination for the TFL**.**

In the circumstances, Teal-Jones may therefore be subject to a 25% reduction of the AAC effective January 1 of the year following the year in which the determination is made.

4.3. Factors to Be Considered for the New AAC Determination

Subsection 8 (8) of the *Forest Act* prescribes the relevant factors that the Chief Forester must consider for the purpose of making an AAC determination pursuant to subsection 8 (1). In our earlier March 10, 2021, submission attached as Appendix 1, we provided a more detailed discussion of these statutory AAC determination factors in connection with the pending TSR for TFL 46. The relevant factors include the economic and social objectives of the government, as expressed by the minister, for the area, for the general region and for British Columbia pursuant to paragraph 8 (8) (d) of the *Forest Act*. These objectives are expressed in a letter from the minister responsible for MFLNRORD to the Chief Forester.

In our earlier March 10, 2021 submission attached as Appendix 1, we noted that there is a letter dated October 30, 2017 from Doug Donaldson (the minister as he then was) to Diane Nicholls, Chief Forester and Assistant Deputy Minister, stating the economic and social objectives of the government for British Columbia, but that the government, through the present minister responsible for MFLNRORD, had not issued at the time a new letter to the Chief Forester reflecting important changes that have occurred since October 30, 2017. We provided a discussion of these important changes in our earlier submission. It is our understanding that a new letter from the minister to the Chief Forester has still not been issued by minister Katrine Conroy as at the date of this present updated submission.

It is important to note that three additional major developments have occurred since our earlier submission of March 10, 2021: 1) an order to defer logging in certain specified areas within TFL 46 and the Walbran area, at the request of the Huu-Ay-Aht, Ditidaht and Pacheedaht First Nations, issued on June 9, 2021; 2) the subsequent decision of the BC government announced on November 2, 2021 to defer harvest of ancient, rare and priority large stands of old growth within 2.6 million hectares of B.C.'s most at-risk old-growth forests subject to a specific related consultation process with First Nations; and 3) the passage by the Legislative Assembly of British Columbia in November 2021 of two government bills providing for significant amendments to the *Forest Act* and to the *Forest and Range Practices Act* (Bill 23 – *Forest Statutes Amendment Act, 2021* – SBC Chapter 37; Bill 28 - *Forest Amendment Act, 2021* – SBC Chapter 38).

4.4. Partitions

Subsection 8 (5) of the *Forest Act* gives to the Chief Forester the authority to specify, at any time, that portions of the allowable annual cut determined for a TFL pursuant to paragraph 8 (1) (b) are attributable to one or more of the following: (a) different types of timber or terrain in different parts of Crown land within a timber supply area or tree farm licence area; and (a.1) different areas of Crown land within a timber supply area or tree farm licence area. These specified portions of the AAC are known as partitions.

Since partitions may be specified at any time, they may be made coincidentally with a new AAC determination, or during the current term of the latest determination, for any part of Crown land located within a TFL. Partitions may be specified by the Chief Forester on the application of the licence agreement holder, or without such an application on the Chief Forester's own initiative.

4.5. Applicable Rules, Requirements and Guidelines Considered in this Submission

As noted in section 2. above, we provide for ease of reference a list of rules, requirements, guidelines and related information that we have considered for our comments (attached as Appendix 4).

The list includes the *Provincial Guide for the Preparation of Information Packages and Analysis Reports* jointly issued in June 2021 by the Forest Tenures Branch and the Forest Analysis & Inventory Branch of MFLNRORD. Several of our comments refer to this provincial guide, which was available to Teal-Jones before the finalization of its proposed Management Plan #5 documents posted on the website of Teal-Jones Group for public review and comments on December 14, 2021. Teal-Jones did not update its Information Package accordingly.

4.6. Most Recent Statement of Rationale for a New AAC Determination for TFLs

The most recent statement of rationale for a new AAC determination for a TFL by the Chief Forester can be found in the AAC determination effective February 10, 2022, for TFL 8 held by Interfor Corporation. We have noted the detailed and informative wording of the rationale expressed under the headings "Role and limitations of the technical information used", "Guiding principles for AAC determinations", "The role of the base case", "Consideration of factors as required by Section 8(8) of the *Forest Act*", "Reasons for Decision", "Determination" and "Implementation".

We have noted as well the statement on page 1 that the document "…*also identifies where new or better information is needed for incorporation in future determinations*", and the following statement:

> "*Given the large number of periodic AAC determinations required for BC's many forest management units, administrative fairness requires a reasonable degree of consistency of approach in addressing relevant factors associated with AAC determinations. In order to make my approach in these matters explicit, I have considered and adopted the following body of guiding principles, which have been developed over time by BC's chief foresters and deputy chief foresters.* ***However, in any specific circumstances in a determination where I consider it necessary to deviate from these principles, I will explain my reasoning in detail****"*. (page 4, emphasis added)

We have also noted the fact that this new AAC determination has led to a significant reduction (14.8%) of the AAC as well as the setting of a partition for TFL 8.

While we fully understand that the TSR for each TSA or TFL is conducted separately and that it will result in specific outcomes, we believe that this most recent determination and the discussion under each of the headings referred to above is informative and relevant for our comments in this present submission and for our own conclusions and recommendations. **We submit that our comments are fully consistent with this most recent precedent.**

5. Comments on the Information Package Documents

5.1. Covering Statement for Proposed Management Plan #5 (Version B Dated December 14, 2021)

5.1.1. History of Management Plan #5

Teal-Jones purchased the TFL 46 tenure from TFL Forest Ltd. (Timber West) in 2004. A Management Plan #5 timber supply analysis was subsequently prepared by Timberline Natural Resource Group for Teal-Jones Group in May 2009 and submitted in March 2010 together with an information package for the purpose of the TSR leading to the latest AAC determination for TFL 46 effective May 24, 2011, which has now expired.

Management Plan #5 was preceded by Management Plan #4 prepared by Timberline Natural Resource Group for Timber West in 2001, and Management Plan #3 in 1996, also prepared for Timber West. In addition to the usual appendices for a proposed TSR management plan, Management Plan #4 proposed at the time by Timber West provided detailed and specific maps on biogeoclimatic zones, environmentally sensitive areas, forest cover inventory, recreation analysis, riparian areas and visual landscape inventory. It appears that none of these maps have been formally incorporated or updated in Management Plan #5, although links to these maps are provided on the BC government website under the heading "TFL 46".

Version B of Teal-Jones' Proposed Management Plan #5 dated December 14, 2021, now open for public comments, is not really a new plan but rather an extension of a 12-year-old plan, which initially contained analyses developed for Timber West well before the sale of the TFL 46 tenure to Teal-Jones Group.

5.1.2. Sustainable Forest Management Plan (Subsection 4.3)

Subsection 4.3 of the Proposed Management Plan #5 contains the following statement on Teal-Jones' Sustainable Forest Management Plan:

> "*Teal Cedar has developed a Sustainable Forest Management Plan (SFMP), reflecting the company's commitment to the responsible management of resources under its stewardship. The Plan was developed with input from local communities, stakeholders and First Nations through Teal-Jones Public Advisory Groups.* ***Every year, Teal-Jones updates its Sustainable Forest Management Plan and creates an Annual Report to document the progress for each indicator.****"* (Page 10 – emphasis added)

We have not found the Teal-Jones Sustainable Forest Management Plan (SFMP) on the website of Teal-Jones Group, or any annual updates of this Plan, or any annual reports to document the progress for each indicator in the Plan. Also, the version of Teal-Jones' SFMP dated June 2020, which formerly appeared on the website of the Teal-Jones Group, has apparently been removed from the site and not replaced by a new updated version.

5.1.3. Forest Stewardship Plans

Eventually, as a result of the BC government's Bill 23 passed by the Legislative Assembly of British Columbia in November of last year, the Chief Forester will be called upon to establish new Forest Landscape Plans (FLPs), and the Forest Stewardship Plans (FSPs) will be replaced by Forest Operations Plans (FOPs) approved by the minister.

These changes are scheduled to take place however over a period of 9 years. Meanwhile, there should be a new proposed FSP for TFL 46 applicable for the next five years starting in 2022. Regrettably, it has yet to be made available together with supporting information for public review and comment.

As, if, and when a new FSP for TFL 46 is made available for public review and comment, stakeholders, First Nations and the public, will likely no longer be able to comment on its relationship with, and impact on, the Timber Supply Analysis Technical Report presently under review pursuant to the TSR process for TFL 46, and the base case submitted by Teal-Jones for the purpose of the new AAC determination for TFL 46.

It is of public knowledge that First Nations from the unceded traditional territories covering the Crown land comprised in TFL 46 have stated their intention to develop their own forest stewardship plans. The Proposed Management Plan #5 is silent on when, how and to what extent these First Nation forest stewardship plans would be reconciled or accommodated within Teal-Jones' applicable FSP for TFL 46 going forward.

5.1.4. Environmental Certification (Subsection 4.5)

Subsection 4.5 of the Proposed Management Plan #5 refers to the Sustainable Forest Management Plan (discussed in subparagraph 5.1.2 above), and contains the following statement on Teal-Jones' environmental certification:

> *"Teal Cedar forestry operations voluntarily meet Canada's leading national standard for sustainable forest management. The Canadian Standards Association Sustainable Forest Management Z809 Standard provides for independent third-party verification that forestry organizations conduct forest planning and practices sustainably, assuring that the high threshold set by the standards has been met. All forestry operations are certified to the CSA Z809-16 Sustainable Forest Management Standard***.** (Page 11).

The CSA Sustainable Forest Management Standard was up for review and public comments in early 2021 pursuant to its own stated periodic review requirements. The review process for this standard is conducted by a CSA Group Technical Committee on Sustainable Forest Management on which Teal-Jones Group is directly represented as a member for the Producer Interest Category. This Committee reaches its conclusions and recommendations by consensus only, and not by a majority vote of its members.

On January 24, 2021, we made a detailed submission to CSA Group on Sustainable Forest Management Standard CSA Z809-16 as part of the standard review process for this Standard. This submission was summarily dismissed on June 29, 2021, by CSA Group as being "…outside the scope and intent of the CSA Z809 SFM Standard". We expressed our disagreement in writing to CSA Group and pointed out that our comments "…fully comply with the CSA Group's own criteria and review process as stated in the Standard itself, and they deal directly and specifically with its stated objective and present wording". We understand that the Standard was subsequently reaffirmed and extended by CSA Group.

A copy of certificate No. PwC-CSAZ-809-463 issued by PricewaterhouseCoopers LLP dated October 29, 2017, formerly posted on the website of Teal-Jones Group,

showed an expiry date of October 28, 2021. It was replaced by a copy of a certificate from the same accounting firm bearing the same certificate number and the same effective date, but with a new expiry date of October 28,2022.

It is of public knowledge that a formal complaint to the Commissioner of Competition is pending against CSA Group with respect to this Standard as being misleading and the certification under that standard being used contrary to the provisions of the *Competition Act* (Canada) on misleading advertising.

While it is not for the Chief Forester to be involved in a discussion on the Sustainable Forest Management Standard CSA Z809-16 and related legal issues, it is not appropriate in the circumstances for Teal-Jones to use this certification in support of its proposed Management Plan #5 Information Package, particularly without disclosing that it is subject to a pending legal challenge. We submit that section 4.5 Environmental Certification on page 11 should therefore not be considered by the Chief Forester as a relevant factor for the new AAC determination for TFL 46.

5.1.5. Timber Supply Analysis (Section 5)

Section 5 of the Proposed Management Plan #5 provides a high-level overview of the Timber Supply Analysis Technical Report attached as Appendix C. Please refer to our comments in subsection 5.4 below on the Analysis Report.

5.1.6. Public Review and First Nations Consultation (Section 6)

The Proposed Management Plan #5 is silent on the reasons for which the approved Public Review Strategy and timeline approved by MFLNRORD on December 2, 2019, was not followed, how a new timeline was set, the media advertisements actually published by Teal-Jones and their date of publication, and the letters actually sent by Teal-Jones to stakeholders and First Nations respectively.

5.2. Public Review Strategy and Approval (Appendix A)

The Public Review Strategy and Approval submitted as Appendix A is moot due to the passage of time.

5.3. Timber Supply Analysis Information Package (Appendix B of Proposed Management Plan #5)

Version D of the Timber Supply Analysis Information Package submitted as Appendix B contains various revisions from the Information Package posted on the website of TealJones Group in August 2019, but these revisions are not substantial.

The comments below are based on the *Provincial Guide for the Preparation of Information Packages and Analysis Reports for Area-Based Tenures* (the Guide) and the headings and content of the Information Package.

5.3.1. Map Showing the Forest Management Land Base (FMLB).

The Guide states on its page 19 that a map showing the Forest Management Land Base (FLMB) would be helpful for First Nations and public reviewers as well as the analyst reviewing the Information Package (IP). Figure 2 on page 18 of the Guide provides an example of a map showing discretely the Gross Land Base (GLB), the FLMB, the legally harvestable Land Base (LHLB) and the Timber Harvesting Land Base (THLB). **We could not find such a map for TFL 46 in the IP**.

5.3.2. Old Growth and Old Growth Management Areas (OGMAs)

It is of public knowledge that the ongoing clearcut logging of the remaining old growth stands by Teal-Jones within TFL 46 has been at the root of a protracted conflict since August 2020. In the vastly predominant biogeoclimatic ecosystem classification (BEC) zones of TFL 46 (Coastal Western Hemlock), stands in the age class of 250+ are defined as old growth pursuant to the *Biodiversity Guidebook*. **The open-ended 250+ age class comprises very old, iconic and still healthy trees estimated to be several centuries old, and in some cases over 1,000 years of age. These very old tree stands are pivotal for supporting rare and endangered coastal ecosystems still present in TFL 46 and specific species at risk such as the Marbled Murrelet**.

Several legal OGMAs are located in the Fairy Creek, Braden Creek, Gordon River, Bugaboo Creek and Upper Walbran watersheds, with the single largest area being the Fairy Creek watershed. The information provided in the IP contains no indication on the intent or the specific commitments of Teal-Jones with respect to the actual preservation of old growth stands in those legal OGMAs from **any** clearcut logging.

Table 5.20 on page 21 of the IP provides the area, in hectares, and the volume, in cubic metres, that are removed by Teal-Jones from the total area and the productive area covered by the OGMAs. **Figure 5.6 on OGMA locations, also on page 21 of the IP, shows only a high-level map of existing legal and non-legal OGMAs within TFL 46; it does not show discretely which areas of OGMAs are removed according to Table 5.20, and which areas remain part of the THLB and therefore subject to clearcut logging.**

The IP is completely silent on the following: 1) all currently pending old growth logging deferrals within TFL 46; 2) any commitment not to replace OGMAs in TFL 46 with other areas within or outside of TFL 46, or not to log in these OGMAs through co-location; 3) any commitment for the long-term protection over the planning horizon of old growth stands located in unstable or potentially unstable terrain, environmentally sensitive areas, wildlife habitat areas, recreation areas, and any special trees pursuant to the *Special Tree Protection Regulation.*

The only full and lasting protection for old growth recognized in the IP for all the 59,431.6 hectares of TFL 46 is two reserves of 1 hectare each for areas already designated by order under the authority of section 169 of the *Forest Act* for the protection of two iconic trees: Big Lonely Doug and the Castle Giant (subsection 5.18, Big Tree Registry, Table 5.25 on page 24 of the IP).

In sharp contrast, Teal-Jones makes a blunt and unqualified statement that one of its three Harvest Flow Objectives is "To provide a balanced flow of old-growth and second-growth timber in each decade **until the available old-growth timber has been exhausted"** (IP, page 38, emphasis added).

The absence of any meaningful discussion, analyses and commitments from Teal-Jones on the old-growth issue for TFL 46 demonstrates a clear sense of entitlement from the tenure holder to fully extract old growth stands within TFL 46 without any due regard for the resulting consequences.

5.3.3. Seral Stage Distribution

Page 37 of the Guide specifies the following for each Landscape Unit (LU) in the IP:

> *"It is strongly advised to show the current seral stage distribution of the forest in each LU in the IP. This will help tenure holders, reviewers and decision-makers understand where the requirements are binding (where some innovative forest practices may be needed) and will help explain changes in the harvest flow when sensitivity analyses are performed in the timber supply analysis".*

Sensitivity analyses have been performed for the Timber Supply Analysis Technical Report, but the IP does not provide seral stage distribution of the forest in each LU within TFL 46.

5.3.4. Landscape Connectivity: Landscape Corridors

As mentioned on page 38 of the Guide, landscape corridors are established to link distinct patches of older forests and important ecosystems that facilitate the dispersal of plants and animal species from patch to patch. **There is however no meaningful discussion or analysis of landscape corridors in the IP.**

5.3.5. Wildlife Tree Retention/Stand-Level Biodiversity/Adjacency/Green up and Patch Size Distribution

Table 5.23 of the IP on page 23 states that only 520.3 hectares have been removed from the THLB for existing wildlife tree patches. Figure 5.8, also on page 23, provides a high-level map showing a very wide scattering of very small tree patches. **There is no further discussion or analysis of this issue**.

5.3.6. Cultural Heritage Resources

Subparagraph 2.6.3.6 of the Guide states the following:

> *"The Forest Act defines a cultural heritage resource (CHR) as "an object, a site, or the location of a traditional practice that is of historical, cultural or archaeological significance to British Columbia, a community or an aboriginal people". CHRs include culturally modified trees (CMTs), cache pits, burial sites, trails, habitation sites, tools and historic sites and items.*
>
> *CHRs are usually identified and documented through operational planning and their documentation aids in landscape and site-level planning as well as providing valuable information on the history of resource use in the tenure".*

In Subsection 5.16 of the IP under the heading First Nations Heritage Resources, Teal-Jones makes however the following blanket statement:

> *"Cultural heritage resources can be adequately protected through operational planning measures. When culturally modified trees are found, are (sic) be dealt*

with through the operational planning process. Consequently, the impact on strategic timber supply is negligible; no area has been applied for this analysis".

It is not sufficient to limit the analysis to culturally modified trees (CMTs), or to only state that cultural heritage resources (CHRs) can be, but not actually will be, protected, or that there is no need for any documentation on the operational planning to ensure that they are or will be actually protected.

Teal-Jones is aware that the Pacheedaht First Nation (PFN), in reply to cutting permit applications proposed by Teal-Jones within in TFL 46, makes the following statement (Supreme Court of British Columbia, Docket S-211602, affidavit of Mark Carter, Operations Planner for Teal-Jones, February 12, 2021, Exhibit "E"):

"We have inadequate financial and infra structural resources to enter into an extensive referral/consultation process. The system being used utilizes a very coarse filtering mechanism that will hopefully identify the most obvious areas of significance to the PFN. As such, the results or the lack of a survey must not be viewed as definitive. The crown or its licensee may encounter significant cultural artifacts within our Traditional Territory and must cease activity in the immediate location and consult with us".

Articles 24, 25, 26 and 27 in the Annex of the *Declaration on the Rights of Indigenous Peoples Act* (DRIP Act), which is in full force and effect and applies to all the laws of British Columbia, must also to be taken into consideration over and above the requirements in the *Forest Act*, the regulations and the Guide. Teal-Jones has chosen to remain silent on that issue.

5.3.7. Terrain Stability

Subsection 5.6 of the IP discusses the areas with unstable terrain within TFL 46. Table 5.8 on page 16 of the IP shows the area and volume removed from the THLB respectively for unstable terrain (Terrain Class V) and potentially unstable terrain (Terrain Class IV). From the high-level map in Figure 5.5 on page 17 of the IP, it appears that unstable terrain areas substantially overlap the areas also shown in high-level maps for OGMAs in Figure 5.6 on page 21 of the IP, and wildlife habitat areas (WHAs) in Figure 5.7 on page 22 of the IP**. The biggest area overlap appears to be the Fairy Creek watershed. We have taken this into consideration for our recommendation in section 6. below**.

5.3.8. Sylviculture Systems

Paragraph 9.3.4 on page 37 of the IP contains only the following statement:

"Clearcutting is the sylviculture system most commonly employed in the TFL. All yield curves have been built assuming even-aged management of all stands. Trees are retained when necessary to meet riparian or wildlife habitat objectives. Any retention that is left is considered to permanently lost to harvesting; no second pass volume is taken".

We have not found evidence that Teal-Jones uses any sylviculture system other than clearcutting within TFL 46. There is no mention of the *Special Tree Protection Regulation.* Also, we have not found any discussion in the IP on the spraying of chemical substances, such as glyphosate, to eliminate deciduous tree species and other plants and shrubs in clearcut areas of TFL 46 for the purpose of promoting the monoculture of faster growing spruce during the green-up process.

5.3.9. Forest Health

The Guide, in paragraph 2.7.7 on page 35 under the heading "Forest Health", specifically mentions the following:

"Climate change has magnified the impacts to forest health. It is expected that there will be more severe fires, insect and disease outbreaks, and drought affecting the forests in BC.

For factors that kill significant areas of forest (e.g., fires, mountain pine beetle, other bark beetles, root diseases) the effects of these agents on the forest should be reflected in update forest cover inventories. TFL holders are responsible for ensuring that forest cover inventories are regularly updated to reflect the current condition of the forest in the tenure (including recent harvesting)."

There is no meaningful analysis or discussion in the IP of climate change impacts within TFL 46.

5.3.10. Wildlife Habitat

Section 5.14 of the IP on wildlife habitat states on page 22 that "The most extensive WHA's (sic) on TFL 46 are for marbled murrelet habitat. **Table 5.2 on page 22 shows however that only 2.36% of the total the area removed by Teal-Jones from the THLB for all WHAs (4.4 hectares out of the removed 186.3 hectares) are for the marbled murrelet. The IP is completely silent on the most recent developments respecting the protection of the marbled murrelet habitat.**

We understand that the latest version D of the IP was prepared on March 10, 2021, and apparently accepted by MFLNRORD on July 15, 2021, while the land use order issued under the authority of Subsection 93.4 of the *Land Act* (BC) and the related Notice to conserve sufficient wildlife habitat for the survival of the Marbled Murrelet (*Brachyramphus marmoratus)* pursuant to Section 7(2) of the *Forest and Range Practices Act* (BC) were first announced on November 19, 2021 and officially proclaimed in effect on December 2, 2021.

It was important however for the Proposed Management Plan #5 to take this major new development into account and provide an analysis of its impact on wildlife habitat areas within TFL 46, which is essentially covered by the West and North Vancouver Island (WNVI) conservation areas for Nitinat, Walbran, Caycuse, Gordon and San Juan. This could have been done in the covering section preceding the Appendices, before the Proposed Management Plan #5 was actually posted on the website of Teal-Jones Group on December 14, 2021 for public review with its Appendices**.** It was not.

In the circumstances, stakeholders, First Nations and the public have been left under the impression that subsection 5.14 of the IP attached to the Proposed Management Plan #5 is up-to-date and adequate with respect to the protection of the natural habitat for the marbled murrelet, which we submit is not the case.

5.3.11. Visual Quality

It appears that paragraph 9.2.2 under the heading "Visual Resources" on page 34 of the IP does not follow the Guide with respect to categories of visual quality objectives for scenic areas and for strategic modelling, such as a timber supply analysis. **The IP does not provide a discussion on applying the MFLNRORD procedures to the management unit, including the applicable visually effective green-up (VEG) heights, plan-to-perspective (P2P) ratios and the maximum percent planimetric alteration by VQO category as described in the *Procedures for Factoring Visual Resources into Timber Supply Analyses* and the update bulletin, *Modelling Visuals in TSR III.***

5.3.12. Recreation Resources

Subsection 5.17 on page 24 of the IP provides Table 5.24 showing Reductions for Recreation Sites and Trails from the THLB. This Table shows a zero reduction for the Avatar Grove Hiking Trails, 0.2 hectares for the Big Lonely Doug Viewing Platform, 0.7 hectares for Harris Creek Spruce, nothing for Knob Point, and 134.1 hectares for Lizard Lake. In addition to Avatar Grove, key old growth ecotourism

recreation areas such as the Upper Walbran (Special Management Zone SMZ-21), Eden Grove, and Fairy Creek are not even mentioned on Table 5.24.

The growing ecotourism industry based in Port Renfrew depends on the attractiveness of these iconic and world-renowned old growth stand areas located within TFL 46 and their exclusion from the Timber Harvesting Land Base (THLB) of Teal-Jones for TFL 46.

5.3.13. Site Index

We note that the Second-Growth Site Index Estimates report originally prepared by J.S. Thrower & Associates Ltd. for TimberWest Forest Ltd. is dated July 17, 2000, more than 2 decades ago.

5.3.14. Vegetation Resources Inventory Statistical Analysis

We note that the Documentation of the Vegetation Resources Inventory Statistical Analysis report prepared by Forest Analysis Ltd. was last revised over nine years ago on January 14, 2013.

5.4. Timber Supply Analysis Technical Report (Appendix C of Proposed Management Plan #5) (the "Analysis Report")

As mentioned in the Guide on page 46, the timber supply analysis report is a part of a management plan. It explores the short- and long-term availability of merchantable timber within the tenure and considers how management practices affect the availability of timber. While the Guide on page 63 states that a TFL tenure holder should submit the Management Plan and the Analysis Report at least 6 months **before** the date the AAC must be determined, Teal-Jones did not submit these documents to the Chief Forester and FAIB until November 24, 2021, 6 months **after** the date required for the new AAC determination for TFL 46. **The Guide and the mandatory requirement to submit a management plan to the Chief Forester pursuant to section 4 of the *Tree Farm Licence Management Plan Regulation* at least 6 months before the latest date the Chief Forester must determine the AAC for a TFL has not been complied with by Teal-Jones.**

The Analysis Report prepared by Ecora Engineering and Resource Group Ltd. on behalf of Teal-Jones is a 27-page document presenting the base case analysis and sensitivity analyses of the tenure holder for TFL 46. As stated on page 10 of the Analysis Report, the base case and all sensitivity analyses have been carried out using the Patchworks forest estate model. Patchworks is one of several proprietary computer models for

forest estate planning available on the market. The choice of this particular proprietary model by Teal-Jones is not explained in the document.

The Patchworks model for TFL 46, with its data inputs, assumptions, functionalities, options and outputs, is not made available for public review and comment. Therefore, public comments on the Analysis Report can only be high-level, and no independent modelling is possible in the circumstances to submit an alternative base case or alternative sensitivity analyses.

5.4.1. Current State of the Forest Resource in TFL 46

Figure 2.3 presents the age class distribution for the productive and timber harvesting land base (THLB) of TFL 46. It graphically shows a near complete depletion of the forest resource in the THLB of TFL 46 for the 10-year age classes from 80 to 250 years. **It is therefore reasonable to consider from this information that Teal-Jones has in fact unsustainably harvested the timber resource within TFL 46 since it acquired the tenure from Timber West in 2004**.

Pages 49 and 50 of the Guide provide examples of figures showing the area and the volume by leading tree species for the FMLB, and figures showing the area, volume and species composition by age class for the FMLB and for the THLB of a TFL tenure. **However, these figures are not provided by Teal-Jones in the Analysis Report.**

The following statement appears on page 50 of the Guide:

> *"For every TSL and TFL, the Ministry produces a "Timber Management Goals, Objectives & Targets" report, which compares key assumptions in the TSR to actual practice. If, for example, the base case projects that balsam on steep slopes accounts for 15 percent of the volume harvested, then this should be reflected in the harvest monitoring report.*
>
> *Failure to adhere to the base case assumptions generally leads to a reduction in timber supply and to the AAC.* ***The base case must reflect current practices."***

Teal-Jones has not provided any information on the latest harvesting report for TFL-46, and we have not found such a report on the government website for TFL 46.

5.4.2. Base Case

The base case presented under Section 7. Discussion on page 26 of the Analysis

Report recommends a harvest level of 381,800 cubic metres per year for the new 10-year AAC determination, compared to 381,009 cubic metres per year under the now expired previous AAC determination for TFL 46. The following statement appears also on the same page:

> *"The sensitivity analysis around minimum harvest age emphasizes the precarious nature of the current supply situation."*

Given our comments in paragraph 5.4.1 above and this further statement, one can only conclude that Teal-Jones is putting forward a base case at an inflated or unreasonably optimistic AAC level for the next 10-year AAC determination, which will also prove to be unsustainable down the line.

5.4.3. Sensitivity Analyses

In Section 6. on pages 18 to 25, the Analysis Report presents a high-level overview of eight sensitivity analyses in support of the base case. The only sensitivity analysis for wildlife habitat is for the Additional Goshawk Habitat (subsection 6.9, on pages 24 and 25).

A sensitivity analysis for the required habitat protection of the Marbled Murrelet is conspicuously absent, despite the fact that there is a specific new land use order with a related notice published on November 19, 2021, and proclaimed in effect on December 2, 2021, applying to the area covered by TFL 46.

5.4.4. Stand Type Composition of the Base Case Harvest

A harvesting limit of 180,000 cubic meters per year is mentioned as one of the objectives for the base case analysis on page 10 of the Analysis Report, and the following statement appears on page 12:

> *"No old growth harvesting occurs after period five (i.e. year 25). The limit of 180,000 m3/year is harvested for the first ten years."*

Figure 4.2 showing the average annual harvest volume discretely for old growth and second growth by 5-year planning period, demonstrates the clear intention by Teal-Jones to essentially extract all the remaining old growth timber resource available in TFL 46 in the first ten years of the planning horizon.

The Proposed Management Plan #5 and its Analysis Report demonstrate a deliberate strategy of Teal-Jones to extract essentially all the available old

growth trees still remaining in TFL 46, including mother trees that are several hundred or even over 1,000 year old, and do so as fast as possible in the next ten years, before any long-term protection measures take effect in furtherance of existing and new deferrals announced by the BC government, and before the changes stipulated in the *Forests Statutes Amendment Act, 2021 (SBC 2021) Chapter 37* and the *Forest Amendment Act, 2021 (SBC 2021) Chapter 38* are actually implemented by the Chief Forester and the minister respectively.

6. Conclusions and Recommendations

We conclude that: 1) there have been significant and unexplained issues in the process followed by Teal-Jones with respect to the pending TSR process and the required documentation for TFL 46; 2) the sanction provided in the *Forest Act* for failure by Teal-Jones to provide documentation to the Chief Forester as required and in a timely fashion exposes the tenure holder to a 25% reduction of its AAC for the year starting January 1st immediately following a new AAC determination for TFL 46; 3) Teal-Jones has continued, and plans to continue further, its timber harvesting operations within TFL 46 without a valid AAC determination in effect for that tenure until a new AAC determination is made by the Chief Forester (or the Deputy Chief Forester) for TFL 46; 4) there are several significant deficiencies in the information provided to stakeholders, First Nations and the public for their review and comments; 5) the 10-year age class distribution figure provided by Teal-Jones provides evidence that Teal-Jones has actually overharvested the timber resource since acquiring the TFL 46 tenure in 2004; 6) Teal-Jones actually acknowledges the precarious nature of the current timber supply situation in TFL 46; 7) Teal-Jones recommends however an inflated or unreasonably optimistic AAC level for the next 10-year AAC determination, which will also prove to be unsustainable down the line; 8) the strategy of Teal-Jones in its base case calls for the extraction of the old growth stands remaining within TFL 46 essentially in the next ten years without regard for the resulting adverse consequences generally, and more specifically for the mandated protection of the Marbled Murrelet habitat.

Rather than using the blunt instrument of a 25% reduction of the AAC in the year starting January 1st that will follow the new AAC determination for TFL 46, **we recommend that the new AAC determination for TFL 46 made by the Chief Forester (or Deputy Chief Forester) should : 1) be set for a period that is shorter than the maximum 10-year period permitted by the *Forest Act* (BC); 2) be set at a significantly lower annual volume level than the annual volume set in the previous AAC determination and the annual volume proposed by Teal-Jones; 3) include a partition setting separately the allowable timber harvesting volume for areas of second growth and areas of old growth within TFL 46 for the duration of the shorter AAC period; and 4) specifically exclude from the Teal-Jones timber**

harvesting land base (THLB) and the AAC for TFL 46 the old growth areas on provincial Crown land that are: (a) already subject to logging deferrals under the authority of the *Forest Act*; (b) subject to further logging deferrals pending consultations with First Nations; and (c) necessary to effectively protect the natural habitat of the Marbled Murrelet pursuant to federal and provincial law.

Appendix 1 – Initial Submission of March 10, 2021, Respecting the Pending TSR for TFL 46

Victoria, March 10, 2021

Diane Nicholls
Chief Forester
PO Box 9352
STN PROV GVT
VICTORIA BC
V8W 9M1
Email: Shannon.Pike@gov.bc.ca

Dear Chief Forester:

Subject: Timber Supply Review Program (TSR) - Allowable Annual Cut (AAC) Determination for Tree Farm Licence 46 (TFL 46) – Licensee: Teal Cedar Products Ltd. (Teal)

I am a Canadian citizen residing in Victoria, B.C. I am retired, I have no business, financial or commercial interest in the above matter, and I do not represent the business, financial or commercial interest of any person in writing to you and making the attached submission.

I hope that you and members of your office will find the attached submission useful and that you will consider it as part of your pending review of the AAC for TFL 46. This submission has also been sent to Teal-Jones Group by mail.

Yours truly,

Yves Mayrand

c.c. Shane Berg, Executive Director and Deputy Chief Forester
(Email: Shane.Berg@gov.bc.ca)

Jim Brown, Manager, Forest Analysis and Data Management
(Email: WJim.Brown@gov.bc.ca)
Teal-Jones Group, 17897 Triggs Road, Surrey B.C. V4N 4M8

SUBMISSION ON THE TIMBER SUPPLY REVIEW (TSR)
AND NEW AAC DETERMINATION FOR TREE FARM LICENCE 46 LICENSEE: TEAL CEDAR PRODUCTS LTD.

BY

YVES MAYRAND – MARCH 10, 2021

Notice: This submission has been prepared and written solely by the author and it is made only on his own behalf. The author has no business, financial or commercial interest in this matter and does not represent or act on behalf of any other person.

1. The Review

The AAC for TFL 46 is currently under review as part of the TSR Program, with a new AAC determination scheduled to be issued by May 24, 2021 that will set the AAC for this tree farm licence until the next planned review in fiscal year 2021-2022 (https://www2.gov.bc.ca/gov/content/industry/forestry/managing-ourforestresources/timber-supply-review-and-allowable-annual-cut/allowable-annual-cuttreefarm-licences/tfl-target-release-dates).

2. Significant New Developments Since the Previous AAC Determination

The previous AAC determination for TFL 46, effective May 24, 2011, was issued by Jim Snetzinger, RPF, Chief Forester (as he then was). The AAC for this tree farm licence was set at 412,297 cubic metres. In 2012, the AAC for TFL 46 was reduced to 381,009 cubic metres (Ministerial Order #3(4)b 21/23-1 issued under the authority of the *Forestry Revitalization Act,* [SBC 2003] Chapter 17, due to the formal removal of the Hill 60 block from TFL 46).

There have been significant new developments since this previous determination and subsequent reduction:

a) The Legislative Assembly of British Columbia unanimously passed the *Declaration on the Rights of Indigenous Peoples Act,* [SBC 2019], Chapter 44 ("DRIP Act"), which took effect on November 28, 2019;

b) The Old Growth Strategic Review Panel ("Panel") was set up by the B.C. government on July 17, 2019 and submitted its report entitled "A New Future for Old Forests: A Strategic Review of How British Columbia Manages for Old Forests Within its Ancient Ecosystems" ("Report") to the Minister of Forests, Lands, Natural Resource Operations and Rural Development ("MFLNRORD") on April 30, 2020. The Report contains 14 recommendations. Recommendation 6 states the following:

> *"Until a new strategy is implemented, defer development in old forests where ecosystems are at very high and near-term risk of irreversible biodiversity loss"* (page 55).

c) On September 11, 2020, the B.C. government publicly released the Report and officially embarked on a new approach to old forests, deferred logging in 353,000 hectares of provincial Crown land and issued, through O.C. 501/2020, the *Special Tree Protection Regulation,* B.C. Reg. 229/2020.

d) On September 29, 2020, the Union of British Columbia Indian Chiefs ("UBCIC") adopted its Resolution no. 2020-23 fully supporting the Panel's Report and recommendations, calling upon the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out, with First Nations included and consulted every step of the way, and expanding logging deferrals to include all threatened old-growth forests, including namingly the Walbran Valley and Fairy Creek which are both located in TFL 46.

e) The BC NDP publicly committed to implement the 14 recommendations of the Panel in October 2020 and was elected to form the new majority government on October 24, 2020.

f) On November 26, 2020, Premier John Horgan issued a new mandate letter to Katrine Conroy, the new minister of MFLNRORD stating a clear expectation of progress on the following item:

"Implement the recommendations of the Old Growth Strategic Review in collaboration with Indigenous leaders, labour, industry and environmental groups to protect more old-growth stands – in addition to the 353,000 hectares protected in September 2020 (page 3).

3. Public Information Provided by Teal and the Public Review Process

As at the date of this submission, the only public information provided by Teal on the website of the Teal-Jones Group and available as part of the pending TSR for TFL 46 is an Information Package dated 10 August 2020 (Ecora File No. FV-19-256) prepared by Vancouver-based firm ecora ("Ecora"). Most of the spatial data used in this Information Package was downloaded in December 2019.

It appears that the Information Package has not been updated by Ecora to reflect or discuss any of the significant new developments mentioned above.

The following statements in the Information Package should be noted (pages 1-2):

> *"This Information Package will be provided as an Appendix to a Timber Supply Analysis Report".*
>
> *"The Analysis Report will be circulated for Public Review in conjunction with a draft of Management Plan #5 for the TFL. This MP will include a history of the TFL, and a summary of the feedback received; the final versions of the Information Package and Analysis Report will be included as Appendices".*
>
> *Once this second public review process is complete, these documents will be submitted to the Chief Forester to assist in making an AAC determination for the TFL. Once this is complete, the AAC Rationale document will be appended to the finalized version on Management Plan #5".*
>
> *"This report will be included as Appendix 1 of the Timber Supply Analysis Report - which will itself be advertised and made available for public review. Before that public review process, the Analysis Report must first be formally accepted by the MFLNRORD for use in the AAC determination process".*

After due inquiry, the updated Management Plan #5 and the Timber Supply Analysis Report for the current timber supply review of TFL 46 are still currently being developed by Teal and have not yet been released for public review and comment. This may be problematic since the new AAC determination for TFL 46 should in principle be made by no later than May 24, 2021 after a due sixty-day public review process. This is the reason for making this submission at this time.

It should be noted that this submission could only take into account the Information Package dated August 10, 2020 and that further comments are reserved until Teal's updated

Management Plan #5 and the Timber Supply Analysis Report for the current timber supply review of TFL 46 are actually released for public review and comment.

4. <u>Teal's Timber Supply Forecasts and Assumptions Related to Old Growth Forest Stands of TFL 46 in the Information Package</u>

One of the three objectives of Teal's base case will be to: **"balance old growth and second growth harvest to meet industrial requirements"** (page 5) (emphasis added). These industrial requirements are not discussed or explained in the Information Package.

One of the three harvest flow objectives will be**: "To provide a balanced flow of old-growth and second growth timber in each decade until the available old-growth timber has been exhausted"** (page 37) (emphasis added).

The Licensee's objectives with respect to the remaining old growth forest stands located in TFL

46 are not only very clear, but they are also clearly incompatible with the significant new developments mentioned in section 2. above, which are not analyzed or discussed in the Information Package.

The ten-year age class distribution in Table 5.2 and Figure 5.1 (pages 11-12) illustrate very well what has happened in TFL 46 under Teal's tenure. The timber resource in the ten-year age classes from 80-90 years of age to 250+ years of age have been intensively harvested and substantially depleted through industrial clearcut logging.

Teal is planning to include in its Timber Harvesting Land Base (THLB) 3,828.6 hectares of trees in the 250+ age class for timber harvesting, representing 2,860,839 cubic metres of timber coming from trees that are clearly classified as old growth in the Coastal Western Hemlock (CWH) biogeoclimatic zone within TFL 46. It is very important to note that this age class is an open one extending without limit to exceptionally old growth trees that are over a thousand years old and that support very rare and irreplaceable coastal old growth coastal rainforest ecosystems unique in the world.

The Information package further contains the following statement on the Old Growth Management Areas (OGMAs) of TFL 46:

> *"Old Growth Management Areas (OGMAs) will be used for the base case, and all sensitivity analyses – landscape-level biodiversity constraints based on the Biodiversity Guidebook will not be modelled".*

This statement is followed by Table 5.20 showing the OGMA Area Reductions from the THLB planned by Teal for TFL 46 (page 21). The total OGMA productive area in TFL 46 is shown in that table to be 5,615.9 hectares, of which only 2,691.8 hectares and related volume of 1,870,968 cubic metres are removed because of OGMAs. This leaves open for harvesting under the base case 2,924.1 hectares for a related volume of approximately 2,032,250 cubic metres (using the same ratio of 695 cubic metres per hectare). This is not further discussed or analyzed in the Information Package.

The Information Package contains only very high-level schematic maps of TFL 46, but Figure 5.6 (page 21) shows that the largest single area of OGMA locations is the Fairy Creek watershed area. It is public knowledge that Teal is pursuing new cutblock permits in that area.

Table 5.16 of the Information Package shows the actual planned reductions in the productive THLB area and related volume removals for five specific recreation sites (Avatar Grove Hiking Trails, Big Lonely Doug Viewing Platform, Harris Creek Spruce, Knob Point and Lizard Lake). Nothing has been removed for the Avatar Grove Hiking Trails, the Big Lonely Doug Viewing Platform and Knob Point.

There is no analysis or discussion in the Information Package of the planned treatment of Special Management Zone 21, Avatar Grove, Eden Grove, or the Upper Walbran, Caycuse and Fairy Creek watersheds under the base case. It is public knowledge that these areas are not only focal points of public concern for old growth forest protection on Vancouver Island but also critically important for biodiversity, wildlife, heritage, recreation and First Nation values.

With respect to Landscape-Level Biodiversity, the Information Package states the following:

> *"No retention constraints or old seral targets will be applied"* (page 35).

With respect to Stand-Level Biodiversity, the Information Package states the following:

> *"Stand-level biodiversity is achieved through wildlife tree retention at the cutblock level. Existing wildlife tree patches are mapped and have been removed from the THLB. Future wildlife tree retention will be treated as a yield curve reduction (see Section 5.19.2). No cover constraint is required"* (page 35).

Table 5.23 and Figure 5.8 show what this really means, with only 519.5 hectares actually removed from the planned THLB in a dispersed patchwork of very small areas (page 23).

The Information Package contains no discussion or analysis of special tree protection and the Licensee's obligation to report special trees under the *Special Tree Protection Regulation*. The Information Package only mentions two trees that are actually protected in the entire TFL 46 area under section 169 of the *Forest Act* with their respective one-hectare circular buffer: Tree #37 ("Big Lonely Doug") and Tree #51 ("Castle Giant") (page 24).

The Information Package contains the following statement with respect to Sylviculture Systems:

> *"Clearcutting is the sylvicultural system most commonly employed in the TFL"* (page 36)

Last but not least, the Information Package contains no discussion or analysis on the rights and interests of First Nations that have unceded traditional territories overlapping TFL 46 (Pacheedaht First Nation, Ditidaht First Nation and the four members of the Hul'qumi'nun

Treaty Group from the Lake Cowichan area). The Information package only contains the following statement on First Nations Heritage Resources:

> *"Cultural heritage resources can be adequately protected through operational planning measures. When culturally modified trees are found, are be* (sic) *dealt with through the operational planning process. Consequently, the impact on strategic timber supply is negligible; no area reduction has been applied for this analysis"* (page 23).

One can only conclude that Teal has yet to engage in a meaningful discussion on the preservation of the remaining old growth forest stands or the protection of special trees located within TFL 46, or on the rights and interests of First Nations before the deadline for the new AAC determination for TFL 46 less than two and a half months from now.

5. Elements to be Considered in the New AAC Determination for TFL 46

Subsection 8 (8) of the *Forest Act* sets the elements that must be considered by the Chief Forester in determining the AAC for a tree farm licence area pursuant to paragraph 8(1)(b) of the *Forest Act*. In the absence of a Timber Supply Analysis Report and an updated Management Plan for TFL 46, interested parties, including the First Nations concerned, and members of the public are not in a position to make informed and prior comments, and the Chief Forester may not even be in a position to make a proper determination of the new AAC for TFL 46 by the official target deadline of May 24, 2021.

In the circumstances, the comments in this section focus only on the implications of the significant new developments described in section 2. above and their relevance with respect to the elements that the Chief Forester must consider in making a determination on the AAC for TFL 46 pursuant to subsection 8(8) of the *Forest Act*, should one be made by May 24, 2021 as planned by MFLNRORD, or later.

> **8(8)(a) - the rate of timber production that may be sustained in the area.** The rate of timber production that may be sustained on the area of TFL 46 should fully exclude the harvesting of any tree stand areas with a VRI site index greater than 30, trees in the 250+ age class (including but not limited to any trees that qualify for protection as specified trees and their supporting trees in a horizontal 56 metre radius under the *Special Tree Protection Regulation*), and all legal and nonlegal OGMAs located within TFL 46.
>
> **Justification:** These few remaining old growth tree stand areas and special trees in TFL 46 cannot be sustainably harvested, cannot be re-established on the area following denudation, will otherwise be clearcut and their unique ecosystems permanently destroyed under the sylviculture treatment applied by the Licensee in

TFL 46 (clearcutting), and are critically important for the use by persons other than Teal for purposes other than timber production, including use for recreational purposes and traditional uses by six First Nations and their members. Should these few remaining old growth tree stands and special trees not be fully excluded from the new AAC determination for TFL 46, this would clearly defeat the B.C.

government's public objective and commitment to implement the recommendations of the Report, including specifically Recommendation 6, and to protect special trees within TFL 46, as well as setting a highly objectionable precedent for future AAC reviews for tree farm licences and other forest tenures.

8(8)(b) – the short and long term implications to British Columbia of alternative rates of timber harvesting from the area.
The short and long term implications to British Columbia of Teal's timber harvesting plan for TFL 46, which is entirely situated within provincial Crown land and the unceded traditional territories of six First Nations, are clearly and unmistakably the permanent destruction of rare and irreplaceable old growth forest stands and special trees located in these stands, together with the unique ecosystems they support within TFL 46. Furthermore, the new AAC determination should not be set at volume level that create an opportunity for a windfall profit by way of compensation to Teal for logging deferrals or deletions from the licence area that will be required to implement the B.C. government's objective to protect more old growth stands in furtherance of the recommendations of the Panel.

Justification: To the extent that it targets tree stand areas in the 250+ age class

(including very large and very old trees) in unceded traditional territories of First Nations, Teal's timber harvesting plan for the next ten years is incompatible with the public interest and the rights and interests of First Nations concerned. Should Teal's timber harvesting plan be condoned by the new AAC determination as it is outlined in the Information Package, this will make it very difficult, expensive and litigious to protect the remaining old growth forest stands within TFL 46, or even worse, make such protection moot because there will be little or nothing left to actually protect on the ground within TFL 46.

8(8)(d) – the economic and social objectives of the government, as expressed by the minister, for the area, for the general region and for British Columbia. It appears that the new minister has yet to issue a new guideline letter to the Chief Forester replacing the existing letter of her predecessor Doug Donaldson issued on October 30, 2017. It is not known whether this will be done before a new AAC determination is actually issued by the Chief Forester (or the Deputy Chief Forester) for TFL 46. In addition to stating the B.C. government's commitment to full and

lasting reconciliation with Indigenous peoples, the existing letter contains the following guideline:

> *"In order to ensure that the AAC determinations align with government objectives to modernize land-use planning and sustainably manage B.C.'s ecosystems, rivers, lakes, watersheds, forests and* ***old growth forests****, the Timber Supply Review process should incorporate the best available information on climate change and the cumulative effects of multiple activities on the land base. Management options that align with established climate change strategies, adaptation and mitigation practices should be explored.* ***Where the cumulative effects of timber harvesting and other land based activities indicate a risk to natural resource values, the process should identify those risks for consideration in land-use planning"*** (page 2) (emphasis added).

The mandate letter issued on November 26, 2020 by Premier John Horgan to the new minister of MFLNRORD Katrine Conroy expects progress on the following item:

> *"****Implement the recommendations*** *of the Old Growth Strategic Review in collaboration with Indigenous leaders, labour, industry, and environmental groups* ***to protect more old-growth stands*** *– in addition to the 353,000 hectares protected in September 2020"* (page 4) (emphasis added).

Justification: The Chief Forester can take notice of the new mandate letter of the minister and can legitimately use it together with the existing guideline letter in making a new AAC determination for TFL 46 that fully excludes the harvesting of any tree stand areas with a VRI site index greater than 30, trees in the 250+ age class (including but not limited to any trees that qualify for protection as specified trees and their supporting trees in a horizontal 56 metre radius under the *Special Tree Protection Regulation*), and all legal and non-legal OGMAs located within TFL 46.

DRIP Act.

The DRIP Act is in full force and effect since November 28, 2019. Subsection 1(4) states:

> *"Nothing in this Act is to be construed as delaying the application of the Declaration to the laws of British Columbia".*

The Declaration is in the Annex to the Schedule of the DRIP Act. It contains a number of specific articles on the rights of Indigenous peoples, including the following:

> *Article 19*

States shall consult and cooperate in good faith *with the Indigenous peoples concerned through their own representative institutions* ***in order to obtain their free, prior and informed consent before adopting and implementing*** *legislative or* ***administrative measures that may affect them*** (emphasis added).

Article 25

Indigenous peoples have the right to maintain and strengthen their *distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other* ***resources and to uphold their responsibilities to future generations in this regard*** (emphasis added).

Article 26

1. ***Indigenous peoples have the right to the*** *lands, territories and* ***resources*** *which they have* ***traditionally owned, occupied or otherwise used*** *or acquired.*
2. ***Indigenous peoples have the right to own, use, develop and control*** *the lands, territories and* ***resources that they possess by reason of traditional ownership or other traditional occupation or use****, as well as those which they have otherwise acquired.*
3. ***States shall give legal recognition and protection to these*** *lands, territories and* ***resources****. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned* (emphasis added).

Article 29

1. ***Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their*** *lands or territories and* ***resources****. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination* (emphasis added).

Justification: Because the *Forest Act* and its section 8 predate the DRIP Act, there is no express reference to the Declaration. The DRIP Act should nevertheless be considered to apply to the *Forest Act*, its section 8, and the AAC determination process for tree farm licences pursuant to section 8. The new AAC determination for TFL 46 should therefore contain a discussion of the DRIP Act and its implications for the actual determination that would be made with respect to the proposed harvesting by Teal of old growth tree stands and very large trees traditionally used by First Nations in their unceded territories within TFL 46.

Economic Viability or Profitability of Teal's Timber Harvesting Activities within TFL 46

In its written submission to the Old Growth Strategic Review Panel dated January 27, 2020, Teal stated:

> *"Teal is an old growth dependent business"* (page 3)
>
> *"If the harvesting profile were limited to the harvest of second growth it would not currently be economically viable. By continuing to harvest old growth, a significant amount of second growth is currently left to mature therefore allowing the stands to grow to contain a greater component of higher quality wood which adds to the value and economic viability"* (page 4)

Based on the Information Package, Teal appears to be relying on the same consideration as part of its planned base case for the new AAC determination of TFL 46. However, this element should not apply for the new AAC determination for TFL 46.

Justification: The economic viability or profitability of a licensee's timber harvesting activities in a tree farm licence is not one of the elements mentioned for consideration in an AAC determination pursuant to subsection 8(8) of the *Forest Act.*

Tree farm licences are in the nature of a privilege granted by the B.C. government to harvest timber resources located on provincial Crown land within a specified area and for specified volumes set by the AAC for the licence area, and subject to various obligations under the law and a tenure agreement. The timber resources located on provincial Crown land are a public asset and not a private asset. The AAC can be varied and it is fully subject to a new determination at least once every ten years (subsection 8(1) of the *Forest Act*).

It follows that licensees of tree farm licences are not entitled to the particular volume that they wish to obtain following the TSR review for their licence area. Furthermore, the timber harvesting rights granted under the licence and related tenure agreement do not guarantee the economic viability or the profitability of the licensee's forestry operations within the licence area, and they are not conditioned by or dependent on the private business, manufacturing or marketing plans of the licensee.

In the case of the current TSR review for TFL 46, the Information Package demonstrates that Teal is responsible for the substantial depletion of mature trees in the ten-year age classes from 80-90 to 240-250 inclusively as a result of its own harvesting activities and clearcutting practices within TFL 46. Based on Table 5.2 of the Information Package (page 11), there remains 10,229,374 cubic metres of timber resource volume in the

THLB area after deduction of the 2,860,839 cubic metres remaining in the age class of 250+, which is categorized as old growth. If Teal is unable or unwilling to adjust its

business, manufacturing and marketing plans accordingly for the next ten years, others may have alternative plans that are better adapted to the present status of the timber resource in TFL 46 without having to clearcut the remaining old growth forest stands.

Appendix 2 – Reply of Shane Berg, RPF, Deputy Chief Forester, to the Initial Submission

Reference: 262278

April 12, 2021

VIA EMAIL: mjay.mayrand@gmail.com

Mr. Yves Mayrand mjay.mayrand@gmail.com

Dear Yves Mayrand:

Thank you for your letter of March 10, 2021, addressed to Diane Nicholls, ADM Chief Forester, regarding the timber supply review (TSR) for Tree Farm Licence (TFL) 46. As I will be making the allowable annual cut (AAC) determination for TFL 46, I have been asked to respond.

In your submission, you describe a number of new developments, including the *Declaration on the Rights of Indigenous Peoples Act* and Governments response to the Old Growth Strategic Review Panel recommendations. Although I agree that these developments will likely change how forestry planning and operations are out carried across the province in the future, much of this change has not yet been formalized. As per my *Guiding Principles for AAC Determinations*, it is not appropriate to base my decision on potential new practices or land designations before they are formally instituted or implemented. My expectation is that the timber supply analyses being prepared by the TFL 46 licence holder will be based on a reasonable extrapolation of current practices and will fully explore the implications of uncertainty regarding information about forest resources and practices within the TFL. If, after my determination, major changes to practices are rendered, I am prepared to revisit the determination sooner than the 10 years required by legislation.

Your submission also points to a number of sections of the TFL 46 Information Package where you believe information provided by the licence holder could be improved. I will ask my staff to raise these concerns with the licensee and ask that they consider them prior to completing the draft management plan. I have also asked that staff keep you advised of when the draft management plan is released for public review.

Your letter and submission will be included in the record of public input for this TSR and I will consider your comments when I make my AAC determination for TFL 46.

Ministry of Forests, Lands, Natural Resource Operations and RuralDevelopment
Office of the Chief Forester
Mailing Address: PO Box 9532 Stn Prov GovtVictoria, BC V8W 9M1
Telephone: 778-974-5807
Fax: 250-387-3291

Mr. Yves Mayrand

Thank you for your engagement in the TSR and AAC determination process for TFL 46. Yours truly,

Shane Berg, RPF Deputy Chief Forester

pc: Albert Nussbaum, Director, Forest Analysis and Inventory Branch Rhonda Morris, District Manager, West Coast Natural Resource Region
Graham Wells, Senior Licenced Authorizations Officer, West Coast Natural Resource Region Mark Perdue, A/Senior Analyst - TFLs, Forest Analysis and Inventory Branch

Appendix 3 – Follow-up Letter to Shane Berg and Other Staff Members of MFLNRORD

March 1, 2022

Diane Nicholls, Chief Forester, and
Shane Berg, Deputy Chief Forester

PO Box 9352
STN PROV GVT
VICTORIA BC
V8W 9M1
Email: Shannon.Pike@gov.bc.ca

Dear Chief Forester and Deputy Chief Forester:

Subject: Timber Supply Review Program (TSR) - Allowable Annual Cut (AAC) Determination for Tree Farm Licence 46 (TFL 46) – Licensee: Teal Cedar Products Ltd. (Teal-Jones)

Please find our updated and corrected comments on the above reference matter. Our comments in our updated and corrected comments have been sent to Teal-Jones today as required by the public review process and the timeline shown on the website of Teal Jones Group. A full copy of our updated and corrected comments is included for ease of reference and your consideration, as we do not know how it will be summarized in the report by Teal-Jones on the comments it will have received from stakeholders and the public on or before the deadline.

Yours truly,

Yves Mayrand

Appendix 4 – List of Applicable Rules, Requirements, Guidelines and Related Information Considered for These Comments

1. **Statutes**
    a) *Declaration on the Rights of Indigenous Peoples Act,* [SBC 2019] Chapter 44
    b) *Forest Act,* [RSBC 1996] Chapter 157
    c) *Forest and Range Practices Act,* [SBC 2002] Chapter 69
    d) *Forests Statutes Amendment Act, 2021,* [SBC 2021] Chapter 37
    e) *Forest Amendment Act, 2021,* [SBC 2021] Chapter 38
    f) *Land Act,* [RSBC 1996] Chapter 245
    g) *Ministry of Forests Act* (RSBC 1996) Chapter 300
    h) *Species at Risk Act,* S.C. 2002, c. 29
    i) *Wildlife Act,* [RSBC 1996] Chapter 488

2. **Regulations**
    a) *Forest Planning and Practices Regulation*, B.C. Reg. 14/2004, O.C. 17/2004
    b) *Government Actions Regulation*, B.C. Reg. 280/2009, O.C. 639/2009
    c) *Special Tree Protection Regulation*, B.C. Reg. 229/2020, O.C. 501/2020
    d) *Tree Farm Licence Management Plan Regulation*, B.C. Reg.280/2009, O.C. 639/2009

3. **Orders**
    a) Ministerial Order for the Recovery of Marbled Murrelet (*Brachyramphus marmoratus*) and Notice to conserve sufficient wildlife habitat for the survival of Marbled Murrelet (*Brachyramphus marmoratus*), a.k.a. the MaMu Order
    b) Postponement Orders by the Chief Forester Respecting the AAC Determinations for Tree Farm Licences 3, 6, 8 and 23
    c) GAR Orders for South Island District

4. **Plans**
    a) Vancouver Island Land Use Plan (VILUP) Higher Level Plan Order
    b) Renfrew Aggregate Landscape Unit Plan (RALUP)

5. **Guides**
    a) Biodiversity Guidebook (September 1995)
    b) Modelling Visuals in TSR III (December 2003)
    c) Procedures for Factoring Visual Resources into Timber Supply Analyses (March 1998)

d) Provincial Guide for the Preparation of Information Packages and Analysis Reports for Area-based Tenures (June 2021)

6. Ministerial Letters to the Chief Forester

a) Letter dated October 30, 2017 from Doug Donaldson to Diane Nicholls

7. AAC Determinations for TFLs

a) Tree Farm Licence held by Teal Cedar Products Ltd., Rationale for Allowable Annual Cut (AAC) Determination, Effective May 24, 2011, Jim Snetsinger, RPF, Chief Forester

b) Tree Farm Licence 8 held by Interfor Corporation, Rationale for Allowable Annual Cut (AAC) Determination, Effective February 10, 2022, Diane Nicholls, RPF, Chief Forester