



Province of
British Columbia

Forest Appeals Commission

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DECISION NO. 2006-FA-052(a)

In the matter of an appeal under section 146 of the *Forest Act*, R.S.B.C. 1996, c. 157.

BETWEEN: Hugh Barnet Linville **APPELLANT**

AND: Government of British Columbia **RESPONDENT**

BEFORE: A Panel of the Forest Appeals Commission
David Ormerod, Panel Chair

DATE: Conducted by way of written submissions
concluding on December 22, 2006

APPEARING: For the Appellant: Dirk Pereboom, RPF¹
For the Respondent: A.K. Fraser, Counsel

APPEAL

This appeal was filed by Hugh (Barney) Linville against the August 4, 2006 review decision of Frank Blom, Regional Staff Manager, Operations, Southern Interior Forest Region, Ministry of Forests and Range (the "Ministry"). The review decision confirmed a decision of the Acting District Manager to suspend Mr. Linville's Forestry Licence to Cut A78490 (the "Licence"). The Licence was issued to Mr. Linville authorizing him to remove (salvage) the following Crown timber:

- 600 m³ of green attacked fir bark beetle volume
- 550 m³ of red attacked fir bark beetle volume
- 550 m³ of standing dead fir bark beetle volume

It also allowed him to remove a small amount of beetle attacked pine and some access/safety wood.

The decision to suspend the Licence was made on the ground that there was a "material omission of fact" in Mr. Linville's licence application; specifically, there was a failure to mention the presence of root rot in the proposed timber salvage area.

¹ Mr. Pereboom was the spokesperson for the Appellant in this matter. Davidson & Company, Barristers and Solicitors, advised the Commission that it represents Mr. Pereboom. The Appellant's submissions were sent under the cover letter of Davidson & Company.

This appeal has been heard by way of written submissions pursuant to Part 12, Division 2 of the *Forest Act*. The powers of the Forest Appeals Commission on an appeal are set out in section 149(2) of that *Act* as follows:

Powers of Commission

149 (2) On an appeal, the commission may

- (a) confirm, vary or rescind the determination, order or decision, or
- (b) refer the matter back to the person who made the initial determination, order or decision, with or without directions.

Mr. Linville asks the Commission to rescind the suspension and to reinstate the Licence.

BACKGROUNDGeneral

The area covered by the Licence is near White Lake, British Columbia, in the Okanagan Shuswap Forest District (the "District"). This area is currently experiencing a Douglas-fir beetle outbreak and the timber authorized for removal under the Licence was mainly dead and/or dying.

The Licence was issued under the Ministry's Small Scale Salvage Program. This program was initially established in 1998, but was modified in 2003 in response to government downsizing and corresponding reductions in staff.

The modified program is now run by the District, and is described in a document titled "Small Scale Salvage Transition Program". As part of the transition, the program's focus became bark beetle-related salvage and, in particular, salvage from smaller scattered patches of imperiled timber that were not practical for major licensees or the BC Timber Sales program to harvest.

Relevant to this appeal are the stated objectives and priorities of the new program. They are set out in the transition document as follows:

OBJECTIVES

The general objectives of the program are to ensure that salvage actions are safe, environmentally sustainable and reflect the important contribution which standing dead and dead and down timber make to biological diversity, stream stability and soil building processes. ...

Additional specific objectives of the program are to:

- reduce the loss of eligible salvage material,
- contribute to forest health management and forest stewardship,
- contribute to Government revenues,
- encourage salvage operators and salvage license holders to identify eligible opportunities for salvage,

- manage the volume available to salvage operators within the constraints of the District's resources available to deliver the program, and,
- provide a balance between direct and competitively awarded timber sales with consideration of employment and revenue objectives.

PRIORITIES

First priority will be given to salvage opportunities that involve the discovery and removal of small scattered infestations of bark beetles in order to avoid expansion of the infestation.

Second priority will be the recovery and utilization of damaged timber that is highly susceptible to beetle attack, such as fresh spruce and Douglas-fir blowdown.

The third priority for salvage is all remaining damaged timber where pest control is not an objective. It may include other timber not normally recovered under the harvesting program, including small volumes of damaged timber, timber that will soon be damaged, danger trees, and special forest products contained in logging residue.

Consistent with placing bark beetle-related salvage as a priority, the Ministry notes in the transition document that the following licence applications will be processed on a first priority basis: "timber containing live infestations that will multiply and spread to healthy forests if not sanitized; e.g. bark beetles in standing pine or in standing or downed spruce and Douglas-fir."

In relation to diseased timber, which is at issue in this appeal, the transition document states on page 9:

Diseased timber is not usually considered to be in imminent danger of being lost or destroyed until the crown is completely dead. Furthermore, selection logging of root rot-infested timber may accelerate the spread of the disease. Most diseases move slowly, and the more resistant trees may persist for many years producing disease-resistant seed. Salvage of diseased timber is therefore restricted to trees that are completely red or dead.

The Licence Application

In response to reduced staffing, this small scale salvage program moved away from reliance on Ministry staff to a greater reliance on licensed professionals to perform much of the work previously undertaken by the Forestry Service. Specifically, greater reliance was placed on registered professional foresters ("RPFs") to inspect the relevant timber, collect relevant field data, assess the timber, prepare a site plan, prepare the harvest area layout, perform harvest tree identification and complete related documents and maps. The transition document states that "professional signed and sealed applications will be processed on a priority basis."

In this case, the Appellant hired Dirk Pereboom, RPF, to apply for a licence. Mr. Pereboom prepared the Professional Salvage Application R.P.F. Certification (the

"RPF Certification"). This document, signed on October 1, 2005, was submitted to the District along with a Field Report of the same date, and other relevant documentation. According to the Respondent, the Appellant filed a professional declaration form with the application certifying that the "beetle survey results and salvage volumes are reasonable", and that he had "reviewed all assessments, fieldwork, the Harvest Guide, and agreed with the results and recommendations of the professional forester." Only the RPF Certification and the Field Report were provided to the Commission.

The RPF Certification is a standard form checklist-type document created by the District. It contains 80 items regarding the site which the RPF is to consider and answer as either "yes", "no" or "n/a". The items to be addressed fall under six different headings. A copy of the form is attached as Appendix "A" to this decision. The presence of root rot is not specifically identified in the 80 items. At the end of the form, there is an open section titled "Special Notice of Concerns for District Manager to Consider." Nothing was written in this space on the Appellant's application, although the RPF observed root rot on the site.

The Appellant's RPF Certification and Field Report were submitted to the District on October 3, 2005. In the Field Report, the reasons given for removal of Crown Timber were to salvage:

- a) 600 m³ of green Douglas-fir volume attacked by bark beetles;
- b) 550 m³ of red Douglas-fir volume attacked by bark beetles; and
- c) 550 m³ of standing dead Douglas-fir volume.

Under the heading "priority rating, i.e. beetles", he identified moderate to high. Nothing was written in the space on the Field Report for "additional comments and recommendations".

Based upon the information provided, the Licence was granted² under section 47.6 of the *Forest Act*. According to the Ministry, the information in the application form led the District staff to conclude that "an active, growing Douglas-fir bark beetle population existed on this application area and was in immediate need of salvage harvesting in order to control the beetle population."

The Appellant ribboned trees for harvest, built access trails and harvesting began in the winter of 2005-06.

The Suspension

Between February 2006 and mid-March 2006, the District conducted three inspections of the site. Concerns were expressed in the inspection reports regarding the level of beetle attack found on the site in comparison to the application, as well as the presence of root rot.

By letter dated March 15, 2006, the Acting District Manager, Paul Knowles, notified Mr. Linville that all rights under the Licence would be suspended effective March 24,

² The date the Licence was issued is unknown. A copy of the Licence was not provided to the Commission.

2006, pursuant to section 76 of the *Forest Act*. The two grounds for the suspension were:

- a) a material misrepresentation in the application with respect to the volume of timber that was recently attacked by the Douglas-fir bark beetle; and
- b) a material omission in the application in that the presence of root rot was not mentioned.

He found that the "actual level of green and red fir beetle attack indicates a low level of fir beetle activity likely associated with root disease common on this area." Mr. Knowles then states,

Had my staff been made aware of the actual levels of fir beetle activity, in association with indicators of root disease activity in the stand, the sale would not have been approved as submitted.

The Appellant requested an opportunity to be heard, which took the form of an oral hearing on April 7, 2006 before Mr. Knowles. The oral hearing was followed by a field visit to the site. The Ministry's Entomologist, Dr. Lorraine MacLauchlan, PhD, RPF, RPBio, attended the opportunity to be heard and the field visit.

On May 5, 2006, Mr. Knowles issued a "Confirmation of Suspension" letter. He rescinded the finding of material misrepresentation, but confirmed the material omission. Regarding the former, Mr. Knowles states that, based upon the information provided by the Appellant and Ms. MacLauchlan, there was insufficient evidence to support the previous finding that the application contained a material misrepresentation regarding the number of trees that were attacked by the Douglas-fir bark beetle:

[W]hile it may appear that the level of Douglas fir bark beetle infestation indicated by the original application package is not an accurate reflection of the situation in the stand, there was no evidence provided that refutes it outright.

Therefore, I do not find that there has been a material misrepresentation on the original application package.

However, he confirmed that "root rot is very active on the site"; therefore, there was a material omission in the application. He acknowledged that the RPF Certification form did not specifically identify root rot as a site factor to be checked then found as follows:

... there is nothing to prevent a registered professional forester from adding comments to the form regarding important information. In fact, there is a blank section titled "Special Notice of Concerns for District Manager to Consider".

During the April 7, 2006 site visit, Lorraine MacLauchlan, PhD, RPF, RPBio, agreed with Okanagan Shuswap Forest Service District staff that the main biotic agent in the stand was root rot (armillaria, with some instances of phellinus).

By excluding any mention of root rot in the Professional Salvage Application R.P.F. Certification, the registered professional forester,

and thereby the licensee, has failed to provide vital information that should guide forest management decisions on this site. The information confirms that a material omission was made in the Professional Salvage Application R.P.F. Certification.

The Appellant requested a review of the Confirmation of Suspension.

The review was conducted in writing. By letter dated August 4, 2006, the Regional Staff Manager (Operations), acting under the powers delegated to him by the Regional Manager under section 143(3) of the *Forest Act*, and upheld the suspension. In his decision, the Regional Manager states under the heading "Summary of the evidence and findings of fact":

- Timber authorized for harvest is dead and dying as a result of root rot and Douglas fir Bark Beetle. This was confirmed in a joint field trip on April 7, 2006.
- There is a level of green attack
- ...
- A professional salvage application is a proposal where the salvage applicant (licensee) hires a qualified registered professional consultant (RPF) to complete work that was usually done by the Forest Service.
- Licence to Cut A78490 was issued on the premise that the fir beetle infestation level, as described in the application, was a high priority and represented a potential for an expansion of the infestation. (The Okanagan Shuswap Forest District Transition SSSP document – August 2003 states that the first priority is to avoid expansion of infestations, while third priority is the recovery of damaged timber where pest control is not an objective.)
- The application did not reference the presence of root rot on the site.
- Both ministry field staff, and Lorraine MacLauchlan PhD, RPF, RPBio visited the site and identified that root rot was a significant contributor to mortality on the site.

The Regional Manager then found as follows:

Since 2003, the Okanagan Shuswap Forest District has shifted the small scale salvage program to one where there is less reliance on Ministry of Forest and Range staff to one where there is more reliance on licensed professions (RPF). Furthermore, the priority for small scale salvage is to limit the expansion of bark beetle infestations. Consequently, the district expects that applications submitted by professionals, take into account the full range of factors affecting a proposed salvage area. By omitting a reference to the presence of root rot the application could lead one to assume that the Douglas fir Bark Beetle infestation is at high risk of expansion. However, with the

knowledge of the presence of root rot, there exists the potential that the Douglas fir Bark Beetle is secondary to the root rot and may not represent an expanding infestation. Although the site might still be important to salvage, it would be a lesser priority to that of an expanding infestation. By omitting the presence of root rot, the district could end up approving lower priority salvage applications ahead of higher priority applications. This would be inconsistent with the objectives of the district small scale salvage program.

He therefore decided that the omission of root rot information in the application was a "material omission of fact" relative to the decision to issue the Licence, contrary to section 76 of the *Act*, and confirmed the Licence suspension.

The Appellant filed his Notice of Appeal against these decisions on August 23, 2006, arguing that the failure to mention root rot on the site does not constitute a material omission and the Licence should be reinstated. In addition, he asks the Commission to provide allowance for compensation for the additional stumpage that will be paid should this Licence be reinstated, as compared to the stumpage that would have been paid under the stumpage rules in effect prior to April 1, 2006.

With respect to the latter request, the Commission does not have jurisdiction on this appeal to provide for such allowance. Stumpage rates may be appealed to the Commission; however, this only occurs once the stumpage notice is issued and an appeal against that decision is properly filed with the Commission. Accordingly, this remedy will not be considered further by the Commission.

The Respondent submits that the suspension should be confirmed on the basis of the material omission. However, the Respondent also obtained further evidence regarding the degree of beetle infestation which it asks the Commission to accept in support of the Acting District Manager's original finding that there was a misrepresentation of material facts in the application. Specifically, the Respondent seeks to rely upon the results of:

- 1) an inspection conducted by Patrick Tobin on August 31, 2006; and,
- 2) a report prepared after an October 31, 2006 inspection by Heather Rice, Jeff Jacobi and Nick Makarewich.

[together referred to as the "New Evidence"]

ISSUES

The issues in this appeal are as follows:

1. Whether the Commission has jurisdiction to accept the New Evidence tendered by the Respondent.
2. Whether there was a material misrepresentation or a material omission in the licence application warranting suspension of the Licence pursuant to section 76(1) of the *Forest Act*.

RELEVANT LEGISLATION

The Respondent submits that the Commission may accept the New Evidence pursuant to section 148(4)(b) of the *Forest Act* and as a result of the Commission's power to hear the matter *de novo*. Section 148(4) states:

- (4) The parties may
 - (a) be represented by counsel,
 - (b) present evidence, including but not limited to evidence that was not presented in the review under Division 1 of this Part,
 - (c) if there is an oral hearing, ask questions, and
 - (d) make submissions as to facts, law and jurisdiction.

The Licence suspension was issued under Division 4 of the *Forest Act*; specifically, section 76(1)(a) which allows a district manager (or acting district manager) to suspend "an agreement" if there was a material misrepresentation, omission or misstatement in the application. The Licence at issue in this case was issued under section 47.6 of the *Forest Act* and is an "agreement" for the purposes of the *Act* according to section 12.

The relevant provisions of section 76 are set out below.

Division 4 — Suspension and Cancellation

Suspension of rights

76 (0.1) In this section, "agreement" does not include a BC timber sales agreement.

- (1) In addition to any penalty, charge or order under this Act or the regulations or the *Forest and Range Practices Act* or the regulations made under that Act, the regional manager or district manager may suspend, in whole or in part, rights under an agreement if its holder
 - (a) made a material misrepresentation, omission or misstatement of fact in the application for the agreement or in information provided in the application,
- ...
- (3) Before rights are suspended under subsection (1) or (2), the regional manager or district manager must serve a notice on the holder of the agreement specifying the reason for the suspension of rights and a date, at least 5 days after the date of service, on which the suspension takes effect.
- (4) A suspension of rights takes effect on the date specified in the notice and continues until the rights are reinstated by the regional manager or district manager or cancelled under this Act.
- (5) On request of the holder, the regional manager or district manager must allow the holder an opportunity to be heard and must rescind the notice if he or she considers that the holder is not subject to subsection (1).

- (6) On the application of the holder of the agreement the regional manager or district manager must reinstate rights suspended under this section if the holder is performing the holder's obligations and is complying with this Act and the regulations.

Although the Licence has been suspended, the Commission understands that it has not been cancelled. Cancellation only occurs once the procedures set out in section 77 of the *Act* are followed.

DISCUSSION AND ANALYSIS

1. Whether the Commission has jurisdiction to accept the New Evidence tendered by the Respondent.

The Respondent submits that the New Evidence is more reliable and conclusive than the evidence obtained in previous inspections, and the New Evidence confirms that there was a material misrepresentation in the Appellant's application regarding the level of beetle infestation. He notes that the New Evidence is relevant, reliable and that the Commission is entitled to hear it.

The Appellant objects to this New Evidence. He prepared his appeal based on the Respondent's decisions and neither the Confirmation of Suspension nor the review decision relies upon material misrepresentation of the beetle infestation to justify the suspension. The Appellant notes that those decisions limited the grounds for suspension to the omission of root rot alone. As a result, in preparing his appeal, the Appellant submits that he focused his arguments solely on the root rot issue.

In addition, the first time that the Appellant learned of the New Evidence and the reintroduction of the alleged misrepresentation was in the Respondent's reply to the Appellant's case. Therefore, the Appellant prepared his case without knowing that the Respondent commissioned reports and obtained new expert evidence on a new issue. This, the Appellant submits is "stealth advocacy" and should not be countenanced by the Commission.

The Commission's Findings

The *Forest Act* makes it clear that the Commission may hear relevant and admissible evidence that was not available to the original decision-maker when he or she made the original decision. However, the Commission does not have jurisdiction under the *Forest Act* to make any decision that the original decision-maker could have made, nor does it have the inherent jurisdiction of a superior court. Consequently, the Commission must be mindful of any parameters set by the decision under appeal.

In this case, the New Evidence is tendered in order to establish that there was a material misrepresentation in the application. Although this was one of the grounds given by the Acting District Manager in the March 15, 2006 suspension letter, this ground was subsequently rescinded in the following two decisions (May 5, 2006 and August 4, 2006). Depending upon which decision is under appeal, the New Evidence may simply be viewed as additional information in support of the original grounds for suspension, or it may be viewed as evidence attempting to establish a *new* basis for the suspension – to establish a new contravention not contained in

the decision(s) under appeal. Thus, the first question is what is the decision under appeal?

Section 146 of the *Forest Act* describes the decisions that may be appealed to the Commission. It allows an appeal to the Commission from a "determination, order or decision that was the subject of a review required under Division 1 of this Part." It further clarifies in 146(3) that no appeal of these decisions can be made "unless the determination, order or decision has first been reviewed".

Subsection (4) states:

- (4) If a determination, order or decision referred to in subsection (1) is varied by the person conducting the review, the appeal to the commission is from the determination, order or decision as varied under section 145.

Three suspension "decisions" were issued to the Appellant: two from the Acting District Manager and one from the Regional Manager. The Commission has reviewed the *Forest Act* and finds that these "decisions" were issued according to the processes described in that enactment.

The Commission finds that the Acting District Manager's March 15, 2006 letter was the notice required under section 76(3). In accordance with section 76(5) of the *Forest Act*, the Appellant requested an opportunity to be heard. Following that opportunity to be heard, the Acting District Manager issued the May 5, 2006 Confirmation of Suspension. The Commission finds that this Confirmation of Suspension is the original decision for the purposes of this appeal since it was made after the formal statutory decision-making process under section 76 had been completed.

Following that decision, the Appellant requested a review. This is the next step in the process to an appeal, as no appeal of the May decision could be filed until there had been a review. The review confirmed the original decision. Thus, the decisions under appeal are the Confirmation of Suspension as confirmed by the review decision.

The Appellant has appealed those decisions and prepared his case on the basis of those decisions, neither of which suspended the licence on the basis of a material misrepresentation in relation to the beetle infestation. In fact, as noted above, the Confirmation of Suspension expressly rejected the original finding of misrepresentation.

Accordingly, the Commission finds that the New Evidence is tendered to support a *new* decision or determination, not contained in the decisions under appeal. The evidence pertains to a material misrepresentation about beetles - a new basis for suspension which is different in substance from a material omission regarding the presence of root rot. As such, it requires the invocation of all of the natural justice-type procedures available to a licensee, including the possibility of responding with expert evidence.

In the Commission's view, to allow this New Evidence and the accompanying argument at this point in time would be tantamount to allowing the Respondent to

make a “new decision” during the course of an appeal. Changing the decision mid-stream leads to the appearance of a random, arbitrary process and places a completely unfair burden on an appellant. This could not have been the intention of the Legislature given the powers granted to the Commission.

In the circumstances of this case, accepting the New Evidence is neither within the Commission’s jurisdiction, nor is it consistent with basic fairness. Accordingly, the Commission will not consider the New Evidence, nor allow the Respondent to revive the claim of material misrepresentation as part of its response to the Appellant’s submissions on the merits of his appeal.

2. Whether there was a material misrepresentation or a material omission in the licence application warranting suspension of the Licence pursuant to section 76(1) of the *Forest Act*.

In light of the Commission’s finding above, the only issue for the Commission to consider is whether the failure to mention root rot in the application was a material omission warranting suspension of the Licence under section 76(1) of the *Act*, assuming all other information in the application is correct.

The presence of root rot on the site

The evidence of root rot in the stand, its extent and impact, comes mainly from the documents prepared by the District and/or Ministry staff.

On March 7, 2006, Don Purdy, RPF, Compliance and Enforcement Officer with the District, inspected the Licence area. In his inspection report he states, “there are obvious signs of *Phellinus* and *Armillaria* throughout the stand, such as dead stubs and whole dead trees. BD [Brian DeBoice, R.F.T.] and I found physical evidence of both root diseases by physical sampling.”

Later, in the Confirmation of Suspension, the Acting District Manager noted that root rot was “very active on the site” and, in the review decision, the Regional Manager found that root rot was a “significant contributor to mortality on the site.”

The Respondent also tendered expert evidence from Michelle Cleary regarding root rot and its impact on the site. Ms. Cleary is the Regional Forest Pathologist with the Ministry. She earned a PhD in Forest Pathology in 2006 from the University of British Columbia and her PhD thesis was “Host response to infection by *Armillaria ostoyae* and *Armillaria sinapina* in Douglas-fir, western hemlock and western redcedar in the southern interior of British Columbia.” Also in 2006, Ms. Cleary performed field research in *Armillaria* and *Phellinus* root disease in the southern interior of British Columbia.

The Appellant did not object to Ms. Cleary being qualified to give expert (opinion) evidence on these two diseases and the Commission accepts her qualifications to do so.

Ms. Cleary attended the Licence area with the Acting District Manager, Mr. Knowles, on October 30, 2006, in order to assess the root disease situation. In a letter dated November 6, 2006, Ms. Cleary states:

Laminated (*Phellinus*) root disease (*Phellinus sulphurascens*, (syn. *P. weirii*)) was widespread throughout the site and *Armillaria* root disease

(*Armillaria ostoyae*) was locally abundant. Phellinus root disease has been continuously active in the stand throughout its rotation based on the abundance of down trees displaying pitted laminar decay, criss-cross pattern of fallen trees displaying typical root balls, and evidence of previous infection in residual stumps. It was decided that a formal root disease survey was not required given the uniform distribution of root disease throughout the site and the difficulty in trying to stratify distinct root disease centres.

In my professional opinion, the primary forest health agent accounting for the majority of timber losses at this particular site is Phellinus root disease. Often, FBB [fir bark beetle] epidemics mask the incidence of root disease by being the obvious killer (i.e., showing more distinct aboveground symptoms). The high incidence of Phellinus root disease at this site may be a contributing factor in successful bark beetle colonization as many trees killed by bark beetles are predisposed by stressed [sic] caused by root disease pathogens. Studies have documented low tree vigour and differences in terpenoid and phenylpropanoid composition in trees infected with root disease that increase the tree's susceptibility to attack by insects. Under such conditions, the accumulation or release of various compounds in response to physiological stress caused by the presence of root disease may provide some beetle species with a chemical signal which identifies it as a weak individual. Moreover, bark beetle attack that becomes established in trees infected with root disease has the potential to spread out to healthy trees.

It is also possible that FBB attack can weaken trees making them more susceptible to attack by any root diseases on site. However, given the extent of visible aboveground symptoms of Phellinus root disease and older evidence in stumps, it is more likely that a high percentage of the mature Douglas-fir are infected with Phellinus belowground and FBB attack is secondary in nature.

It is apparent to the Commission that the presence of root rot on the site was observable and significant. The next question is whether it was material to the application. The Appellant maintains that it is not. Although he accepts that root rot is a problem within the Licence area and is a contributor to mortality on the site, he maintains that its presence was not "material" to his application: the application was to salvage dead and dying Douglas-fir stems based on the infestation levels stated on the initial application.

Whether the presence of root rot on the site is "material" to the Licence application?

The first question is what does "material" mean in this context, who has the onus of establishing materiality, and what is the relevant test and timeframe?

"Material" is defined in Black's Law Dictionary, (8th ed.) (West Publishing Co.: St. Paul, 2004), as "of such a nature that knowledge of the item would affect a person's decision making". It is something relevant and important to the matter at hand.

The Commission finds that whether or not information is material is a question of fact, and that the onus for establishing the materiality in this case is on the Respondent. The Respondent is the regulator, the licensor and is responsible for enforcement. It is the entity that implements policy and makes decisions on whether to issue the licenses. As such, it must establish that the omitted information is material to the decision-making process.

The Commission also finds that the test for materiality is not what that particular decision-maker (this Acting District Manager) believes is material. The test is objective in that it is what a reasonable decision-maker would consider material to these applications. It is important that materiality be determined according to the reasonable decision-maker - not the applicant, who may have completely different views on how the Crown forest should be managed and licenses granted.

In addition, the Commission finds that the relevant time for assessing materiality is the time at which the application is completed because that is when the decision-maker must assess the application, determine whether or not to issue the licence and, if so, on what terms.

To summarize, in the context of this legislation and in light of the objectives of the program, the test for a "material omission" on the application is whether a reasonable district manager would attach importance to the omitted information in deciding how to deal with the transaction in question. The onus of establishing the importance, the materiality, is on the Respondent.

In this regard, the Respondent submits that the presence of root rot is material to the Licence application for a number of reasons. He submits that harvesting timber with root rot increases the risk of rapid spreading of root rot in a stand as adjacent susceptible trees are more likely to be affected as a result of the increased virility of root rot in stumps. The Respondent states:

It is a given that some of this stand would not be affected by bark beetle or root rot at the time of the harvest, these trees would be left standing, and would be within a short distance of trees with root rot which would have been harvested. The remaining trees would be more vulnerable to root rot than they would have been if the adjacent timber had not been harvested. In the absence of selective harvesting a good deal of timber with root rot will survive, at least for some time, producing a holding pattern for the time being.

In support of this assertion, the Respondent provided the results of a study on the "Effects of selective cutting on the epidemiology of armillaria root disease in the southern interior of British Columbia," authored by D.J. Morrison, K.W. Pellow, A.F.L. Nemeč, D.J. Norris and P. Semenov, as published in the Canadian J. For. Res. 31, 2001, pp. 59-70.

The authors of this study note that "observations on mature Douglas-fir trees growing in undisturbed stands in the moist region indicate that the fungus spreads proximally very slowly, usually less than 1 cm/year, especially near the root collar (D.J. Morrison, unpublished data). Hence, the fungus and its

hosts are more or less in equilibrium." However, they state that the equilibrium that prevailed in the undisturbed stand can be upset in favour of the fungus by cutting of infected trees and subsequent colonization of the stumps and root systems "resulting in an increase in the fungus' inoculum potential".

According to these authors, if a pathogenic *Armillaria* species is present on a tree's root system as "epiphytic rhizomorphs or in lesions", it spreads in the cambial zone to colonize the root system soon after the tree is cut. This process has been documented in thinned selectively cut and clear-cut forest sites. The authors state,

These new inoculum sources have their greatest impact in thinned and selectively cut stands, because most trees are in root contact with their neighbours before cutting, and as a result, residual trees are exposed to high-quality inoculum 2 or 3 years after logging. Some time after logging, residual overstory trees and regeneration may begin to die from armillaria root disease

In their final comments, the authors state that for all sites (moist or dry), "any measure of damage by armillaria root disease must reduce the inoculum that would be created by the selective cutting; that goal could be achieved by mechanical removal of stumps and root systems at the time of harvest."

Ms. Cleary's opinions are consistent with those expressed in the study. In her view, root rot is important information because it impacts the state of the stand *after* the proposed logging. When gaining access to the stand and to the trees marked for removal, the licensee removes live/green trees (i.e., not green attack caused by the beetle). She states that removal of "live/green" trees has the potential to exacerbate the incidence and severity of root disease, particularly in residual trees that are in close proximity to the trees that were removed for access." In this particular case, she observed that a majority of the Douglas-fir stumps along the length of the skid trail were infected with *Phellinus* root disease.

The Respondent also obtained an opinion from Glenn Wood, RPF, with DWB Forestry Services Ltd. regarding the relevance of root rot identification on Small Scale Salvage Professional Applications for partial cutting salvage operations. Mr. Wood has worked as a forester with either the Ministry or various private companies, since 1989. He is a registered professional forester and accredited silviculture surveyor.

Mr. Wood was asked to review a number of documents and background information surrounding the suspension of the Licence. He did not attend the site. In a letter dated November 30, 2006, Mr. Wood advised that, given the contents of the District's guidelines document, the application requirements and the potential silvicultural management and future timber production implications of partial cutting in root rot diseased stands, it was his opinion that "the identification, and assessment of root rot is relevant and material to a FLTC [Forestry Licence to Cut] salvage application."

The Appellant submits that, when preparing a RPF Certification, issues that are not directly related, or that have no direct bearing on the treatment being prescribed

are not usually included. He submits that this was the case in regard to the Licence, as his RPF was of the view that the presence of root rot would not materially change the salvage treatment on this Licence provided that the trees targeted for salvage were Douglas-fir beetle attacked and dead stems.

Further, the Appellant submits that the presence of root rot would have been important if salvage was requested in an immature stand requiring many more years of growth before a planned final harvest, which is not the situation on this stand. He submits that the presence of root rot does not change the prescribed treatment in the stand, does not change or impinge on the current or long term management of the area and, therefore, it is not material. He notes:

- The levels of Douglas-fir bark beetle infestation on this site, as affirmed by the Acting District Manager and Regional Staff Manager, demonstrates a significant infestation of bark beetles and a danger for spreading to healthy forest.
- The Ministry initially accepted the indicated beetle infested volume as sufficient to classify this permit as a "first priority" as defined in the "Priorities" and "Application Processing" sections of the transition program document. The infested volume has not changed. Since the highest stated priority for salvage operations is to dispose (salvage) trees with live bark beetles, once these are found, additional factors become secondary or even redundant, provided any other factors do not cause long term detrimental effects on the forest site. A salvage operation on a given site, whether the reason is scattered blowdown, pathogens, insects or any other agent that kills mature trees, is a stop-gap measure to remove dead and dying trees before they lose their economic value.
- The addition of "root rot" on the RPF Certification document could not reasonably have rendered this application a second or third priority (i.e., damaged timber "highly susceptible" to beetle attack or damaged timber where pest control is not an objective).
- The Ministry was, notwithstanding the RPF Certification, aware of root rot on sites such as this.

The Appellant agrees with the Respondent's assertion that selective logging exacerbates the spread of root rot by invading the live root tissue of stumps that now have no resistance to the rapid invasion of root rot. However, the Appellant submits that this does not necessarily extend to dead trees, "since root rot does not invade dead trees." As all of the timber applied for under this Licence is already dead or dying from beetle attack, the Appellant says that the presence of root rot does not change the prescribed treatment. He points out that the entire volume targeted to be salvaged from this licence (except for a maximum of 100 m³ of access wood) is dead wood, and that whether these Douglas-fir beetle infested trees are cut or are left standing dead, the resistance to root rot due to tree vigour is gone.

For all of these reasons, the Appellant submits that the existence of root rot on this site was neither "material" nor "vital information" which could reasonably have had the effect of approving second or third priority salvage applications ahead of this one. Moreover, if this is "vital information", then the Appellant argues that the District should include it on the RPF Certification.

Finally, the Appellant submits that "there seems to be no disagreement about the importance of salvaging this site." By harvesting this wood, he submits that the Crown gets full value for it. He notes that by salvaging the significant volume of timber before it becomes non-merchantable, the Ministry is assured that the threat of bark beetle expansion is diminished and receives a fair stumpage return, the property owner (Crown) maintains full management opportunities and the major licensee is given several years of reprieve before this stand needs to be fully clearcut harvested (and stumped) without major loss of additional high value timber volume.

While the Appellant may be correct that the stand will ultimately be salvaged, this is not the question at hand. The question is whether information about root rot should have been provided so that the decision-maker could fully assess the risks and benefits of issuing the requested licence at the time.

The Commission's Findings

The Commission finds that the Respondent has established that the presence of root rot on the stand was information material to the application – a reasonable decision-maker would attach importance to this information in deciding how to deal with the licence application. The presence of root rot and, in particular, the degree of root rot and the stand composition, was information relevant to the objectives of the salvage program and to good forest stewardship. Had this information been submitted to the Ministry at the time of the application, the Commission finds that it may well have changed the decision to issue this Licence at all, or it may have impacted some aspects of the Licence: it may have impacted the prescribed treatment and/or the long-term management of the stand.

In reaching this conclusion, the Commission has been persuaded by the following evidence.

The Commission notes that concerns about the presence of root rot on the stand were expressed in the earliest inspections conducted by District staff after the Licence was issued. Moreover, District staff were sufficiently concerned at this time to suggest a licence suspension.

On March 2 and 3, 2006, Brian DeBoice, Forest Technician with the District, reviewed the stand. Regarding the root rot he states,

It is well known that the removal of fir timber from a stand exhibiting root rot only exacerbates the spread of the root disease if the stumps are not excavated and exposed. The DFBB [Douglas-fir bark beetle] infestation should be considered endemic at best and could be better managed using fewer trails, smaller more versatile equipment and perhaps trap trees. ... An overview flight of the area would be best to

determine the extent of the red attack trees in a timely manner. Temporary suspension of the license would allow for continued assessment.

On March 7, 2006, Don Purdy, RPF, Compliance and Enforcement Officer with the District, inspected the Licence area along with Mr. DeBoice. Mr. Purdy states, "A proper prescription for this stand should have taken into account all forest health issues, including root disease and the risk of increasing the mortality by selective cutting." He also states that, in his opinion, this is a logical case to consider suspending the licence as green attack volume may be overestimated and the indication of root disease in the stand "should have been considered in the original prescription."

These views are supported by others such as Ms. Cleary who states, "The high incidence of root disease at this site is a material fact that affects how the stand should be managed in the future. Had this information been presented in the application the decision to issue a FLTC may have been different (i.e., abstain from salvage logging and instead log the whole stand and remove the inoculum via stumping)."

Ms. Cleary disagrees with the Appellant's assertion that "root rot does not invade dead trees". She states:

Root diseases are facultative parasites which typically survive on dead organic matter, but they also have the faculty to live on living organisms. Root disease pathogens frequently invade roots of trees killed by other biotic (e.g. insects) or abiotic (e.g. drought) agents. Furthermore, once trees are cut, stumps may still remain alive for some time (e.g. 1-2 years) surviving on stored carbohydrates in the roots at which time root disease pathogens can invade and colonize the stump and root system. During this site assessment, I confirmed the presence of Phellinus root disease and Armillaria root disease on some of the Douglas-fir trees that were marked for removal because of FBB attack which confirms that root disease is already well established on those trees and bark beetle is secondary.

Despite the Appellant's acknowledgement that root rot was present in the Licence area and that selection logging can exacerbate the spread of root rot in certain circumstances, one of his main arguments is that this information would not have changed the priority of the application given the level of beetle infestation. The flaw in this argument is that the priorities set out in the transition document are simply policies or guidelines. They are not some form of "watertight box" whereby meeting the specified factors is the end of the inquiry. Rather, establishing a priority system simply provides guidance on how applications will be treated within the larger context of the sound management of forest health and the Crown's stewardship of its forests.

The Commission notes that the "priorities section" of the transition document is preceded by the "objectives" section. The general objectives of the program are said to be "to ensure that salvage actions are safe, environmentally sustainable and reflect the important contribution which standing dead and dead and down timber

make to biological diversity, stream stability and soil building processes.” In the Commission’s view, it would be inconsistent with these objectives if a decision-maker issued a licence solely on the basis of the applicant meeting the stated priority, while ignoring information that identifies potential problems or consequences, such as the spread of root rot and reduction in merchantable timber. This is not and can not be the way that decisions regarding the Crown forest are made. Decision-makers must be able to assess the impact of a licence on future timber harvesting and regeneration issues. That is why the decision-maker requires all material information, and that is why simply meeting the bare requirements for “first priority” will not necessarily be the end of the story.

Regarding the information to be provided, the Commission understands the Appellant’s concerns about the RPF Certification document not identifying disease – specifically root rot – as a site factor to be addressed. The Commission notes that certain District staff have also suggested this be added to avoid confusion. However, it is clear from the guidelines that the District has shifted the small scale salvage program to more reliance on licensed professionals and less reliance on Ministry staff. RPFs were encouraged to prepare the salvage applications and these applications are considered in priority to other applications. The Appellant was clearly aware of this. It is not surprising that one reason for this policy is that the District would be relying on the professional judgment and expertise of the RPF whereas it would have to more carefully review the applications of those without those professional qualifications.

In the Commission’s view, the fact that there is no specific request for root rot information on the application forms does not affect the obligation of an RPF to include all material information which could affect the district manager’s decision. The role of a professional is not simply to “tick off” boxes, but to go beyond that; to exercise professional judgment, appreciating that there may be additional relevant information required. It is of little comfort to hear a professional state that if it isn’t on the form, it isn’t vital or important information. There is a place for “Special Notice of Concerns for District Manager to Consider” on the RPF Certification document, and there is a space for additional comments on the Field Report. According to Ms. Cleary, these are the places where the information about root rot could have, and should have, been inserted by the RPF. She states,

It is my belief that any RPF should have recognized that root disease is material at this site because the evidence is too obvious, regardless of whether a root rot assessment is stated on the RPF Certification document or not. Professional accountability and reliance of the RPF should comply with principles of forest stewardship that assumes an assessment of forest health which would also include a root rot assessment.

The Commission agrees.

Finally, the Appellant suggests that, even if it was not on his application, some Ministry staff were aware that root rot was present in the area. Who these people were and what they knew is uncertain. However, there is no evidence that the decision-maker who issued the Licence was aware of root rot on the site. Conversely, there is clear evidence that the Appellant’s RPF was aware of the

disease, and there is a clear onus on an applicant for a licence, in particular an RPF, to provide all relevant information.

The Commission finds that the root rot on the site was significant and that its presence could affect either the salvage priority given to the licence, the prescribed treatment and/or the way the site is managed (harvesting type or additional conditions etc). The Commission finds that the root rot present at this site was information clearly material to a reasonable decision-maker considering this type of licence application. It was omitted from the application and, therefore, the Commission finds that it is a "material omission".

The Commission notes that, at this time, the rights under this licence are suspended, not cancelled, and that this was done to facilitate further investigation and consideration of how this stand should be managed. This is a reasonable decision in the circumstances.

DECISION

In making this decision, this Panel of the Commission has considered all of the evidence and arguments provided, whether or not they have been specifically reiterated here.

For the reasons provided above, the Commission confirms the suspension of the Licence.

The appeal is dismissed.

"David Ormerod"

David Ormerod, Panel Chair
Forest Appeals Commission

February 2, 2007

APPENDIX "A"

APPENDIX
8



SMALL SCALE SALVAGE PROGRAM
OKANAGAN SHUSWAP FOREST DISTRICT



PROFESSIONAL SALVAGE APPLICATION R.P.F. CERTIFICATION

Reference # _____

LICENCE # _____ LOCATION _____

APPLICANT _____ PROFESSIONAL _____

A) STAND ATTRIBUTES	
Professional declares area previously salvaged under SP exemption is now a free growing stand. (Required if area previously harvested under SP exemption has not been declared free growing).	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional acknowledges that the beetle survey was carried out at the appropriate time for flights, using reasonable methodology. (Required for beetle salvage/sanitation applications).	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional acknowledges beetle survey results are reasonable	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined the total salvage volume estimate is reasonable.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined the species composition of the salvage volume is accurate	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined the area will be sufficiently restocked with mature stems following harvest (at a minimum remaining basal area > 20 m ² /ha)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined the area will be sufficiently restocked with layer 2 and 3 stems following harvest (if the answer to above is No)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined that clear cut patches will be < 1 ha.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined the total licence volume will be less than 500m ³	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has determined that the proposed salvage area does not include and is not adjacent to, unstable or potentially unstable terrain, terrain class 4 or 5, or in the absence of terrain stability mapping, slopes equal to or greater than 60%	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
B) BOUNDARY, ROAD, LANDING, AND TRAIL	
Professional has reviewed the status of all roads to be used for hauling.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
A written road maintenance agreement with all permit holders has been obtained.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
The condition of existing roads, landings, and trails has been field assessed.	Yes <input type="checkbox"/> No <input type="checkbox"/>
The condition of existing roads, landings, and trails has been documented prior to use (pictures and description).	Yes <input type="checkbox"/> No <input type="checkbox"/>
Professional has documented all deactivated structures that will require a return to deactivation status following harvest.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Deactivated roads or crossings of fish streams will be reactivated.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Existing landings will be used. No new landings will be developed.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Trails have been ribboned and are identified accurately on the map.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Block boundaries are ribboned	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Block boundaries are fully GPS traversed	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Block boundaries are string chain or tight chain traversed	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Block boundaries are estimated using field identification points	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
C) RIPARIAN MANAGEMENT	
All streams have been assessed or defaulted to a higher classification. (Always applicable unless no stream is present.)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has considered timing for removal of skid trail crossings of streams and non-classified drainages	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Conditions for RMZ harvest have been considered	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
RRZ's have been ribboned with flagging tape to prevent harvest	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

**SMALL SCALE SALVAGE PROGRAM
OKANAGAN SHUSWAP FOREST DISTRICT
PROFESSIONAL SALVAGE APPLICATION R.P.F. CERTIFICATION**

D) MAPPING, STATUS CHECKS, AND REFERRALS	
All stream crossings are indicated.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
All landing locations are indicated	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
All roads to be used for access to main highway are identified on an access map.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has referred the application to the major licensee working in the area	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Professional has provided the major licensee with an accurate location and assessment of impact on silviculture from use of trails and landings in plantations.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Block areas are accurate and mapped boundaries match field layout as indicated in Section B.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
A map using IGDS format has been produced and a digital file has been submitted to the MOF.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
All resource features are included on the map as identified by field assessment, referral responses and professional knowledge.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within Suppression Zone of Beetle Management Zone	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Considered Other TSL's /Tenures / salvage permits (CP 2's & 3's)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Uranium/Thorium sites	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within a Wildlife Tree Patch	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within Community Watershed or near domestic water source	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within or Adjacent to Private Land/ Indian Reserve	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Range Tenures/Fences not adversely impacted	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within OGMA	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Lakes Classification Identified	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within FEN	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Within Mule Deer Winter Range	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Wildlife Habitat	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

E) OKANAGAN SHUSWAP LRMP (Specify Details Where Appropriate)	
LRMP - Tourism RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Derenzy Sheep RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Bighorn Sheep RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Recreation RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Recreation Trails	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Pine Marten RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Protected Area (Goal 1 Goal 2)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Visuals RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Community Watersheds RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Mule Deer RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Mission Creek RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Moose RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Mineral Tenures	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Joe Rich RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Goat RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Grizzly Bear RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Fish RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Crown Interface RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
LRMP - Caribou RMZ	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

F) ADMINISTRATIVE	
Harvest Guide Signed by Applicant	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Applicant has signed the application form, and has included correct address, phone number, and BCTS Registration number or a copy of Drivers License.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Salvage Volume estimate completed for each site (= patch, area, or block)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Terrain Stability assessment required?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
Visual Quality Assessment required?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

**SMALL SCALE SALVAGE PROGRAM
OKANAGAN SHUSWAP FOREST DISTRICT
PROFESSIONAL SALVAGE APPLICATION R.P.F. CERTIFICATION**

ADMINISTRATIVE continued	
All season harvest recommended for this site (not withstanding break up and wet soils)?	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
The harvest is to occur only on frozen ground or snow pack.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
The application area has been field assessed by an archaeologist and it was found that no further work is required. Summer harvest is allowed. Proceed as per archaeologists recommendations.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

PROFESSIONAL JUDGEMENT - RISK RATING			
	High	Medium	Low
Risk to the road, or road users	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Riparian concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stocking concerns (quantity or quality of regen)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soil Sensitivity / Site Sensitivity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terrain stability concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private Land/ Indian Reserve / Other Tenures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Archaeology concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall Risk Rating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SPECIAL NOTICE OF CONCERNS FOR DISTRICT MANAGER TO CONSIDER:

RPF'S SIGNATURE and SEAL	RPF PRINTED NAME
	DATE SIGNED
I certify that I have reviewed this document and personally supervised the work described and that this work has been done to standards acceptable of a Registered Professional Forester.	

ACKNOWLEDGEMENT OF PROFESSIONAL APPLICATION	APPLICANT PRINTED NAME
	DATE SIGNED
I certify that I have reviewed all assessments, fieldwork, and the Logging Plan and agree with the results and recommendations of the professional forester. I hereby appoint the R.P.F. to act as my representative in submitting an application for salvage timber to the Ministry of Forests.	
APPLICANT SIGNATURE	