

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

DECISION NOTE

Date: April 11, 2011
File: 280-20
Cliff/tracking #:126111 and
126112

- I. **PREPARED FOR DECISION FOR:** Sharon Hadway, Regional Manager, West Coast Region (as requested by Greg Gage, Section Head, Forest Tenures, Coast Area)
- II. **ISSUE:** The 5 year extension on term of Non Replaceable Forest Licences A47297 and A49543.

III. **BACKGROUND:**

On October 18, 2010, Weyerhaeuser Hardwoods, (licensee), requested that Forest Licence (FL) A47297 and FL A49543 be extended by 5 years to allow time to harvest the remaining volume available under the licence. Both licence documents specify that if there are good forest management reasons to do so, the regional manager may extend the term of the licence to a maximum total term of 20 years to harvest the difference between the volume harvested under the licence and the total allowable annual cuts (AAC) for the period of the licence.

The licensee rationale for the amendment as outlined in the request include; economic challenges in recent years, and their position to utilize these stands prior to degradation to an uneconomic condition given their similar licences in the Kingcome and the Strathcona TSA.

The particulars of each licence are summarized as follows:

	FL A47297	FL A49543
Management Unit	Sunshine Coast TSA	Strathcona TSA
Original Licence Term	15 Years	15 Years
Current Licence Expiry date	July 3, 2011	August 7, 2011
Licence AAC	95,000 m ³	8,000 m ³
Max Volume under Licence	1,425,000 m ³	120,000 m ³
Estimated Unharvested volume	369,000 m³	21,000 m³

The purpose of this briefing note is to request the regional manager make a decision regarding the extension requests.

V. DISCUSSION:

s.13

V. OPTIONS:

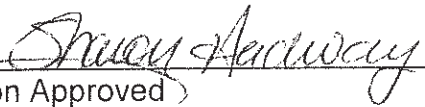
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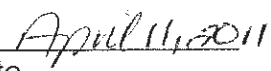
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RECOMMENDED OPTION: Option 1

Offer to extend the term of the licences as requested by the licence holder and in accordance with the licence agreement to provide for harvest of the remaining volume available under the licence.

Licence amendments for regional manager signature are attached with an offer letter.


Option Approved
Sharon Hadway
Regional Manager
West Coast Region


Date

Prepared by:
Randy Husband
Coast Area Tenures
(250) 751-7183



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Contact: Randy Husband

Date typed: 2011/04/04 Date last saved: 2011-04-04 2:43 pm

File: 19510-25/A47297
19510-25/A49543

APR 11 2011

Colin Morgan, Resource Manager
Weyerhaeuser Hardwoods
475 Derwent Place, Annacis Island
Delta, British Columbia
V3M 5Y9

Dear Colin Morgan:

With regards to your October 18, 2010 request for a 5-year extension to the term of Forest Licences (FL) A47297 and FL A49543, attached are signed licence extensions for your signature. Please note the extensions have an effective date of April 29, 2011. There are two signed copies of each amendment. Please ensure one copy of each amendment with a licensee signature is returned to this office by the effective date. If a copy is not received by the effective date, the extension will be deemed to be cancelled.



In granting the extension requests and for your consideration in harvesting the remaining volume I must refer you to Section 75.41 (3) of the *Forest Act* that prohibits the licence holder from harvesting any volume in excess of the maximum volume available under the licence. Despite additional allowable annual cut provided by the extensions, harvesting must be within the limits of each cut control period and cannot exceed for the licence term 120,000 m³ and 1,425,000 m³ for FL A49543 and FL A47297 respectively. Any volume harvested in excess of these amounts in the respective licences will be subject to a penalty under Section 75.91 of the *Forest Act*.

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Ministry of Forests, Lands and Natural Resource
Operations West Coast Region

Location:
2100 Labieux Road
Nanaimo, BC
V9T 6E9
CANADA

Mailing Address:
2100 Labieux Road
Nanaimo, BC V9T 6E9
Tel: (250) 751-7001
Fax: (250) 751-7190

Colin Morgan, Resource Mana

If you have any questions regarding this extension or the cut control requirements for the licence, please contact Randy Husband, Tenures Officer, Coast Area at (250) 751-7183.

Yours truly,



Sharon Hadway
Regional Manager
West Coast Region

Enclosure(s): Two copies FL A47297 and FL A49543 licence amendment

pc: Rory Annett, District Manager, Campbell River Natural Resource District
Brian Hawrys, District Manager, Sunshine Coast Natural Resource District
Randy Husband, Tenures Officer, Coast Area

Royle, Barb J FLNR:EX

From: Royle, Barb J FLNR:EX
Sent: Wednesday, April 20, 2011 11:19 AM
To: Wightman, Linda FLNR:EX
Cc: Gruenhage, Rainer FLNR:EX; Husband, Randy FLNR:EX
Subject: RE: Question: Amendment to FL A47297 No. 2

Hi Linda,

Yes this is a change to our section procedures that took place about a year ago as a streamlining measure. With this change the RED has to put their mind to this only once by signing the amendment at the time of the offer. Branch does this with Minister signed amendments i.e. TFL amendments, and it was decided we would do the same here.

The extension is prepared, signed by the RED with an effective date approximately one month from the date of the RED's signature to allow sufficient time for the licensee to sign and return.

You have mentioned: "*procedures for duly signed documentation*", are these informal procedures, if not, please let me know where the procedures are located so I can review them.

Thanks

Barb

From: Wightman, Linda FLNR:EX
Sent: Wednesday, April 20, 2011 10:34 AM
To: Royle, Barb J FLNR:EX
Cc: Gruenhage, Rainer FLNR:EX
Subject: Question: Amendment to FL A47297 No. 2

Hi Barb,

Just got a copy of the cover letter and a copy of the FS 3, for the above amendment, with Sharon's signature already on it. The covering letter does say, "attached are signed licensee extension for your signature. Please note the extensions have an effective date of April 29, 2011. There are two signed copies of each amendment. Please ensure one copy of each amendment with a licensee signature is returned to this office by the effective date."

Just checking to see if this is an exception to the procedures for duly signed documentation, because of the effective date? Or, if the procedures have changed and I wasn't aware?

Linda Wightman

Resource Services Clerk
Sunshine Coast Forest District
Ministry of Natural Resource Operations
Ph (604) 485-0746
Fax (604) 485-0799
email Linda.Wightman@gov.bc.ca

Consultation Record

Extension of Non Replaceable Forest Licence A47927
Held by Weyerhaeuser Company Limited

2010
Government of British Columbia



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 rationale 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: Extension of Non Replaceable Forest Licence A47297 for five years to the maximum term of 20 years.	
Activity Type: Forest Tenure Extension Non Replaceable Forest Licence	
Project Description: Licence allows the licensee to apply for cutting and road permits to harvest within the entire Sunshine Coast Timber Supply Area (TSA). Condition of the licence stipulates that stands available for harvest must be at least 50% deciduous by volume. This decision is based on a non spatial application that covers the entire TSA so in regards to this decision there are no fixed or defined operations on the ground at this time. The map made available to the First Nations identified, based on available inventory information, identified polygons that meet the requirements of the licence and may be available for harvest. Also shown on the map are polygons that have a component of deciduous species where stands within those polygon may have enough deciduous to meet the licence requirements but the whole polygon would not meet the licence requirement.	
Proponent Name: Weyerhaeuser Company Ltd	
Consultation Process Led By: Brian Kukulies, Ministry of Forest, Lands and Natural Resources Operations	
First Nations	
First Nation: Campbell River First Nation (Part of Laich Kwil Tach Treaty Society)	Agreement(s): Wei Wai Kum First Nation Interim Agreement on Forest Opportunities which provided revenue sharing and tenure opportunities. Executed June 2006 for a five year term.
Cape Mudge First Nation (Part of Laich Kwil Tach Treat Society)	No current agreement but Forest Consultation and Revenue Sharing Agreement has been offered which provides economic accommodation.
Homalco First Nation	Homalco Indian Band Forest Consultation and Revenue Sharing Agreement, executed Feb. 9, 2011. Included clause specifying that the Homalco have been adequately consulted and accommodated on decisions between end of FRA (March 31, 2010) and effective date of FCRSA.
Klahoose First Nation	Klahoose First Nation Interim Agreement on Forest Opportunities which provided revenue sharing and tenure opportunities. Executed January 2008 for a five year term.
Lil'wat First Nation	Lil'wat Forest Consultation and Revenue Sharing Agreement, executed Dec 24, 2010. Included clause specifying that the Lil'wat have been adequately consulted and accommodated on decisions between end of FRA and effective date of FCRSA.
Nanwakolas Council (Represents the Komoks and Kwiakah First Nations)	Nanwakolas Council Strategic Engagement Agreement
Qualicum First Nation	No Agreement
Sechelt Nation	Currently no Agreement but have been offered a Forest Consultation and Revenue Sharing Agreement and there are ongoing negotiations on a Reconciliation Agreement.

First Nations		
Slammon First Nation		Slammon First Nation Interim Measures Agreement, which provided revenue sharing and tenure opportunities. Agreement Executed April 2006.
Snaw'Naw'As First Nation (Nanoose First Nation)		Snaw-naw-as First Nation Interim Measures Agreement Oct 2008. Provides up to 3,000m ³ /yr up to a maximum of 15,000m ³ over five years. Agreement is still in effect.
Squamish Nation		Squamish First Nation Interim Agreement on Forest and Range Opportunities which provided revenue sharing and tenure opportunities. Agreement executed July 2006.
Tsleil Waututh First Nation (Burrard First Nation)		Have signed a Forest Consultation and Revenue Sharing Agreement which provides economic accommodation.
Ulkatcho First Nation		Ulkatcho First Nation Interim Agreement on Forest and Range Opportunities. Agreement executed December 2006.
Date Prepared: Enter Date		
Authorization Decision(s) Consultation Summary is Intended to Inform		
Authorization	Responsible Agency	Agency Contact
Extension of a Non Replaceable Forest Licence A47297	FLMNRO	South Coast Regional Executive Director

Communications Log				
First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Medium	Date	Comments
First Nation: Campbell River First Nation (Part of Laich Kwil Tach Treaty Society)	MNRO	Letter	Dec 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Cape Mudge First Nation (Part of Laich Kwil Tach Treat Society)	MNRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Laich Kwil Tach Treaty Society (Shirley Johnstone)	LKT TS	Phone Call	Jan 13, 2011	Call from Shirley Johnstone on this issue. Clarified that map showed areas that may meet the requirements of the licence and that will have to consult further at operational stage. No concerns with extension but may have concerns when harvesting is proposed.
Laich Kwil Tach Treaty Society	LKT TS	Fax	Jan 13, 2011	Letter stating that they do not have concerns regarding the extension but may have concerns when Weyerhaeuser proposes harvesting.
Homalco First Nation	MNRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Homalco First Nation	MNRO	Letter viaEmail	Dec 10, 2010	Sent above information via email to the first nation's consultant's email
Homalco First Nation	MNRO	Letter	Feb 10, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made.
Homalco First Nation	MNRO	Letter via email	Feb 10, 2011	Sent above letter to the Homalco First Nation's consultant via email
Klahoose First Nation	MNRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Klahoose First Nation	MNRO	Email	Dec 10, 2010	Sent above information via email to the First Nation's forestry consultant's.
Klahoose First Nation	MNRO	Letter	Feb 10, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made.
Klahoose First Nation	MNRO	Letter via email	Feb 10, 2011	Sent above letter via email to First Nation's forestry consultant.

First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Medium	Date	Comments
Lil'wat First Nation	MINRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Nanwakolas Council (Represents the Komoks and Kwiakah First Nations)	MINRO	Email	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Nanwakolas Council (Represents the Komoks and Kwiakah First Nations)	Nanwakolas	Email	Feb 1, 2011	Notification that Komoks and Kwiakah have concerns with extension and are meeting to go over the information.
Kwiakah First Nation	Nanwakolas	Letter	Feb 14, 2011	Letter outlining concerns including: Not enough information to adequately assess impacts Having difficulty accessing volume for their FN and loss opportunity for them to access timber in the SCFD. The licensee to leave the land as originally was. No specific information was provided on the possible impact to aboriginal interests
Kwiakah First Nation	MINRO	Letter	March, 14 2011	Response to concerns listed above: Emphasized that no new volume being made available under this extension, only volume not harvested under initial 15 year licence. Due to the nature of the licence (operate within the TSA and limited to specific stands) difficult to assess the impacts of the extension and may not be any within any specific territory. Further consultation at FSP CP and RP under Nanwakolas SEA. Forest management continued under the FSP and the FRPA.
Nanwakolas Council	FLMNRO	Email	March 15, 2011	Request for information on response from Komoks FN.
Nanwakolas Council (Aimee Warren Forest Referrals Officer)	Nanwakolas	Email	March 15, 2011	Confirmed had not heard anything from Komoks FN. Had provided reminders. Confirmed that well past due date.
Nanwakolas Council (Aimee Warren Forest Referrals Officer)	FLMNRO	Email	March 15, 2011	Informed Nanwakolas that I would be wrapping up the consultation process and requested that if anything comes to provide.
Nanwakolas Council (Aimee Warren Forest Referrals Officer)	Nanwakolas	Email	March 15, 2011	Confirmed my previous email.

First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Medium	Date	Comments
Qualicum First Nation	MNRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Qualicum First Nation			Feb 3, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made.
Sechelt Nation	MNRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Sechelt Nation	MNRO	Email	Dec. 10, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Sechelt Nation	MNRO	Email	Dec 10, 2010	Sent above information via email to the first nation's rights and title department via email. Included link to information including shape files.
Sechelt Nation	Sechelt Nation	Email	Dec 10, 2010	Request from Sechelt Nation for Shape files.
Sechelt Nation	MNRO	Email	Dec 10, 2010	Responded by stating that shape files were on FTP site. Large files not the best for sending via email.
Sechelt Nation	MNRO	Letter	Feb 3, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made
Sechelt Nation	Sechelt Nation	Email	Feb 4, 2011	Request that a decision not be made as review proposal would be done as soon as possible.
Sechelt Nation	MNRO	Email	Feb 7, 2011	Response asking when response would be forthcoming?
Sechelt Nation	Sechelt Nation	Email	Feb 11, 2011	Stated that review would be completed by the first week in March.
Sechelt Nation	MNRO	Email	March 14, 2011	Asking on status for response to initial consultation letter and follow up.
Sechelt Nation	Sechelt Nation	Email/Letter	March 16, 2011	Received letter dated March 7, 2011. Provided information on the Sechelt Strategic Land Use Plan (SLUP) and noted that "blocks" located within conservation zone of SLUP. (Note – no blocks identified at this point. MNRO sent map showing deciduous stands that may be available for harvesting). Also expressed concern about not having an agreement with the Province offering economic accommodation.
				No response sent because no specific aboriginal interests or impacts were identified in the letter.
Silammon First Nation	MNRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.

First Nation	Source (e.g. who sent First Nation a letter or attended a meeting)	Medium	Date	Comments
Slammon First Nation	MINRO	Email	Feb 2, 2011	Sent email to Craig Galligos, Crown Land Referrals. Included initial letter, map, reference sheet. Missed sending this to him when initially started consultation
Slammon First Nation	Slammon	Letter	Feb 3, 2011	Response to initial consultation. No concerns were expressed with proposed extension.
Shaw'Naw'As First Nation Nanoose First Nation	MINRO	Letter	Dec 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Shaw'Naw'As First Nation Nanoose First Nation	MINRO	Letter	Feb 3, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made
Squamish Nation	MINRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Squamish Nation	MINRO	Letter	Feb 10, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made.
Tsleil Waututh First Nation (Burrard First Nation)	MINRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Tsleil Waututh First Nation (Burrard First Nation)	Tsleil Waututh First Nation	Letter	Dec 16, 2010	Request and Invoice from FN to MNRO for \$250 for set up of files. This has been sent to other government agencies as well. (Received Jan 11, 2010)
Tsleil Waututh First Nation (Burrard First Nation)	MINRO	Letter	Jan 13, 2011	State that we do not pay first nations to consult. Offered to meet with them to discuss the upcoming decision.
Tsleil Waututh First Nation (Burrard First Nation)	MINRO	Letter	Feb 3, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made.
Ulkatcho First Nation	MINRO	Letter	Dec. 9, 2010	Consultation initiation Letter. Provided link to map showing areas (timber type polygons) that may be available for harvest under the licence that meet the requirements of the licence.
Ulkatcho First Nation	MINRO	Letter	Feb 10, 2011	Letter informing the Ministry intending to proceed with decision asking for information by Feb 21, 2011 after which no further request will be made.

Aboriginal Concerns and Accommodations Tracking Table				
First Nation	Consultation Stage	Aboriginal Concerns	Analysis of Potential Impact/ Concern Identified	Potential Accommodation
First Nation: Campbell River First Nation (Part of Laich Kwil Tach Treaty Society	Decision and Follow-up	No specified aboriginal interests identified. Will expect more information and possibly consultation at operational stage	The licence extension will allow for the harvesting of approximately 488,000m³ over the next five years. The amount and area that may be harvested is unknown at this time and therefore require further information sharing and consultation at an operational level FSP, CP and RP). Because of the broad based nature of decision, covering the whole TSA, defining specific impacts is impractical. In regards to general impacts, the following was considered: s.16, s.18 The principle that forest management in British Columbia is predicated on relying on the experience, knowledge, judgment and accountability of professionals to apply good judgment and act in the interest of the public including First Nations and the environment to meet the test of good forest management. This professional reliance includes both the statutory requirements found in legislation and non-statutory expectations that are a reflection of social values and professional values. There are no IIRs associated with either the Cape Mudge or Campbell River FN in the Sunshine Coast District.	None required.

First Nation	Consultation Stage	Aboriginal Concerns	Analysis of Potential Impact/ Concern Identified	Potential Accommodation
Cape Mudge First Nation (Part of Laich Kwil Tach Treat Society)	Decision and Follow-up	See above	See above.	None required.
Hornalco First Nation	Decision and Follow-up	None response to consultation efforts provided	See above	None required
Klahoose First Nation	Decision and Follow-up	Klahoose had concerns regarding the initial issuance of the licence and felt that they were not adequately consulted. No consultation regarding the initial licence was done in 1996 as no specific first nation was impacted because it covered the whole TSA. No response to consultation efforts provided.	See above	None required
Lil'wat First Nation	Decision and Follow-up	Only a very small portion of the TSA overlaps the Lil'wat territory and this is primarily associated with high elevation, rock and ice. No response to consultation efforts provided.	See above	None required
Nanwakolas Council (Represents the Komoks and Kwiaakah First Nations)	Decision and Follow-up	Kwiaakah FN concerns: 1. Not enough information to efficiently comment on impacts to interests. 2. Unfair that extending this licence when they can't access volume themselves. 3. If extension not approved provide opportunity for Kwiaakah to access some of this volume. 4. Want areas impacted to be returned to its original state. No response was received from Komoks. See correspondence summary.	Response was sent speaking to concerns. See correspondence section. See above.	None required. The Kwiaakah were previously offered a licence for approximately 15,000m ³ /yr but this was declined. First Nation's volume apportionment for the Sunshine Coast TSA has been fully committed to other First Nations.

First Nation	Consultation Stage	Aboriginal Concerns	Analysis of Potential Impact/ Concern Identified	Potential Accommodation
Qualicum First Nation	Decision and Follow-up	Overlap with the TSA is on Lasqueti Island and only a small portion of the island is Crown land. Operations on Lasqueti would be very challenging due to local resident opposition to forestry activities. No response to consultation efforts provided	Likelihood of operations on Lasqueti Island is very low given the general opposition to harvesting on the island.	None required.
Sechelt Nation	Decision and Follow-up	Sechelt have expressed concerns regarding overlap with Conservation areas included in their SLUP. No specific harvesting sites identified at this point.	See Above. Further consultation will have to be completed at the operational stage considering information provided in the SLUP. The SLUP is not a higher level plan.	None Required
Sliammon First Nation	Decision and Follow-up	No specific issues identified in response to consultation.	See Above Sliammon sent letter stating that they have no concerns.	None required
Snaw'Naw/As First Nation Nanoose First Nation	Decision and Follow-up	Territory covers the southerly end of Texada and all of Lasqueti Islands. See comments for Qualicum FN regarding Lasqueti Is. Very few stands of deciduous on Texada Island in this area but appear to be close to shore areas. No response to consultation efforts provided.	See Above Overlap area with Sliammon FN, Sechelt Nation and the Nanwakolas SEA (Komoks First Nation).	None required.
Squamish Nation	Decision and Follow-up	Deciduous stands associated Rainy, McNab and Potlatch Creek and above community of Gibsons. No response to consultation efforts provided.	See Above.	None required.
Tsleil Waututh First Nation (Burrard First Nation)	Decision and Follow-up	The only overlap with the SC TSA is Gambier Island. There are only a few small polygons of deciduous on the island. Access would be very difficult and expensive as there is only one operational log dump. Operations are unlikely. No further information was provided.	Likelihood of operations on Gambier Island is very low due to the minimal suitable stands available and the difficult and expensive access.	None Required.

First Nation	Consultation Stage	Aboriginal Concerns	Analysis of Potential Impact/ Concern Identified	Potential Accommodation
Ulkatcho First Nation	Decision and Follow-up	Overlap within the SC TSA is restricted to the upper reaches of the Homathco River in the SC TSA. No response to consultation efforts provided.	Likelihood of harvest in this area is low due to quality of the alder in this area.	None required

Analysis of First Nation Consultation	
First Nation: Laich-Kwil-Tach Treaty Society (Campbell River and Cape Mudge First Nations)	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for both First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations. For the Campbell River FN Interim Forestry Agreement 60 day period was required for administrative decisions and this was met.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient. Letter of non opposition was received.
Other Issues	
Other Issues	None
Recommendation for Decision Maker(s)	

First Nation: Homalco First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for the Homalco First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence.
Accommodation - Phase 3	
Accommodation Required?	No further accommodation is required. The Homalco FN recently signed a FCRSA which provided economic accommodation.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	Homalco FN has recently signed (January 2011) a Forest Consultation and Revenue Sharing Agreement and this type of decision was set at Notification under this agreement.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient or this decision.
First Nation: Klahoose	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations. The Klahoose Interim forestry Agreement specified 60 day consultation period for administrative decisions and this was met.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was not completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence.
Accommodation - Phase 3	

Accommodation Required?	No accommodation is required. Klahoose have a FRA/FRO that provides both economic accommodation and tenure offer.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	There are no other issues. The Klahoose have a Interim Agreement on Forest Opportunities that offers economic accommodation. The consultation process has been followed. If the FN did not respond within the initial 60 days the agreement states that the Crown can assume that they will not be providing comments.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.
First Nation: Lil'wat First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required. Lil'wat have signed a FCRSA providing economic accommodation.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	A 60 day consultation period was provided consistent with the normal level in their FCRSA. Consultation is sufficient.
Other Issues	
Other Issues	None.

Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and Accommodation is sufficient.

First Nation: Snaw-Naw-As (Nanoose) First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations. 60 days was allowed for a response consistent with their agreement for administrative decisions.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. Level of consultation did not change.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	There is minimal overlap by Nanoose FN traditional territory with the Sunshine Coast TSA.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and Accommodation is sufficient.

First Nation: Nanwakolas Council (Represents the Kwiakah and K'ónoks First Nations)	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at Pre determined Level 2, consistent with the Nanwakolas Strategic Engagement Agreement.
Engagement - Phase 2	
Level of Consultation:	Consultation was completed at Level 2. Kwiakah FN responded but no response was received by Komoks. A follow up email was sent Nanwakolas but no response was forthcoming from the Komoks First Nation. At this time we are well outside the response period as defined in the Nanwakolas SEA.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	None.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.
First Nation: Qualicum First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. No information was received from the Qualicum FN. There is minimal overlap by the Qualicum FN traditional territory with the Sunshine Coast TSA.
Accommodation - Phase 3	

Accommodation Required?	No accommodation is required
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	None.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.
First Nation: Sechelt First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient
Other Issues	
Other Issues	Sechelt Nation is currently in talks with the Province regarding a Reconciliation Agreement. These negotiations are in part because of Sechelt have reactivated an aboriginal rights claim against both BC and Canada. An FCRSA which offers revenue sharing has been offered but has not been accepted to date.
Recommendation for Decision Maker(s)	

Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.
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First Nation: Sliammon First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations. A consultation period of 60 days was set and this is consistent with the Sliammon Interim Measures Agreement.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. Sliammon has provided a letter not opposing the extension of the licence.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient. Sliammon has provided a letter not opposing the extension of this licence.
Other Issues	
Other Issues	Sliammon is at final agreement stage of the treaty process.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.

First Nation: Snaw-Naw-As (Nanoose) First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations. 60 days was allowed for a response consistent with their agreement for administrative decisions.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. Level of consultation did not change.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	There is minimal overlap by Nanoose FN traditional territory with the Sunshine Coast TSA
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.
First Nation: Squamish Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations. Consultation was consistent with the Squamish Interim Measures Agreement for administrative decision which is 60 days.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. The Squamish agreement starts that the response is 60 days from initiation of the process.
Accommodation - Phase 3	
Accommodation Required?	No accommodation is required. No information was provided showing impacts to aboriginal interests.

Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	None.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.
First Nation: Tsilil Waututh (Burrard) First Nation	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations.
Engagement - Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. No information was received from Tsilil Waututh identifying impacts on aboriginal interests.
Accommodation - Phase 3	
Accommodation Required?	The following accommodation is required
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient. There is minimal overlap of the Tsilil Waututh traditional territory with the Sunshine coast TSA and the overlap has minimal available deciduous stands.
Other Issues	
Other Issues	Have recently signed a FCRSA providing for economic accommodation. Includes section that for the period up to execution have been adequately consulted and accommodated.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.

First Nation: Ulkatcho First Nation.	
Preparation - Phase 1	
Suggested Level of Consultation:	The initial level of consultation was set at the mid range (Normal) for all First Nations due to the wide spread nature of the decision and the potential for follow up impacts associated with the future on the ground operations.
Engagement – Phase 2	
Level of Consultation:	The initial level of consultation was mid range (normal). A modified preliminary assessment was completed due non spatial nature of the decision. Assessed the potential uses of red alder and big leaf maple that are the primary focus of this licence. No information was received from the Ulkatcho First Nation regarding this consultation.
Accommodation – Phase 3	
Accommodation Required?	No accommodation is required.
Decision and Follow-up - Phase 4	
Consultation Sufficient?	Consultation is sufficient.
Other Issues	
Other Issues	There is minimal overlap of the Ulkatcho traditional territory with the Sunshine Coast TSA. The overlap area is located at the top of the Homathco River valley.
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	Consultation and accommodation is sufficient.

Summary of Accommodation that Applies to all First Nations Consulted as Result of this Proposed Decision

No information was provided to lead me to believe that specific interests or section 35 rights would be impacted as a consequence of this proposed extension. The Ministry of Forests and Lands and Natural Resource Operations is committed to conserving and protecting the values that are of continuing importance to the First Nation. Such values that relate to an asserted (if presently unproven) aboriginal right will be addressed operationally in accordance with the pertinent Forest Stewardship Plan, cutting permits and/or road permit submissions as appropriate. Should new information be provided in the future to cause the decision maker to conclude there is a likelihood of unjustifiable infringement; they will ensure appropriate accommodation has occurred prior to providing harvest authority.

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
All	Because of the non spatial nature of the decision, consulting various information resources is not feasible since specific on the ground activities are not yet defined. Evaluation of specific information sources is more appropriate and beneficial at the operational stage (CP and RP) when specific on the ground activities are identified.	None have been defined as result of this process.	91.5	Variable from strong to weak <i>prima facie</i> claim	I don't believe the extension of the tenure will have a direct impact on aboriginal interests but it does provide the means by which the licensee can apply for cutting and road permits which may have a direct impact on those interests. Given the non spatial nature of the decision it is difficult to assess the potential impact to aboriginal interests. The impact can be looked at that a licensee will have the opportunity to harvest approximately 488,000m³ of timber over the next five years within the SC TSA but the harvest of any of this timber is not a sure thing due to quality of remaining deciduous stands, the cost of development and timber prices. The licensee will also have to request an extension of their Forest Stewardship Plan to cover the licence extension along with ongoing information sharing regarding on the ground developments. Further consultation will still take place with regards to the FSP extension, cutting and road permits. The areas available for harvest have likely been subject to prior harvest or other form of disturbance such as a fire. The deciduous polygons are located throughout the TSA but primarily at lower elevations which are more likely areas utilized both past and present, by first nations both currently and in the past. There also may be a component of western red cedar in the polygons targeted under this licence.



Hardwoods & Industrial Products

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Tel (604) 517-2670 Fax (604) 515-8970

2010

October 18, 2010

Sharon Hadway,
Regional Executive Director
Coast Forest Region
2100 Labieux Road,
Nanaimo, BC
V9T-6E9

Cliff # 126111

Subject: Extension request for NRFL FL A47297 in the Sunshine Coast District

Weyerhaeuser would like to request a 5 year extension to our Sunshine Coast Forest License FL A47297 as allowed for under Sec 1.03 of the license documents.

The stands that this license targets are typically mature to over mature leading hardwood stands. These stands if left past maturity start to deteriorate and will take a long time if ever to re-grow into either conifer stands or mixed stands. This tenure and associated hardwood tenures were developed in part to capture this wood before the opportunity was lost.

The past two years have been an economic challenge the likes of which the forest industry has never seen. These same economic factors have taken their toll on the hardwood business and our operations. The economic problems of the past two years, along with decisions government has been required to make, have put us in an undercut position on completing the harvest of our allocated cut on time. In adapting to the situations, we believe there is an opportunity for us to harvest these stands before they become uneconomical. With less than a year left on this tenure it is important to action an extension now so that we have the opportunity to complete the harvest of the unrealized volumes.

Weyerhaeuser believes we are well suited to continue this tenure and are likely in the best position to capture more of these stands before they become uneconomic. Additionally, we have a license in the Kingcome TSA that has already been extended the full 5 years as a result of District cut reductions, allowing the extension of the Sunshine licenses to a similar term as the Kingcome, allows for the best possible opportunity to manage a hardwood business.

The forest management's primary reason to extend this tenure is to allow an opportunity to recognize unrealized volume from stands that have little time left before they degrade to an uneconomic condition.

Your earliest attention to this request would be greatly appreciated as you can see time is of the essence.

Sincerely,

Colin Morgan, Resource Manager
Weyerhaeuser Hardwoods



The Best Place on Earth

Ministry of Forests Lands and
Natural Resource Operations

South Coast Forest
Region

Amendment to Forest Licence A47297.

Amendment No. 2.

Memorandum of amendment to Forest Licence A47297, effective on April 29, 2011, between the Regional Manager of the West Coast Region and the Licensee of the said Licence.

Whereas it is mutually agreed to amend the terms and conditions of the said Licence and the parties hereto have agreed to amend the same as set forth in this memorandum.

NOW, THEREFORE, in consideration of the premises and other valuable considerations now exchanged between the parties hereto, said parties agree as follows:

Paragraph 1.02 is amended by deleting the term 15 years and replaced with the term 20 years.

Paragraph 1.05 is added:

The maximum harvestable volume is 1,425,000 m³.

This forms an integral part of the original Licence and should be attached thereto.

Subject to the foregoing, the parties hereto confirm the said Licence.



IN WITNESS WHEREOF the said parties have hereunto set their hands and seals and/or the Licensee has caused its corporate seal to be affixed in the presence of the duly authorized officers in that behalf on the date and year below.

SIGNED by the Licensor
in the presence of

S. Kumar
(Witness Signature)

SAUGITA KUMAR
(Witness Name Printed)

THE COMMON SEAL of
the Licensee was affixed
in the presence of, OR
Signed by the Licensee
in the presence of

C. Morgan
(Witness Signature)

COLIN MORGAN
(Witness Name Printed)

Sharon Hadway
Sharon Hadway, Regional Manager
West Coast Forest Region

Date of Signature: April 11, 2011

Anne E. Giardini, O.C.
(Licensee Signature)
President
Weyerhaeuser Company Limited
(Licensee Name Printed)

Date of Signature: April 15, 2011