



MISCELLANEOUS LAND USE REPORT

PE - LAND MGMNT - PEACE FIELD OFFICE

File:	8015420	Inspected Date:	July 18 th , 2012
Reported By:	Austin Tate	Report Date:	August 22 nd , 2012
Phone Number:	250-774-5513	Complexity Level:	2
Applicant:	FALCON CONTRACTING LTD. 4855 Poty Road Prince George, BC V2K 5C5		

Decision: The application is allowed

Application Type:	New Application	LMM Policy:	Aggregate and Quarry Materials
Purpose:	Quarrying	Sub-Purpose:	Sand and Gravel
Type:	Licence	Sub-Type:	Licence of Occupation
Commencement Date:	As Determined by PA	Term:	5 years
Purpose Statement:	Sand and Gravel Quarry		

BCGS Map Sheet:	94O 024
Air Photo No.:	UTM: 478520E / 6566311N
Application Area:	31.73 Ha.
Recommended Area:	10.40 Ha.
Location:	Fort Nelson River

Legal Description:	THAT PARCEL OR TRACT OF UNSURVEYED CROWN LAND IN THE VICINITY OF THE FORT NELSON RIVER (UNITS 80 AND 90, BLOCK K AND UNITS 71 AND 81, BLOCK L, 94-O-03), PEACE RIVER DISTRICT, SHOWN HIGHLIGHTED ON LEGAL DESCRIPTION SCHEDULE, CONTAINING 10.40 HECTARES, MORE OR LESS.
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Referral Agencies/ Analysis:

Ministry of Forests, Lands and Natural Resource Operations – Forestry Division – Fort Nelson District

E-mail sent May 18th, 2011. Response received May 19th, 2011 indicating no forestry concerns with this referral.

Ministry of Forests, Lands and Natural Resource Operations – Ecosystems Division, Fort St John

E-mail Sent January 13th, 2011. Response received June 13th, 2011 in which comments from the Ecosystems Division were related to the following topics: River Corridors East Resource Manage Zone, Jackpine Remnant Protected Area, *Water Act*, Riparian Management Area Guidebook, Best Management Practices for Terrestrial and Aquatic Wildlife, *Wildlife Act* and any Northeast Invasive Plant Reclamation and Restoration concerns.

Comments from the Ecosystems Division were forwarded to the proponent via e-mail on January 13th, 2012.

Fort Nelson First Nation

Initial consultation letter sent on May 19th, 2011. Response received from FNFN on December 2nd, 2011. Please see Discussion/Recommendations section for further information.

Prophet River First Nation, Doig River First Nation, West Moberly First Nations (Economic Benefits Agreement (EBA) First Nations) and Treaty 8 Tribal Association

Initial Consultation letters sent to each of the First Nations on May 19th, 2011. Application was scheduled for review at the July 25th, 2011 Crown Land Applications Technical Team (CLATT) meeting. Please see note below for further information. Comments were as follows: PRFN members will be required to be on-site with the Archaeologist when doing future AIA's.

Note: Initial CLATT meeting was on July 25th, 2011. First Nations refused to review applications on the file list due to a WMFN request for copies of decision documents that had not been received on other projects (pre CLATT). FN members met on July 27th, 2011 and agreed to have comments in by August 5th, 2011. However, on August 3rd, 2011 a WMFN member passed away and a request for extension for comments on priority files was submitted. The province agreed to extend the comment(s) deadline to August 12th, 2011.

Clearance and Other Conflicts:

This Tenure is not located within an identified Ungulate Winter Range Area, A Wildlife Habitat Area, Caribou Herd Boundary or a Resource Review Area.

Archaeological Site Information:

According to RAAD (Archaeological Registry Section of the Ministry of Forests, Lands and Natural Resource Operations) the Archaeological Overview Assessment indicates a high archaeological potential for this portion of the Northern Rockies Regional Municipality and this specific application area. According to both the Archaeological Overview Assessment (AOA) and the Archaeological Impact Assessment (AIA) completed by Archer CRM Partnership on September 23rd, 2010 on the 10.40 ha application area, the assessments yielded negative results for archaeological values such as, culturally modified trees or other remains protected by the *Heritage Conservation Act*. Archer's Archaeological Impact Assessment (No. 9035) is located within the physical file.

Notation of Interest – File Number 8015111 (next review date April 2nd, 2014)

This application is located within the Ministry of Forests, Lands and Natural Resource Operations' Notation of Interest 8015111 (sand and gravel). Because this application is for a purpose that is compatible with the intent of the Notation of Interest, there are no significant conflicts anticipated. In accordance with Land Policy: *Form of Crown Land Allocation*, a Notation of Interest does not preclude the acceptance of land applications or disposition of Crown land within the Notation of Interest. A file review of the Ministry of Forests, Lands and Natural Resource Operations' Notation of Interest (8015111) has been conducted and subsequently there are no direct conflicts impeding the acceptance of this application.

Lands Act Files: Current Sand and Gravel Tenure Holders

8015095: Falcon Construction Ltd. (southwest), no direct conflict

8015101: C.F. Wright Farms Ltd. has sub-leased to Apache Canada Ltd. (southwest), no direct conflict

8015112: Interoute Construction Ltd. (southeast), no direct conflict

8015093: Interoute Construction Ltd. (south), no direct conflict

8015380: YCS Holdings Ltd. (southwest), no direct conflict

All adjacent tenure holders currently have a valid Licence of Occupation for the purpose of operating a sand and gravel quarry. Therefore, the current application (8015420) is compatible with existing tenure holders and the Notation of Interest that has been granted to the Ministry of Forests, Lands and Natural Resource Operations.

Investigative Permit: 8015271

Same applicant – expires on October 20th, 2012, no direct conflict

Trapline Holder: s.22

The Tenure holder will be required to respect all prior rights and to abide by and comply with all applicable legislation affecting the occupation of the land (e.g. Section 46 of the *Wildlife Act*).

Road Permit R11810:

Active road permit issued to Canadian Forest Products Ltd. (CANFOR) (Section A) is currently used by Interoute Construction Ltd. (8015093) for accessing their current tenure. Please see comments section for further details.

Access:

No new access will need to be established due to the existence of CANFOR's current road permit (R11810). However, the client is aware that a road use agreement may be necessary from CANFOR.

Guide Outfitter: 701257

The Tenure holder will be required to respect all prior rights and to abide by and comply with all applicable legislation affecting the occupation of the land.

Public Use:

There is no known recreational or public use activities located within the application area. A site visit was conducted on July 18th, 2012 to ensure that no public use activities existed within the aforementioned area.

Site Information:

The application area is located approximately 62 km straight line distance to the northwest of Fort Nelson (UTM: 478520E 6566311N). Access to the area will be done via existing roads. From Fort Nelson proceed 28 km northwest to Hwy 77 junction. Turn right onto Hwy 77 and continue north to Fort Nelson River (~50 km). Cross the Fort Nelson River and take a left (west) onto the Patry Mainline road. Proceed 5.0 km west until you reach Interoute's current Sand and Gravel Tenure (8015093) which is located on the north side of the Patry Mainline Road. The proposed quarry location is northward ~400 metres via Interoute's Tenure along an existing road (R11810) tenured by CANFOR.

Watercourses/Wetlands: An on-site visit on July 18, 2012 has determined that riparian areas exist within the original application boundary. Therefore, the deletion of area from the original application is necessary. A revised application boundary of 10.40 ha from 31.73 ha has been created in conjunction with the proponent to ensure that future adverse environmental impacts caused by the establishment and operation of this sand and gravel quarry do not occur. Soil conditions identified alongside these riparian areas are predominately hygric in nature. Furthermore, riparian ecosystems contain many of the highest value non-timber resources and valuable streamside vegetation which protects water quality, stabilizes streambanks, regulates stream temperature and provides structure to the stream channel.

Forest Cover:

Species for these polygons generally consists of *Populus tremuloides*, *Populus balsamifera*, *Populus Trichocarpa*, *Picea glauca*, *Betula papyrifera*, *Pinus banksiana* and *Pinus contorta*. A combination of MapView, Falcon Contracting Ltd.'s Aggregate Management Plan and an on-site visit using an 8 BAF prism were determining factors in calculating species composition and volumes for the following polygons.

Polygon 4195407 – 3.3 ha – PI_{60} SW_{20} EP_{10} AT_{10} - Live Stand Volume – PI 180 m³, SW 55m³, EP 14 m³ and AT 7 m³ per hectare

Polygon 4195667 – 1.30 ha – AT_{45} EP_{25} SW_{15} AC_{10} PI_5 - Live Stand Volume – AT 125 m³, EP 40 m³, SW 40 m³, AC 20 m³ and PI 18 m³ per hectare

Polygon 4196000 – 1.80 ha – EP_{65} SW_{25} AT_5 PI_5 - Live Stand Volume – EP 70 m³, SW 58 m³, AT 8 m³ and PI 15 m³ per hectare

Polygon 4196207 – 4.00 ha – PI_{70} PJ_{20} SW_5 AT_5 - Live Stand Volume – PI 180 m³, PJ 53 m³, SW 9 m³ and AT 4 m³ per hectare

Based on the above areas, volumes and species composition the prospective timber harvest volume is as follows:

Populus tremuloides: 216.0 m³

Populus balsamifera ssp. trichocarpa: 26.8 m³

Picea glauca: 373.5 m³

Pinus contorta: 1364.4 m³

Pinus banksiana: 212.0 m³

Betula papyrifera: 224.2 m³

There is potentially 2416.9 m³ of fibre to be harvested of which coniferous constitutes 1949.9 m³ and deciduous comprises of 467.0 m³. From a timber pricing perspective the tenure holder should be issued a Forest Occupant Licence to Cut as opposed to an exemption letter. Furthermore, the billing of this fibre should be based on a scale.

Rental:

\$631.18/year

Annual rent is based on a land value of \$6069.00/ha x 10.4 ha x 1% therefore, equaling an annual rent of \$631.18

The annual rent was based on 5 comparable active Sand and Gravel Tenures and can be found in the *Local Comparable Aggregates Pits Rental Summary* located on file. Rental has been calculated in accordance with Section 7.2.1.3 and Appendix 1 of the *Aggregate and Quarry Materials Crown Land Operational Policy*.

Royalties of \$3.50/m³ (based on 2003 Gravel Royalty Rates for the Peace Subregion – Zone A).

Discussion/Recommendations:

This application is for a Licence of Occupation for an aggregate quarry in the Fort Nelson River area. Activities on this site will include harvesting, excavation, crushing and screening of aggregates, sorting and the loading of trucks for off-site delivery.

The Aggregate Management Plan (AMP) indicates that the washing of aggregates will not occur on-site. The AMP also specifies that annual estimates production will be between 50,000 m³ – 100,000 m³ per year. Furthermore, the aforementioned plan indicates that the anticipated total mineable resource (unproven) will be approximately 500,000m³. Thus, it will not activate the requirement for an Environmental Assessment.

The intent of the proponent's reclamation plan is to return the site to productive capacity supporting natural forest re-growth. Reclamation at this site will be progressive and will be conducted on-site as the pit develops. Final reclamation will ensure the site is stable, non-erosive and can support self-sustaining vegetation.

Access for this application is via road R11810 which currently is not feasible due to the non-existence of road R11810 within Interoute's sand and gravel quarry (8015093). According to the Acceptance of Offer of Licence letter that was signed by Interoute on July 14th, 2009 it states that "The Canfor Forests Products Limited road permit must be respected and/or access granted year round with no grades greater than 5%". Interoute Construction Ltd. has submitted a letter (physical file) that states it will provide access along R11810 for cars, trucks and gravel trucks as of September 30th, 2012.

The applicant has requested a 10 year tenure term. In accordance with the *Crown Land Operational Policy: Aggregates and Quarry Materials*, the standard term for an initial Licence of Occupation is 5 years. Upon satisfactory completion of this term the proponent will have the opportunity to reapply for a replacement of tenure at expiry once diligent use of the site is proven.

Fort Nelson First Nation

Initial consultation letter sent on May 19th, 2011. Response received from FNFN on December 2nd, 2011 concerning the Archaeological Overview Assessment (AOA) and Archaeological Impact Assessment (AIA) that were completed by Archer CRM Partnership on September 23rd, 2010. Issues regarding the eastern section of the application area that the AIA did not include were stated. The amended boundary (10.4 ha) for this application is entirely covered by the original AOA and AIA performed by Archer CRM Partnership. Therefore, addressing the concern of FNFN.

Prophet River First Nation, Doig River First Nation, West Moberly First Nations (Economic Benefits Agreement (EBA) First Nations) and Treaty 8 Tribal Association

Initial Consultation letters sent to each of the First Nations on May 19th, 2011. *Prophet River First Nation* (PRFN) provided comments as per the extended deadline of August 12th, 2011. Comments were concerning the requirement of PRFN members to be on-site with the Archaeologist when doing future AIA's. Since both an AIA and AOA have been completed within the final application area, no further archaeological work is recommended. However, Brian Wolf of PRFN was forwarded (August 13th, 2012) a copy of the AIA and AOA report completed for this application area.

For further information relating to First Nation consultation, please refer to the associated First Nation Consultation Record.

A decision letter is required for Fort Nelson First Nation. The decision letter should declare:

1. "Concerns received regarding AIA coverage on December 2nd, 2011 were addressed by ensuring final tenure area was located within the original archaeological study area. Therefore, MFLNRO reviewed the potential adverse effects of this project on Treaty 8 rights recognized and affirmed by Section 35(1) of the *Constitution Act*, 1982. Impact to Treaty rights have been assessed as low"
2. Decision letters are not required for West Moberly First Nations, Prophet River First Nation or Doig River First Nation as the Streaming Decision was considered basic.

Recommendations:

I am recommending the issuance of a Licence of Occupation, subject to the following conditions:

1. 5 year term
2. Proof of \$2,000,000.00 liability insurance with sudden and accidental pollution endorsement
3. Rental fee of \$631.18/year plus applicable taxes
4. A royalty fee of \$3.50/m³ of material removed


5. Approved Aggregate Management Plan and associated maps must be followed
6. A pre-development baseline survey of the project area must be conducted, evidence of which must be signed by a qualified surveyor and submitted to MLNRO-Lands Division. The survey should be completed after stripping and stockpiling the topsoil and before any gravel extraction occurs. The survey should encompass the entire area where gravel extraction is planned. The (original) survey will be used as a datum against which interm and final excavations will be measured. Subsequently, the MLNRO-Lands Division will reconcile these measurements with your Statutory Declarations both interm and final. Please submit signed evidence of this baseline survey to MLNRO-Lands Division before commencing any gravel extraction.
7. Statutory declaration for material removed on each anniversary date
8. All prior rights must be respected
9. No activity is permitted within 20 metres measured from the centreline of CANFOR's road permit licence (R11810)

Signature: _____



Date: _____

AUGUST 22, 2012



Consultation Record 8015420 Sand and Gravel Quarry Licence of Occupation - Quarrying

Introduction:

This document is intended to help users capture and record critical information gathered during the consultation process. It is to be used for multi-agency projects; however, line agencies are free to utilize it for single agency decisions as well.

It is divided into the following four sections:

- **Project Overview** – This section is designed to capture basic administrative data regarding the project. This section will assist with efficient filling and overall project management.
- **Communication Log** – The purpose of this section is to record all communication that occurs with First Nations regarding a specific project (e.g. meetings, letters, conference calls etc.). This information will help consultation coordinators manage the consultation process and it will help decision makers to better understand the information that was shared and the key issues that arose during the consultation.
- **Aboriginal Concerns and Accommodations Tracking Table** – Throughout the consultation process information regarding aboriginal concerns (Aboriginal Interests are of particular importance), potential impacts of the project on those concerns, and accommodation measures to mitigate the impact on concerns is collected. This table is designed to record this information and help staff to develop accommodation that, when warranted, is directly linked to the concerns raised by First Nations.
- **Analysis of First Nations Consultation** – This table is intended to provide a high level overview of the consultation process. This table is important as it allows staff to clearly demonstrate their rationale for making key decisions, such as determining level of consultation and justifying the accommodation provided, throughout the process.

These four tables, in conjunction with all correspondence (e.g. letters, emails and meeting minutes) and documents shared with First Nations, forms the ***consultation record***. Having a detailed record is critical as it enables provincial staff to clearly demonstrate the consultation that has occurred; this helps decision makers to make informed decisions and improves the province’s ability to communicate with First Nations. Ultimately, completing these four tables will improve the province’s ability to record key information and provide a clear rational to justify the consultation that has occurred.

In addition to the four core tables, there is a First Nations Preliminary Assessment Table in the appendix. This table is intended to provide staff with guidance to complete a preliminary assessment. Staff are not required to complete this table, however, it is recommended that staff use it for complex projects (multiple First Nations and/or numerous authorizations).

The Coordinated Consultation Record should be used in conjunction with the *Updated Procedures for Meeting Legal Obligations When Consulting First Nations* and other consultation guidance documents (e.g. Accommodation Guidance Document). These documents will provide staff with direction on how to consult with First Nations. The record is intended to simply capture the key information that is gathered during consultation.

Project Overview		
Project Name: Licence of Occupation – (Quarrying)		
Activity Type: Sand and gravel quarrying for a 5 – 10 year term.		
Project Description: Gravel pit for excavation, surveying and trucking off-site material for road maintenance and surfacing.		
Proponent Name: Falcon Contracting (Zane Pickering) Agent: AllNorth Consultants (250-614-7291)		
Consultation Process Led By: Initiated by FrontCounter BC in Fort St. John and completed by G. Greskiw, FN Relations Advisor, Fort Nelson District (FLNRO)		
First Nations		
First Nation: Fort Nelson First Nation (FNFN) Prophet River First Nation (PRFN) Doig River First Nation (DRFN) West Moberly First Nation (WMFN)	Agreement(s): Treaty 8 signatory Treaty 8 signatory Treaty 8 signatory Treaty 8 signatory	
Date Prepared: July 30, 2012		
Authorization Decision(s) Consultation Summary is Intended to Inform		
Authorization	Responsible Agency	Agency Contact
Licence of Occupation for Crown Land Tenure Occupant Licence to Cut Notice of Works	FLNRO (Forests) FLNRO (Forests) MEM (Mines)	Austin Tate District Manager Mines Inspector

Communications Log				
First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Medium	Date	Comments
Fort Nelson First Nation Prophet River First Nation Doig River First Nation West Moberly First Nation	Charles Mercanti (FLNRO)	Letter	May. 19, 11	Mail out referral package containing; <ul style="list-style-type: none"> • Letter • Initial Impact Review and Preliminary Streaming Decision Report • Maps • Copy of Application • Management Plan
Fort Nelson First Nation	s.22 (Band Member and Licenced Trapper)	Letter	May 27, 2011	s.22, s.13
CLATT (Crown Land Applications Technical Team) Doig River First Nation, Prophet River First Nation, West Moberly First Nation Treaty 8 Tribal Association)	Marianne Novotny FLNRO	Email	July 5, 2011	Email sent with Agenda for July 25, 2011 Meeting and File List (including 8015420) for discussion. Records of Actions and Decisions from the June 20 th and June 24 th meetings also in the email attachment.
CLATT	Meeting	Meeting	July 25,2011	First Nations refused to review applications on file list due to a WMFN request for copies of decision documents that have not been received on other projects (pre-CLATT). At this CLATT meeting (July 25/12) it was agreed that this dispute was to be sent to the CLMB meeting to be discussed and addressed and then comments would be submitted after the Board meeting

CLATT	Marianne Novotny	Email	July 26, 2011	Sent Email with Priority File list to CLATT members – comments requested to be submitted by July 29,2011
Crown Land Management Board (CLMB)	Meeting	Meeting	July 27, 2011	Not enough FN members for there to be quorum. Members that were present agreed to have comments in by Aug. 5, 2011.
CLATT	Marianne Novotny	Email	July 27, 2011	Comment period on priority files was extended to August 5, 2011
Prophet River First Nation (Brian Wolf)	Brian Wolf (Prophet River First Nation) to Marianne Novotny FLNRO	Email	August 3, 2011	Prophet River First Nations members will be required to be onsite with the archaeologists when doing archaeological impact assessments in file area.
CLATT	West Moberly First Nation (Bruce Muir)	Email	August 3, 2011	Community member within WMFN passed away. Requested extension for comments to be submitted for priority files
CLATT	Doig River First Nation (Jane Calvert)	Email	August 4, 2011	DRFN requested extension to review files due to short-staffing. DRFN commits to have comments in by August 12, 2011
CLATT	Marianne Novotny	Email	August 9, 2011	Province agreed to extend comment deadline to August 12, 2011. Comments to be sent to Marianne by August 12.
CLATT	Marianne Novotny	Email	August 15, 2011	Members comments received to address Priority File List from July 25 th meeting. Comments forwarded to CLATT.
Fort Nelson First Nation (Katherine Wolfenden)	Victoria Kress	Email from FNFN to FLNRO	December 2, 2011	Indicated concern that the Archaeological impact assessment was not done on the east side of the proposed area.

Aboriginal Concerns and Accommodations Tracking Table				
First Nation	Consultation Stage	Aboriginal Concerns	Analysis of Potential Impact/ Concern Identified	Potential Accommodation
Fort Nelson First Nation	Engagement/ Accommodation	An Email from FNNF was received indicating that the east portion of the proposal area has archeological values and still requires archaeological assessment.	Though the west portion of the project area has a completed archeological assessment, the assessment for the east portion is not yet done. The project cannot be approved until proper archeological assessment coverage has been completed.	Assess the east portion for archaeological value or delete from the proposal area.
s.22	Engagement/ Accommodation	A letter from a FNNF band member with treaty rights indicated a concern about fairness of the approval process.		s.22, s.13
Prophet River First Nation	Engagement/ Accommodation	No concerns identified	No concerns identified	No accommodations required.
Doig River First Nation	Engagement/ Accommodation	No concerns identified	No concerns identified	No accommodations required.
West Moberly First Nation	Engagement/ Accommodation	No concerns identified	No concerns identified	No accommodations required.

Analysis of First Nation Consultation

First Nation: FORT NELSON FIRST NATION

Preparation - Phase 1

Suggested Level of Consultation:	Basic Consultation. FNNF is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The proposed project is in FNNF’s traditional territory. The May 19, 2011 letter indicates Treaty rights and provides a 30 day response period. FNNF stated minor concerns are being addressed.
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Engagement – Phase 2	
Level of Consultation:	Normal consultation as per above.
Accommodation – Phase 3	
Accommodation Required?	Yes. East side (requiring Archaeological assessment) was deleted from proposal (July 26/012).
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes
Other Issues	
Other Issues	s.22, s.13
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Yes. This project was first referred to FNFN by FrontCounter (Ft. St. John) on May 19, 2011 with a 30 day reply period. FNFN concerns have been addressed. Consultation is considered adequate for the Licence of Occupation, Licence to Cut and Notification of Work for the area of interest.

First Nation: PROPHET RIVER FIRST NATION	
Preparation - Phase 1	
Suggested Level of Consultation:	Basic Consultation. PRFN is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The proposed project is in PRFN’s traditional territory. The May 19, 2011 letter indicates Treaty rights and provides a 30 day response period. PRFN stated minor concerns are being addressed.
Engagement – Phase 2	

Level of Consultation:	Basic consultation as per above.
Accommodation – Phase 3	
Accommodation Required?	Not applicable as no comments have been received.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes
Other Issues	
Other Issues	n/a
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Yes. This project was first referred to PRFN by FrontCounter (Ft. St. John) on May 19, 2011 with a 30 day reply period. No comments or concerns were received from PRFN. Consultation is considered adequate for the Licence of Occupation, Licence to Cut and Notification of Work for the area of interest..

First Nation: WEST MOBERLY FIRST NATION

Preparation - Phase 1	
Suggested Level of Consultation:	Basic Consultation. WMFN is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The proposed project is in PRFN's traditional territory. The May 19, 2011 letter indicates Treaty rights and provides a 30 day response period. WMFN have not stated concerns.
Engagement – Phase 2	
Level of Consultation:	Basic consultation as per above.

Accommodation – Phase 3	
Accommodation Required?	Not applicable as no comments have been received.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes
Other Issues	
Other Issues	n/a
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Yes. This project was first referred to WMFN by FrontCounter (Ft. St. John) on May 19, 2011 with a 30 day reply period. No comments or concerns were received from WMFN. Consultation is considered adequate for the Licence of Occupation, Licence to Cut and Notification of Work for the area of interest.

First Nation: DOIG RIVER FIRST NATION (DRFN)	
Preparation - Phase 1	
Suggested Level of Consultation:	Basic Consultation. DRFN is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The May 19, 2011 letter indicates Treaty rights and provides a 30 day response period. DRFN have not stated concerns.
Engagement – Phase 2	
Level of Consultation:	Basic consultation as per above.
Accommodation – Phase 3	

Accommodation Required?	Not applicable as no comments have been received.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes
Other Issues	
Other Issues	n/a
Recommendation for Decision Maker(s)	
Consultation Sufficient?	Yes. This project was first referred to DRFN by FrontCounter (Ft. St. John) on May 19, 2011 with a 30 day reply period. No comments or concerns were received from DRFN. Consultation is considered adequate for the Licence of Occupation, Licence to Cut and Notification of Work for the area of interest.

Appendix: First Nation Preliminary Assessment Table

Preliminary Assessment Table						
First Nation	Information Sources Considered	Known or Identified Aboriginal Interest	Strength of Claimed Aboriginal Right/Title:	SOC Level	Potential Impact/ Concern Identified	Impact Level

Fort Nelson First Nation	Treaty 8 Signatory CAD – area is within FNFN’s traditional territory boundaries FNQ2	Treaty 8	N/A – Treaty 8	N/A - treaty right	<ul style="list-style-type: none">No archaeological assessment in area of concern. s.13	Minor
Prophet River First Nation	Treaty 8 Signatory CAD – area is within FNFN’s traditional territory boundaries FNQ2	Treaty 8	N/A – Treaty 8	N/A – treaty Right	No concern identified	Minor
Doig River First Nation	Treaty 8 Signatory CAD – area is within FNFN’s traditional territory boundaries FNQ2	Treaty 8	N/A – Treaty 8	N/A – treaty Right	No concern identified	Minor
West Moberly First Nation	Treaty 8 Signatory CAD – area is within FNFN’s traditional territory boundaries FNQ2	Treaty 8	N/A – Treaty 8	N/A – treaty Right	No concern identified	Minor



MISCELLANEOUS LAND USE REPORT

PE - LAND MGMNT - PEACE FIELD OFFICE

File:	8015095	Inspected Date:	N/A
Reported By:	Troy Lockhart	Report Date:	April 19, 2011
Phone Number:	250-787-3479	Complexity Level:	3
Applicant:	Falcon Contracting Ltd. Box 1 Fort Nelson, BC V0C 1R0		

Decision: The application is allowed.

Application Type:	Amendment	LMM Policy:	Aggregate and Quarry materials
Purpose:	Quarrying	Sub-Purpose:	Miscellaneous X SAND'S Gravel
Type:	Licence	Sub-Type:	Licence of Occupation
Commencement Date:	As determined by PA X	Term:	5 years.
Purpose Statement:	Licence of Occupation		

BCGS Map Sheet:	94O024
Air Photo No.:	See orthophot on file
Application Area:	6.9 + 9.03 ha
Recommended Area:	6.9 + 9.03 = 15.92 ha
Location:	Fort Nelson River

Legal Description:	THAT PARCEL OR TRACT OF UNSURVEYED CROWN LAND IN THE VICINITY OF FORT NELSON RIVER (WITHIN UNITS 72, 73 AND 82, BLOCK L, 94-O-3), PEACE LAND DISTRICT, SHOWN HIGHLIGHTED ON LEGAL DESCRIPTION SCHEDULE, CONTAINING 6.90 HECTARES, MORE OR LESS.
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Referral Agencies/ Analysis:
Ministry of Forests and Range (FN) – No concerns expressed by MOFR staff.
Ministry of Environment (FSJ all) – Best amangement Practices/Low Risk letter sent to proponent. Planning Staff also reviewed the proposal and had no concerns.
Northern Rockies Regional Municipality – No concerns.
Ministry Of Aboriginal Relations and Reconciliations (Vic) - No comments received.
Fort Nelson First Nation – Band memebbers wrote letters expressing concerns on the original location. A meeting was held with Chief and council as well as band memebbrs to listen to concerns. The file was moved to accommodate concerns. For the amendment a letter of objection was written (form letter). A follow up e-mail was sent requesting specific commnets and no further comments were received.

Clearance and Other Conflicts: This file is adjacent to a Canfor Road Permit and a Canfor SUP. The two conflicts are compatible.

Site Information: See information on file.

Rental: \$1592.00/yr. (15.92 ha x \$10000.00 ha x 1% rental rate) plus \$3.50/m3 of material extracted.

Discussion: ~~Due to concerns expressed by First Nations this file was moved and the new location was agreed to. The area is significantly smaller but this was agreed to by the client. The amendment is to add on to the north. There are concerns about the amount of gravel present and therefore conditions will restrict development until the resources are proven.~~

Decision Summary:

Fort Nelson First Nation -- In May, 2010, MFLNRO sent out a referral with respect to this amendment. A letter was received expressing objection to the proposed works. In April an e-mail was sent requesting specific comments and no further comments were received. These comments were addressed in a previous letter and a duplicate letter was not sent.

Recommendations: I recommend issuing an (amended Licence of Occupation) subject to:

1. A 5 year term.
2. Proof of \$2,000,000.00 liability insurance with the sudden and accidental pollution endorsement.
3. No extraction within 20 m of the center line of the Patry Mainline.
4. Measures such as, earth berm or concrete barriers, or 5:1 slope if no protection is provided on the south edge of the tenure, to protect traffic from entering the pit/quarry.
5. A flat grade for traffic entering the Patry Mainline.
6. Agreement with the adjacent tenure holders on how to share the common boundary of their tenures.
7. An AIA be completed on the investigation sites prior to new disturbance occurring. If significant resources area found an AIA must be completed on the entire area.
8. An acceptable Management Plan submitted to MFLNRO staff on how investigations will be conducted within the amended area.
9. Please note cutting authority will only be granted for investigation work and no NOW will be granted until investigations are completed and an updated management plan agreed to.

Accept changes suggested T.C.

April 20/11

Signature: _____

Date: _____

April 19/11

TREATY 8 TREATY RIGHTS CONSIDERATION REPORT (TRCR)

Ministry and Office location: Fort St John

Applicant Name: Falcon Contracting Limited

File Number: 8015095

Start Date: May 2010

Recommendation: Approval

Completion Date: April 19, 2011

Completed By: Troy Lockhart

1. WHICH TREATY 8 FIRST NATION(S) ARE TO BE CONSULTED ?

List Treaty 8 First Nation(s) to be consulted and source(s) of information: Fort Nelson First Nation identified by the Consultative areas satabase

Are any of the 8 British Columbia Treaty 8 First Nations not being consulted? If so, identify them and provide a rationale: Only Fort nelson is being consulted as this is only first nations identified as requiring consultation in this area.

2. IS THE DUTY TO CONSULT TRIGGERED?

Could the decision being contemplated have an adverse impact on the exercise of treaty rights?
Yes/No

Is the duty to consult triggered? Yes

If yes, continue to the next section.

If it is determined that consultation is not triggered, provide rationale and stop here.

Rationale for no:

3. REFERRALS and FIRST NATION RESPONSES

Use the attached Communication Table for recording the referral information and subsequent communication with the First Nation(s).

4. SUMMARY OF FIRST NATION(S) RESPONSES

Summarize First Nation(s) response and meeting outcomes:

s.16, s.13

s.16, s.13

s.16, s.13 This meeting included Chief and Council as well as local trappers and family members for the area in question. This file was originally located directly surrounding a FNFN members family cabin. this file was moved to the west side of Highway 77. Chief and council met with the client and agreed that this was a better location. Attempts were made to contact the trapper but the calls were not returned. The amended file was referred and an objection letter sent. A followup e-mail was sent requesting specific comments with no response.

5. CONSIDER REASONABLY AVAILABLE INFORMATION

- ☒ Existing agreements with the First Nation(s) that are relevant to the level and/or format of consultation. Result:
- ☐ Existing archaeological information within and/or near the site area. Result:
- ☐ Known wildlife and wildlife habitat within and/or near the site area. Result:
- ☐ Existence and status of Specific Claims and Treaty Land Entitlement Claim(s). Result:
- ☐ Prior consultation with respect to this proposal (e.g. if it is an existing use). Result:
- ☐ Existing information from the proponent. Result:
- ☐ Information from other agencies who are consulting in the area. Results:
- ☒ Other. Results: Due to the amount of applications in this area the trappers and First nation requested a meeting to express their concerns. Also personal experience from working in the area. Same information used for the amendment.

Summarize analysis of information considered: This area in one a few areas with gravel. First nations have recognized the need to develop this resource. The gravel is needed to widen and resurface the Liard Highway and to develop infrastructure in the Horn River Shale gas basin.

List tables and maps:

6. DISCUSSION/ANALYSIS/RATIONALE

A. Assessing the Scope of Consultation

Summarize the assessment of the seriousness of impact and describe the expected scope of consultation: Gravels pit create significant disturbance. That is why first Nations have asked that the disturbance be kept to one area. No site specific concerns have been expressed. Other

industry developmet in the area has revealed cause for concern. The environmental concerns area add sed by the reserve directly to the east of this area. Water tables are being respected by placement of the boundary. The full development will only proceed after the development investigations are complete.

Based on the seriousness of impact assessment what is the level of consultation required?

Medium

Summarize the consultation process to show whether and how the assessed scope of consultation was achieved: Referral letter were sent out, a meeting was held and information was exchange via e-mail. Many conversation took place via the telephone as well. For the amended area a new referral and follow letter was sent with no further comments that could be addressed.

B. Accommodation

Summarize result, analysis of information considered, steps taken to comply with the duty, and rationale behind the conclusion that the duty to consult, and if necessary accommodate, have been discharged: Area of cultural significance will be protected. ILMB will work with Fort Nelson First Nation and band memebbers to indentify areas. this work was not ocmpleted to date as FNFN did not follow through.

C. Decision in the Face of Continued Disagreement

Summarize analysis of information: having regard to the overall consultation and accommodation process, what are the conclusions (and the rationale for the conclusions) as to the reasonableness of the process in the circumstances and whether the Crown's duties have been discharged? Based on previous work no culturally significant features will be impacted.

7. SUMMARY AND RECOMMENDATION

Summarize the consultation and accommodation process: Letters were received from band memebbers. A meeting was held with Chief and council as well as the family memebbers.

Provide conclusions, including rationale, and recommendation: I am recommending the amended tenure be granted.

MISCELLANEOUS LAND USE REPORT

PE - LAND MGMNT - PEACE FIELD OFFICE

File:	8015271	Inspected Date:	July 18 th , 2012 and June 5 th , 2013
Reported By:	Austin Tate	Report Date:	August 12 th , 2013
Phone Number:	250-774-5513	Complexity Level:	2
Applicant:	FALCON CONTRACTING LTD. 4855 Poty Road Prince George, BC V2K 5C5		

Decision: The application is allowed

Application Type:	New Application	LMM Policy:	Aggregate and Quarry Materials
Purpose:	Investigative Permit	Sub-Purpose:	Sand and Gravel
Type:	Permit	Sub-Type:	Investigative Permit
Commencement Date:	As determined by the PA	Term:	2 years
Purpose Statement:	Investigative Permit for Potential Gravel Source		

BCGS Map Sheet:	94O 024
UTM Coordinates:	478470E / 656383N
Application Area:	67.21 Ha's
Recommended Area:	67.21 Ha's
Location:	Fort Nelson River

Legal Description:	That parcel or tract of Unsurveyed Crown Land in the vicinity of Fort Nelson River (within Units 79, 80, 89 & 90, Block K and Units 71, 81 & 82, Block L, 94-O-3), Peace River District, containing 67.21 hectares, more or less.
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Referral Agencies / Analysis:

Ministry of Forests, Lands and Natural Resource Operations – Forest Division – Fort Nelson

February 21st, 2013 - Referral Request was sent to FLNRO-FD.

March 23rd, 2013 - Response was received as part of the e-Referral process before the March 23rd, 2013 due date. Concerns expressed by FLNRO-FD were that both timber utilization and revegetation post disturbance, be adequately addressed within the proponents Aggregate Management Plan (AMP). Furthermore, the southeast corner of the application area is immediately adjacent to the Jackpine Remnant Protected Area (PA) and thus, it is recommended that if pit development occurs in this area that a 100 meter buffer be instituted between pit activities and the PA. Cutblock A17007-561-2 (940-024-15) does occupy ~2.6 ha's of the application area. Therefore, it is recommended that measures be instituted to ensure crop trees in this 16 year old cutblock avoid being damaged. A letter dated June 28th, 2013 was sent informing the proponent of the aforementioned concerns.

Ministry of Environment – BC Parks, Northern Region

February 21st, 2013 - Referral Request was sent to BC Parks. No response has been received as of the March 23rd, 2013 e-Referral due date.

Northern Rockies Regional Municipality

February 21st, 2013 - Referral Request was sent to NRRM. No response has been received as of the March 23rd, 2013 e-Referral due date.

Fort Nelson First Nation

February 20th, 2013 - Initial consultation letter and referral package was sent.

March 22nd, 2013 - Follow up letter was sent stating that the Province is intending to proceed with a decision for this Investigative Permit (IP) application.

March 28th, 2013 - FLNRO received an objection letter from FNFN expressing concern with high archaeology potential and that this application falls within a FNFN Culturally Protected Zone (CPZ).

April 16th, 2013 - Consultation Coordinator Garth Greskiw responds to FNFN's objection letter by providing additional information as per FNFN's requests. Furthermore, Mr. Greskiw explained the Ministry procedure regarding FNFN's Strategic Land Use Plan (SLUP) and that FLNRO cannot recommend that a proponent use a specific archaeologist as per FNFN's requests.

April 23rd, 2013 - FNFN respond by requesting a site visit to the application area.

May 9th, 2013 - A meeting was held with FNFN to discuss their concerns with the proponents AMP.

May 13th, 2013 - A request from FLNRO to FNFN requesting a June 5th, 2013 site visit was sent via e-mail.

June 5th, 2013 - The Authorizations Officer (Austin Tate) and Katherine Wolfenden (FNFN) perform a field visit to look at the potential for the spread of Invasive Species as well as, look at any potential access concerns.

June 10th, 2013 - FNFN send a letter formally requesting minor changes to the proponents AMP.

June 17th, 2013 - Authorizations Officer (AO) sends minor changes that were made to the AMP for comment from FNFN.

June 17th, 2013 - FNFN agree with the proposed changes to the AMP and inform FLNRO that "FNFN requires at least 5 business days to allow time to book for a monitor" as per their Consultation Protocol and Guidelines. Furthermore, FNFN "will be instructing the proponent to contact FNFN and give between 48 hours and 5 business days notice before conducting any archaeological activities as previously discussed".

July 15th, 2013 - Adjacent tenure holder confirms that they will be eradicating Invasive Species as identified by Katherine Wolfenden (FNFN) and myself (AO) during a June 5th, 2013 site visit.

July 16th, 2013 - An email was sent to FNFN indicating that the adjacent tenure holder has committed to eradicating any Invasive Species found currently existing within their tenure boundary.

August 6th, 2013 - A Consultation Summary Letter was sent outlining concerns heard and the Province's response to those concerns.

For further information on Fort Nelson First Nation's accommodations please see the Discussion / Recommendations Section for further details regarding this issue.

Prophet River First Nation, Doig River First Nation, West Moberly First Nations (Economic Benefits Agreement (EBA) First Nations) and Treaty 8 Tribal Association

February 20th, 2013 - Initial consultation letter and referral package was sent.

March 12th, 2013 - CLATT Meeting - Brian Wolf from PRFN requests more clarification in the AMP regarding Archaeological Overview/Impact Assessment requirements. This has been accomplished by working closely with FNFN on archaeological concerns as indicated under the FNFN heading on this page. Please see the EBA First Nations heading in the Discussion / Recommendations Section for further details regarding this issue.

Application and Reason for Decision

This application was accepted as a renewal and as such, no advertizing was posted under the Application and Reason for Decision website. Therefore, there are no comments.

Clearance and Other Conflicts:

This Tenure is not located within an identified Ungulate Winter Range Area, A Wildlife Habitat Area, Caribou Herd Boundary or a Resource Review Area.

Archaeological Site Information:

According to RAAD (Archaeological Registry Section of the Ministry of Forests, Lands and Natural Resource Operations) the Archaeological Overview Assessment indicates areas of high archaeological potential for this specific application area. An Archaeological Overview Assessment (AOA) and Archaeological Impact Assessment (AIA) were completed by Archer CRM Partnership on September 23rd, 2010 on 41.0 ha's of the application area (67.21 ha's). Both assessments yielded negative results for archaeological values such as, culturally modified trees or other remains protected by the *Heritage Conservation Act*. Archer's Archaeological Impact Assessment (No. 9035) is located within the physical file. Furthermore, no known archaeological sites currently have been identified within 5000 meters of the application area.

Falcon Contracting Ltd. has written within their Aggregate Management Plan (AMP) (Section 3.1.1 Land Impacts) that "if the investigation moves into the Eastern portion of the proposed area which does not have an Archaeological Impact Assessment, one will be completed prior to disturbance".

Notation of Interest - File Number 8015111 (next review date April 2nd, 2014)

This application is located within the Ministry of Forests, Lands and Natural Resource Operations' Notation of Interest 8015111 (sand and gravel). Because this application is for a purpose that is compatible with the intent of the Notation of Interest, there are no significant conflicts anticipated. In accordance with Land Policy: *Form of Crown Land Allocation*, a Notation of Interest does not preclude the acceptance of land applications or disposition of Crown land within the Notation of Interest. A file review of the Ministry of Forests, Lands and Natural Resource Operations' Notation of Interest (8015111) has been conducted and subsequently there are no direct conflicts impeding the acceptance of this application.

Licence of Occupation: 8015240

Same applicant – No direct conflict.

Trapline Holder: s.22

The Tenure holder will be required to respect all prior rights and to abide by and comply with all applicable legislation affecting the occupation of the land (e.g. Section 46 of the *Wildlife Act*).

Road Permit R11810:

Active road permit issued to Canadian Forest Products Ltd. (CANFOR) (Section A) is currently used by Interoute Construction Ltd. (8015093) and this proponent (8015420) for accessing their current tenures. Please see the Access heading below for further details regarding this location.

Access:

After a June 5th, 2013 site inspection of this application it was evident that Interoute Construction Ltd. had not provided adequate access for this proponent. In speaking with Erwin Spletzer (Manager) of Interoute Construction Ltd. on June 28th, 2013 (via telephone) it was determined that Interoute Construction Ltd. will be immediately rehabilitating Canfor's active road permit (R11810) which runs through Interoute's current tenure (8015093). This will be accomplished so that the applicant of this application will be able to access both their current Licence of Occupation (8015420) and this application for an IP. The date set out for completion of this rehabilitative work was July 12th, 2013 which has been confirmed by Erwin Spletzer in telephone conversation. However, upon inspection of this work on July 24th, 2013 it was determined through a road traverse that appropriate grades for this active road permit were not in compliance. Therefore, this issue has been referred to the Compliance and Enforcement Division of FLNRO for

rectification. Furthermore, the client is aware that a road use agreement may be necessary from CANFOR. The issuance of a tenure does not guarantee access and thus this application can proceed.

Guide Outfitter: 701257

The Tenure holder will be required to respect all prior rights and to abide by and comply with all applicable legislation affecting occupation of the land.

Public Use:

There is no known recreational or public use activities located within the application area. A site visit was conducted on both July 18th, 2012 and June 5th, 2013 to ensure that no public use activities existed within the aforementioned area.

Site Information:

The application area is located approximately 62 km straight line distance to the northwest of Fort Nelson (UTM: 478470E / 656383N). Access to the area will be done via existing roads. From Fort Nelson proceed 28 km northwest to Hwy 77 junction. Turn right onto Hwy 77 and continue north to the Fort Nelson River (~50 km). Cross the Fort Nelson River and take a left (west) onto the Patry Mainline road. Proceed ~5.0 km west until you reach Interoute's current Sand and Gravel Tenure (8015093) which is located on the north side of the Patry Mainline Road. This IP area is located ~600 metres northward via R11810 (Canfor's active road permit) through two current tenures. The first tenure is the aforementioned Interoute tenure and the other is a Licence of Occupation (8015240) that belongs this applicant.

Watercourses/Wetlands: On-site visits on both July 18, 2012 and June 5th, 2013 have determined that riparian areas exist within the application area. Soil conditions identified alongside these riparian areas are predominately hygric in nature. Furthermore, riparian ecosystems contain many of the highest value non-timber resources and valuable streamside vegetation which protects water quality, stabilizes streambanks, regulates stream temperature and provides structure to the stream channel. The potential for one of the streams to be fish bearing is high because it is a direct tributary to the Fort Nelson River. Therefore, caution was taken when determining the reserve zone width. According to the Riparian Management Area Guidebook (Forest Practices Code Guidebook) the reserve zone width for a class 3 stream is 20 meters and as such, the proponent has committed in their AMP (Section 3.1.3 Aquatic Impacts) that "no excavation will be completed within 25 meters of a stream or wetland". This will ensure that these aquatic ecosystems remain undisturbed during the investigative phase of this application. All investigations in the northwest and southeast portions of the application area where watercourses have been identified will consist of non-mechanical exploration. According to Section 2.1 (Description of Work) within the proponents AMP it states that "if mechanical exploration of the far northwest portion of the tenure area is warranted by the results of non-mechanical exploration, a watercourse assessment will be completed and discussed with MFLNRO to determine what type of watercourse crossing would be required". Therefore, all measures have been taken to adequately address all watercourse and wetland habitats.

Forest Cover:

Species for polygons within the application area generally consists of mix of *Populus tremuloides*, *Populus balsamifera*, *Populus Trichocarpa*, *Picea glauca*, *Betula papyrifera*, *Pinus banksiana* and *Pinus contorta*. Cutblock A17007-561-2 (940-024-15) does occupy ~2.6 ha's of the application area. Therefore, it has been recommended (June 28th, 2013 e-mail) to the proponent that measures be instituted to ensure crop trees in this 16 year old cutblock avoid being damaged.

According to the proponents AMP there are three phases that would require new access trails that are 5-7 meters and total ~1,750 meters in length. Small spur trails that are between 10-50 meters will also be cleared in order to perform the necessary investigative work. In total less than 2.0 ha's of area will be cleared and the proponent will be using avoidance measures to get to the test pit locations, which will keep line of sight distances to a minimum.

From a timber pricing perspective, in accordance with Section 6.6 of the *Interior Appraisal Manual*, an area-based Occupant Licence to Cut is required as opposed to an exemption.

Rental:

Prepaid - \$500.00 + taxes for a 2 year permit as per *Section 7.2.1.1 Crown Land Operational Policy: Aggregate and Quarry Materials*.

Discussion / Recommendations:

This application is for the investigation of a possible aggregate source for use in the Northern Rockies Regional Municipality. The proponent has provided an AMP with a test pit location map. The Test Pit Map indicates that there will be approximately 28 test pit locations along existing seismic lines, access trails as well as, some new proposed trails. Where aggregate is encountered, test pit spacing will be reduced to a 100 meter grid. Test pits are not expected to exceed 6 meters in width and 8 meters in depth. Soil and duff will be replaced in all test pits. Test pits will be dug using a hydraulic excavator and thus trail width will be between 5 - 7 meters in width.

Fort Nelson First Nations Concerns:

The following concerns were brought forward in objection letters or in meetings.

Cultural Protection Zone (CPZ)

The Province acknowledges that FNFN has adopted a Strategic Land Use Plan (SLUP) in June 2012 and it represents the views of FNFN at a strategic level. The Minister for Aboriginal Relations and Reconciliation responded to FNFN's SLUP on August 17, 2012, by stating that provincial direction for land use continues to be defined through approved land use plans. While the Province does not formally recognize FNFN's Strategic Land Use Plan, it is considered as known information during consultation and the objectives and elements in the plan are provided to the statutory decision maker. Provincial government land use legislation does not restrict aggregate developments from within the FNFN-CPZ designated zones. The Fort Nelson District does not have authority to attempt to negotiate Land Use Plans with FNFN.

s.13, s.16

s.13, s.16

Snow Free Inspection:

A joint snow free field inspection requested by FNFN was conducted between Katherine Wolfenden (FNFN) and the Authorizations Officer on June 5th, 2013.

Face to Face Meeting:

A face to face meeting was requested by FNFN since the initiation of consultation of February 20th, 2013. This in-person request was accommodated on May 9th, 2013, upon where the Authorizations Officer and Consultation Coordinator attended on behalf of FLNRO and both Katherine Wolfenden and Cynthia Burke represented the interests of FNFN.

Invasive Species:

The proponent has addressed the prevention, monitoring and control of invasive plants within their AMP. This includes preventing the initial introduction of invasive plants, monitoring for future introductions to the area and controlling the spread of any subsequent establishment.

Cumulative Effects:

The pace of development in the Northeast specifically within FNFN's traditional area has been raised. Currently, there is no framework in place to determine cumulative effects through a standard approach. Four Cumulative Effects Assessment Framework (CEAF) Demonstration Projects (one of which is in the Peace District, on the Dawson Creek Timber Supply Area) are providing for engagement with First Nations in their respective areas and each demonstration project is identifying a recommended set of values and associated indicators for CE assessment in their specific geographic areas. Upon completion

of the CE Demonstration Projects and assessment of the project results, we will know to a greater extent how/whether the CEAF supports the assessment of CE on First Nations Treaty rights. This concern cannot be addressed at a district level and needs to be discussed at a higher provincial level with FNFN.

Jackpine Remnant Protected Area :

A minimum distance of 100 meters from the boundary of the Jackpine Remnant Protected Area and any ground activity will be required. This requirement will be instituted at the Occupant Licence to Cut stage. However, all test pits located on the proponents test pit map (AMP) are greater than 100 meters from the aforementioned Protected Area.

Test Pit Result Logs:

The proponent will be required to submit within 60 days of completion of any investigative work a test pit map to MFLNRO showing where disturbance has occurred within their IP area. A copy of the test pit location(s) map would be available to FNFN. However, FNFN would be required to submit a request through the *Provincial Freedom of Information Act* to receive the test pit results.

EBA First Nations:

Concerns from Prophet River First Nation via Brian Wolf regarding archaeological work have been addressed in the proponents AMP. This has been accomplished by working closely with FNFN and the proponent to address all archaeological related work. Approximately 27 hectares of the application area currently, does not have an AIA completed. However, the proponent has committed to completing an AIA for this area before any ground disturbance occurs. It must also be noted that the proponent may not investigate the area that does not currently have an AIA as investigations of other areas that currently have an AIA may prove favorable for aggregates. This was previously noted in the Conflicts and Constraints Section under the heading of Archaeological Site Information.

For further information relating to First Nation consultation, please refer to the associated First Nation Consultation Record. Please see Fort Nelson First Nations Concerns under the Discussion / Recommendation Section.

Note to PA:

Please ensure that the Statutory Decision Maker is aware of the non-support letters from Fort Nelson First Nation.

Recommendations:

I am recommending the issuance of an Investigate Permit, subject to the following conditions:

1. 2 year term
2. Proof of \$2,000,000.00 liability insurance with sudden and accidental pollution endorsement
3. \$10,000 deposit is required
4. Rental fee of \$500.00 plus applicable taxes for the 2 year term
5. No test pits are permitted within 15m measured from the centerline of the Road Permit R11810
6. In new disturbed areas where topsoil has been removed, make sure that it is replaced before moving all applicable machinery out of a specific location with the intent to not return
7. Approved Management Plan dated June 28th, 2013 and associated maps with test hole locations must be followed
8. A buffer of 25 metres must be established between any natural wetland or waterway (as defined in the Aggregate Management Plan) and any mechanical operations
9. All prior rights must be respected
10. Test pit logs must be retained and submitted within 60 days to MFLNRO-LD upon completion of each phase of the investigative work

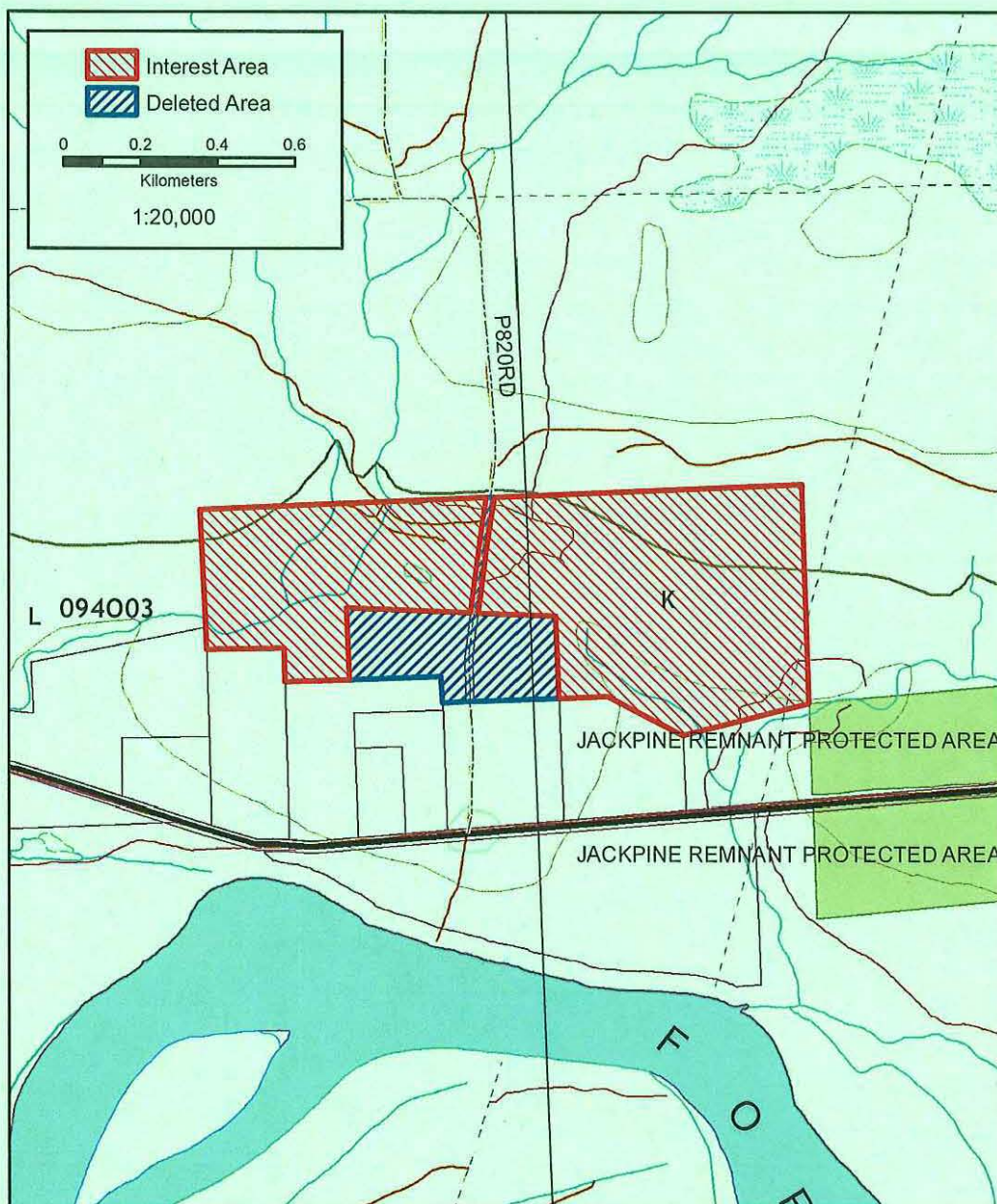
Decision Summary – First Nations Response Letter

Fort Nelson First Nation: Yes - Decision letter should state:

Consultation was initiated on February 20th, 2013. Several letters have been exchanged as well as, a live meeting. A field visit of the application area was conducted with FNFN representative Katherine Wolfenden. Further outstanding questions concerning the Aggregate Management Plan were explained in a letter from FNFN. These outstanding questions were addressed and met the approval of Katherine Wolfenden. Consequently, inputs from FNFN have led to the proponent revising their Aggregate Management Plan. The proponent has been made aware of FNFN's request to be involved in any field archaeological work that may take place within this application area.

EBA First Nations: *Prophet River, West Moberly or Doig River First Nations:* No decision letter is required as the streaming decision was considered Basic.

Map of Application Area



Signature: _____

Date: _____

August 12th, 2013



Consultation Record

8015271

Falcon Contracting Ltd., Patry Lake

Investigative Permit - Sand and Gravel
2013 Application

August 6, 2013

Introduction:

This document is intended to help users capture and record critical information gathered during the consultation process. It is to be used for multi-agency projects; however, line agencies are free to utilize it for single agency decisions as well.

It is divided into the following four sections:

- **Project Overview** – This section is designed to capture basic administrative data regarding the project. This section will assist with efficient filling and overall project management.
- **Communication Log** – The purpose of this section is to record all communication that occurs with First Nations regarding a specific project (e.g. meetings, letters, conference calls etc.). This information will help consultation coordinators manage the consultation process and it will help decision makers to better understand the information that was shared and the key issues that arose during the consultation.
- **Aboriginal Concerns and Accommodations Tracking Table** – Throughout the consultation process information regarding aboriginal concerns (Aboriginal Interests are of particular importance), potential impacts of the project on those concerns, and accommodation measures to mitigate the impact on concerns is collected. This table is designed to record this information and help staff to develop accommodation that, when warranted, is directly linked to the concerns raised by First Nations.
- **Analysis of First Nations Consultation** – This table is intended to provide a high level overview of the consultation process. This table is important as it allows staff to clearly demonstrate their rationale for making key decisions, such as determining level of consultation and justifying the accommodation provided, throughout the process.

These four tables, in conjunction with all correspondence (e.g. letters, emails and meeting minutes) and documents shared with First Nations, forms the ***consultation record***. Having a detailed record is critical as it enables provincial staff to clearly demonstrate the consultation that has occurred; this helps decision makers to make informed decisions and improves the province’s ability to communicate with First Nations. Ultimately, completing these four tables will improve the province’s ability to record key information and provide a clear rational to justify the consultation that has occurred.

In addition to the four core tables, there is a First Nations Preliminary Assessment Table in the appendix. This table is intended to provide staff with guidance to complete a preliminary assessment. Staff are not required to complete this table, however, it is recommended that staff use it for complex projects (multiple First Nations and/or numerous authorizations).

The Coordinated Consultation Record should be used in conjunction with the *Updated Procedures for Meeting Legal Obligations When Consulting First Nations* and other consultation guidance documents (e.g. Accommodation Guidance Document). These documents will provide staff with direction on how to consult with First Nations. The record is intended to simply capture the key information that is gathered during consultation.

Project Overview

Project Name: A 2 Year investigative permit to investigate the availability of sand and gravel near Patry Lake and the Fort Nelson River (67.2 ha) – (km 6 Patry Mainline)

Activity Type: Investigative use for Sand and Gravel Purposes

Project Description: The new application is for a 2 year investigative permit for 67.2 ha near Patry Lake in the Fort Nelson District approximately 60 km west of Fort Nelson. The application is for an Investigative Permit of 67.2 hectares to consider feasibility for sand and gravel quarrying in selected areas near 6 km on the Patry Mainline 62 km west, northwest of Fort Nelson. The area was previously tenured under the same number back in 2010. The project will investigate aggregate sources to assess the opportunity for further quarry development within the permit area. The project area will be accessed via construction of new trails from the existing Falcon gravel pit tenure (8015095) and the existing road traversing through tenure 8015093 and 8015420. Initial exploration of the application area will consist of reconnaissance of existing roads and trails to determine locations for further exploration. Test pits will be located where visual indications of gravel are found to exist and will be no larger than approximately 1m x 2m x 3m deep.

Proponent Name: Falcon Contracting Ltd. 8555 Pacific St., Prince George, B.C. V2N 5S4 250-775-1080 areed@falconcontractingltd.com (A.Reed, Business Manager)

Consultation Process Led By: Initiated and Completed by G. Greskiw, FN Relations Advisor, Fort Nelson District (FLNRO), updated by Jeanine Hudson, (A) FN Relations Advisor on August 6, 2013.

First Nations

First Nation:

Fort Nelson First Nation (FNFN)
Prophet River First Nation (PRFN)
Doig River First Nation (DRFN)
West Moberly First Nation (WMFN)

Agreement(s):

Treaty 8 signatory
Treaty 8 signatory
Treaty 8 signatory
Treaty 8 signatory

Date Prepared: August 6, 2013

Authorization Decision(s) Consultation Summary is Intended to Inform

Authorization	Responsible Agency	Agency Contact
Investigative Permit Occupant Licence to Cut	FLNRO (Lands) FLNRO Forests	Austin Tate District Manager

Communications Log				
First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Medium	Date	Comments
Fort Nelson First Nation Prophet River First Nation Doig River First Nation West Moberly First Nation	Garth Greskiw (FLNRO Fort Nelson)	Letter	Feb. 20, 2013	Mail out referral package containing; <ul style="list-style-type: none"> • Letter • Application documents • Initial Impact Review and Preliminary Streaming Decision Report • Management Plan • Maps
CLATT Meeting Prophet River First Nation Doig River First Nation West Moberly First Nation	Garth Greskiw, Jeanine Hudson (FLNRO Fort Nelson)	CLATT Meeting	Mar. 12, 2013	Brian Wolf (PRFN) requested Archaeological Assessment and Archaeological Impact Assessment to be clearly in management plan.
Fort Nelson First Nation (Katherine Wolfenden)	Garth Greskiw (FLNRO Fort Nelson)	Letter	Mar. 28, 2013	Garth received a letter from FNFN by email attachment objecting to the permit application, stating that there was high arch. value in the CPZ and also citing many concerns about the proposed management plan.
Fort Nelson First Nation (Katherine Wolfenden)	Garth Greskiw (FLNRO Fort Nelson)	Letter	Apr. 16, 2013	Garth responded to the FNFN objection letter and answered requests for additional information but also explained Ministry procedure regarding FNFN land use plan and that FLNRO cannot recommend that a specific archaeologist be retained to work in the District.
Fort Nelson First Nation (Katherine Wolfenden)	Garth Greskiw (FLNRO Fort Nelson)	Letter	Apr. 23, 2013	FNFN responded again requesting a site visit to discuss their concerns.

Fort Nelson First Nation (Katherine Wolfenden, Cynthia Burke)	Garth Greskiw, Austin Tate (FLNRO Fort Nelson)	Meeting	May 9, 2013	A meeting was held with FNFN to discuss FNFN concerns with Falcon Management Plan
Fort Nelson First Nation (Katherine Wolfenden, Cynthia Burke)	Garth Greskiw(MFLNRO)	Email	May 13, 2013	A request from MFLNRO to FNFN to schedule field visit.
Fort Nelson First Nation (Katherine Wolfenden, Cynthia Burke)	Garth Greskiw (MFLNRO)	Email attachment	May 15, 2013	Meeting notes distributed
Fort Nelson First Nation (Katherine Wolfenden, Cynthia Burke)	Austin Tate, Garth Greskiw (MFLNRO)	Email	May 23, 2013	Katherine contacted Austin and Garth with a potential date for a field visit of June 5, 2013
Fort Nelson First Nation (Katherine Wolfenden, Cynthia Burke)	Austin Tate (MFLNRO)	Field Visit	June 5, 2013	Austin and Katherine went to the proposed IP area to discuss FNFN requested changes of management plan.
Fort Nelson First Nation (Katherine Wolfenden, Cynthia Burke)	Austin Tate	Letter	June 10, 2013	Austin and Garth (MFLNRO) received a letter from FNFN formally requesting additional (minor) changes in the management plan.
Fort Nelson First Nation (Katherine Wolfenden)	Austin Tate, Garth Greskiw FLNRO	Email	June 17, 2013	Austin sent minor changes in management plan for FNFN comment.
Fort Nelson First Nation (Katherine Wolfenden)	Austin Tate, Garth Greskiw FLNRO	Email	June 19, 2013	FNFN agreed with proposed changes to the management plan and suggested a change of wording on one of the changes.
Fort Nelson First Nations Cynthia Burke	Austin Tate, FLNRO	Sent email	July 16, 2013	Advising that the adjacent tenure holder (8015093) had been advised about the invasive species found on the tenure and advised of local spray companies and advised consultation summary to date that had taken place on the file

Fort Nelson First Nation Cynthia Burke	MFLNRO	Letter	July 26, 2013	Objection letter received from FNFN to application in a Cultural Protection Zone from FNFN's SLUP.
Fort Nelson First Nation Cynthia Burke	MFLNRO	Letter	Aug 6, 2013	Consultation Summary Letter – sent by MFLNRO to FNFN outlining all concerns raised and provinces' response to those concerns.

Aboriginal Concerns and Accommodations Tracking Table

First Nation	Consultation Stage	Aboriginal Concerns	Analysis of Potential Impact/ Concern Identified	Potential Accommodation
Crown Land Application Technical Team (CLATT)	Engagement/ Accommodation	Concerns expressed by Prophet River FN. Brian W. requested that AOA/AIA be more clearly addressed in the management plan.	Streaming of consultation as per CLMA. At Basic level. Low estimated impact to Treaty 8 rights. Please see initial impact assessment for more details.	Work with FNFN addressed clarification of AOA in management plan
Fort Nelson First Nation	Engagement/ Accommodation	Concerns identified that the proposed management plan is lacking detail in proposed trail and arch assessment. Concern that the area is in the FNFN SLUP CPZ	Successive revisions to the management plan should have resolve management plan concerns. Though recognized and acknowledged by FLNRO - CPZ concerns are more difficult to address.	n/a
Prophet River First Nation	Engagement/ Accommodation	As above in CLATT	See CLATT above	See CLATT above
Doig River First Nation	Engagement/ Accommodation	No concerns identified	n/a	n/a
West Moberly First Nation	Engagement/ Accommodation	No concerns identified	n/a	n/a

Analysis of First Nation Consultation	
First Nation: FORT NELSON FIRST NATION	
Preparation - Phase 1	
Suggested Level of Consultation:	Normal consultation. FNFN is signatory to Treaty 8 and is also signatory to an Economic Benefits Agreement. The proposed project is in FNFN's traditional territory. The Feb. 20, 2013 letter indicates Treaty rights and provides a 30 day response period. The normal level of consultation was suggested in the initial streaming decision.
Engagement – Phase 2	
Level of Consultation:	The normal consultation was used as per above. Maps and initial streaming decision and a letter were sent to request comment from FNFN. FNFN requested more time to review the application. On March 28, 2013 FLNRO received a letter objecting to the application. Normal consultation level was maintained as concerns appeared 'not deep' and a response letter was sent with clarifying information. However a meeting was still requested by FNFN to discuss the proposal. A meeting May 9, 2013 confirmed a field visit would occur. A June 5, 2013 field visit identified potential revisions to the management plan. July 26, 2013, objection letter was received due to project falling within a CPZ.
Accommodation – Phase 3	
Accommodation Required?	Yes. Management plan revisions were undertaken with the proponent and FNFN.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes
Other Issues	
Other Issues	The proposed IP is within the Cultural Protection Zone (CPZ) of the FNFN Land Use plan. Specific accommodation to address CPZ values were not discussed as CPZ is classified by FNFN as 'no development' and the Fort Nelson LRMP allows development in this area.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Yes for Crown land tenure and Forest Act tenure

First Nation: PROPHET RIVER FIRST NATION

Preparation - Phase 1

Suggested Level of Consultation:	Basic Consultation. PRFN is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The Feb. 20, 2013 letter indicates Treaty rights and provides a 30 day response period. The proposal was also heard at the CLATT meeting on Mar. 12, 2013.
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Engagement - Phase 2

Level of Consultation:	The basic consultation was used. Maps and initial streaming decision and a letter were sent to request comment from PRFN. A CLATT meeting also discussed the proposal on Mar. 12, 2013. Brian Wolf (PRFN) indicated that clarification was needed in the management plan, regarding the Arch. Overview/ Arch Impact Assessment requirements.
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Accommodation - Phase 3

Accommodation Required?	No. Clarification in the management plan about the AOA was discussed and resolved with FNFN and the proponent. The proponent will include FNFN in Arch assessment and notify FNFN 2-5 days before arch work begins in the area.
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Decision and Follow-up - Phase 4

Consultation Sufficient?	Yes
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Other Issues

Other Issues	PRFN raised concerns were discussed with Fort Nelson First Nations. PRFN has previously just wanted to ensure that concerns raised are addressed with FNFN involvement.
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Recommendation for Decision Maker(s)

Consultation and Accommodation Sufficient?	Yes, this project was first referred to PRFN by FrontCounter (Fort Nelson) on Feb. 20, 2013 with a 30 day reply period. The proposal was also discussed at the CLATT meeting on Mar. 12, 2013. Consultation is considered adequate for Crown Land & Forest Act tenures.
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First Nation: WEST MOBERLY FIRST NATION	
Preparation - Phase 1	
Suggested Level of Consultation:	Basic Consultation. WMFN is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The Feb. 20, 2013 letter indicates Treaty rights and provides a 30 day response period. The proposal was also heard at the CLATT meeting on Mar. 12, 2013. No comments were received from WMFN.
Engagement – Phase 2	
Level of Consultation:	Basic as per above
Accommodation – Phase 3	
Accommodation Required?	Not applicable as no comments have been received.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes.
Other Issues	
Other Issues	n/a
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Yes, consultation is considered adequate for any Crown Land and Forest Act Tenure.

First Nation: DOIG RIVER FIRST NATION (DRFN)	
Preparation - Phase 1	
Suggested Level of Consultation:	Basic Consultation. DRFN is signatory to Treaty 8 and is also signatory to the Economic Benefits Agreement. The Feb. 20, 2013 letter indicates Treaty rights and provides a 30 day response period. The proposal was also heard at a CLATT meeting on Mar. 12, 2013.
Engagement – Phase 2	
Level of Consultation:	Basic as per above
Accommodation – Phase 3	
Accommodation Required?	Not applicable as no comments have been received
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Yes
Other Issues	
Other Issues	n/a
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Yes, consultation is considered adequate for any Crown Land and Forest Act Tenure.

Appendix: First Nation Preliminary Assessment Table

Preliminary Assessment Table						
First Nation	Information Sources Considered	Known or Identified Aboriginal Interest	Strength of Claimed Aboriginal Right/Title:	SOC Level	Potential Impact/ Concern Identified	Impact Level
Fort Nelson	Treaty 8 Signatory CAD – area is within FNFN’s traditional territory boundaries	Treaty 8	Treaty 8	Treaty Right	CPZ within FNFN’s SLUP/Invasive Plants/Cumulative Effects/Arch Work/Line of sight with new access	Moderate
Prophet River	Treaty 8 Signatory CAD – area is within Treaty 8 territory. Under the EBA, this qualifies for consultation with the signatories of the EBA. See initial impact review and Preliminary Streaming report	Treaty 8	Treaty 8	Treaty Right		Low
Doig River	Treaty 8 Signatory CAD – area is within Treaty 8 territory. Under the EBA, this qualifies for consultation with the signatories of the EBA. See initial impact review and Preliminary Streaming report	Treaty 8	Treaty 8	Treaty Right		Negligible
West Moberly	Treaty 8 Signatory CAD – area is within Treaty 8 territory. Under the EBA, this qualifies for consultation with the signatories of the EBA. See initial impact review and Preliminary Streaming report	Treaty 8	Treaty 8	Treaty Right		Negligible