

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, January 26, 2016 4:07 PM
To: Diederichs, Ron FLNR:EX; Proteau, James FLNR:EX; Coster, Jessica FLNR:EX
Cc: Munson, Tim FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

No, the conditions are usually in the Licence of Occupation. They are still under discussion with the CEEMC and may be one of the recommendations or not.

Annette

From: Diederichs, Ron FLNR:EX
Sent: Tuesday, January 26, 2016 3:59 PM
To: Bailey, Annette FLNR:EX; Proteau, James FLNR:EX; Coster, Jessica FLNR:EX
Cc: Munson, Tim FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Looks OK to me. One question though, are there conditions that applied to the last renewal that need to be mentioned here? (no-grounding clause)

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Bailey, Annette FLNR:EX
Sent: Tuesday, January 26, 2016 3:55 PM
To: Diederichs, Ron FLNR:EX; Proteau, James FLNR:EX; Coster, Jessica FLNR:EX
Cc: Munson, Tim FLNR:EX
Subject: Draft letter for FN consultation Cowichan Bay

Hi

Ron, Jim and Jessica

As you are aware we have been working through the process of replacing log handling sites in Cowichan Bay. This is a very sensitive area and requires approval for replacement from the Environment Minister as per an Order in Council. All activity in the estuary is reviewed by the estuary committee. At this point no decision or recommendation has been made on the replacements. I have been asked to initiate FN consultation (from the Assistant Deputy Minister level) and have attached a draft letter. This is a sample only to ensure I have the wording correct and have caught the necessary information.

Please provide your comments and expert knowledge to ensure the letter captures the situation.

Thank you for your help.

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028

Jager, Brenda CSNR:EX

From: Freethy, Diana FLNR:EX
Sent: Wednesday, January 27, 2016 10:01 AM
To: Coster, Jessica FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Good catch, I'll send it now and CC you

Diana Freethy | Doctoral Candidate, MA, BSc
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Coster, Jessica FLNR:EX
Sent: Wednesday, January 27, 2016 9:59 AM
To: Freethy, Diana FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Thanks just a tweak to the soc assessment for title given that it is over submerged lands and referencing the opportunity to meet given that it is deep consultation. Please review and send along to Anette.

Thanks Diana.

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Wednesday, January 27, 2016 9:49 AM
To: Coster, Jessica FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Good morning Jess,
I've attached a draft with my suggestions. Let me know if you'd like to discuss.

Diana Freethy | Doctoral Candidate, MA, BSc
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Tuesday, January 26, 2016 4:46 PM

To: Coster, Jessica FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Will do, I'll put this as my priority for tomorrow morning

Diana Freethy | Doctoral Candidate, MA, BSc
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Coster, Jessica FLNR:EX
Sent: Tuesday, January 26, 2016 3:59 PM
To: Freethy, Diana FLNR:EX
Subject: FW: Draft letter for FN consultation Cowichan Bay

Hi Diana,

As per below - can you please review and provide me with your comments.

Thanks

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRs): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Tuesday, January 26, 2016 3:55 PM
To: Diederichs, Ron FLNR:EX; Proteau, James FLNR:EX; Coster, Jessica FLNR:EX
Cc: Munson, Tim FLNR:EX
Subject: Draft letter for FN consultation Cowichan Bay

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Ron, Jim and Jessica

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Please provide your comments and expert knowledge to ensure the letter captures the situation.

Thank you for your help.

Annette Bailey, RPBio
Authorizations Professional

South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

November 25, 2015

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Cowichan Tribes on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Page 1 of 5

Ministry of Forests, Lands
and Natural Resource
Operations

South Island
Natural Resource District

Location:
4885 Cherry Creek Road
Port Alberni, BC
V9Y 8E9
CANADA

Tel: 250-731-3000
Fax: 250-731-3010
Web: <http://www.gov.bc.ca/for/>

Cowichan Tribes

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

s.13

Page 008 to/à Page 010

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Thursday, January 28, 2016 4:10 PM
To: Coster, Jessica FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Sounds great, thanks Jessica.
Yes, I am in Friday.

From: Coster, Jessica FLNR:EX
Sent: Thursday, January 28, 2016 4:08 PM
To: Bailey, Annette FLNR:EX
Cc: Freethy, Diana FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

s.13,s.16

Are you in tomorrow? If so, let's talk it through tomorrow.

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Thursday, January 28, 2016 3:52 PM
To: Coster, Jessica FLNR:EX; Freethy, Diana FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Hi

This is a very controversial area. The files are replacements and they have been replaced on a 5 year rotation as we have asked WFP for more and more information. A couple of biological studies have been completed in the area as requested by FLNRO.

s.13,s.16

s.13,s.16

A tricky file in an important area.

Thanks for your help.

Annette

From: Coster, Jessica FLNR:EX
Sent: Wednesday, January 27, 2016 10:13 AM
To: Freethy, Diana FLNR:EX; Bailey, Annette FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Thanks Diana

s.13,s.16

Jess

**Jessica Coster MSc | Manager, First Nations Relations
West Coast Region**
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Wednesday, January 27, 2016 10:03 AM
To: Bailey, Annette FLNR:EX
Cc: Coster, Jessica FLNR:EX
Subject: RE: Draft letter for FN consultation Cowichan Bay

Good morning Annette,
I've attached the draft letter with some suggestions for your consideration.

**Diana Freethy | Doctoral Candidate, MA, BSc
Senior Advisor, First Nations Relations
West Coast Region**
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Coster, Jessica FLNR:EX
Sent: Tuesday, January 26, 2016 6:25 PM
To: Bailey, Annette FLNR:EX

Cc: Freethy, Diana FLNR:EX

Subject: Re: Draft letter for FN consultation Cowichan Bay

Diana is reviewing. We will try and provide comments tomorrow.

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Bailey, Annette FLNR:EX" <Annette.Bailey@gov.bc.ca>

Date: 2016-01-26 3:54 PM (GMT-08:00)

To: "Diederichs, Ron FLNR:EX" <Ron.Diederichs@gov.bc.ca>, "Proteau, James FLNR:EX"

<James.Proteau@gov.bc.ca>, "Coster, Jessica FLNR:EX" <Jessica.Coster@gov.bc.ca>

Cc: "Munson, Tim FLNR:EX" <Tim.Munson@gov.bc.ca>

Subject: Draft letter for FN consultation Cowichan Bay

Hi

Ron, Jim and Jessica

As you are aware we have been working through the process of replacing log handling sites in Cowichan Bay. This is a very sensitive area and requires approval for replacement from the Environment Minister as per an Order in Council. All activity in the estuary is reviewed by the estuary committee. At this point no decision or recommendation has been made on the replacements. I have been asked to initiate FN consultation (from the Assistant Deputy Minister level) and have attached a draft letter. This is a sample only to ensure I have the wording correct and have caught the necessary information.

Please provide your comments and expert knowledge to ensure the letter captures the situation.

Thank you for your help.

Annette Bailey, RPBio

Authorizations Professional

South Island Natural Resource District

4885 Cherry Creek Road

Port Alberni, BC V9Y 8E9

250-731-3028

Page 014 to/à Page 018

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Friday, February 5, 2016 3:08 PM
To: Coster, Jessica FLNR:EX
Subject: RE: Draft Letter for First Nation consultation Cow Bay

Thanks Jessica, I appreciate your input.

This area has many issues and lots of sources of input....it is hard to capture everything. ☺

Have a great long weekend.

Annette

From: Coster, Jessica FLNR:EX
Sent: Friday, February 5, 2016 3:04 PM
To: Bailey, Annette FLNR:EX; Freethy, Diana FLNR:EX
Cc: Proteau, James FLNR:EX; Morris, Rhonda M FLNR:EX
Subject: RE: Draft Letter for First Nation consultation Cow Bay

Hi Annette,

I added the following sentence in:

s.13,s.16

Cheers

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Friday, February 5, 2016 2:33 PM
To: Coster, Jessica FLNR:EX; Freethy, Diana FLNR:EX
Cc: Proteau, James FLNR:EX; Morris, Rhonda M FLNR:EX
Subject: Draft Letter for First Nation consultation Cow Bay

Hi

I have made recommended changes to the draft letter for First Nation consultation for files in Cowichan Bay.

Please have a review and provide me with any comments or changes.

WFN has indicated they will share their studies with FN, s.13

Thanks.

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028

Page 021 to/à Page 025

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Coster, Jessica FLNR:EX
Sent: Friday, March 18, 2016 10:35 AM
To: Conarro, Stephen JAG:EX; Chan, Debbie JAG:EX
Cc: Moore, Linda FLNR:EX
Subject: Cowichan Tribes - Title assertion
Attachments: Letter to Annette Bailey, 15.04.16.pdf

s.13,s.14,s.16

Jessica Coster MSc | Manager, First Nations Relations West Coast Region Ministry of Forests, Lands & Natural Resource
Operations Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Friday, March 18, 2016 9:56 AM
To: Coster, Jessica FLNR:EX
Subject: FW: Letter from Chief William Seymour

Hi Jessica

We have received the attached letter from Cowichan Tribes regarding Log Handling in Cowichan Bay. SINRD is planning a meeting with Cowichan Tribes in April.
s.13,s.14,s.16

Thanks for your help.
Annette

-----Original Message-----

From: Hilda August [<mailto:chiefsec@cowichantribes.com>]

Sent: Thursday, March 17, 2016 2:04 PM

To: Bailey, Annette FLNR:EX

Cc: Chip Seymour; Eamon Gaunt

Subject: Letter from Chief William Seymour

Good Afternoon,

Please see attached correspondence sent on behalf of Chief William Seymour. Original to follow in mail

Huy ch q'u (Thank you)

Hilda August

Executive Assistant for the Chief

Cowichan Tribes

Hilda.August@cowichantribes.com (<mailto:Hilda.August@cowichantribes.com>)

250-748-3196 Ext. 208

250-748-1233 Fax

www.cowichantribes.com

This email may contain confidential or privileged information. If you are not the intended recipient, please notify us immediately. Thank you.

Page 028 to/à Page 029

Withheld pursuant to/removed as

s.16;s.13

Page 030

Withheld pursuant to/removed as

s.14;s.16;s.13

Page 031

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Friday, March 18, 2016 10:44 AM
To: Coster, Jessica FLNR:EX
Subject: RE: Letter from Chief William Seymour

Thanks Jessica

Yes, we have MOE helping us out as well.

I will keep you posted about our meeting.

Annette

-----Original Message-----

From: Coster, Jessica FLNR:EX
Sent: Friday, March 18, 2016 10:41 AM
To: Bailey, Annette FLNR:EX
Cc: Morris, Rhonda M FLNR:EX; Bauto, Mary FLNR:EX
Subject: RE: Letter from Chief William Seymour

s.13,s.14,s.16

As a general note -- the response letter is more focused on the Ministers of Environment's determination than the FLNR decision. In order to respond to the rest of the letter it seems there is going to have to be some coordination with MoE.....

Jessica Coster MSc | Manager, First Nations Relations West Coast Region Ministry of Forests, Lands & Natural Resource
Operations Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Friday, March 18, 2016 9:56 AM
To: Coster, Jessica FLNR:EX
Subject: FW: Letter from Chief William Seymour

Hi Jessica

We have received the attached letter from Cowichan Tribes regarding Log Handling in Cowichan Bay. SINRD is planning a meeting with Cowichan Tribes in April.
s.13,s.14

Thanks for your help.
Annette

-----Original Message-----

From: Hilda August [<mailto:chiefsec@cowichantribes.com>]
Sent: Thursday, March 17, 2016 2:04 PM
To: Bailey, Annette FLNR:EX
Cc: Chip Seymour; Eamon Gaunt
Subject: Letter from Chief William Seymour

Good Afternoon,
Please see attached correspondence sent on behalf of Chief William Seymour. Original to follow in mail

Huy ch q'u (Thank you)

Hilda August
Executive Assistant for the Chief
Cowichan Tribes
Hilda.August@cowichantribes.com (<mailto:Hilda.August@cowichantribes.com>)
250-748-3196 Ext. 208
250-748-1233 Fax
www.cowichantribes.com

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Page 034 to/à Page 037

Withheld pursuant to/removed as

DUPLICATE

Letter for editing Cowichan Bay - response to Cowichan Tribes

 DELETE REPLY REPLY ALL FORWARD

Bailey, Annette FLNR:EX

Tue 19/04/2016 4:56 PM

Mark as unread

To: Freethy, Diana FLNR:EX;

You replied on 21/04/2016 11:25 AM.

 1 attachment1405508
140~.docx

Hi Diana

Attached is a draft of the response letter to Cowichan Tribes regarding Cowichan Bay. It is an amalgamation of information from various sources.

s.13,s.16

together.

Thanks for your review and all your help.

Annette

and we are working to get a meeting

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 20, 2016 4:46 PM
To: Freethy, Diana FLNR:EX
Subject: RE: Letter for editing Cowichan Bay - response to Cowichan Tribes

Thanks Diana. It is a pretty involved letter.

Glad you are always there to help us out!! ☺

From: Freethy, Diana FLNR:EX
Sent: Wednesday, April 20, 2016 4:44 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Letter for editing Cowichan Bay - response to Cowichan Tribes

Thanks for sending that letter Annette. There are some larger issues noted in that letter that I need to discuss with others so I won't be quite so quick to turn this letter around for you...sorry!

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Wednesday, April 20, 2016 2:47 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Letter for editing Cowichan Bay - response to Cowichan Tribes

Hi Annette,

I just started to look at the draft letter, but I don't have the CT response letter from march 2016 on file and I don't see it in the lands tenure files FN Consultation folder. Could you send me that letter please?

Thanks!

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Tuesday, April 19, 2016 4:56 PM
To: Freethy, Diana FLNR:EX
Subject: Letter for editing Cowichan Bay - response to Cowichan Tribes

Hi Diana

Attached is a draft of the response letter to Cowichan Tribes regarding Cowichan Bay. It is an amalgamation of information from various sources.

s.13,s.16

and we are working to get a meeting together.

Thanks for your review and all your help.

Annette

Jager, Brenda CSNR:EX

From: Coster, Jessica FLNR:EX
Sent: Thursday, April 21, 2016 10:30 AM
To: Little, Lindley FLNR:EX
Subject: FW: Letter from Chief William Seymour - Annette B
Attachments: Letter to Annette Bailey, 15.04.16.pdf

Diana is currently reviewing a letter that Annette drafted in response. Once she has a draft she will pass along to us for review.

Jessica Coster MSc | Manager, First Nations Relations West Coast Region Ministry of Forests, Lands & Natural Resource Operations Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Friday, March 18, 2016 9:56 AM
To: Coster, Jessica FLNR:EX
Subject: FW: Letter from Chief William Seymour

Hi Jessica

We have received the attached letter from Cowichan Tribes regarding Log Handling in Cowichan Bay. SINRD is planning a meeting with Cowichan Tribes in April.

s.13

Thanks for your help.
Annette

-----Original Message-----

From: Hilda August [<mailto:chiefsec@cowichantribes.com>]
Sent: Thursday, March 17, 2016 2:04 PM
To: Bailey, Annette FLNR:EX
Cc: Chip Seymour; Eamon Gaunt
Subject: Letter from Chief William Seymour

Good Afternoon,
Please see attached correspondence sent on behalf of Chief William Seymour. Original to follow in mail

Huy ch q'u (Thank you)

Hilda August
Executive Assistant for the Chief
Cowichan Tribes
Hilda.August@cowichantribes.com (<mailto:Hilda.August@cowichantribes.com>)

250-748-3196 Ext. 208

250-748-1233 Fax

www.cowichantribes.com

This email may contain confidential or privileged information. If you are not the intended recipient, please notify us immediately. Thank you.

Jager, Brenda CSNR:EX

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 1:08 PM
To: Coster, Jessica FLNR:EX; Little, Lindley FLNR:EX
Subject: RE: Consultation Letter for 1405508 and 1406547

Yes it was. The first email in the trail below was the one sent to CT with the IEL attached.

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Coster, Jessica FLNR:EX
Sent: Thursday, April 21, 2016 11:50 AM
To: Freethy, Diana FLNR:EX; Little, Lindley FLNR:EX
Subject: RE: Consultation Letter for 1405508 and 1406547

s.13,s.16

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRs): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 11:32 AM
To: Coster, Jessica FLNR:EX; Little, Lindley FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547

And the final IEL...

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Thursday, April 21, 2016 11:31 AM
To: Freethy, Diana FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547

FYI

Jager, Brenda CSNR:EX

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 11:32 AM
To: Coster, Jessica FLNR:EX; Little, Lindley FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547
Attachments: 1405508 1406547 - Cowichan Tribe.pdf

And the final IEL...

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Thursday, April 21, 2016 11:31 AM
To: Freethy, Diana FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547

FYI

I had the IEL passed through Jess and yourself before I completed it and sent to Cowichan Tribes.

From: Bailey, Annette FLNR:EX On Behalf Of FTA DSI P FLNR:EX
Sent: Thursday, April 21, 2016 11:29 AM
To: Freethy, Diana FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547

FYI

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:33 PM
To: 'executive@cowichantribes.com'; 'hilda.august@cowichantribes.com'; 'Tracy.Fleming@cowichantribes.com'
Subject: Consultation Letter for 1405508 and 1406547

Hi

Please find attached a consultation letter for Land Files 1405508 and 1406547.

Thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
[250-731-3028](tel:250-731-3028)

Jager, Brenda CSNR:EX

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 11:33 AM
To: Bailey, Annette FLNR:EX
Subject: RE: Consultation Letter for 1405508 and 1406547

Thanks! Yes, I had a draft but just wanted to have the one that went to make sure that our final wording is consistent 😊

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Thursday, April 21, 2016 11:31 AM
To: Freethy, Diana FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547

FYI

I had the IEL passed through Jess and yourself before I completed it and sent to Cowichan Tribes.

From: Bailey, Annette FLNR:EX On Behalf Of FTA DSI P FLNR:EX
Sent: Thursday, April 21, 2016 11:29 AM
To: Freethy, Diana FLNR:EX
Subject: FW: Consultation Letter for 1405508 and 1406547

FYI

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:33 PM
To: 'executive@cowichantribes.com'; 'hilda.august@cowichantribes.com'; 'Tracy.Fleming@cowichantribes.com'
Subject: Consultation Letter for 1405508 and 1406547

Hi

Please find attached a consultation letter for Land Files 1405508 and 1406547.

Thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

February 9, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Cowichan Tribes on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 048

Withheld pursuant to/removed as

s.16;s.13

s.13,s.16

The Province requests your input within 60 days of the date of this letter. I would be pleased to meet with you to discuss this application further should you wish.

Your review and response is required within this time period so that your interests can be fully considered in the application review. If you have any questions, require more information or would like the opportunity to meet to discuss these applications, please contact Annette Bailey, Authorizations Professional, Ministry of Forests, Lands and Natural Resource Operations, at 250-731-3028 or by email at annette.bailey@gov.bc.ca

Yours truly,



Digitally signed by Annette
Bailey
Date: 2016.02.09 16:00:29
-08'00'

Annette Bailey
Authorizations Professional
West Coast Natural Resource Region

Attachment(s): Map
Google Earth Image

Page 050

Withheld pursuant to/removed as

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Page 051 to/à Page 054

Withheld pursuant to/removed as

DUPLICATE



File: 1405508, 1406547

April 14, 2016 April 14, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

Thank you for your response letter dated March 15, 2016 regarding the application by Western Forest Products for replacement of Log storage and handling, licence of occupation #1405508 and #1406547 in Cowichan Bay. This letter **s.13** responds to that letter by providing additional information and describes factors taken in to consideration by the Province in adjudicating this replacement.

s.13,s.16

s.13

Page 1 of 6

Ministry of Forests, Lands
and Natural Resource
Operations

South Island
Natural Resource District

Location:
4885 Cherry Creek Road
Port Alberni, BC
V9Y 8E9
CANADA

Tel: 250-731-3000
Fax: 250-731-3010
Web: <http://www.gov.bc.ca/for/>

Page 056 to/à Page 057

Withheld pursuant to/removed as

s.16;s.13

Cowichan Tribes

s.13,s.16

s.13

If you have any questions, or require further information about these replacements, please contact Annette Bailey, Authorizations Specialist, Ministry of Forests, Lands and Natural Resource Operations, at 250-731-3028 or by email at annette.bailey@gov.bc.ca

Regards,

Annette Bailey RPBio
Authorizations Specialist
West Coast Natural Resource Region

Attachment(s): Map
Google Earth Image

Page 059 to/à Page 060

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Thursday, April 21, 2016 3:52 PM
To: Coster, Jessica FLNR:EX; Freethy, Diana FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

Sounds good – I will make this my focus so we can touch base next week.

LL

From: Coster, Jessica FLNR:EX
Sent: Thursday, April 21, 2016 3:49 PM
To: Freethy, Diana FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

Thanks Diana.

s.13,s.16

Lindley – over to you s.13

s.22 for version control -- you can review and we discuss next week.

s.22

Thanks

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 11:32 AM
To: Coster, Jessica FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: Log Handling referrals: Draft Response to Cowichan Tribes

Hi Jess,

As discussed, here is what I have so far. It still needs work and I've cc'd Lindley as requested. I'll leave it to you to determine next steps, but it sounds like Lindley might be able to flesh out the facts/rationale bullets section that I

started. I've attached the draft response letter with my comments/suggestions, the last copy I have of the draft IEL (there isn't a final version on the Lands drive although I've requested it from Annette), and the letter sent to us in March by Cowichan Tribes.

Let me know if I can be of further assistance. Oh, and I let Annette know that this has some larger issues to address and that I wouldn't be having a quick turn-around for her as other staff would be involved in the conversation/drafting process.

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Tuesday, April 19, 2016 4:56 PM
To: Freethy, Diana FLNR:EX
Subject: Letter for editing Cowichan Bay - response to Cowichan Tribes

Hi Diana

Attached is a draft of the response letter to Cowichan Tribes regarding Cowichan Bay. It is an amalgamation of information from various sources.

s.13,s.16

and we are working to get a meeting together.

Thanks for your review and all your help.

Annette



File: 1405508, 1406547

April 14, 2016 April 14, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

Thank you for your response letter dated March 15, 2016 regarding the application by Western Forest Products for replacement of Log storage and handling, licence of occupation #1405508 and #1406547 in Cowichan Bay. This letter responds to that letter by providing additional information and describes factors taken in to consideration by the Province in adjudicating this replacement.

s.13,s.16

s.13

Page 1 of 5

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South Island
Natural Resource District

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Web: <http://www.gov.bc.ca/for/>

Page 064 to/à Page 065

Withheld pursuant to/removed as

s.16;s.13

Cowichan Tribes

s.13,s.16

If you have any questions, or require further information about these replacements, please contact Annette Bailey, Authorizations Specialist, Ministry of Forests, Lands and Natural Resource Operations, at 250-731-3028 or by email at annette.bailey@gov.bc.ca

Regards,

Annette Bailey RPBio
Authorizations Specialist
West Coast Natural Resource Region

Attachment(s): Map
Google Earth Image

s.13

Page 067

Withheld pursuant to/removal as

DUPLICATE

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Friday, April 22, 2016 4:41 PM
To: Coster, Jessica FLNR:EX
Cc: Freethy, Diana FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

Follow Up Flag: Follow Up
Due By: Friday, April 22, 2016 7:29 PM
Flag Status: Completed

Hi Jess,

I have sent a request into Annette Bailey to see more of the details of these applications. I couldn't find the paper files (maybe she has them in the Port Alberni office?) and the electronic files are devoid of useful information. Or any information. But...for these replacements WFP would have had to submit management plans. I think we need to see them to help spark ideas around our mitigation measures. If they are lacking in information, then we could make a further request to WFP for more info. Things I am wondering are:

s.13

Looking forward to chatting more about this next week.

Lindley

From: Coster, Jessica FLNR:EX
Sent: Thursday, April 21, 2016 3:49 PM
To: Freethy, Diana FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

Thanks Diana.

s.13,s.16

Lindley – over to you. s.13

s.22

s.22 for version control -- you can review and we discuss next week.

Thanks

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 11:32 AM
To: Coster, Jessica FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: Log Handling referrals: Draft Response to Cowichan Tribes

Hi Jess,

As discussed, here is what I have so far. It still needs work and I've cc'd Lindley as requested. I'll leave it to you to determine next steps, but it sounds like Lindley might be able to flesh out the facts/rationale bullets section that I started. I've attached the draft response letter with my comments/suggestions, the last copy I have of the draft IEL (there isn't a final version on the Lands drive although I've requested it from Annette), and the letter sent to us in March by Cowichan Tribes.

Let me know if I can be of further assistance. Oh, and I let Annette know that this has some larger issues to address and that I wouldn't be having a quick turn-around for her as other staff would be involved in the conversation/drafting process.

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Tuesday, April 19, 2016 4:56 PM
To: Freethy, Diana FLNR:EX
Subject: Letter for editing Cowichan Bay - response to Cowichan Tribes

Hi Diana

Attached is a draft of the response letter to Cowichan Tribes regarding Cowichan Bay. It is an amalgamation of information from various sources.

s.13,s.16

and we are working to get a meeting together.

Thanks for your review and all your help.

Annette



File: 1405508, 1406547

~~April 14, 2016~~ April 14, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

s.13,s.16

s.13

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Page 1 of 5

Ministry of Forests, Lands
and Natural Resource
Operations

South Island
Natural Resource District

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4885 Cherry Creek Road
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Page 071 to/à Page 072

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s.16;s.13

Cowichan Tribes

s.13,s.16

s.13

If you have any questions, or require further information about these replacements, please contact Annette Bailey, Authorizations Specialist, Ministry of Forests, Lands and Natural Resource Operations, at 250-731-3028 or by email at annette.bailey@gov.bc.ca

Regards,

Annette Bailey RPBio
Authorizations Specialist
West Coast Natural Resource Region

Attachment(s): Map
Google Earth Image

Page 074

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Monday, April 25, 2016 8:50 AM
To: Bailey, Annette FLNR:EX
Subject: RE: WFP Log Handling Replacements 1405508 and 1406547

Hi Annette,

Thanks for the info.

I am looking for the original application and the management plan that WFP would have submitted along with it. If they appended anything like a log handling Standard Operating Procedure, I'd be very interested to see that too.

Thank you,
Lindley

From: Bailey, Annette FLNR:EX
Sent: Monday, April 25, 2016 7:55 AM
To: Little, Lindley FLNR:EX
Subject: RE: WFP Log Handling Replacements 1405508 and 1406547

Hi

All the South Island Log Handling files are managed out of our office. We have the hard copies and all the electronic information is stored in TRIM. Log Handling is not stored on the **s.17** site

If you are looking for something specific let me know and I can scan the documents.

Thanks
Annette

From: Little, Lindley FLNR:EX
Sent: Friday, April 22, 2016 3:51 PM
To: Bailey, Annette FLNR:EX
Cc: Freethy, Diana FLNR:EX
Subject: WFP Log Handling Replacements 1405508 and 1406547

Hello Annette,

Jess Coster and Diana Freethy are bringing me into the fold with respect to files 1405508 and 1406547. In order to get myself up to speed, I am trying to find more info on the applications themselves. My search for the paper files here in the Nanaimo office came up lacking...and I notice the folders under the following file path are suspiciously empty...maybe I'm not looking in the right place...? Can you please direct me to where the file info is saved?

s.17

Thank you very much,

Lindley Little, RPF | Advisor, First Nations Relations

West Coast Region

Ministry of Forests, Lands & Natural Resource Operations

Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250)751-3160

Email: Lindley.Little@gov.bc.ca

Jager, Brenda CSNR:EX

From: Coster, Jessica FLNR:EX
Sent: Tuesday, April 26, 2016 2:27 PM
To: Freethy, Diana FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes
Attachments: 1405508 1406547 - Cowichan Tribe response_df.docx

Thanks Diana. I have attempted to streamline. We don't need all the detail – s.13,s.16
s.13,s.16

This may just need to go back to Annette with a discussion so she can fill in the blanks if we don't have the appropriate info.

Thanks

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Tuesday, April 26, 2016 9:37 AM
To: Coster, Jessica FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

I took the opportunity to revise the letter to add details as per your comments Jess. Have a boo and see what you think.

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
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Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

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Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

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From: Little, Lindley FLNR:EX
Sent: Tuesday, April 26, 2016 2:29 PM
To: Freethy, Diana FLNR:EX; Coster, Jessica FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

Hello,

I spoke with Annette this morning about specific documents that I think will help us. She noted that WFP did not submit a management plan with the request for renewal (not kosher) so she has asked for one from WFP. It doesn't sound like they will be too forthcoming with that – I can follow up and see if she made the request with a specific deadline. Also, for our reference, I anticipate receiving from her:

- Minister of Environment's "Determination" as referred to in the CT response letter
- The WFP cost-benefit analysis report mentioned in the CRTS record for these files
- Cowichan Estuary Management Plan
- Some other documents that will be relevant...she mentioned some responses to some CEEMC meetings and/or minutes

I believe she will also be updating the CRTS records for these files.

As for the draft letter, two things jump out at me:

s.13,s.16

I see Annette's email to me has come in...so I'll take a look at the relevant documents. Stay tuned....

Lindley

From: Freethy, Diana FLNR:EX
Sent: Tuesday, April 26, 2016 9:37 AM
To: Coster, Jessica FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

I took the opportunity to revise the letter to add details as per your comments Jess. Have a boo and see what you think.

Senior Advisor, First Nations Relations
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Cc: Little, Lindley FLNR:EX
Subject: RE: Log Handling referrals: Draft Response to Cowichan Tribes

Thanks Diana.

s.13,s.16

Lindley – over to you s.13
s.22 for version control -- you can review and we discuss next week.

s.22

Thanks

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Freethy, Diana FLNR:EX
Sent: Thursday, April 21, 2016 11:32 AM
To: Coster, Jessica FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: Log Handling referrals: Draft Response to Cowichan Tribes

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Let me know if I can be of further assistance. Oh, and I let Annette know that this has some larger issues to address and that I wouldn't be having a quick turn-around for her as other staff would be involved in the conversation/drafting process.

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Tuesday, April 19, 2016 4:56 PM
To: Freethy, Diana FLNR:EX
Subject: Letter for editing Cowichan Bay - response to Cowichan Tribes

Hi Diana

Attached is a draft of the response letter to Cowichan Tribes regarding Cowichan Bay. It is an amalgamation of information from various sources.

s.13,s.16 and we are working to get a meeting together.

Thanks for your review and all your help.

Annette



File: 1405508, 1406547

April 14, 2016 April 14, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

Thank you for your response letter dated March 15, 2016 regarding the application by Western Forest Products for replacement of Log storage and handling, licence of occupation #1405508 and #1406547 in Cowichan Bay. This letter responds to that letter by providing additional information and describes factors taken in to consideration by the Province in adjudicating this replacement.

s.13,s.16

s.13

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Page 1 of 5

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Page 082 to/à Page 083

Withheld pursuant to/removed as

s.16;s.13

Cowichan Tribes

s.13,s.16

s.13

If you have any questions, or require further information about these replacements, please contact Annette Bailey, Authorizations Specialist, Ministry of Forests, Lands and Natural Resource Operations, at 250-731-3028 or by email at annette.bailey@gov.bc.ca

Regards,

Annette Bailey RPBio
Authorizations Specialist
West Coast Natural Resource Region

Attachment(s): Map
Google Earth Image

s.13

Page 085

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Tuesday, April 26, 2016 3:08 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Cowichan Bay information and CRTS

Hi Annette,

Thank you for uploading all of those documents to the CRTS files. I will start to review them! If I have any questions, I'll be in touch!

Cheers,
Lindley

From: Bailey, Annette FLNR:EX
Sent: Tuesday, April 26, 2016 2:03 PM
To: Little, Lindley FLNR:EX
Subject: Cowichan Bay information and CRTS

Hi Lindley

Thanks for the call this morning. Also, thanks for the boot to get the up-to-date info into CRTS. I tend to leave the last bits until I am closing off the correspondence....bad habit.

Anyway, I added all the information we talked about into CRTS. The information is either under Cowichan Tribes specifically or at the bottom of that page under other correspondence.

If I missed anything let me know, there are lots of emails between lots of parties with this file.

Thanks.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028

Page 087 to/à Page 088

Withheld pursuant to/removed as

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Page 089 to/à Page 090

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Page 091

Withheld pursuant to/removed as

s.16

Page 092

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Diederichs, Ron FLNR:EX
Sent: Wednesday, April 27, 2016 11:20 AM
To: Little, Lindley FLNR:EX
Subject: RE: Habitat Management - Cowichan Estuary

Yep!

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 11:19 AM
To: Diederichs, Ron FLNR:EX
Subject: RE: Habitat Management - Cowichan Estuary

Thanks, Ron. Are you avail for a phone call right now?

From: Diederichs, Ron FLNR:EX
Sent: Wednesday, April 27, 2016 11:18 AM
To: Little, Lindley FLNR:EX
Cc: Coster, Jessica FLNR:EX; Bailey, Annette FLNR:EX
Subject: RE: Habitat Management - Cowichan Estuary

Understood, Lindley. I think a chat would be a quicker way to give you a headstart on the details. However, there is that armload of files if you want to delve in ☺.

I'm in Courtenay today at 250-897-7534. I don't have my conference call number with me today, but would be happy to discuss.

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 11:14 AM
To: Diederichs, Ron FLNR:EX
Cc: Coster, Jessica FLNR:EX; Bailey, Annette FLNR:EX
Subject: RE: Habitat Management - Cowichan Estuary

Hi Ron,

s.13,s.16

I am free this afternoon after 1:30 if you would like to arrange a chat...?

Thank you,

**Lindley Little, RPF | Advisor, First Nations Relations
West Coast Region**
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250)751-3160
Email: Lindley.Little@gov.bc.ca

From: Diederichs, Ron FLNR:EX
Sent: Wednesday, April 27, 2016 10:31 AM
To: Bailey, Annette FLNR:EX
Cc: Little, Lindley FLNR:EX
Subject: RE: Habitat Management - Cowichan Estuary

s.16

I would be pleased to talk to Lindley and yourself, especially if there are specific relevant questions that she has.

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 27, 2016 10:12 AM
To: Diederichs, Ron FLNR:EX
Subject: FW: Habitat Management - Cowichan Estuary

Hi Ron

Can you provide any information for the questions below?
We are trying to complete the response letter to Cowichan Tribes.

Thanks.

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 10:09 AM
To: Bailey, Annette FLNR:EX
Cc: Coster, Jessica FLNR:EX
Subject: Habitat Management - Cowichan Estuary

Hi Annette,

In honing in on content for the Province's response letter to the Cowichan Tribes' letter dated March 15, 2016, I have done some looking into the CEEMP. Habitat enhancement, management and monitoring efforts are mentioned in the "Report on the Cowichan Estuary Plan Implementation Program", which is Appendix 2 of the Plan itself. Specific sites/actions listed for habitat enhancement and management include:

- land dedicated from the Doman/Blackley farm
- Mariners Island
- CN Marsh
- DFO monitoring of rehab of areas that will no longer be used for log storage
- DFO monitoring at remaining log storage sites for fish productivity
- DFO monitoring program of benthic invertebrates comparing intensive log storage sites, rare log storage sites versus former log storage sites, including sediment quality and changes to eelgrass

s.13,s.16

Any additional info of this nature you can provide would be most helpful.

Thank you!

Lindley Little, RPF | Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250)751-3160
Email: Lindley.Little@gov.bc.ca

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 1:52 PM
To: Coster, Jessica FLNR:EX
Subject: FW: Mgmt Plan from WFP

FYI...Regarding the timing of pulling this all together.

Lindley

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 27, 2016 1:46 PM
To: Little, Lindley FLNR:EX
Subject: RE: Mgmt Plan from WFP

I have requested the Management Plan by Monday May 2.

As this is a replacement we are not requesting a formal application form. We do have confirmation for replacement from WFP.

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 1:20 PM
To: Bailey, Annette FLNR:EX
Subject: Mgmt Plan from WFP

Hi Annette,

I had a productive phone call with Ron this morning – it was easier than trying to correspond with him via email.

I am wondering what timeline you gave to Paul Nuttall for getting the management plan back to us? Did you also request that they fill out a formal application form (or was there one already)?

Thank you,

Lindley Little, RPF | Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250)751-3160
Email: Lindley.Little@gov.bc.ca

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 1:54 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Another request

s.13

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 27, 2016 1:49 PM
To: Little, Lindley FLNR:EX
Subject: RE: Another request

s.13

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 1:45 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Another request

s.13

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 27, 2016 1:32 PM
To: Little, Lindley FLNR:EX
Subject: RE: Another request

No worries.
I will nudge Paul Nuttall.
I will check and see if I have the LGL electronic. If not, I will scan the hardcopy.

Glad to hear it went well with Ron.

Annette

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 1:30 PM
To: Bailey, Annette FLNR:EX
Subject: Another request

Sorry for all of these emails, Annette!

I see you have appended the Aquaterra biological study report to the CRTS record – thank you! Do you have a copy of/access to the LGL report as well and can you append that to CRTS too?

Cheers,

Lindley Little, RPF | Advisor, First Nations Relations

West Coast Region

Ministry of Forests, Lands & Natural Resource Operations

Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel: (250)751-3160

Email: Lindley.Little@gov.bc.ca

Jager, Brenda CSNR:EX

From: FTA DSI P FLNR:EX
Sent: Wednesday, April 27, 2016 2:37 PM
To: Little, Lindley FLNR:EX
Subject: FW: Log Storage in Cowichan Bay Files 1405508 and 1406547
Attachments: 1405508 1406547 WFP Letter September 6 2013.pdf

FYI

Here is a great summary through the years.
More to come

From: Dunn, Heather L FLNR:EX
Sent: Friday, September 6, 2013 12:06 PM
To: 'MLeine@westernforest.com'
Cc: Bauto, Mary FLNR:EX
Subject: Log Storage in Cowichan Bay Files 1405508 and 1406547

Hi Makenzie,

Attached is a letter describing the communication between the Provincial Government and WFP regarding log storage files 1405508 & 1406547.

s.22
contact Mary Bauto.

If you would like to discuss this further, please

Thank you,

Heather Dunn, RPF
South Island District
(250) 731-3089

Ministry of Forests, Lands and Natural Resource Operations



File #: 1405508
1406547

September 6, 2013

Western Forest Products Inc.
Suite 510 – 700 West Georgia Street
Vancouver, British Columbia
V7Y 1A1

Dear Makenzie Leine:

Re: Western Forest Products Log Storage in Cowichan Bay

This letter has been prepared to address Western Forest Products Inc. (WFP) questions regarding communication between the Provincial government and WFP. This letter also outlines the steps being taken by the Province to move the adjudication of Files 1405508 & 1406547 forward.

A summary of the correspondence follows;

- February 11, 2002. Tenure Offer to Doman Industries re File 1406547. Tenure offer is “subject to the conditions outlined in Ministry of Water, Land and Air Protection’s letter of approval dated December 14, 2001 (copy enclosed).”
- May 10, 2007. Email from Peter Law (MOE) to Roger Perry (WFP), Bruce Wright, Ross Murray. Peter indicated that in January 2007, the CEEMC supported the replacement of three log handling tenures in Cowichan Bay for five years, on condition of moving the leases to deeper water.
- May 10, 2007. Email from Roger Perry to Jim Stephen (WFP). Roger asked if “we discussed moving to deeper water. Or was it that our tie ups were in the wrong spot”.
- May 10, 2007. Email from Jim Stephen to Doug Berry. “It is my understanding that this tenure was set up with the idea that the booms would be periodically relocated to deeper water. The booms are actually in deeper water than the tenure boundaries are.”
- July 20, 2007. Email from Peter Law to Doug Berry (*the italicized comments are inserted for reference only. I do not believe this comments were forwarded to WFP*).
 - 1405508, “*Recommendation: CEEMC agree with a conditional approval of a short term renewal (5 years or less) providing that a legal survey of the site is done ASAP, to clearly understand what area the company currently operates within. A study is recommended which would involve a legal survey, coupled with a benthic survey of biological impacts of historic booming operations in the area. The primary objective of the Committee is to see operations moved into deeper waters to protect biologically sensitive shallow intertidal areas.*”
 - 1406547, “*Recommendation: ILMB reconcile with the company whether this tenure “fits” with future operational needs, as it has not been used for a long time. We suggest that this assessment be part of a larger review by the company of the lease requirements and biological impacts assessment of their tenure in the Bay. Approval granted for a further 5 year lease pending discussions between ILMB and Western about tenure utilization/rationalization.*”

- File 1405508 was offered for a term of five years commencing on January 1, 2007.
- January 5, 2010. Email from Jim Stephen to Doug Berry. Jim stated “Doug in order to address your concerns about the position of the boundaries for the Cowichan Bay log storage grounds, we used the latest Google Earth image to reposition the boundaries on the tenure map. We moved the boundaries into deeper water and enclosed all the area where the booms are located”.
- January 6, 2010. Email from Doug Berry to Jim Stephen. “Based on the new metes and bounds you will need to apply to amend the legal description and location of this tenure. Request should be forwarded to FrontCounter BC”.
- October 27, 2011. Email from Heather Dunn (FLNR) to Jim Stephen. “My understanding is that file 1405508 needs to be amended to accurately reflect where the log storage is actually being stored. I also understand that WFP has committed to completing this amendment. It would make sense to work on an amendment and the replacement at the same time”.
- November 16, 2011. Email from Jim Stephen to Heather Dunn. “We used Google Earth to reposition the tenure areas to match where the logs are being stored now. I took a scan of the tenure map and positioned it overtop of Earth, and expanded the size to make the shoreline boundaries match. That made the boundary image the correct size, then we moved the boundary and adjusted the orientation to fit where the piles and log booms are situated in deeper water. File 1406547 is a transit storage area. The tugboat drops off incoming tows off at the “shipping dolphin”. The river outflow then swings the tow outward as mapped”.
- November 30, 2011. Email from Heather Dunn to Jim Stephen. “In regards to the info you provide below (references Nov 16, 2011 email), I will proceed with your amendment required once I receive maps for each of the tenures and the corresponding information. I am having a hard time understanding what you have provided. Given the location of these tenures and the high profile I will consult with First Nations as well as conduct referrals. I am not requesting that advertising be conducted for this amendment”.
- April 11, 2012. Email from Heather Dunn to Jim Stephen. “I spoke with Marlene Caskey regarding the WFP dredging proposal. The dredging proposal does not impact the placement of the log handling tenures that are due to be replaced. Could you please provide me with a map that shows the new tenure boundary that you are applying for (file 1405508)? Attached is an example of the quality of map I require. I believe I sent you another example before as well.”
- July 7, 2012. Email from Heather Dunn to Jim Stephen. “The Cowichan Bay Estuary Committee has requested that WFP hire a consultant to examine the tenure boundaries for file 1405508 & 1406547. I had explained to the committee that WFP was applying for an amendment to move the tenure boundaries to deeper water to reflect where the wood is currently being stored. The committee has requested a consultant be hired to rationalize that the proposed boundary is suitable/sufficient for the long term for log storage purposes. If the consultant rationalizes that the boundary is suitable for the long term I will request that the committee support the amended boundary. If the consultant indicates the log storage should occur in a different configuration I will take that info to the committee for a recommendation.”
- July 16, 2012. Email from Jim Stephen to Heather Dunn. “Thanks for presenting our updated tenure boundary map to the committee. We are pleased that the Committee wants to ensure that our sawmill’s log storage areas are sufficient and suitable for our long term needs. We are rather offended that the Committee believes that Western does not have adequate in-house expertise to determine what its long term needs are. It appears that the Committee is receptive to an expansion and relocation of the grounds to better meet the sawmill expansion needs. Our updated map was merely following previous government direction from the inception whereby the storage grounds would be moved into deeper water as necessary. Roger has been acting on many Committee

requests for studies and such lately, so he is reluctant to take on another study. We will work on a response to this request. Thanks for helping us with this renewal.”

- October 1, 2012. Letter from Heather Dunn to Jim Stephen. “At the June 14, 2012 Cowichan Bay Estuary Committee meeting, the Committee requested that WFP conduct a study to assess and rationalize the proposed tenure boundaries. This work was requested to ensure that the proposed boundaries are suitable and sufficient for long term log storage purposes. WFP responded on July 16, 2012 to indicate that the Cowichan Bay Estuary Committee has made many requests for studies and WFP is reluctant to take on another study. The request to rationalize the log storage boundaries is a separate request from the requests related to the haul channel and mouth dredging. The log storage boundaries have changed from the original lease boundaries over the past decades due to sediment build-up, ease of access to the haul channel, changes in log handling techniques and other factors. The Cowichan Bay Estuary Committee wants assurance that the proposed boundaries will still be viable for the next 10 years and will not result in booms grounding or causing other direct environmental damage. The Cowichan Bay Estuary area is under an Order in Council (#1652) and any tenure replacements or amendments within this area must flow through the Cowichan Bay Estuary Committee for a recommendation. Please submit the requested assessment for Log Storage Files 1405508 & 1406547 to myself and I will take forward to the Cowichan Bay Estuary Committee for recommendation.”
- October 9, 2012. Email from Makenzie Leine (WFP) to Heather Dunn. “Glad we connected today. Thanks for looking in to the questions I had for you. Basically a clearer expectation for assessment. I didn't ask - but thought afterwards that I am not clear under what authority the call for this assessment falls. Is there a regulatory excerpt or something in the Management Plan that addresses this directly? This will help for me in internal discussions as well. I dug through the license doc and MP and could not find anything. Not to suggest that we won't do it if it isn't regulated. I just want a good picture of the expectation.”
- October 15, 2013. Email from Heather Dunn to Makenzie Leine. “Cowichan Bay is covered by an Order in Council which means that any tenure replacements or amendments require approval by the minister. The current replacement/amendments for files 1405508 & 1406547 were taken to the Cowichan Bay Estuary Committee in the spring. The committee includes Cowichan Tribes, Ministry of Forests, Lands and Natural Resource Operations (Ecosystems, Lands Officer, me), DFO, CVRD, and NCRD. The Committee requested WFP rationalize the log storage boundaries for the long term. This is why I made the request to WFP. Attached is an informal report from the inspection that C&E completed on the log handling tenures in Cowichan Bay (please note the file # is incorrect on the front page of the report and should be file 1405508). C&E have not completed a formal report as I am in discussions with you and previously with Jim Stephen with the goal of coming to a long term solution for the log storage tenure boundary. I had received a public complaint on August 31, 2012 of logs grounding out at low tide. I did not have enough information at that point to pinpoint the exact location of the grounded logs. Through the C&E inspection I have confirmed that WFP is in contravention of Licence of Occupation File 1405508 Section 4.1 (q). All log bundles shall be stored in water of sufficient depth to prevent grounding. You asked about timelines for completing a study. I am requesting that the study be completed by December 31, 2012. If this date is not achievable please provide to me a timeline for completing the required work and submitting it to myself. Once I have received the study from WFP I will take to the Committee for recommendation on the replacement/amendment for Files 1405508 & 1406547. There are no specific standards for completing this study. The end goal is to contain the log storage in water deep enough to prevent grounding and ensure that the tenure is compliant with the Licence documents. WFP will need to ensure the tenure boundaries are sufficient to contain typical log booming practices (determined by WFP) that are expected to occur over the next 10 years (or longer).”

- December 3, 2012. Email from Makenzie Leine to Heather Dunn. "Thanks for the information below. We do have another question about it. I have attached a copy of the Cowichan Bay Management Plan which includes the original OIC you mentioned below. This OIC allows the licensee to store logs in the "intertidal" portion of the bay where, as defined by the OIC, is within the upper and lower limits of the tide. This seems to be contradicted by the LOC requirement Section you mentioned below - 4.1 (q) "All log bundles shall be stored in water of sufficient depth to prevent grounding". Our understanding is that the OIC has regulatory priority over the LOC. Could you please explain how this difference is reconciled? Perhaps you can clarify."
- December 20, 2012. Email from Heather Dunn to Makenzie Leine. "There are 3 documents that are of relevance in this discussion. 1) Order in Council (Approved 1986). This order states that no licence shall be issued prior to receiving approval of the Minister of Environment to the effect that the issuance will have no significant detrimental environmental impact upon that area and is in conformity with the 'plan'. 2) The Cowichan Estuary Environmental Management Plan (Plan) was prepared in 1987. This plan provides guidance and a focal point for pursuing the opportunities offered by the estuary, and for sustaining its environmental quality for the benefit of future generations. 3) The Licence documents for Files 1406547, & 1405508. While the Plan is a higher level planning document, these individual licence documents were prepared based on it and can provide greater restrictions than the Plan. The licence document for each of these tenures is an agreement between the province and WFP and is the document that will be enforced. The following comments were on file from the Cowichan Estuary Environmental Management Committee (CEEMC) from 2007: 1406547 – In July 2007 the CEEMC recommended a short term tenure replacement (5 years). MOE suggested that during this time WFP review their storage requirements and complete a biological impact assessment. 1405508 – In July 2007 the CEEMC agreed to a conditional approval of a short term replacement (5 years) providing that a legal survey is completed ASAP to understand where the company is operating. A study was recommended to include a benthic survey of biological impacts of historic booming operations in the area. The primary objective of the committee is to see operations moved into deeper waters to protect biologically sensitive shallow intertidal areas. In June 2012 I requested a recommendation from the CEEMC regarding the replacement of Files 1406547 & 1405508. In July 2012 I notified WFP that the CEEMP had requested WFP rationalize the boundaries of the log storage in the Cowichan Estuary prior to recommending replacement of File 1406547 & 1405508. In August 2012 I received a public complaint regarding logs grounding out in the Cowichan Estuary. On October 1, 2012 I sent another request to WFP to request WFP conduct a study to rationalize the log storage boundaries. On October 3, 2012 a inspection by Ministry of Forests, Lands and Natural Resource Operations staff was conducted that revealed that logs were grounding out in File 1405508 at mid tide. Through the C&E inspection I have confirmed that WFP is in contravention of Licence of Occupation File 1405508 Section 4.1 (q). All log bundles shall be stored in water of sufficient depth to prevent grounding. WFP can propose any tenure boundary configuration, but the boundaries must be supported by rationale. If you are proposing to 'ground' logs in part of your tenure then a rationale for the change to a lesser environmental standard (with research which has been done indicating that grounding has minimal damage and proposed mitigation/compensation for the grounding to be allowed) must be submitted. The next CEEMC meeting is mid January. Please provide me with your study results by January 15 so that I can take to the CEEMC for a tenure recommendation."
- Meeting on January 15, 2013. Jim Stephen, Makenzie Leine, Roger Perry, Marlene Caskey, Heather Dunn. Discussion around log storage in Cowichan Bay.

- Letter dated May 8, 2013. At the April 18, 2013 Cowichan Bay Estuary Management Committee (CEEMC) meeting, the Committee determined that the log handling tenure replacements would proceed as per the Cowichan Estuary Environmental Management Plan – Project Review Process. The CEEMC voted to send the review of Files 1405508 & 1406547 to the Minister of Environment. The Order in Council 1652 requires the written approval of the Minister of Environment to the effect that the issuance or exercise will have no significant detrimental environmental impact upon that area and is in conformity with the plan. Please be aware that these files were also sent to the Minister of Environment in 2001 for review. In 2001 the Minister indicated that replacement of files 1405508 & 1406547 were subject to the following conditions;
 - 1) The companies in whose names these tenures are issued will retain a qualified consultant to carry out an environmental study of the bottom of the estuary beneath and adjacent to their log storage areas to determine the extent and nature of impacts resulting from their activities. These studies will be provided to the committee for review and assessment.
 - 2) Should the studies required under 1) above indicate a significant impact attributable to the companies' activities, the companies will prepare and implement strategies to mitigate impacts and/or move the location of these tenures to deeper water outside the estuary.
 - 3) The replacement tenures are to be operated in accordance with forest management practices currently being prepared by Fisheries and Oceans Canada.The 2001 letter from Derek Thompson, Deputy Minister from the Ministry of Water Land and Air Protection is attached for your reference. After a response is received back from the Minister of Environment regarding Files 1405508 & 1406547, we will proceed to the South Island Natural Resource District Manager for a replacement decision subject to normal review process, including First Nations consultation. If WFP. has any additional information to provide regarding any studies or work related to the environmental impacts of the log storage in Cowichan Bay please forward to me as soon as possible. May 7, 2013. Letter to WFP from FLNR. Letter indicates that the CEEMC will refer the log handling replacements (Files 1405508 & 1406547) to the Minister of Environment as per the Cowichan Estuary Environmental Management Plan - Project Review Process.”
- Decision Note has been prepared for the Minister of Environment and forwarded to the CEEMC.

If you have any questions, please contact Mary Bauto at (250) 731-3016.

Yours truly,

heather.dunn
n@gov.bc.ca

Digitally signed by
heather.dunn@gov.bc.ca
DN:
cn=heather.dunn@gov.bc.ca
Date: 2013.09.06 12:02:50
-07'00'

Heather Dunn, RPF
Resource Forester
South Island Natural Resource District

pc: Cowichan Bay Estuary Committee

Page 105 to/à Page 185

Withheld pursuant to/removed as

s.14;s.13

Jager, Brenda CSNR:EX

From: FTA DSI P FLNR:EX
Sent: Wednesday, April 27, 2016 2:43 PM
To: Little, Lindley FLNR:EX
Subject: FW: 11111FinalCEEMC Motion12_Dec_2014Western Forest Products lo_ak
Attachments: 11111FinalCEEMC Motion12_Dec_2014Western Forest Products lo_ak.docx

FYI

Interesting read from CEEMC

From: Diederichs, Ron FLNR:EX
Sent: Friday, December 12, 2014 11:40 AM
To: Morris, Rhonda M FLNR:EX
Cc: Bauto, Mary FLNR:EX; Bailey, Annette FLNR:EX
Subject: 11111FinalCEEMC Motion12_Dec_2014Western Forest Products lo_ak

Hello folks: Attached is the final version of the CEEMC motion on log storage, supported by a consensus of the committee members including Cowichan Tribes and local government.

Next step for me, revise the Decision Note to reflect this motion (unless Annette or Mary would like to help out 😊).

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Wednesday, April 27, 2016 3:40 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Scanned documents for Cow Bay

Wow – there is a lot of info on these files! Don't know how deep we want to take it!

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 27, 2016 3:38 PM
To: Little, Lindley FLNR:EX
Subject: Scanned documents for Cow Bay

A few more tidbits to read.
I'll stop now. ☺

From: ANNBAILE [<mailto:Annette.Bailey@gov.bc.ca>]
Sent: Wednesday, April 27, 2016 3:36 PM
To: Bailey, Annette FLNR:EX
Subject: Scan From MPS0435



File: Land-12800-20/1405508

File: Land-12800-20/1406547

May 8, 2013

Jim Stephen
Western Forest Products Inc.
Suite 510 – 700 West Georgia Street
Vancouver, British Columbia
V7Y 1A1

Dear Jim Stephen:

Re: Log Storage Tenure Renewals in Cowichan Bay.

At the April 18, 2013, Cowichan Bay Estuary Management Committee (CEEMC) meeting, the Committee determined that the log handling tenure replacements would proceed as per the Cowichan Estuary Environmental Management Plan – Project Review Process. The CEEMC voted to send the review of Files 1405508 and 1406547 to the Minister of Environment. The Order in Council 1652 requires the written approval of the Minister of Environment to the effect that the issuance or exercise will have no significant detrimental environmental impact upon that area and is in conformity with the plan.

Please be aware that these files were also sent to the Minister of Environment in 2001 for review. In 2001, the Minister indicated that replacement of files 1405508 and 1406547 were subject to the following conditions:

- 1) The companies in whose names these tenures are issued will retain a qualified consultant to carry out an environmental study of the bottom of the estuary beneath and adjacent to their log storage areas to determine the extent and nature of impacts resulting from their activities. These studies will be provided to the committee for review and assessment.
- 2) Should the studies required under 1) above indicate a significant impact attributable to the companies' activities, the companies will prepare and implement strategies to mitigate impacts and/or move the location of these tenures to deeper water outside the estuary.
- 3) The replacement tenures are to be operated in accordance with forest management practices currently being prepared by Fisheries and Oceans Canada.

The 2001 letter from Derek Thompson, Deputy Minister of the Ministry of Water Land and Air Protection is attached for your reference.

Page 1 of 2

After a response is received back from the Minister of Environment regarding Files 1405508 and 1406547, we will proceed to the South Island Natural Resource District Manager for a replacement decision subject to normal review process, including First Nations consultation.

If Western Forest Products Inc. has any additional information to provide regarding any studies or work related to the environmental impacts of the log storage in Cowichan Bay, please forward to me as soon as possible.

If you have any questions, I can be reached by e-mail at Heather.Dunn@gov.bc.ca or by phone at 250-731-3089.

Yours truly,



Heather Dunn, RPF
Resource Forester
South Island Natural Resource District

Attachment: 2001 Letter from Derek Thompson,
Ministry of Water, Land and Air Protection.



File: Land-12800-20/1405508 (Licence # 112791)

File: Land-12800-20/1406547 (Licence # 113327)

May 9, 2013

Goetz Schuerholz, Chair
Cowichan Estuary Restoration Committee
1069 Khenipsen Road
Duncan, British Columbia
V9L 5L3

Dear Goetz Schuerholz:

In response to your letter dated April 26, 2013, and to clarify the work undertaken on log handling files 1405508 and 1406547 in Cowichan Bay, below is a summary of events that have taken place:

- In July 2012, the South Island Natural Resource District (SINRD) notified Western Forest Products Inc. (WFP) that the Cowichan Estuary Environmental Management Committee (CEEMC) had requested WFP conduct a study to assess and rationalize the log storage tenure boundaries in Cowichan Bay.
- On August 31, 2012, you provided to the SINRD details of logs grounding out in Cowichan Bay.
- On October 1, 2012, the SINRD sent a second request to WFP requesting a study to assess and rationalize the log storage tenure boundaries in Cowichan Bay. The letter also indicated that tenure renewals must flow through the CEEMC for recommendation prior to replacement (extension).
- On October 3, 2012, the Compliance and Enforcement Division of the Ministry of Forests, Lands and Natural Resource Operations (FLNR) inspected File 1405508 and 1406547. File 1405508 was found to have log booms grounded. File 1406547 did not have log booms present.
- Several discussions took place in October 2012 between the SINRD staff and WFP staff. A report was requested to be submitted to the SINRD staff by December 31, 2012. Discussions continued through January 2013.
- On January 15, 2013, a meeting took place with WFP staff, Heather Dunn (FLNR) and Marlene Caskey (FLNR).
- On January 30, 2013, WFP provided the SINRD with a literature review titled 'Literature Review - Environmental Impacts of Log Storage – Invertebrates and Fish/Fish Habitat'.

Page 1 of 2

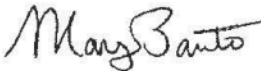
- On April 18, 2013 at a CEEMC meeting, it was determined to send these log handling tenure renewals to the Minister of Environment as per the process outlined in Cowichan Estuary Environmental Management Plan and as per Order in Council 1652.
- WFP has been notified of the intent to send these files to Minister of Environment on May 8, 2013.

Your letter indicates that the Department of Fisheries and Oceans (DFO) does not maintain membership with the CEEMC. DFO does still maintain membership and while have not had the staff resources to attend the last several meetings, DFO is still given the opportunity to provide input. DFO has maintained communication with the CEEMC during the period that they have not been able to attend the meetings.

At the April 18, 2013, CEEMC meeting, the topic of public participation was discussed. While it was decided that the membership of the committee was not going to include the general public, they did decide that interest groups could make a presentation. If you or another member of the Cowichan Estuary Restoration & Conservation Alliance would like to make a presentation at a CEEMC meeting, you may request to be on the agenda. I recommend that you contact Marlene Caskey (chair of the CEEMC) with this request.

If you have any questions, I can be reached by e-mail at Mary.Bauto@gov.bc.ca or by phone at 250-731-3016.

Yours truly,



Digitally signed by Mary Bauto
DN: cn=Mary Bauto, o=South
Island Natural Resource District,
ou=Acting District Manager,
email=Mary.Bauto@gov.bc.ca,
c=CA
Date: 2013.05.09 08:06:10 -07'00'

Mary Bauto
Resource Manager
South Island Natural Resource District

pc: Marlene Caskey, Senior Ecosystem Biologist, FLNR, West Coast Region, Nanaimo BC

Send to P. 1010h
Marine Conservation.

(Heart) -

Set up meeting
Friday. (Valdes)

LITERATURE REVIEW



TO: Mr. Roger Perry
Manager
Western Forest Products
Duke Point Sawmill
31 Port Way
Nanaimo BC
V9R 5L5

FROM: Chris Lee, M.Sc., RPBio., QEP, BC-CESCL

DATE: 28 January 2013

Subject: LITERATURE REVIEW – ENVIRONMENTAL IMPACTS OF LOG
STORAGE – INVERTEBRATES AND FISH / FISH HABITAT

SUMMARY OF LITERATURE REVIEW FINDINGS

The potential environmental impacts (with a focus on invertebrates and fish / fish habitat), relating to log storage within estuarine areas, have been evaluated by numerous researchers spanning several decades. The significance of the identified impacts, both positive and negative, and their significance, as they relate to food webs and biodiversity, appear to be site specific and are contingent on a number of factors including substrate type, tidal fluctuations, fresh water and nutrient inputs, and logging activity.

Generally, the negative impacts associated with log storage include: a reduction in invertebrate abundance (i.e., commonness of a species relative to other species in a given area) and richness (i.e., total number of species in a given area), increased turbidity, the accumulation of woody debris, a reduction in available oxygen and concurrent increase in hydrogen sulphide, substrate compaction and limitations on forage habitats and prey abundance. Shading by log booms may also reduce light intensity and adversely affect primary production.

In contrast, positive impacts include increased habitat diversity, increased food supply for organisms capable of digesting wood material, increased cover options / predator avoidance opportunities, increased attachment habitat, increased prey opportunities, and altered habitats benefitting other species.

Studies generally report significant changes to the composition, abundance and richness of invertebrates utilizing areas where log booms are stored. For example, McGreer et. al. (1984) noted increases of *Corophium insidiosum* following removal of log booms. Similarly, copepod, amphipod and mollusc population was demonstrated to vary between log boom removal sites and reference sites. Reductions in some benthic invertebrate populations have been shown to be of upwards of 95% under certain conditions (Zegers 1978). In contrast, a comprehensive study (Walker 1974), noted that substrates consisting of small quantities of bark (6-20% coverage) did not exhibit any significant differences in terms of infauna health. Bark accumulations over approximately 2.5 cm were shown as essentially excluding mollusc and

polychaetes from inhabiting underlying substrates, presumably due to low oxygen content and leachates (Jackson, 1986). Conlan (1977) observed alterations of sand bed infauna beyond 0.9 cm of bark deposition. Of note, other invertebrates, such as sea cucumbers, anemones, urchins, and sea stars, readily colonized areas comprised predominantly of bark debris. Walker (1974) noted that low levels of organic enrichment frequently resulted in increases of species numbers, presumably the result of enhanced food supply.

Recovery of invertebrate populations following removal of grounding logs can occur quickly (Smith 1977; Zegers 1978), but may take in excess of a year (McGreer et al., 1984). Modulating site-specific factors, including substrate type, tidal cycles, logging activity, and areas prone to erosional issues can affect invertebrate recovery (Zegers 1978).

Impacts to fish and fish habitat are equally varied between sites. Juvenile salmon have been shown to readily forage and seek shelter under floating booms with no reported aversion behavior (Northcote 1982). Juvenile salmonid densities, relative to a nearby area devoid of log booming activities, were similar, suggesting that salmonids are adaptable to varied habitat types and are able to exploit varying forage / prey types. Where available, salmonids preferentially seek out quiet backwaters, sandy sediments and areas where eelgrass is present (Healey 1979). A comprehensive study by Stanhope and Levings (1985) indicated that production of *Eogammarus confervicolus*, one of the most abundant amphipod on the North Pacific Coast (and a major food source for juvenile salmonids), was reduced in log storage areas; however, the reduced production was still approximately nine-times higher than the food requirements for juvenile chum salmon. The study concluded that the substrate in the studied log storage area was not anticipated to limit chum salmon production. Healey (1979) noted that invertebrate density may be limiting during peak juvenile chum salmon outmigration periods, contingent on the extent of log storage activity.

The current governing document for the Cowichan Bay Sawmill is the Cowichan Estuary Management Plan (1987). In 2002, a review of estuary management plans was undertaken (Williams and Langer 2002). The review notes that one of the key features of the plan was a revised environmental review process, designed to facilitate approval of activities complying with the area designations, and a more detailed review of projects with environmental impacts or those not consistent with the plan. The BC Ministry of Environment (MOE) was designated as the chair, which includes other key agencies such as DFO and the Cowichan Valley Regional District. A provincial Cabinet Order had been issued to implement the plan. Any changes to the plan require approval from cabinet according to the Order-in-Council. Even the federal *Fisheries Act* was made subservient to the Order.

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We trust this provides the information you currently require. Should you have any questions, please feel free to contact the undersigned.

Respectfully submitted,

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by Chris Lee



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Attachment:

Detailed Summaries of Cited Literature

JOURNAL ARTICLES / REPORTS

The Effect of Log Raft Grounding on the Benthic Invertebrates of the Coos Estuary. P. Zegers. 1978. State of Oregon Department of Environmental Quality. 45 pp.

The Coos Bay estuary has been historically important to the timber-based economy for handling, transportation and the storage of logs. The presence of log rafts stored over mud flats may affect the biological productivity of the area. During low tides, rafts may go aground and rest on these areas, physically disturbing the benthic environment. The cycle of grounding and floating associated with tidal fluctuations continually kneads and destroys the structure of the mudflats.

The project was undertaken because grounding was suspected to be causing a problem. Under Environmental Quality Commission log handling policy, documentation of the problem is required before remedial action is undertaken.

A number of control and grounded sites were selected, that were physically close together, in the same tidal zone, and in the same type of substrate. Cores (10.2 cm diameter) were collected at each site and sieved (down to 0.9 mm) within 48 hours. Between 3 and 6 sampling events were undertaken between 1977 and 1978.

When grouped by phylum, dramatic population reductions in raft storage areas were generally shown. Some species, which were fairly abundant in undisturbed mudflats, were almost entirely eliminated in the log storage area.

Average reduction in total numbers of invertebrates by site, as follows:

95% reduction – Cooston Channel
89% reduction – Isthmus Slough
95% reduction – Isthmus Slough, Site 43
88% reduction – Lillian Creek

The reasons for this reduction in numbers are thought to be the result of:

1. build up of toxic accumulations of wood debris, including lower concentrations of dissolved oxygen.
2. organisms migrate out of the affected area by burrowing deeper or pioneering new areas. The ability to burrow deeper varies by species and depth of the anaerobic layer.
3. physical alteration of the substrate. Compaction can densify the substrate, making it less permeable to inhabitants. In contrast, grounding coupled to wave action can liquefy the substrate, making the construction of burrows and shelters difficult during certain tidal events.

At one of the research sites (Isthmus Slough), the logs were removed from the grounded area in the Fall of 1977. The average total number of organisms did not increase until September 1978, representing a 10-fold increase, which represented a partial recovery as there were still significantly more organisms in the control area.

Recovery / recolonization rates are estimated to be as little as several days up to 8 weeks under ideal conditions, increasing to a year and beyond if the site is prone to erosional issues.

Since tidelands are valuable in producing organisms important to the commercial fish food chain, log storage should be minimized in areas where logs go aground. Following the elimination of log storage, evidence exists that the tidelands will repopulate themselves.

Detritus and Juvenile Salmon Production in the Nanaimo Estuary: I. Production and Feeding Rates of Juvenile Chum Salmon. Healey, M.C. 1979. J. Fish. Res. Board. Can 36: 488-496

- Food chain relationships affect the population dynamics of marine resource species. Research undertaken to ascertain if the food supply within the estuary limits salmon production.
- Log storage leases covered approximately 30% of the intertidal area, but are not fully utilized at any given time.
- Favored salmonid habitat included quiet backwaters, sandy sediments and the presence of eelgrass.
- Food limitations (invertebrates) noted in both study years (1975 and 1976) during peak outmigration periods.

Juvenile Salmon Residency in a Marsh Area of the Fraser River Estuary. D.A. Levy and T.G. Northcote. 1982. Canadian Journal of Fisheries and Aquatic Sciences 39(2). 270-276.

A comprehensive study of fish densities, growth, and feeding behavior for juvenile salmonids in the Fraser River estuary. Within the north arm of the estuary, a pristine marsh was compared with a marsh containing extensive log booms. The study found salmonid densities to be similar in both areas, and they concluded that juvenile salmonids did not avoid booms of stored logs in this well-flushed estuary. The juvenile salmonids displayed major dietary differences. The dietary shift in the log storage area appeared to be caused by the decrease in estuarine insects, because marsh plants were absent there, and by a greater availability of fish larvae and mysids. The study concluded that despite drastic physical impacts of the intertidal log storage area, there were no decreases in fish abundance, utilization, or growth that could be attributed to the presence of log booms.

Study on the Recovery of Intertidal Benthos After Removal of Log Booms, Nanaimo River Estuary, BC. E.R. McGreer, D.M. Moore, and J.R. Sibert. DFO. 1984. Canadian Technical Report of Fisheries and Aquatic Sciences No. 1246.

Study monitored changes at a site from which log booms were removed and were compared to an adjacent reference site which had not been used for log storage. Both sites were approximately 3 m above MLLW. Copepod, amphipod, mollusc and annelid worm composition at the log removal site remained substantially different from that of the reference site 13 months after log removal. Copepods were found in greater numbers at the log removal site while other groups were generally reduced in number compared to the reference site. One amphipod, *Corophium insidiosum*, occurred in high numbers only at the log removal site and may serve as a possible indicator species. Other species, occurring only at the log removal site, were common indicators of organic enrichment in marine sediments. The total number of harpacticoid species was remarkably similar at both sites throughout the study. The log storage site did not become more like the reference site after log boom removal, however it had its own productive community structure and stability, making 'recovery' a point of debate.

The most common difference in habitat characteristics at the two sites was the persistence of a shallow reducing layer, which resulted in anoxia and production in hydrogen sulfide, which were considered to be a major factor affecting benthic communities.

Report cites previous studies (unavailable) including Smith (1977), which reported recolonization of macrofauna species within previously rafted areas reaching reference site

abundance levels usually in less than one month. Other studies on the rates of recolonization of meiofauna after physical disturbance of sediment have shown partial to complete recovery (in terms of species abundance) compared to controls after only one or two tidal cycles (Sherman and Coull, 1980; Thistle, 1980).

Impacts to fish, if any, remain unknown. Copepods known to be forage food for chum salmon were not found at the reference of log removal sites. Unknown if juvenile salmonids would switch to feeding on harpacticoids, which were found at both sites.

Growth and Production of *Eogammarus confervicolus* (Amphipoda: Anisogammaridae) at a Log Storage Site and in Areas of Undisturbed Habitat within the Squamish Estuary, British Columbia. M.J. Stanhope and C.D. Levings. 1985. Can. J. Fish. Aquat. Sci. 42 1733-1740.

Flat lands around estuaries provides good access to water and the sheltered environment affords easier log storage and handling. Estuaries are critical nursery and feeding grounds for salmonids. To examine impacts to salmonids and their prey, growth and production of *Eogammarus confervicolus* was investigated in three contrasting habitats within the Squamish area – a log debris area, an embankment, and a seaweed (*Fucus*) community. *Eogammarus confervicolus* is the most abundant and widely distributed gammarid amphipod on the North Pacific Coast and is a major food organism for juvenile salmonids as well as comprising a portion of the diet in herring, sculpin and flounder.

Practice of log storage in estuarine intertidal areas is a major concern to fisheries, as a result of:

- sediment compaction.
- high organic content.
- anoxic conditions.
- loss of eelgrass (*Zostera marina*) beds.
- destruction of marshes due to grounding logs.
- physical alteration of benthic substrate through the settling of bark fragments.

The abovementioned consequences of log handling have been assumed to lead to the loss of important fish food organisms; however, despite these assumptions, there have only been a few investigations designed to evaluate the effects of log handling on benthic organisms. Results (to-date) have suggested a general reduction of total benthic invertebrate density and diversity in log storage areas. The impacts to fish, as a result of effects of benthic invertebrates, remains poorly understood.

Log storage area ~ 50 years, resulting in the accumulation of bark fragments in depressions along the Mamquam intertidal mud flat. Quadrats were established and samples were collected from each location. Seasonal trends were observed in each of the three areas – high biomass in the summer months, followed by a decline in the fall, with a smaller peak in the late fall and mid winter. The wood debris area supported lower biomass (1.31 g/m²) than either the *Fucus* (3.45 g/m²) or bank (3.60 g/m²) habitats. Evidence suggests that wood debris is an inferior estuarine habitat for epibenthic organisms.

Productivity in bank habitat between April 15 and June 22 (peak period of Chum abundance) was 0.43 g m⁻² d⁻¹. In contrast, productivity was 0.09 g m⁻² d⁻¹ at the wood debris site. Food requirements for juvenile chum is 0.01 g m⁻²; therefore, although significantly lower invertebrate density at the wood debris site, neither site was presumed to limit chum production. Despite the fact that amphipod production in wood debris was lower than in undisturbed locations, it remains, compared with other data in the literature, a relatively high value. This is undoubtedly

the consequence of the highly productive nature of estuaries as compared with sub-tidal areas, lakes, and streams.

Effects of Bark Accumulation on Benthic Infauna at a Log Transfer Facility in Southwest Alaska. R.G. Jackson. 1986. Marine Pollution Bulletin. 17(6): 258-262.

Findings found that molluscs and polychaetes were virtually excluded by bark accumulations of greater than 2.5 cm, presumably by smothering (anoxia) and leachates. Settlement of invertebrate larvae can also be precluded by bark deposits. Effects can be long-lasting (may last up to several decades depending on thickness).

Areas covered by bark are not sterile. Bacteria, protozoa and nematodes can thrive in sulphide rich substrates. Moreover, fungi, sea cucumbers, anemones, urchins and sea stars are often present on the surface of bark debris.

Review of Estuary Management Plans in BC. G.L. Williams and O.E. Langer. Fisheries and Oceans Canada (DFO). 2002. Canadian Manuscript Report of Fisheries and Aquatic Sciences 2605

- The Cowichan Estuary Management Plan was published in 1987. Area designations included:

1. industrial commercial
2. agriculture
3. habitat management
4. possible mixed-use
5. conservation / recreation
6. log storage

An important step in determining consensus on the area designations, was the examination of log storage requirements and forestry operations in the Cowichan estuary. Of particular focus was the reduction of log storage, which had impacted approximately 135 ha or 49% of the intertidal area of the estuary. Through consolidation of the log storage areas and improvements to log handling activities (e.g. dry land sorting), siting log storage in deeper water, and eliminating log storage areas surplus to company needs, the total area was reduced to 52.6 ha, or 19% of the estuary.

Building consensus with forestry companies was also facilitated by pre-agreements with MOE and DFO. The pre-agreements included MOE supporting Crown Leases to use deeper water areas for log storage and providing approval-in-principle for a log haul road, subject to review of road and bridge design for the Kosilah River crossing (i.e. MacMillan Bloedel), tying mill expansion to limited log storage increases (i.e. Doman Industries), and facilitating future port expansion plans by CNR if and when they were proposed.

Another key feature of the Plan was the revised environmental review process (Figure 2). The new process was designed to facilitate approval of activities complying with the area designations, and more detailed review of projects with environmental impacts or those not consistent with the Plan. MOE would be Chair of the Environmental Assessment Committee, which would include key agencies such as DFO and the Cowichan Valley Regional District. The final decision would be prepared in writing by the Minister of Environment. Management activities under the Plan included habitat enhancement and restoration. Improving water quality and flood control were other important issues that would be addressed during implementation of the plan.

Since a Cabinet Order had been issued to implement the Plan, amending the plan would require Cabinet approval. This would be coordinated by the MOE, and require consultation with the public, affected landowners, and government agencies. The revised amendment would then be taken to Cabinet for approval and a new Cabinet Order issued.

In October 1991, MOE initiated a public review of the existing Plan, through the Vancouver Island Region Planning and Assessment Program. The review of the plan was conducted because the area had experienced rapid growth and associated development pressures with major changes in land ownership, and there was considerable public concern over management of the estuary. In March, 1992, a committee of five representatives from the DFO and the BC government was selected to review public input and draft a revised plan.

The main issue raised was public concern about the opportunity to participate in administration of the Plan, including the project review process. There was a general consensus that the review process was not clearly defined and did not include enough opportunity for public participation. There was also concern over the focus of the plan on forestry activities and lack of consideration for other industrial development opportunities, particularly tourism. Issues included the extent of forest activities in the estuary and the impacts on estuarine habitats for fish, birds and wildlife, impacts of dredge material, and management of deadheads. Other major concerns included the effects of treated sewage discharge, agricultural runoff, fish hatchery effluent and water withdrawal from the Cowichan River. Although flood control management efforts had reduced flooding along the Cowichan River, little progress had been made along the Koksilah River. There were also concerns over recreation and access to estuarine lands.

Some residents felt that the land use designations were restrictive and were not successful in providing the highest net benefits to the community. However, all modifications of the land use designations required approval of cabinet according to the Order-in-Council. Even the *Fisheries Act* was made subservient to the Order. This complicated implementation of the Plan and made it more difficult for the local public and stakeholders to "buy into the Plan".

In February 1995, the revised Plan was released. However, the longshoreman union opposed the revised plan because of concerns over impacts on jobs and key landowners felt it was too restrictive. Further efforts by the Cowichan Regional District to facilitate improvement and acceptance of the plan were unsuccessful. The 1987 version of the plan, as mandated by Order-in-Council in 1986, remains the official operational Plan.

Dredging has been a controversial issue and led to a review of dredging decisions in the Cowichan estuary conducted for the Cowichan Estuary Preservation Society (Braul 2000). The report documents public concerns over lack of input into committee review of dredging proposals. Changing conditions within the estuary have also led to modification of dredge management. For example, the practice of side casting dredge materials to provide log access for mill activities is no longer authorized by DFO, and previously side cast material was removed. Now dredging is handled under annual maintenance dredging approvals.

Summary Evaluation

The Cowichan Plan was successful in reducing forestry operations in the intertidal zone of the estuary, but has proven to be inflexible to meet changing conditions. The administration of the plan, including the area designations, are mandated by the 1986 Order-in-Council, which may not be still applicable.

The main shortcomings of the Plan appear to be:

1. formal cabinet approval of even minor changes to the plan as required by the order-in-council, make modifications and improvements to the plan a lengthy and involved process;
2. failure to obtain broad stakeholder support, as shown by public concerns with limited input into the process;
3. inflexibility of Plan to deal with changing conditions in the estuary and implementation of more current, effective environmental management.
4. making senior legislation (e.g. *Fisheries Act*) subservient to the provincial process.

Intertidal Coarse Woody Debris – A Spatial Subsidy as Shelter or Feeding Habitat for Gastropods? Sorry, K.A., Weldrick, C.K., Mews, M., Zimmer, M., and D.E. Jelinsky. 2006. *Estuarine, Coastal, and Shelf Science* 66, 197-203.

Coarse woody debris (CWD) in the intertidal region serves as a potential source of nutrients as well as habitat or refugia from predation, ecologically linking the adjacent marine and terrestrial habitats. The study notes that the presence of CWD in intertidal areas did not increase colonization by *Littorina* spp. (an intertidal snail) ; however, it is thought that the presence of CWD, and/or its biofilm, attracts inhabitants as it serves as a food source, rather than a refugium. Tide height also played a modulating factor. Wood is often colonized by algae and barnacles, further increasing habitat diversity.

THESIS

Walker, J. D. (1974). Effects of bark debris on benthic macroinvertebrates in Yaquina estuary, Oregon. M.S. Thesis, Oregon State Univ., Corvallis. 94 pp.

Unavailable, but cited in other research journals. Walker studied the composition of macro-infauna in sediments, containing relatively small quantities of bark (6-20% coverage). He found no measurable detrimental effects on infauna through this range of bark concentration. Moreover, diversity indices were elevated. Walker hypothesized that larger bark particles provided a more varied habitat. Low levels of organic enrichment frequently result in increases of species numbers presumably a result of enhanced food supply.

Conlan, K.E. (1977). The effects of wood deposition from a coastal log handling operation on the benthos of a shallow sand bed in Saanich Inlet, British Columbia. M.S. Thesis. University of Victoria, British Columbia, 203 pp.

Unavailable, but cited in other research journals. Reportedly the most comprehensive field study of bark effects on benthic communities of the northwest Pacific. Examinations of infaunal composition as a function of varying bark thicknesses (0-15 cm) of bark debris. Findings included marked alteration of sand bed infauna occurring with as little as 0.9 cm of bark.

GUIDANCE MATERIALS

DFO Guidebook – Environmentally Sustainable Log Handling Facilities in British Columbia. April 2003.

Positive and negative impacts due to log storage as summarized in the following table.

Potential Harmful Environmental Impacts of Log Handling Operations:

Factor	Biota Affected	Effect
leachates from bark	fish & invertebrates	Leachates are toxic to many organisms (insect larvae, shrimp and crab larvae, various life stages of salmonids). Bark contains higher concentrations of leachates than wood. Toxicity can be a particular problem in closed or semi-enclosed bodies of water with low flushing rates. Leaching occurs faster in freshwater than saltwater, with some compounds (e.g., terpenes and tropolones) more bioavailable in freshwater.
physical effects of bark	benthic communities	Bark smothers benthos (significant reduction in number and diversity, virtual elimination of suspension-feeders; reduced fecundity and increased egg mortality in Dungeness crab). Layers >2.5 cm thick may have adverse effects lasting decades. Thin bark layers may lead to increased biodiversity by enhancing macrofauna number and diversity and increasing organic enrichment and habitat variability.
	fish	Bark may suffocate incubating fish eggs or interfere with habitat use. Declines in benthic invertebrates may reduce food availability. Conversely, prey may become more diverse and abundant in areas with scattered debris and higher habitat complexity.
degradation of bark	fish & invertebrates	High BOD leads to anoxic conditions and formation of toxic compounds such as sulphides (primarily marine), methane (primarily freshwater) and ammonia. Toxicity levels vary greatly among species and under various conditions.
increased turbidity	benthic microalgae & macrophytes	Particulate matter (silt, fine bark debris) may enter the water and raise turbidity, reducing light intensity and changing the spectral composition of light. This can lead to a local, short-term decrease in algal growth.
	fish	Increased turbidity can affect the ability of fish to catch prey, damage gills and interfere with respiration.
shading by log booms	benthic microalgae, macrophytes, invertebrates	Decreased light intensity may reduce primary production and growth. Simplified community structure and reduced abundance may affect invertebrate herbivores.
contact of logs with substrates (grounding)	intertidal & subtidal fauna & flora	Mechanical scouring destroys animals (including smelt and herring eggs, benthos), uproots or fragments vegetation (algae, eelgrass). Substrate in shallow, intertidal waters is most vulnerable (e.g., eelgrass beds, associated organisms), algae on vertical faces are less vulnerable. Repeated movement of lost, grounded logs on shallow, rocky beaches may crush larger suspension feeders (e.g., clams), shifting communities toward infaunal detritus feeders. Bundled logs are more likely to disturb substrates than loose logs as bundles sink deeper before floating. Inorganic debris (e.g., rafting cable and bundle fasteners) may accumulate.
tug propeller wash	all benthic organisms	Substrates may be scoured to depths of 0.5 m to 1.5 m during transport. Scoured areas generally fill with sediment. Increased suspension of sediment leads to increased water turbidity (see increased turbidity above)
	fish	Incubating eggs of smelt and herring may be destroyed

SYMPOSIUM

Impacts of Wood Debris Accumulation on Seabed Ecology in British Columbia Estuaries. Picard, C., Bornhold, B. and J. Harper. 2nd International Symposium on Contaminated Sediments . 2003.

The accumulation of wood debris near log boom has important and long term impacts on benthic ecology. Typically, infauna is less diverse and sediments are often anoxic. The extent or duration of these influences are not well known. Team completed seafloor surveys in two similar bays on the BC North Coast near Kitimat, Clio Bay has a mean surface area coverage of approximately 40% bark debris to a depth of 60 m. In contrast, Eagle Bay has virtually no bark debris.

Porewater redox conditions have been cited as being useful for evaluating interstitial habitat conditions and infaunal community health. Predominance of reducing conditions are indicative of low dissolved oxygen; however, the study noted that near-surface redox conditions did not reliably distinguish Clio and Eagle bay sediments. Clio Bay redox values remained relatively stable, but Eagle Bay sediments varied seasonally. Oxidizing conditions in the spring shifted to autumn reducing conditions, which may be related to spring phytoplankton bloom die-off and terrestrial melt-water run-off.

Large benthic predators (e.g., Dungeness crabs and sunflower seastars) appeared to avoid wood-dominated habitats. In contrast, other species displayed a positive correlation with wood debris abundance including Squat lobsters, some anemones and holothurians. The logs provide attachment habitat and the availability of crevices for evasion of predators. Moreover, these species are planktivorous and do not rely on a healthy infaunal community as a food source.

BOOKS

Influence of Forest and Rangeland Management on Anadromous Fish Habitat in Western North America – Water Transportation and Storage of Logs. J.R. Sedell, W.S. Duval. 1985. US Department of Agriculture.

Log storage impacts:

- substrate disturbances
- deposition of bark and wood debris
- loss of logs through sinkage
- reduction in wave action and light penetration

Substrate disturbances due to grounding of rafted logs and towing included large depressions, compaction to the consistency of sandstone, and abrasion and scouring. Releases of hydrogen sulphide and the redox layer was closer to the surface in areas where log booms grounded, presumably due to reduced circulation of interstitial water.

The potential for disturbance of intertidal substrate is highest with bundle booms because of their greater draft, although substrate disturbances resulting from log sinkage are simultaneously reduced due to bundling.

Bark deposition and dispersion concerns are less in log storage areas relative to log dumping areas, as the amount of bark accumulation is considerably less. Circulation patterns can play a modulating factor on bark deposition in storage areas. Previous cited studies confirm the

presence of bark and debris in pits and depressions under log booms; however, the accumulations were reportedly small and isolated.

Log rafts in log booming storage areas may reduce wave action and therefore increase rates of silt and log-debris sedimentation. Divers under log rafts stored in the Nanaimo River estuary indicated that logs stored intertidally acted as silt traps for materials transported by the Nanaimo River.

Impacts to aquatic plant community, benthic invertebrates and fish populations are quantified but have been updated in the 1991 book chapter, summarized below.

Water Transportation and the Storage of Logs (Chapter 9) – J.R. Sedell, F.N. Leone and W.S. Duval. 1991. American Fisheries Society Special Publications (19), 325-368.

This chapter reviews and describes historical log transportation, provides perspectives on the volume of logs transported and aerial extent of the estuarine and river habitats allocated to log transport and storage, and to describe the environmental effects of log transfer and storage as they relate to fish habitat.

Log booming grounds are typically within areas that provide shelter, are in close proximity to the mill centres, and convey adequate inflows of freshwater for discouraging wood-boring shipworms. These areas generally coincide with biologically sensitive environments. One of the primary concerns with log storage is the deposition of woody debris. The chapter notes, however, that woody debris is an important ecological feature of both freshwater and estuarine systems even in the absence of logging, so the effects of current log-handling activities are not necessarily all negative.

Impacts to habitats are divided into two modes of disturbances: physical and chemical. Both modes of disturbance create direct and indirect effects on fish habitat and abundance. The degree of impact relates to the flushing characteristics of waters near handling sites, the methods of handling logs, and the intensity of use in each area.

A summary of effects, both positive and negative, for plant, invertebrate, and fish / fish habitat are provided in the following tables.

Log Handling Effects on Plant Communities

Evaluation	Effect			
	Compaction or scouring of soft substrates	Scouring or abrasion of hard substrates	Accumulation of wood and bark debris	Changes in light quality and intensity
Major source of effect	Log dumping in shallow areas and intertidal log storage; propeller wash in shallow areas	Log dumping in shallow areas; stranding of lost logs in intertidal environments	Log dumping and sorting; minimal contribution by log storage	Log dumping related to increases in water turbidity; shading by rafted logs; presence of highly colored leachates
Positive effects and modes of action	None	None	Increased habitat for some macrophytes in areas with scattered debris; use of dissolved organic compounds in leachates by heterotrophic forms. Direct and indirect action	None
Negative effects and modes of action	Physical damage and uprooting of eelgrass and emergent vegetation; potential decreased primary production by benthic microalgae. Direct action	Physical damage to intertidal algae. Direct action	Decreased species diversity and abundance of benthic microalgae and macrophytes. Direct action.	Decreased primary production by autotrophic species; potential changes in species composition in benthic forms under rafted logs. Indirect action.
Degree of effect	Insignificant to minor	Insignificant	Insignificant to moderate	Insignificant to minor
Factors influencing degree of effect	Presence of extensive eelgrass meadows would increase potential for effects; intertidal log storage in estuaries would also increase effects	Increased effects from intertidal log storage; reduced algal and epibenthic invertebrate forms	Effect assessment hampered by data deficiencies; effects would be greatest in estuarine areas where plant communities provide habitat and food for invertebrates, fish, and birds	Shading by extensive log storage in estuaries would increase potential for light-related effects; also depends on time of year

Log Handling Effects on Invertebrate Communities

Evaluation	Effect			
	Bottom scouring	Sediment compaction	Accumulation of wood and bark debris; lowered oxygen levels; toxic accumulations of H ₂ S and log leachates	Physical changes in sediment and bottom composition
Major source of effect	Free-fall dumping in shallow waters (including barge dumping); tug wash in shallow estuaries	Free-fall dumping in shallow waters and intertidal log storage	Free-fall dumping; water sorting; log storage is generally a minor contributor	Free-fall dumping and water sorting; flat-rafting may contribute to log sinkers
Positive effects and modes of action	None	Possible increase in abundance of some species of mobile epifauna such as harpacticoids. Indirect action	None	Increased abundance of epifauna where scattered bark and debris provide additional habitat and attachment sites (woodboring species, amphipods, shrimp, prawns, crabs, tunicates, nonburrowing anemones). Indirect action
Negative effects and modes of action	Crushing of epifaunal and infaunal species; habitat disturbance. Direct action	Destruction of habitat and crushing of suspension-feeding fauna (bivalves, polychaetes); decrease of infauna and sedentary species of epifauna. Direct and indirect action	Mortality of epifauna and infauna, potential sublethal effects resulting in altered secondary production. Direct action	Infauna-decreased biomass, elimination of suspension feeders (bivalves and polychaetes); lower species diversity. Epifauna-reduced abundance when bark and debris have decomposed to soft, flocculent consistency. Indirect action
Degree of effect	Insignificant to minor	Insignificant to moderate (moderate when site used 10 years)	Insignificant to moderate	Minor to moderate
Factors influencing degree of effect	Dumping or other activities causing scouring in important areas, such as estuaries or commercial and recreational shellfish-harvesting areas, would lead to minor effect	Large storage areas in important estuaries or commercial and recreational shellfish-harvesting areas; duration of use of log-handling area	Few reported instances; lack of information for benthic environments; dumping and sorting in important estuaries or commercial and recreational shellfish-harvesting areas may increase effects	Extent of debris coverage; importance of area; important estuary or commercial and recreational shellfish-harvesting area

Log Handling Effects on Fish and Fish Habitat

Evaluation	Effect		
	Bottom compaction and scouring	Accumulation of wood and bark debris and floating material	Physical disturbance to water column and bottom
Major source of effect	Free-fall dumping; water sorting; intertidal log storage	Log storage and bark and wood debris accumulations at dump and water-sorting areas	Free-fall dumping; water-sorting in shallows; intertidal log storage
Positive effects and modes of action	None	Increased abundance of some fish-food organisms; possible attraction of some species to log raft or debris habitats. Indirect action	None
Negative effects and modes of action	Loss of aquatic plants for Pacific herring spawning; loss of invertebrate food organisms. Indirect action	Toxicity of sublethal effects from log leachates and low dissolved oxygen; loss of fish-food organisms in areas of heavy debris accumulation. Direct action	Disturbance to fish present; destruction of Pacific herring and smelt spawning. Direct action
Degree of effect	Insignificant to moderate (potential)	Insignificant	Insignificant to minor
Factors influencing degree of effect	Importance of spawning area and areal extent of disturbance determine site-specific effect (no documentation of effects on fish populations)	Toxicity-related effects may increase with decrease in salinity and decrease in degree of tidal flushing (no documented instance of toxicity to fish in the field)	Fish use depends on time of year and is restricted to some areas (no documented evidence of effect)

WORKSHOPS

Final Report of the Log Storage working Group. Prepared for the Nanaimo Estuary Management Plan Steering Committee by the Log Storage Working Group. 2002.

The Log Storage Working Group includes the Forest Industry User Group, the Snuneymuxw First Nation and the Nanaimo Community Estuary Support Coalition. The three groups developed a number of recommendations to balance the needs of industry and the reduction of impacts within the estuary

Log storage activities impact primarily low intertidal and shallow sub-tidal habitats within estuaries. Impacts include the physical shading of habitat by booms which results in decreased primary productivity by algae and eelgrass. At low tide, the physical grounding and abrasion by booms results in compaction of sediments, scouring, and physical disruption of habitats. The working of logs against each other within the bundle results in bark and debris deposition and accumulation on bottom sediments. This in turn creates anaerobic conditions within the bottom sediments. Escaped logs can impact adjacent intertidal marsh areas and tow boat propeller wash can scour and increase suspended sediment levels in the water column.

Social and economic implications of log storage include the potential restriction of alternative economic opportunities, such as commercial fisheries and shellfish harvesting, recreation, and tourism opportunities.

Jager, Brenda CSNR:EX

From: Little, Lindley FLNR:EX
Sent: Thursday, April 28, 2016 4:48 PM
To: Coster, Jessica FLNR:EX
Subject: Draft Response letter to Cowichan Tribes - Re - Cow Bay WFP Log Handling
Attachments: 1405508 1406547 - Cowichan Tribe response_LL April 27.docx

Hi Jess,

Just wanted to send you the draft response letter in its current state...so you could see how it is progressing. I don't consider it "done" because we are awaiting the management plan from WFP which is supposed to be submitted by Monday. If this comes through, it may help illuminate mitigative measures that are already ongoing that we can include in the response letter. Even if it doesn't come through, I wanted you to see if there are particular parts of the letter that need redirection. s.13
s.13

Talk soon,

Lindley Little, RPF | Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: (250)751-3160
Email: Lindley.Little@gov.bc.ca



File: 1405508, 1406547

~~April 28, 2016~~ April 28, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

s.16

s.13

s.13

Page 1 of 7

Ministry of Forests, Lands
and Natural Resource
Operations

South Island
Natural Resource District

Location:
4885 Cherry Creek Road
Port Alberni, BC
V9Y 8E9
CANADA

Tel: 250-731-3000
Fax: 250-731-3010
Web: <http://www.gov.bc.ca/for/>

Page 210 to/à Page 214

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s.16;s.13

Page 215 to/à Page 222

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Coster, Jessica FLNR:EX
Sent: Friday, April 29, 2016 3:44 PM
To: Bailey, Annette FLNR:EX; Little, Lindley FLNR:EX
Cc: Morris, Rhonda M FLNR:EX
Subject: Cow Bay Log Handling Response Letter
Attachments: 1405508 1406547 - Cowichan Tribe response_ DRAFT_April 29.docx

Thank you to Annette and Lindley for working on a draft. I've revised and attached. At this point I think it would merit the South Island reviewing for accuracy in interpretation of the information as well as considering other available mitigations measures. I understand that Annette will be receiving a Management Plan from WFP shortly which may help in this effort. s.13,s.16 _

s.13,s.14,s.16
time.

I'm hoping this will all come together at the same

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca



File: 1405508, 1406547

~~April 28, 2016~~ April 28, 2016

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com
tracy.fleming@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

s.13,s.16

s.13

Ministry of Forests, Lands
and Natural Resource
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South Island
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4885 Cherry Creek Road
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Page 225 to/à Page 227

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s.16;s.13

Page 228 to/à Page 229

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Wallace, Bonita FLNR:EX
Sent: Thursday, January 21, 2016 12:19 PM
To: Bailey, Annette FLNR:EX
Cc: Bauto, Mary FLNR:EX; Proteau, James FLNR:EX
Subject: CEEMC Meeting with Western Forest Products Jan 20, 2016

Hi Annette:

Just a quick update. As you are aware the inter tidal log handling sites in Cowichan Estuary have not been replaced for a while now... pending outcome of required studies by the proponent.

WFP completed the two mandated studies and provided a presentation to the CEEMC yesterday.

The Environmental study is available at the website for the Regional District. At this [link](#). Scroll down to "Other Meetings" and you will see the link for "Agendas" next to the CEEMC line. January 20th meeting. The agenda contains the study.. all 95 pages of it.

The Cost Benefit Analysis may be available later, however, it turns out to only be a Cost Analysis – there is no benefit to WFP, only costs that have the potential to reach about \$3 million over a few years. I'm sure a copy can be obtained through Ron Diederichs, chair of the CEEMC if required.

The proponent has requested a quick turn-around time on approval for replacement of their tenures through the CEEMC and that they be allowed to have a longer term tenure. Last tenure was only 2 years.**s.13**

s.13

Cowichan Tribes has requested between 6-8 weeks to review and do their own analysis of the Environmental study before they agree to support approval of this tenure as a member of the CEEMC.

s.13,s.16

My apologies if this feels a bit instructional. I am merely passing on information that I believe you should be aware of.

Bonita Wallace
Land Technical Officer
**Ministry of Forests Lands and
Natural Resource Operations**
West Coast Region
142 2080 Labieux Rd Phone: 250 751-7248
Nanaimo BC V9T 6J9 Fax: 250 751-7224

Jager, Brenda CSNR:EX

From: Diederichs, Ron FLNR:EX
Sent: Thursday, January 28, 2016 10:16 AM
To: Bailey, Annette FLNR:EX
Cc: Morris, Rhonda M FLNR:EX
Subject: FW: Update: CEEMC meeting - January 20, 2016

FYI

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Diederichs, Ron FLNR:EX
Sent: Thursday, January 28, 2016 10:15 AM
To: 'Paul Nuttall'
Cc: Derek Haupt; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; Shannon Janzen
Subject: RE: Update: CEEMC meeting - January 20, 2016

Hello Paul:

Thank you for this information on your intention to support the licence renewal decision process.

I suspect that the South Island District Manager would be interested in any information that you would like to supply in support of the renewal of the log storage tenure at Cowichan Bay.

Bonita is a regional person and not directly involved with the licence renewal. She attends CEEMC with regard to other land use issues.

Much of this information has already been made available to Cowichan Tribes through the CEEMC, but this decision is important and it would be useful for WFP to be confident that all parties have the data. Any assistance that WFP could offer to CT to support their understanding of the benthic environment at Cowichan Bay would likely be valuable.

Cheers.

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Paul Nuttall [<mailto:PNuttall@westernforest.com>]
Sent: Thursday, January 28, 2016 9:50 AM
To: Diederichs, Ron FLNR:EX
Cc: Derek Haupt; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; Shannon Janzen
Subject: RE: Update: CEEMC meeting - January 20, 2016

Hi Ron, I will contact the South Island District and offer WFP support to help them fulfill their duty to consult with Cowichan Tribes on a Licence of Occupation. I will also encourage the district to provide Cowichan Tribes with a copy of the Plan/OIC and Agreement between the Province and WFP for inter tidal storage that is part of the Plan, as well as the benthic infaunal community study we have presented to FLNRO and the CEEMC. Should I contact the District Manager directly on this or alternatively Bonita from the Authorizations Team who was present at the CEEMC meeting last week ? Regardless of whom in FLNRO will be leading the consultation WFP will be available to attend FLNRO consultation meetings. I will also contact the Cowichan Tribes CEEMC rep and reiterate our commitment to follow up on any questions from the CEEMC.

Thanks.

Paul

Paul Nuttall RPF
Manager Forest Practices and Planning
Western Forest Products Inc.
118-1334 Island Highway
Campbell River, BC V9W 8C9
Phone: 250-286-4143
Cell: 250-203-2396

From: Diederichs, Ron FLNR:EX [<mailto:Ron.Diederichs@gov.bc.ca>]

Sent: Tuesday, January 26, 2016 2:16 PM

To: Paul Nuttall

Cc: Derek Haupt; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; Shannon Janzen

Subject: Update: CEEMC meeting - January 20, 2016

Hello Paul: Just to update you, discussions with DSI confirm that they will be initiating consultation with the affected First Nations shortly, with a view to being in a position to make a timely decision on the licence when the Minister-MOE makes her decision with respect to the CEEMP.

To enlarge on a previous thought: I believe that WFP could offer to provide assistance to Cowichan Tribes in understanding the report, which might be helpful in reducing the time to meet again and develop consensus at the CEEMC on the licence renewal.

Should you wish to pursue this, I would suggest contacting Tracy Fleming, who is the Cowichan representative that attends the CEEMC meetings. Her phone is (250) 748-3196 extension 358 and her e-mail is

Tracy.Fleming@cowichantribes.com.

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Diederichs, Ron FLNR:EX

Sent: Friday, January 22, 2016 11:06 AM

To: 'Paul Nuttall'

Cc: Derek Haupt; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; Shannon Janzen

Subject: RE: CEEMC meeting - January 20, 2016

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, January 26, 2016 3:02 PM
To: Morris, Rhonda M FLNR:EX; Proteau, James FLNR:EX
Subject: FW: Update: CEEMC meeting - January 20, 2016

FYI...
I will send sample letter out for review today. I will send to Jessica Costner group (Tim and I discussed this option). Ron D. and Jim Proteau.
I am aiming to send all FN consultation letters out on Friday. They are Deep consultation with 60 day response. This may change once the sample letter is reviewed.
Stay tuned.

Annette

From: Diederichs, Ron FLNR:EX
Sent: Tuesday, January 26, 2016 2:16 PM
To: Bailey, Annette FLNR:EX
Subject: FW: Update: CEEMC meeting - January 20, 2016

FYI

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Diederichs, Ron FLNR:EX
Sent: Tuesday, January 26, 2016 2:16 PM
To: 'Paul Nuttall'
Cc: 'Derek Haupt'; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; 'Shannon Janzen'
Subject: Update: CEEMC meeting - January 20, 2016

Hello Paul: Just to update you, discussions with DSI confirm that they will be initiating consultation with the affected First Nations shortly, with a view to being in a position to make a timely decision on the licence when the Minister-MOE makes her decision with respect to the CEEMP.

To enlarge on a previous thought: I believe that WFP could offer to provide assistance to Cowichan Tribes in understanding the report, which might be helpful in reducing the time to meet again and develop consensus at the CEEMC on the licence renewal.

Should you wish to pursue this, I would suggest contacting Tracy Fleming, who is the Cowichan representative that attends the CEEMC meetings. Her phone is (250) 748-3196 extension 358 and her e-mail is

Tracy.Fleming@cowichantribes.com.

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR

From: Diederichs, Ron FLNR:EX
Sent: Friday, January 22, 2016 11:06 AM
To: 'Paul Nuttall'
Cc: Derek Haupt; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; Shannon Janzen
Subject: RE: CEEMC meeting - January 20, 2016

Hi Paul: I agree with your assessment of the dialogue that you heard.

The local government folks seemed to accept the information that your team provided and appeared positively disposed.

Cowichan Tribes was clearly uncomfortable supporting the views of the local government representatives. After your team left to catch the flight back for your consultant, Cowichan noted that this meeting was held on fairly short notice and that they had received the reports only a few days ago. They cited capacity challenges in reviewing the documents in detail prior to Wednesday's meeting.

At this time, I'm not sure if there are ways for you or us to help them better understand the data so that they can quickly formulate their response or if they desire to pursue this themselves.

They requested more time to review the report and the group agreed to meet again on February 25 before finalising the recommendation.

The group also supported moving ahead with the formal referral of the licence renewal by the South Island District, as there was felt to be timeliness benefits in doing this concurrently and perhaps more information forthcoming from formal proposals for term of the licence and associated conditions that might be projected in that referral.

My role as chair of the CEEMC includes a significant responsibility to be objective and ensure that all opinions are heard so that we can, if possible, reach a consensus view.

You can be certain that when we've heard from Cowichan, I will be expediting the recommendation to MOE.

Hope this helps.

-Ron

From: Paul Nuttall [<mailto:PNuttall@westernforest.com>]
Sent: Friday, January 22, 2016 9:59 AM
To: Diederichs, Ron FLNR:EX
Cc: Derek Haupt; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Sutherland, Craig FLNR:EX; Shannon Janzen
Subject: CEEMC meeting - January 20, 2016

Hi Ron just following up from the meeting on Wednesday. It was clear to us the members of the CEEMC who spoke support a recommendation to offer a long term licence for our log storage. However during the time we had available for the presentation and discussion neither you or the Cowichan Tribes representative articulated any position. Please let us know when you anticipate the committee will be making a recommendation to the Minister of Environment. Thank you.

Paul Nuttall
Manager Forest Practices and Planning
Western Forest Products Inc.
118-1334 Island Highway
Campbell River, BC V9W 8C9
Phone: 250-286-4143
Cell: 250-203-2396

Page 006 to/à Page 013

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Morris, Rhonda M FLNR:EX
Sent: Friday, February 5, 2016 12:16 PM
To: Diederichs, Ron FLNR:EX; Barr, Larry FLNR:EX
Cc: Bailey, Annette FLNR:EX; Kumar, Sangita FLNR:EX; Hadway, Sharon L FLNR:EX
Subject: Fwd: WFP Cowichan Bay Draft Chronology
Attachments: WFP Cowichan Bay_draft.docx; ATT00001.htm

Annette has done a superb job of putting se bullets together for upcoming ministers meeting with WFP Don D. Would you please review/comment. I think we should add a couple suggested response speaking bullets for the minister. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Bailey, Annette FLNR:EX" <Annette.Bailey@gov.bc.ca>
Date: February 5, 2016 at 12:03:11 PM PST
To: "Morris, Rhonda M FLNR:EX" <Rhonda.Morris@gov.bc.ca>
Subject: WFP Cowichan Bay Draft Chronology

Hi
Attached is the WFP chronology.
Let me know of any changes or fixes.
Thanks.
Annette

Western Forest Product Files

Cowichan Bay 1405508 and 1406547 Log Handling

Replacement of 2 Licences of Occupation

Both sites are currently being used for log handling, booming and storage. Sites are located in Cowichan Bay.

Sites have been in use since 2002 and currently renewed every 5 years.

Background:

The Cowichan Estuary Environmental Management Plan (CEEMP) was prepared by Ministry of Environment and Parks in 1986 and approved by Cabinet without modification by Order in Council (OIC) 1652/86. The primary statutory authority for the OIC was section 4 (9) of the former *Environmental Management Act* (EMA), which allowed for environmental management plans to be implemented by OIC to give them legal effect.

The plan area included the entire estuary, and a map is included in the plan showing the designated area. OIC 1652 also notes section 6 of the *Environment and Land Use Act* as a source of authority for the OIC.

The plan called for the Ministry of Environment to form a committee (the current Cowichan Estuary Environmental Management Committee (CEEMC)), with the Ministry of Environment as permanent chair of this committee.

Under the Cowichan Estuary Plan Implementation Program, agreements have been signed with Doman Industries Limited (Doman) now Western Forest Products (Western) and other forest companies. The agreement states: *the main environmental concern has been the damage to bottom sediment caused by logs grounding at low tide and scour from towboat propeller wash.*

Chronology:

January 2002 - Licence of Occupation (5 year term) document between the Province and Doman

July 2004 - Assignment between Doman and Western

January 2007 - Licence of Occupation (5 year term) document between the Province and Western

October 2012 - Letter from the Province to Western advising Western to complete a study to identify appropriate (non-grounding) log storage locations in Cowichan Bay.

At the June 14, 2012 CEEMC the committee requested that Western conduct a study to assess and rationalize the proposed tenure boundaries. This work was requested to ensure that the proposed boundaries are suitable and sufficient for long-term log storage purposes. Western responded on July 16, 2012 to indicate that the CEEMC has made many requests for studies and Western is reluctant to take on another study.

The log storage boundaries have changed from the original lease boundaries over the past decades due to sediment build-up, ease of access to the haul channel, changes in log handling techniques and other factors. The CEEMC wants assurance that the proposed boundaries will still be viable for the next 10 years and will not result in booms grounding or causing other direct environmental damage.

January 2013 - Western provided a literature review of environmental impacts of log storage – invertebrates and fish/fish habitat – but no summary of the impacts nor recommendations for their future log handling.

January 2015 - Briefing Note signed by Minister of Environment, with the following conditions: WFP to report on a cost-benefit analysis for moving its log storage facility to a deep water site, terms of reference for development of the report to be obtained from MoE and MFLNRO. The CEEMC will review the report and recommend to the Minister whether the licence for intertidal log storage should be maintained or moved to deeper water. The licence renewal would be until November 2017.

WFP given until April 2016 to complete the report.

January 20, 2016 - Two reports (Benthic Infaunal Community and Sediment Chemistry Analysis Study, and Deep Water Storage Cost Benefit Analysis) are presented at CEEMC meeting. WFP and Aquaterra present the information. Cowichan Tribes (CT) noted that they had the report for only a few days and had not been able to complete their review (also citing capacity challenges). WFP indicated it wants a longer term for the Licences, up to 20 years. WFP states this longer term would provide it with certainty of operation in the Cowichan Bay area.

January 20, 2016 - WFP indicates they are willing to meet with Cowichan Tribes to discuss and explain information in the report.

January 26, 2016 – South Island Natural Resource District (DSI) has made commitment to send consultation letters to First Nations. The consultation level will be **deep** based on the location of the log handling, and the concerns raised by First Nations about log handling activity in general along the Cowichan to Chemainus coastline.

February 1, 2016 - WFP contacts CT and indicates WFP and Aquaterra are available, at CT convenience, to review the material prior to next CEEMC meeting scheduled on February 25.

February 2, 2016 - CT indicates they do not have the capacity to review the report. They are requesting FLNRO provide funding to allow the review of the study results and to provide comments and recommendations.

February 3, 2016 - WFP states it plans to invest up to \$30 million in mill improvements but there is a risk they won't proceed if their log handling tenure in Cowichan Bay doesn't get replaced. WFP management says it is going to its board for a decision on February 19 and needs a Government decision on the log handling before the board meeting.

The first decision is Minister of Environment as per the Order. This decision may be able to happen before February 19 but the timelines are tight. CT has requested government funding to assist in reviewing WFP's recent study. All remaining CEEMC members supported replacement of the license at the last meeting. Government is able to provide funds if CT commits to provide a response back by February 15. If CT doesn't respond, Government still plans to submit CEEMC recommendation to MoE that the log handling is not detrimental to the bay.

Second decision is District Manager replacement decision. First Nation consultation is being initiated now. Decision will be made after First Nation consultation is complete and after the Minister of Environment makes her decision.

February 9, 2016 - DSI has planned a conference call with Paul Nuttall, WFP to give update on file progress.

February 9, 2016 - Consultation letters to be sent to all First Nations in Hul'qumi'num Treaty Group and will include longer term (up to 20 years).

Jager, Brenda CSNR:EX

From: XT:Nuttall, Paul FLNR:IN
Sent: Friday, February 5, 2016 12:06 PM
To: Bailey, Annette FLNR:EX
Cc: Proteau, James FLNR:EX; Bauto, Mary FLNR:EX; Morris, Rhonda M FLNR:EX; Diederichs, Ron FLNR:EX; Barr, Larry FLNR:EX; Hadway, Sharon L FLNR:EX; Derek Haupt
Subject: RE: Conference Call for update on Cowichan Bay
Attachments: RE: Update: CEEMC meeting - January 20, 2016; RE: WFP report on impacts of grounding log booms; Re: CEEMC January 20th 2016 meeting follow up

Hi Annette, thanks very much for the email. No, I haven't been able to contact Jim yet mostly because I have been on the road most of the week. I did have a brief chat w Mary earlier in the week just to get an understanding of who in DSI would be responsible for fulfilling the Crown's duty to consult w First Nations on a Licence of Occupation for inter tidal log storage. And, understandably, it is the District Manager with yourself and Jim supporting.

I am not seeking any information of FLNRO but rather seeking an understanding of the consultation process FLNRO foresees undertaking, the information that will be made available to the First Nations by FLNRO, and how WFP can help support the discharge of your duty to the First Nations.

Attached are several emails which suggest to WFP that:

- a) DSI will be shortly initiating first nations consultation on a long term licence of occupation without a 'no grounding' provision
- b) Cowichan Tribes appreciates WFP's offer to provide another presentation of a recent Env Study of the booming grounds, but is awaiting FLNRO response to a request for capacity funding to engage
- c) Other interested parties are looking for information from FLNRO regarding the Env Study and Terms of Reference, CEEMC composition/purview and several other items

So at this point we are interested in knowing when DSI will initiate consultation with First Nations (Cowichan Tribes, Penelakut, Tsawwassen, ?) on a Licence of Occupation. I am available on Feb 9th in the afternoon to discuss by conference call and have copied this note to Ron and other region staff that have been engaged with us on the recent Env Study. Have a good weekend.
Paul

Paul Nuttall RPF
Manager Forest Practices and Planning
Western Forest Products Inc.
118-1334 Island Highway
Campbell River, BC V9W 8C9
Phone: 250-286-4143
Cell: 250-203-2396

From: Bailey, Annette FLNR:EX [<mailto:Annette.Bailey@gov.bc.ca>]
Sent: Friday, February 05, 2016 9:05 AM

To: Paul Nuttall
Cc: Proteau, James FLNR:EX
Subject: Conference Call for update on Cowichan Bay

Hi Paul,

I understand you have been in contact with James (Jim) Proteau and you are interested in an update on Cowichan Bay files. Both Jim and I are available on Tuesday Feb 9th and we would be happy to provide an update via conference call. The afternoon works best for us if you are available. If not, please let us know a time that works for you. Is there specific information you are seeking?

I look forward to talking next week.

Thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028

Page 020 to/à Page 022

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Goetz <cerca@shaw.ca>
Sent: Wednesday, February 3, 2016 7:57 PM
To: Diederichs, Ron FLNR:EX; 'Goetz Schuerholz'; XT:Nuttall, Paul FLNR:IN
Cc: chief@cowichantribes.com; Referral.Coordinator@cowichantribes.com; 'Rutherford, Tom'; 'Boone'; 'Eamon'; 'Geoff'; 'John'; 'Margaret'; 'Ryan'; 'Will'
Subject: RE: WFP report on impacts of grounding log booms

Hi Ron,

With all due respect for intellectual property rights your suggestion to leave it up to WFP to decide whether to share the report with CERCA and other Key stakeholders of the estuary is not acceptable. Especially not if the CEEMC will base a decision possibly in favour of the status quo based on a report which is not shared with the public and key stakeholders.

Your response to my mail from earlier today does not come as a surprise because it was the same response I got from you when I requested access to the report leading to the current documents a couple of years ago. At that time CERCA had to go through the Freedom of Information Act to access the report which proved to be sub-standard and incomplete in quality and design.

Accepting the status quo and providing a long-term lease based on reports nobody had a chance to look at outside of the five members of the CEEM adds insult to injury! We request transparency and credibility and a CEEMC which we can trust. If there is nothing to hide please share the reports. If it has taken the CEEMC three years to get to this point and tolerating the daily breach of contractual agreements by WFP without any attempt to hold them to the terms of the agreement during all this time why the rush all of the sudden by the CEEMC to push this through?

Please re-consider and share the documents and give us a reasonable amount of time to respond.

Cheers,
Goetz

From: Diederichs, Ron FLNR:EX [mailto:Ron.Diederichs@gov.bc.ca]
Sent: February 3, 2016 4:00 PM
To: 'Goetz Schuerholz'; 'Paul Nuttall'
Cc: 'chief@cowichantribes.com'; 'Referral.Coordinator@cowichantribes.com'; 'Rutherford, Tom'; 'Boone'; 'Eamon'; 'Geoff'; 'Goetz'; 'John'; 'Margaret'; 'Ryan'; 'Will'
Subject: RE: WFP report on impacts of grounding log booms

Hello Goetz: Since this is WFP's report, I am forwarding your request to WFP's representative, Paul Nuttall. While past reports have been shared, with their agreement, this one is more detailed and was shared during a meeting where their consultant was available to explain the data and provide clarity when questions were raised.

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Goetz Schuerholz [mailto:taesco@shaw.ca]
Sent: Wednesday, February 3, 2016 2:42 PM

To: Diederichs, Ron FLNR:EX

Cc: chief@cowichantribes.com; Referral.Coordinator@cowichantribes.com; 'Rutherford, Tom'; 'Boone'; 'Eamon'; 'Geoff'; 'Goetz'; 'John'; 'Margaret'; 'Ryan'; 'Will'

Subject: WFP report on impacts of grounding log booms

Hello Ron,

I understand that WFP recently gave a presentation to the CEEMC on the results of the study of environmental impacts of grounded log booms as requested by the MoE earlier last year.

CERCA would appreciate a copy of the reports provided by WFP to the CEEMC in order to conduct our own analysis of the work done. In all fairness to all parties involved and in the best interest of the public the reports should be made available to Key stakeholders.

In this context we also would be curious about the current composition of the members of the CEEMC being allowed to make far-reaching decisions on the future of an ecologically highly sensitive and vulnerable ecosystem providing goods and services far beyond short-term economic interests by a single industry. We understand that at current the expertise of the CEEMC apart from your own is confined to (a) three representatives of the CVRD and North Cowichan (all three are city planners), (b) one representative of Cowichan Tribes (terrestrial botanist), and one representative of FLNRO's Land Branch (forester). We further understand that no DFO representative and no marine/fisheries biologist is part of the Committee and/or part of the discussion on inter-tidal log boom storage in the Cowichan Estuary. Allow me to suggest that the subject matter under debate is too complex and too important to be handled exclusively by persons without sufficient professional expertise related to the ecology of estuaries.

In order to achieve a balanced view it is of paramount interest to involve impartial professional expertise prior to reaching a decision on the future of inter-tidal log storage which should be a thing of the past.

You undoubtedly are aware of CERCA's continuing efforts in finding a sustainable solution to the problem which first has been brought to the attention of the CEEMC in August 2012, almost four years ago without satisfactory results. A still on-going problem of grave ecological concern causing environmental impacts that have not been qualified and/or quantified. Furthermore we still experience a **daily breach of contractual agreement** by WFP (i.e. more than 1300 days = 2600 events in total resulting from grounding-out logbooms twice/24 hours).

We insist that at the current state of knowledge no inter-tidal log boom storage or log boom movements in sensitive estuaries is justifiable and should therefore be banned.

Please provide us a copy of the reports on which the CEEMC will base its decision on the future of log booms in Cowichan Bay.

Respectfully,

Goetz Schuerholz

Dr. Goetz Schuerholz
Conservation Ecologist
Chair



1069 Khenipsen Road
Duncan BC, V9L 5L3

Tel: (+1) 250 748 4878
cerca@shaw.ca
www.cowichanestuary.com

Jager, Brenda CSNR:EX

From: Tracy Fleming <Tracy.Fleming@cowichantribes.com>
Sent: Tuesday, February 2, 2016 10:11 AM
To: XT:Nuttall, Paul FLNR:IN
Cc: Bauto, Mary FLNR:EX; Morris, Rhonda M FLNR:EX; Diederichs, Ron FLNR:EX; Derek Haupt
Subject: Re: CEEMC January 20th 2016 meeting follow up

Thank-you Paul for your email. I really appreciate you contacting me directly, and for the offer of meeting with us. At this point Cowichan Tribes has not reviewed WFP's consultant report that you attached, because we lack the capacity to do so. To explain, Cowichan Tribes has myself who works part-time and 2 fisheries biologists, one who is part-time like myself and the other whose work plan is set by funding requirements. Although we do have some expertise in house, we are fully subscribed and are in the process of requesting FLNRO provide us funding to allow us to review the study results and provide our comments and recommendations.

I will keep you posted Paul and thanks,

Tracy

Tracy Fleming, M.Sc., R.P.Bio.
Referral Coordinator
Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1
250-748-3196 (ext 358)

>>> Paul Nuttall 2/1/2016 8:39 PM >>>

Hi Tracy. At the January 20th CEEMC meeting WFP and Aquaterra Environmental Ltd presented the results of the attached Benthic Infaunal Community and Sediment Chemistry Analysis Study (Dec 2015) undertaken according to the Terms of Reference provided to WFP by the Ministry of Forests Lands and Natural Resource Management. We also presented the findings of a Cost Analysis of Alternative Log Storage. Also, in 2013 and 2014 WFP made presentations to the CEEMC at meetings you attended on the: Cowichan Estuary Management Plan; Order in Council giving effect to the Plan; agreement for intertidal log storage between WFP and the Province that is part of the Plan; Intertidal and Sub tidal Habitat Assessment and Environmental Impact Statement (Mar 2013), and; operational information about our log distribution and storage at Cowichan Bay. I am writing to let you know that WFP and Aquaterra are available, at your convenience, to review this material with you again prior to your next CEEMC meeting scheduled on February 25th.

Please let me know if you would like us to share this information with you or if you have any questions about the information.

Sincerely,

Paul Nuttall
Manager Forest Planning and Practices
Western Forest Products Inc.
118-1334 Island Highway
Campbell River, BC V9W 8C9
Phone: 250-286-4143
Cell: 250-203-2396

Please consider the environment before printing this message.

PRIVILEGE & CONFIDENTIALITY NOTICE: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not the intended recipient, it may be unlawful for you to read, copy, disclose or otherwise use the information on this communication. If you received this transmittal in error, please contact the sender and delete the material immediately.

Jager, Brenda CSNR:EX

From: Coster, Jessica FLNR:EX
Sent: Friday, February 5, 2016 3:04 PM
To: Bailey, Annette FLNR:EX; Freethy, Diana FLNR:EX
Cc: Proteau, James FLNR:EX; Morris, Rhonda M FLNR:EX
Subject: RE: Draft Letter for First Nation consultation Cow Bay
Attachments: Draft2 1405508 1406547 - Cowichan Tribe.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi Annette,

I added the following sentence in:

s.13,s.16

Cheers

Jessica Coster MSc | Manager, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

From: Bailey, Annette FLNR:EX
Sent: Friday, February 5, 2016 2:33 PM
To: Coster, Jessica FLNR:EX; Freethy, Diana FLNR:EX
Cc: Proteau, James FLNR:EX; Morris, Rhonda M FLNR:EX
Subject: Draft Letter for First Nation consultation Cow Bay

Hi

I have made recommended changes to the draft letter for First Nation consultation for files in Cowichan Bay.

Please have a review and provide me with any comments or changes.

WFN has indicated they will share their studies with FN, I am not sure if the letter is the best place to indicate this or whether WFP should information share on their own?

Thanks.

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

November 25, 2015

Via Email: executive@cowichantribes.com
hilda.august@cowichantribes.com

Cowichan Tribes
5760 Allenby Rd
Duncan, British Columbia
V9L 5J1

Dear Chief William C. Seymour:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Cowichan Tribes on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Page 1 of 5

Ministry of Forests, Lands
and Natural Resource
Operations

South Island
Natural Resource District

Location:
4885 Cherry Creek Road
Port Alberni, BC
V9Y 8E9
CANADA

Tel: 250-731-3000
Fax: 250-731-3010
Web: <http://www.gov.bc.ca/for/>

Cowichan Tribes

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 032 to/à Page 034

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Morris, Rhonda M FLNR:EX
Sent: Tuesday, February 9, 2016 12:29 PM
To: Bailey, Annette FLNR:EX
Cc: Bauto, Mary FLNR:EX; Proteau, James FLNR:EX
Subject: FW: CLIFF 220077 - Info for Minister's Feb 11, 2016 meeting with WFP (Don Demens) re: Cowichan Bay permits
Attachments: 220077_IN_Minister Feb 9 meeting with Western.docx

Fyi
Sharon will be attending today's call.

From: Kumar, Sangita FLNR:EX
Sent: Tuesday, February 9, 2016 11:22 AM
To: Morris, Rhonda M FLNR:EX
Subject: RE: CLIFF 220077 - Info for Minister's Feb 11, 2016 meeting with WFP (Don Demens) re: Cowichan Bay permits

Here you go Rhonda. Attached is final note that was sent to executive.

From: Morris, Rhonda M FLNR:EX
Sent: Tuesday, February 9, 2016 11:21 AM
To: Kumar, Sangita FLNR:EX
Subject: RE: CLIFF 220077 - Info for Minister's Feb 11, 2016 meeting with WFP (Don Demens) re: Cowichan Bay permits

Thanks for keeping us in the loop. Please send me approved not and any follow-up from today's meeting. Thanks.

From: Kumar, Sangita FLNR:EX
Sent: Friday, February 5, 2016 3:45 PM
To: Morris, Rhonda M FLNR:EX; Bailey, Annette FLNR:EX
Subject: RE: CLIFF 220077 - Info for Minister's Feb 11, 2016 meeting with WFP (Don Demens) re: Cowichan Bay permits

Hi Rhonda:
Just keeping you in the loop on this – Ron Diederichs has made some edits on the attached and included some suggested response points. I will be giving this to Sharon for final approval.

From: Morris, Rhonda M FLNR:EX
Sent: Friday, February 5, 2016 12:16 PM
To: Diederichs, Ron FLNR:EX; Barr, Larry FLNR:EX
Cc: Bailey, Annette FLNR:EX; Kumar, Sangita FLNR:EX; Hadway, Sharon L FLNR:EX
Subject: Fwd: CLIFF 220077 - Info for Minister's Feb 11, 2016 meeting with WFP (Don Demens) re: Cowichan Bay permits

Annette has done a superb job of putting se bullets together for upcoming ministers meeting with WFP Don D. Would you please review/comment. I think we should add a couple suggested response speaking bullets for the minister. Thanks.

Sent from my iPhone

Begin forwarded message:

From: "Bailey, Annette FLNR:EX" <Annette.Bailey@gov.bc.ca>
Date: February 5, 2016 at 12:03:11 PM PST
To: "Morris, Rhonda M FLNR:EX" <Rhonda.Morris@gov.bc.ca>
Subject: **WFP Cowichan Bay Draft Chronology**

Hi

Attached is the WFP chronology.
Let me know of any changes or fixes.

Thanks.

Annette

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS
INFORMATION NOTE

Date: February 9, 2016
CLIFF: 220077

PREPARED FOR: The Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource Operations

ISSUE: For February 9, 2016 meeting with Don Demens of Western Forest Products (Western) regarding concerns about process related to log handling licences of occupation in the Cowichan Estuary

BACKGROUND:

Western has two log handling tenures in the Cowichan estuary for log storage and booming. These log handling tenure are adjacent to a milling facility and log sorting yard where Western has a plan to invest \$35 million in upgrades in the short term. Both sites are currently being used for log handling, booming and storage. The sites are located in Cowichan Bay and have been in use since 2002 and currently renewed every 5 years. Previous tenures in this area relate back to establishment of the sawmill in the late 1970s.

The licences of occupation have expired and the province is working with Western to get a decision on the replacement of these tenures. Western has become extremely frustrated by the process and length of time involved in getting these licences of occupation replaced with new long term tenures. They require certainty on the future of their log handling tenures to support the investment in the mill site. A Western board meeting is scheduled for February 19, 2016 where a decision on the future investment at the mill site will be made. They have requested a signal from the province (in the form of a decision) that their activities in the estuary can continue.

The replacement process is complicated by the fact that all activities in the Cowichan Estuary are subject to the Cowichan Estuary Environmental Management Plan (CEEMP), which was prepared by Ministry of Environment and Parks in 1986 and approved by Cabinet by Order in Council (OIC) 1652/86. The primary statutory authority for the OIC was Section 4(9) of the former *Environmental Management Act* (EMA), which allowed for environmental management plans to be implemented by OIC to give them legal effect. The plan area included the entire estuary, and a map is included in the plan showing the designated area.

The plan called for the Ministry of Environment (MOE) to form a committee (the current Cowichan Estuary Environmental Management Committee (CEEMC)), with the MOE as permanent chair of this committee. The role of CEEMC is to review and provide recommendations to the Minister, who has authority under the OIC to determine if the issuance of any permit or activity contemplated by any government will have a significant detrimental environmental impact upon the area and if it is consistent with the plan. A statutory decision maker cannot proceed with any decision on a permit or licence until the Minister has determined that there is no significant detrimental environmental impact.

The Ministry of Forests, Lands and Natural Resource Operations (FLNR) has some authority under EMA and was delegated to chair the CEEMC in 2015. The CEEMC includes representatives from the provincial government, local government and Cowichan Tribes. The CEEMC has been involved in the review of Western's log handling tenure replacement proposal over the last number of years and is due to make a recommendation to the Minister in the coming weeks. Following that, the District Manager can make a decision on the log handling licences pursuant to the *Land Act*.

DISCUSSION:

Under the Cowichan Estuary Plan Implementation Program, ongoing industrial use was recognized in the estuary and agreements were signed with various industrial users, including forestry companies with log handling facilities in the area. Doman Industries Limited (Doman), whose tenures are now held by Western, signed an agreement with the province that recognized the need for the continued viability of economic activity in the estuary but also included commitments to reduce the detrimental environmental effects of log storage in the estuary. The agreement states: *the main environmental concern has been the damage to bottom sediment caused by logs grounding at low tide and scour from towboat propeller wash.*

The impacts of log booming and storage on the sediments has been an issue in past tenure replacement decisions related to these tenures (see chronology of events attached). In previous reviews of these tenures, the Minister was concerned with grounding during low tides so required that a no grounding clause be added to their licence of occupation. Western was also required to conduct a study to determine the state of the invertebrate communities in the sediments under the booming grounds and to conduct a cost benefit analysis of moving the log storage to deeper waters in the estuary.

Western has now concluded these two studies (in January) and is anxious for decisions on the replacement of their licences of occupation. The first step is for CEEMC to provide a recommendation to the Minister of Environment who will then make a decision on whether the log handling tenures will have a significant detrimental environmental impact. Staff are working to prepare material for the Minister to enable a decision before February 19, 2016, however the timelines are tight.

At the last CEEMC meeting set up to review and make a recommendation on Western's reports, Cowichan Tribes requested more time (one month) and funding to assist in reviewing Western's recent study. All remaining CEEMC members supported replacement of the licence at the last meeting. s.13,s.16

s.13,s.16

Following a decision by the Minister of Environment, the District Manager can make a decision on the replacement tenure for the log storage. The standard term for a licence of occupation for

log storage is 10 years. Western is looking for a 20 year term. First Nations consultation is being initiated this week and a decision will be made after First Nations consultation is complete. Key dates below:

February 9, 2016 - The South Island Natural Resource District has planned a conference call with Paul Nuttall of Western to give update on file progress.

February 9, 2016 – Minister has agreed to meet with Don Demens of Western to review progress on the file.

February 9, 2016 - Consultation letters to be sent to all First Nations in Hul'qumi'num Treaty Group and will include longer term (up to 20 years).

February 15-18, 2016 – Minister of Environment to make a decision on the environmental impacts pursuant to the OIC.

SUGGESTED RESPONSE POINTS:

s.13,s.16,s.17

Contact:

*Craig Sutherland
ADM
Coast Area
Phone: 250-387-9773*

Alternate Contact:

*Sharon Hadway
Regional Executive Director
West Coast Natural Resource Region
Phone: 250-751-7161*

Prepared by:

*Rhonda Morris, District Manager
South Island Natural Resource District
Tel: 250-731-3016*

*Sharon Hadway, Regional Executive Director
West Coast Natural Resource District
Tel: 250-751-7161*

Reviewed by	Initials	Date
DM		
DMO		
ADM		
RED	SH	Feb 9/16

CHRONOLOGY:

1405508 and 1406547 Log Handling, Replacement of 2 Licences of Occupation

January 2002 - Licence of Occupation (5 year term) document between the Province and Doman

July 2004 - Assignment of tenure between Doman and Western

January 2007 - Licence of Occupation (5 year term) document between the Province and Western

October 2012 - Letter from the province to Western advising Western to complete a study to identify appropriate (non-grounding) log storage locations in Cowichan Bay.

At the June 14, 2012 CEEMC, the committee requested that Western conduct a study to assess and rationalize the proposed tenure boundaries. This work was requested to ensure that the proposed boundaries are suitable and sufficient for long-term log storage purposes. Western responded on July 16, 2012 to indicate that the CEEMC has made many requests for studies and Western is reluctant to take on another study.

The log storage boundaries have changed from the original lease boundaries over the past decades due to sediment build-up, ease of access to the haul channel, changes in log handling techniques and other factors. The CEEMC wants assurance that the proposed boundaries will still be viable for the next 10 years and will not result in booms grounding or causing other direct environmental damage.

January 2013 - Western provided a literature review of environmental impacts of log storage – invertebrates and fish/fish habitat – but no summary of the impacts nor recommendations for their future log handling. Western also provided a cursory study on environmental impacts, conducted as a SCUBA diver overview of the storage site, including photos. CEEMC deemed the report inadequate.

January 2015 – Decision briefing note signed by Minister of Environment, with the following conditions: Western to report on 1. Environmental impacts of log storage on the benthic environment and 2. a cost-benefit analysis for moving its log storage facility to a deep water site, terms of reference for development of the report to be obtained from MOE and FLNR. The CEEMC will review the report and recommend to the Minister whether the licence for intertidal log storage should be maintained or moved to deeper water. The licence renewal would be until November 2017.

Western given until April 2016 to complete the report.

January 20, 2016 - two reports (Benthic Infaunal Community and Sediment Chemistry Analysis Study, and Deep Water Storage Cost Benefit Analysis) are presented at CEEMC meeting. Western and Aquaterra present the information. Cowichan Tribes noted that they had the report for only a few days and had not been able to complete their review (also citing capacity

challenges). Western indicated it wants a longer term for the licences, up to 20 years. Western states this longer term would provide it with certainty of operation in the Cowichan Bay area.

January 20, 2016 - Western indicates they are willing to meet with Cowichan Tribes to discuss and explain information in the report.

January 26, 2016 – South Island Natural Resource District has made commitment to send consultation letters to First Nations. The consultation level will be **deep** based on the location of the log handling, and the concerns raised by First Nations about log handling activity in general along the Cowichan to Chemainus coastline.

February 1, 2016 - Western contacts Cowichan Tribes and indicates Western and Aquaterra are available, at Cowichan Tribes convenience, to review the material prior to next CEEMC meeting scheduled on February 25, 2016.

February 2, 2016 - Cowichan Tribes indicates they do not have the capacity to review the report. They are requesting FLNR provide funding to allow the review of the study results and to provide comments and recommendations.

February 3, 2016 - Western states it plans to invest up to \$30 million in mill improvements but there is a risk they will not proceed if their log handling tenure in Cowichan Bay does not get replaced. Western management says it is going to its board for a decision on February 19, 2016 and needs a government decision on the log handling before the board meeting.

February 3-6, 2016 – FLNR works with Cowichan Tribes to address the capacity issue and s.13,s.16

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:26 PM
To: 'ray.gauthier@coastsalishdevcorp.com'; 'referrals@coastsalishdevcorp.com'
Subject: Consultation Letter for 1405508 and 1406547
Attachments: 1405508 1406547 - Stz'uminus First Nation.pdf

Hi

Please find attached a consultation letter for Land Files 1405508 and 1406547.

Thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

February 9, 2016

Via Email: ray.gauthier@coastsalishdevcorp.com
referrals@coastsalishdevcorp.com

Stz'uminus First Nation
12611A Trans Canada Highway
Ladysmith, British Columbia
V9G 1M5

Dear Chief Councillor John Elliot:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Stz'uminus First Nation on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 045 to/à Page 047

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:27 PM
To: 'ruths@penelakut.ca'; 'robert@penelakut.ca'; 'denisej@penelakut.ca'
Subject: Consultation Letter for 1405508 and 1406547
Attachments: 1405508 1406547 - PenelakutFN.pdf

Hi

Please find attached a consultation letter for Land files 1405508 and 1406547.

thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

February 9, 2016

Via Email: ruths@penelakut.ca
Robert@penelakut.ca
denisej@penelakut.ca

Penelakut Tribe
PO Box 360
Chemainus, British Columbia
V0R 1K0

Dear Chief Councillor Earl Jack (Wilbur) Sr.:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Lake Cowichan First Nation on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 051 to/à Page 053

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:28 PM
To: 'Kathleen Johnnie'; 'reception@lyackson.bc.ca'
Subject: Consultation Letter for 1405508 and 1406547
Attachments: 1405508 1406547 - LyacksonFN.pdf

Hi

Please find attached a consultation letter for Land files 1405508 and 1406547.

thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

February 9, 2016

Via Email: Kathleen.johnnie@lyackson.bc.ca
reception@lyackson.bc.ca

Lyackson First Nation
7973A Chemainus Road
Chemainus, British Columbia
V0R 1K5

Dear Hereditary Chief Richard Thomas (Pahalictum):

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Lyackson First Nation on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 057 to/à Page 059

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:30 PM
To: S.22 'adminlkcow@shaw.ca'; 'carole.livingstone@lakecowichanfn.com'
Subject: Consultation Letter for 1405508 and 1406547
Attachments: 1405508 1406547 - Lake CowichanFN.pdf

Hi

Please find attached a consultation letter for Land files 1405508 and 1406547

Thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028



File: 1405508, 1406547

February 9, 2016

Via Email: s.22

adminlkcow@shaw.ca

carole.livingstone@lakecowichanfn.com

Lake Cowichan First Nation
313B Deer Road
PO Box 159
Lake Cowichan, British Columbia
V0R 2G0

Dear Chief Cyril Livingstone:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Lake Cowichan First Nation on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 063 to/à Page 065

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:39 PM
To: 'chief@halalt.org'; 'bert@halalt.org'
Subject: FW: Consultation Letter for 1405508 and 1406547
Attachments: 1405508 1406547 - HalaltFN.pdf

Hi

I have previously sent the attached email to manager@halalt.org and tried sending to s.22 only to get a bounce back.

Please send the correct address for Herman Thomas and I will update my records.

Thank you
Annette

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:31 PM
To: 'manager@halalt.org'; s.22
Subject: Consultation Letter for 1405508 and 1406547

Hi

Please find attached a consultation letter for Land files 1405508 and 1406547.

Thanks

Annette Bailey, RPBio
Authorizations Professional
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
[250-731-3028](tel:250-731-3028)



File: 1405508, 1406547

February 9, 2016

Via Email: manager@halalt.org
s.22

Halalt First Nation
7973 Chemainus Road
Chemainus, British Columbia
V0R 1K5

Dear Chief James R. Thomas:

The Ministry of Forests, Lands and Natural Resource Operations is initiating consultation with Halalt First Nation on the following application:

PROJECT PROPOSAL:

Western Forest Products has applied for a replacement of log storage, handling and booming that expired on January 1, 2012.

The replacements will allow the Applicant to replace two licences of occupation 1405508 and 1406547. The standard term for Licence of Occupation is 10 years but due to the delay in renewing this may be extended up to 20 years.

The tenures have been in use since 1990. Western Forest Products has held the tenures since 2004. Both tenures are entirely water-based with no attachment to land.

Overview map attached.

Information about the Proponent and Application is noted below:

Proponent: Western Forest Products Inc.
201 – 495 Dunsmuir St.
Nanaimo, BC
V9R 6B9

General geographic location: Cowichan Bay

Specific location: That part of District Lot 160; Together with unsurveyed foreshore or land covered by water being part of the bed of Cowichan Bay, both of Cowichan District

BCGS (1:20,000) map sheet: 92B072

Size: 1405508 – 20.36ha, 1406547 – 4.215ha

Proposed length of tenure term: up to 20 years

s.13,s.16

Page 069 to/à Page 071

Withheld pursuant to/removed as

s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Wednesday, February 10, 2016 8:00 AM
To: Proteau, James FLNR:EX
Subject: RE: Cowichan Bay First Nation letters sent

Haha, ahead of you this time, did it last night. s.22

From: Proteau, James FLNR:EX
Sent: Wednesday, February 10, 2016 7:48 AM
To: Bailey, Annette FLNR:EX
Subject: RE: Cowichan Bay First Nation letters sent

Great work Annette! Please make sure they are filed in the FTA Outlook FN folder as all our folks need to be dialed into these tricky files so they have their own background when consulting on their files.

From: Bailey, Annette FLNR:EX
Sent: Tuesday, February 9, 2016 4:47 PM
To: Proteau, James FLNR:EX; Morris, Rhonda M FLNR:EX
Subject: Cowichan Bay First Nation letters sent

HI

All letters have been sent to Hul'qumi'num for Cowichan Bay consultation.
60 day period

Thanks for your help and guidance.
Annette

Jager, Brenda CSNR:EX

From: Hadway, Sharon L FLNR:EX
Sent: Monday, February 22, 2016 9:11 AM
To: Morris, Rhonda M FLNR:EX
Subject: FW: Final Signed: DN 220197 and letter - Cowichan Estuary - Feb 17, 2016
Attachments: NRS 146 - FLNR 220197 - FINAL SENT.PDF; 220197 dn re moe cowichan bay estuary.pdf

Sharon Hadway

Regional Executive Director | **West Coast Region**
Ministry of Forests, Lands and Natural Resource Operations
2100 Labieux Road
Nanaimo, BC., V9T-6E9
Phone: 250. 751-7161 | Fax: 250. 751-7196
Mailto:Sharon.Hadway@gov.bc.ca

From: de Bree, Jennifer FLNR:EX
Sent: Monday, February 22, 2016 9:10 AM
To: Rosche, Kimberly FLNR:EX; Kumar, Sangita FLNR:EX; Hadway, Sharon L FLNR:EX; Diederichs, Ron FLNR:EX; Barr, Larry FLNR:EX; Sutherland, Craig FLNR:EX
Subject: Final Signed: DN 220197 and letter - Cowichan Estuary - Feb 17, 2016

Hi there.

Attached are the signed NRS 146, FLNR 220197 Cowichan Estuary documentation.

Jennifer de Bree
Executive Administrative Assistant
Ministry of Forests, Lands and Natural Resource Operations
Phone: (250) 387-9773
Fax: (250) 387-3291
Email: Jennifer.deBree@gov.bc.ca

From: Llewellyn-Thomas, Marnie ENV:EX
Sent: Monday, February 22, 2016 9:06 AM
To: Sutherland, Craig FLNR:EX
Cc: Lewis, Kaaren ENV:EX; de Bree, Jennifer FLNR:EX
Subject: Final Signed: DN 220197 and letter - Cowichan Estuary - Feb 17, 2016

Good morning Craig,

I understand from Kaaren that you're looking for the attached final signed DN along with the signed attachment #4 letter.

~Marnie

**MINISTRY OF ENVIRONMENT
DECISION NOTE**

Date: February 17, 2016
File: 280-20
CLIFF: 220197
NRS CLIFF: 146

PREPARED FOR: Honourable Mary Polak, Minister of Environment

ISSUE: Decision on environmental impact of Cowichan Bay log storage tenure renewals required from Minister of Environment as per Order in Council (OIC) No. 1652 and the Cowichan Estuary Environmental Management Plan (CEEMP)

BACKGROUND:

The Cowichan/Koksilah Estuary is situated in Cowichan Bay near Duncan. In 1986, extensive analysis of the resource use issues led to the development and adoption, through OIC No. 1652/86, of the CEEMP (see Attachment 1). The primary focus of the CEEMP is the conservation of environmental values of the estuary, while recognizing existing uses and providing sufficient flexibility to accommodate new uses, should they be considered environmentally acceptable. The CEEMP established a review process that involves a decision by the Minister of Environment with authority described in the OIC as follows: prior to any agency issuing a new tenure, the minister must make a decision to the effect that “...*the issuance or exercise will have no significant detrimental environmental impact upon the area, and is in conformity with the Plan...*” The current decision before the minister is whether the continued use of the designated areas for log storage (industrial use) by Western Forest Products (WFP) will have a significant detrimental environmental impact and is in conformity with the plan.

The CEEMP, implemented by OIC No. 1652 issued in 1986, provided for reductions in the total intertidal log storage areas (zoned industrial use in the CEEMP) from 334 to 130 acres by way of agreements, between the province, the Department of Fisheries and Oceans and the industrial companies. The log storage areas for Doman, now WFP, were reduced from 128 to 50.3 acres (with an option to increase by 10 acres to support changes at the sawmill) and Doman dedicated 23 acres for habitat management to partially offset the continuing impacts of its log storage activities in the estuary. In addition, Doman had dedicated 17 acres of marsh to the ministry (Ministry of Environment, Lands and Parks) for conservation in 1981. It is noted in the CEEMP that “These agreements resolve many years of uncertainty about the extent of industrial use of the estuary by defining long-term commitments.” It is furthermore noted “Such commitments were negotiated through mutual recognition of Canadian National Railway’s ownership of most of the estuary, the historic presence of the three forest companies, the future needs of industry, and the environmental goals for conservation of the estuary”. The CEEMP also states that “the agreements represent legal documentation of each party’s commitment to abide by the arrangements negotiated. The agreements demonstrate that it has been possible to find an acceptable blend of measures which ensure sufficient conservation of the environmental resources as well as continued viability of economic activity in the Cowichan estuary...” The agreements signed in 1983 are still in effect.

The CEEMP also includes land use zoning designations and indicates that “it is intended that areas of the estuary which have been assigned a designation will be used to allow reasonable fulfilment of the potential each area offers for the activity indicated”. The areas designated Industrial/Commercial cover the areas used for log storage and it was recognized in the CEEMP that the area

is dedicated primarily to such use. Other areas were designated for Conservation/Recreation and Habitat Management.

The CEEMP also includes commitments to habitat restoration and enhancement, to improve water quality through working with local government to address sewage outflow and agricultural runoff, and flood control measures to protect adjacent lands including Cowichan Tribes Indian Reserve Lands.

WFP has had two Crown land tenures for log storage in the Cowichan Bay Estuary since 1976 prior to enactment of OIC No. 1652 and the accompanying CEEMP. The log storage is an important part of the ability of WFP's Cowichan Bay Sawmill to move wood to the mill. The current log handling tenures cover 60.7 acres and are within the size limits identified in the CEEMP.

The administration of the review process identified in CEEMP is through the inter-agency Cowichan Estuary Environmental Management Committee (CEEMC). The CEEMC is composed of local, federal and provincial agencies that have legal jurisdiction within the CEEMP area and includes the Cowichan Tribes. The Ecosystems Section in the West Coast Natural Resource Region of the Ministry of Forests, Lands and Natural Resource Operations (FLNR) has been chairing the meetings and administering the process to date as a legacy from their previous role with Ministry of Environment (MOE). The role of chair was formally delegated to FLNR by the Deputy Minister of Environment in February 2015.

The CEEMC reviews development projects and conformity with CEEMP's designations and the likelihood of significant detrimental environmental impact. The CEEMC makes a recommendation to the Minister of Environment which the minister then considers in making a decision on whether the proposed project or activity will have a significant detrimental environmental impact and is in conformity of the plan. In this instance, there is a subsequent decision required by the South Island District Manager regarding the replacement of the log handling tenures under the *Land Act* which requires consultation with First Nations.

The majority of projects are accepted by CEEMC with conditions, provided the environmental impacts are small. For those projects that are deemed not to conform to the CEEMP or may involve significant detrimental environmental impact, CEEMC will seek ministerial review and adjudication. The CEEMP does not specifically require consensus amongst the CEEMC members to make a recommendation to the minister based upon the majority of the members.

CEEMC and the Deputy Minister of MOE had previously noted that the log booms were grounding out (at mid tide) in the estuary potentially causing environmental damage. WFP was requested to do some work to assess the status of the benthic communities and a cost benefit analysis of moving their log storage to deeper water (see Attachment 2 – Recent Chronology). This work has been completed and a decision from the minister is now needed on whether the tenures will have a significant detrimental environmental impact, and whether the proposed tenure replacements are consistent with the plan.

DISCUSSION:

In January 2015, a decision by the Minister of Environment resulted in FLNR extending the licence period to November 2017, with the following conditions: WFP to prepare a report on the environmental impacts of log storage on the benthic environment, and provide a cost-benefit analysis for moving its log storage facility to a deep water site. The terms of reference for the

benthic study was provided by MOE and FLNR and reviewed by CEEMC. The CEEMC was to review the reports and recommend to the minister whether the licence for intertidal log storage should be maintained or moved to deeper water. WFP was given until April 2016 to complete the reports. The log handling replacement tenures were not implemented at WFP's request.

On January 5, 2016, WFP provided the reports to the CEEMC chair and a meeting was convened on January 20, 2016 to present the reports and to develop a recommendation for the minister. CEEMC local government members, with the exception of Cowichan Tribes, were satisfied with the report's data that indicated, while there is some change to the benthic community under the log storage areas, there are still abundant organisms onsite and in adjacent reference sites. The Department of Fisheries and Oceans (DFO) indicated that they would review the reports only if they were requested by WFP to do so. WFP did not seek review by DFO as they did not believe it was necessary. WFP also completed a cost benefit analysis of moving the booming grounds to deeper water and identified that the added costs of \$2.4 million initial investment and \$700,000 to operate was not feasible from WFP's perspective. These members accepted the report's conclusion that there is little impact on Cowichan Bay from the log storage and verbally supported the replacement of the licence at the January 20, 2016 meeting. At that meeting, Cowichan Tribes requested more time to review the reports and a subsequent meeting was set for February 25, 2016 (see report from meeting – Attachment 3).

Following the meeting, the timelines were adjusted to get a recommendation from all CEEMC members by February 12, 2016 so that a decision could be made by the Minister of Environment as soon as possible to address business needs for WFP. s.13,s.17
s.13,s.17

Cowichan Tribes was contacted about the amended timeframe and they indicated that they desired government to assist in providing independent biological opinion on WFP's recent study and that the compressed timeframe was not workable. They also conveyed that they have ongoing concerns about log booming, grounding and impacts in the estuary. s.13,s.16
s.13,s.16

s.13,s.16

In addition, a local environmental organization (Cowichan Estuary Restoration & Conservation Association) has expressed concerns with the expertise of the committee members making the

recommendation. They are opposed to the log handling activity and want to be involved in the recommendation process.

WFP has now completed the work requested using a qualified professional biologist and in keeping with the terms of reference provided by the province. Although a different consulting firm has identified issues with the methodology and possibly with the conclusions, it was recognized in the CEEMP that there were environmental impacts of log storage and that those impacts were being mitigated by the actions identified in the CEEMP and through the agreements with the various forest companies, including the reduction of the log storage foot prints as well as donations of lands made by Doman for habitat and conservation purposes. It was also recognized in the CEEMP that ongoing log storage was important to the economic viability of the forest companies and this has not changed. Other changes have occurred in log storage in the estuary and WFP is currently the only one of the 4 previous agreement holders that still uses the estuary to store logs, functionally reducing the potential collective impact of legally agreed log storage.

Once the minister makes a decision pursuant to the OIC No. 1652, the district manager can complete consultation with Cowichan Tribes and other First Nations in the area, then adjudicate the log handling tenure replacements accordingly, s.13,s.16

s.13,s.16

s.13,s.14,s.16

OPTIONS

s.13,s.16

RECOMMENDATION:

s.13,s.16



Option 1 /

DECISION & SIGNATURE

Mary Polak

Minister of Environment

February 17, 2016

DATE SIGNED

Attachments(4): Attachment 1 – Cowichan Estuary Environmental Management Plan
Attachment 2 – Recent Chronology
Attachment 3 – CEEMC Interim Report – January 20, 2016 Meeting
Attachment 4 – Letter from Minister Polak to District Manager

Contact:

*Craig Sutherland
ADM, Coast Area
FLNR
Phone: 250-387-9773*

Alternate Contact:

*Sharon Hadway
Regional Executive Director
West Coast Natural Resource Region
Phone: 250-751-7161*

Prepared by:

*Larry Barr
Director, Resource Management
West Coast Natural Resource Region
Phone: 250-751-7105*

*Kaaren Lewis
ADM, Ecosystem Sustainability
MOE
Phone: 250-387-9997*

Reviewed by	Initials	Date
DM	TS	Feb 17/16
DMO		
ADM, FLNR	CS	Feb 17/16
ADM, MOE	KL	Feb 17/16
RED, FLNR	SH	Feb 17/16



Reference: NRS 146 / FLNR 220197

February 19, 2016

Rhonda Morris, District Manager
South Island Natural Resource District
4884 Cherry Creek Road
Port Alberni BC V9Y 8E9

Dear Rhonda Morris:

I am writing pursuant to Order in Council No. 1652/86 regarding the proposed log handling tenure replacements for two Licences of Occupation: 1405506 and 1406547 held by Western Forest Products in the Cowichan Estuary. Prior to the issuance of any permits or licences concerning matters of governance within the area covered by the Cowichan Estuary Environmental Management Plan (the Plan), I must provide my written approval to the effect that the issuance or exercise will have no significant detrimental environmental impact upon that area and is in conformity with the Plan.

With this letter, I am advising you that I have received a report from the Cowichan Estuary Environmental Management Committee Chair and have assessed the information provided to me regarding these licence renewals, including the studies from Western Forest Products, the review prepared for Cowichan Tribes, as well as the plan and original agreements with the forest industry regarding log handling, and in consideration of these, I have determined that the issuance of the licence renewals for log handling will have no significant detrimental environmental impacts upon that area and the issuance will be in conformity with the Plan.

I also recognize that consultation with Cowichan Tribes will be required prior to the issuance of any tenure. This letter does not constitute or prejudice approval by any other agency which may have jurisdiction in this matter. If you require further information, please contact Ron Diederichs, Ecosystems Section Head, Ministry of Forests, Lands and Natural Resource Operations, at 2080-A Labieux Road, Nanaimo, British Columbia, V9T 6J9, or by phone at 250 751-3223.

Sincerely,

Mary Polak
Minister

...2

pcs: Honourable Steve Thomson, Minister of Forests, Lands and Natural Resource
Operations
Tim Sheldon, Deputy Minister, Ministry of Forests, Lands and Natural Resource
Operations
Ron Diederichs, Ecosystems Section Head, West Coast Natural Resource Region
Ministry of Forests, Lands and Natural Resource Operations

Jager, Brenda CSNR:EX

From: Tracy Fleming <Tracy.Fleming@cowichantribes.com>
Sent: Tuesday, March 1, 2016 10:55 AM
To: Bailey, Annette FLNR:EX
Cc: Bernette Laliberte; Eamon Gaunt; Larry George
Subject: RE: Consultation Letter for 1405508 and 1406547

Follow Up Flag: Follow up
Flag Status: Completed

Thank-you for contacting me. I was going to email you today to ask that Cowichan Tribes receive more time for consideration of this referral and for deep consultation. 60 days is not enough time to permit this.

I will canvas our staff and Council here and get back to you with possible dates in early April.

s.13,s.16

Tracy Fleming, M.Sc., R.P.Bio.
Referral Coordinator
Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1
250-748-3196 (ext 358)

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>>> "Bailey, Annette FLNR:EX" 3/1/2016 9:58 AM >>>

Hi Tracy

FLNRO South Island District would like to meet with Cowichan Tribes and discuss the log boom renewals for Western Products in Cowichan Bay.

We would like to meet in early April if you are available. Please provide us some dates and times that work for you.

We would also like to know about your specific concerns and we will generate an agenda for the meeting.

Thanks for your help in arranging this meeting.

Annette Bailey

From: Tracy Fleming [<mailto:Tracy.Fleming@cowichantribes.com>]
Sent: Wednesday, February 10, 2016 9:43 AM
To: Hilda August; Bailey, Annette FLNR:EX
Cc: Bernette Laliberte; Eamon Gaunt
Subject: Re: Consultation Letter for 1405508 and 1406547

Thank-you Annette,

This referral has been received. We look forward to deep consultation with FLNRO on these log boom renewals for WFP. Please provide some clarity on which tenure files (1405508 or 1406547) refer to which of the log booms as shown on your attached maps.

Thank-you,

Tracy

Tracy Fleming, M.Sc., R.P.Bio.

Referral Coordinator

Cowichan Tribes

5760 Allenby Road

Duncan, BC V9L 5J1

250-748-3196 (ext 358)

>>> "Bailey, Annette FLNR:EX" <Annette.Bailey@gov.bc.ca> 2/9/2016 4:32 PM >>>

Hi

Please find attached a consultation letter for Land Files 1405508 and 1406547.

Thanks

Annette Bailey, RPBio

Authorizations Professional

South Island Natural Resource District

4885 Cherry Creek Road

Port Alberni, BC V9Y 8E9

250-731-3028

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Jager, Brenda CSNR:EX

From: Morris, Rhonda M FLNR:EX
Sent: Wednesday, March 2, 2016 2:48 PM
To: Bailey, Annette FLNR:EX
Cc: Bauto, Mary FLNR:EX; Proteau, James FLNR:EX
Subject: FW: ACTION: Info for Halalt First Nation: Joint ADMs Meeting on March 4th
Attachments: FW: Tenures/Licences in area of Halalt litigation issue; Information for Craig Sutherland_March 4_2016_ADMs mtg Halalt.docx

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: Kumar, Sangita FLNR:EX
Sent: Wednesday, March 2, 2016 1:59 PM
To: de Bree, Jennifer FLNR:EX
Cc: Hadway, Sharon L FLNR:EX; Gage, Greg P FLNR:EX; Morris, Rhonda M FLNR:EX
Subject: ACTION: Info for Halalt First Nation: Joint ADMs Meeting on March 4th

Hi Jennifer:

Attached are two pieces of information for Craig's meeting on March 4th – one regarding Crofton Causeway and the other regarding tenures/licences in area of Halalt litigation issue (previously submitted info).

From: Sutherland, Craig FLNR:EX
Sent: Friday, February 19, 2016 9:13 AM
To: Hadway, Sharon L FLNR:EX
Cc: de Bree, Jennifer FLNR:EX; Thomas, Vivian P GCPE:EX; Kumar, Sangita FLNR:EX; Rousselle, Jillian FLNR:EX
Subject: ACTION: Halalt First Nation: Westholme Rd. - Joint ADMs Meeting on March 4th

Sharon, so you know I'll be attending this joint ADMs mtg on March 4th. I'll need some key messages from our perspective. Thx

Craig

Begin forwarded message:

s.13,s.14,s.16

Page 086 to/à Page 099

Withheld pursuant to/removed as

s.14;s.16;s.13

Jager, Brenda CSNR:EX

From: Bailey, Annette FLNR:EX
Sent: Wednesday, March 9, 2016 3:05 PM
To: 'Tracy Fleming'
Subject: RE: WFP original log boom renewal referral

Hi Tracy

The only consultation/referral letter (that I am aware of) was the one sent recently. The Order in Council requires, "no licence, permit or power under an enactment shall be issued or exercised.....unless prior to issuance of the licence or permit or exercise of power the matter is submitted to and received the written approval of the Minister of Environment"

The approval of the Minister of Environment was received recently which gave us approval to move forward with the file. We are currently in the process of consulting on the file, and as you are aware, we are engaging in deep consultation.

The expiration of the tenures triggered the OIC requirements which led to the recent studies enabling the Minister of Environment to sign her approval.

If you have any questions feel free to contact me and we can discuss.

Thanks
Annette

From: Tracy Fleming [<mailto:Tracy.Fleming@cowichantribes.com>]
Sent: Tuesday, March 8, 2016 1:36 PM
To: Bailey, Annette FLNR:EX; Wallace, Bonita FLNR:EX
Subject: WFP original log boom renewal referral

Hi Bonita and Annette,

I have searched my files and do not seem to have the original log booming tenure renewal referral from FLNRO that would have come in 2013 or 2014. Would it be possible for one of you to forward it to me? It would have been the referral that triggered all of the recent work that the CEEMC has conducted around OIC recommendation to the Minister of Environment re studies on WFP log boom impacts to the estuary.

Thanks so much,

Tracy Fleming, M.Sc., R.P.Bio.
Referral Coordinator
Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1

250-748-3196 (ext 358)

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Jager, Brenda CSNR:EX

From: Proteau, James FLNR:EX
Sent: Thursday, March 17, 2016 2:28 PM
To: Bauto, Mary FLNR:EX
Subject: WFP Cow Bay Files - Letter from Chief William Seymour
Attachments: Letter to Annette Bailey, 15.04.16.pdf

Annette is following up with an email to Ron D and Rhonda.

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Thursday, March 17, 2016 2:09 PM
To: Proteau, James FLNR:EX
Subject: FW: Letter from Chief William Seymour

Letter regarding Cow Bay and WFP.

We will need to discuss.

-----Original Message-----

From: Hilda August [<mailto:chiefsec@cowichantribes.com>]
Sent: Thursday, March 17, 2016 2:04 PM
To: Bailey, Annette FLNR:EX
Cc: Chip Seymour; Eamon Gaunt
Subject: Letter from Chief William Seymour

Good Afternoon,
Please see attached correspondence sent on behalf of Chief William Seymour. Original to follow in mail

Huy ch q'u (Thank you)

Hilda August
Executive Assistant for the Chief
Cowichan Tribes
Hilda.August@cowichantribes.com (<mailto:Hilda.August@cowichantribes.com>)
250-748-3196 Ext. 208
250-748-1233 Fax
www.cowichantribes.com

This email may contain confidential or privileged information. If you are not the intended recipient, please notify us immediately. Thank you.

Page 103 to/à Page 106

Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Diederichs, Ron FLNR:EX
Sent: Friday, March 18, 2016 9:30 AM
To: Bailey, Annette FLNR:EX
Subject: RE: Letter from Chief William Seymour

Follow Up Flag: Follow up
Flag Status: Completed

Some of these specific questions were not asked at either the January 20th or February 25th meetings s.13,s.16
s.13,s.16

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Thursday, March 17, 2016 2:41 PM
To: Diederichs, Ron FLNR:EX
Subject: FW: Letter from Chief William Seymour

Hi Ron

As part of First Nation consultation for Cowichan Bay we have received the attached letter from Cowichan Tribes. They are asking a lot of questions around the Ministers decision and we are wondering if some of these questions have been answered at the CEEMC meeting. If you have any information to provide to us it is greatly appreciated. We are hoping to have a meeting with Cowichan Tribes in early April.

Thanks
Annette Bailey

-----Original Message-----

From: Hilda August [mailto:chiefsec@cowichantribes.com]
Sent: Thursday, March 17, 2016 2:04 PM
To: Bailey, Annette FLNR:EX
Cc: Chip Seymour; Eamon Gaunt
Subject: Letter from Chief William Seymour

Good Afternoon,
Please see attached correspondence sent on behalf of Chief William Seymour. Original to follow in mail

Huy ch q'u (Thank you)

Hilda August
Executive Assistant for the Chief
Cowichan Tribes

Hilda.August@cowichantribes.com (<mailto:Hilda.August@cowichantribes.com>)

250-748-3196 Ext. 208

250-748-1233 Fax

www.cowichantribes.com

This email may contain confidential or privileged information. If you are not the intended recipient, please notify us immediately. Thank you.

Jager, Brenda CSNR:EX

From: Diederichs, Ron FLNR:EX
Sent: Friday, March 18, 2016 10:14 AM
To: Down, Ted ENV:EX
Cc: Bailey, Annette FLNR:EX
Subject: FW: Letter from Chief William Seymour
Attachments: Letter to Annette Bailey, 15.04.16.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hello, Ted:

Please have a look at the attached note from Cowichan tribes. s.13,s.16
s.13,s.16

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Thursday, March 17, 2016 2:41 PM
To: Diederichs, Ron FLNR:EX
Subject: FW: Letter from Chief William Seymour

Hi Ron

As part of First Nation consultation for Cowichan Bay we have received the attached letter from Cowichan Tribes. They are asking a lot of questions around the Ministers decision and we are wondering if some of these questions have been answered at the CEEMC meeting. If you have any information to provide to us it is greatly appreciated. We are hoping to have a meeting with Cowichan Tribes in early April.

Thanks
Annette Bailey

-----Original Message-----

From: Hilda August [<mailto:chiefsec@cowichantribes.com>]
Sent: Thursday, March 17, 2016 2:04 PM
To: Bailey, Annette FLNR:EX
Cc: Chip Seymour; Eamon Gaunt
Subject: Letter from Chief William Seymour

Good Afternoon,
Please see attached correspondence sent on behalf of Chief William Seymour. Original to follow in mail

Huy ch q'u (Thank you)

Hilda August
Executive Assistant for the Chief
Cowichan Tribes
Hilda.August@cowichantribes.com (<mailto:Hilda.August@cowichantribes.com>)

250-748-3196 Ext. 208

250-748-1233 Fax

www.cowichantribes.com

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Withheld pursuant to/removed as

DUPLICATE

Jager, Brenda CSNR:EX

From: Coster, Jessica FLNR:EX
Sent: Friday, March 18, 2016 10:41 AM
To: Bailey, Annette FLNR:EX
Cc: Morris, Rhonda M FLNR:EX; Bauto, Mary FLNR:EX
Subject: RE: Letter from Chief William Seymour

Follow Up Flag: Follow up
Flag Status: Completed

s.13,s.16

I've forwarded them this latest letter. I will keep South Island in the loop and we will ensure your supported in your correspondence and meetings on this subject.

As a general note -- the response letter is more focused on the Ministers of Environment's determination than the FLNR decision. In order to respond to the rest of the letter it seems there is going to have to be some coordination with MoE.....

Jessica Coster MSc | Manager, First Nations Relations West Coast Region Ministry of Forests, Lands & Natural Resource Operations Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel(Nanaimo): 250 751-7323
Tel(CLRS): 250 749 – 6811 ex.43
Email: Jessica.Coster@gov.bc.ca

-----Original Message-----

From: Bailey, Annette FLNR:EX
Sent: Friday, March 18, 2016 9:56 AM
To: Coster, Jessica FLNR:EX
Subject: FW: Letter from Chief William Seymour

Hi Jessica

We have received the attached letter from Cowichan Tribes regarding Log Handling in Cowichan Bay. SINRD is planning a meeting with Cowichan Tribes in April.

Can you provide any comments or direction about questions raised about Rights and Title?

Thanks for your help.
Annette

-----Original Message-----

Jager, Brenda CSNR:EX

From: Tracy Fleming <Tracy.Fleming@cowichantribes.com>
Sent: Thursday, March 31, 2016 11:33 AM
To: Bailey, Annette FLNR:EX
Cc: Eamon Gaunt
Subject: RE: Date for meeting in April

Thanks Annette. We look forward to receiving your letter answering the questions outlined in our March 15th letter. Would you mind also emailing the response when it is ready directly to my email address please?

Tracy Fleming, M.Sc., R.P.Bio.
Referral Coordinator
Cowichan Tribes
5760 Allenby Road
Duncan, BC V9L 5J1
250-748-3196 (ext 358)

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>>> "Bailey, Annette FLNR:EX" 3/31/2016 11:26 AM >>>

Hi Tracy

Yes, a written response will be sent to your office soon. I agree, the meeting should be held after you have received the written response and after you have had your April 8th meeting.

I know it is hard to get timetables to align. We will continue to work together in planning a meeting.

Thanks

Annette

From: Tracy Fleming [<mailto:Tracy.Fleming@cowichantribes.com>]
Sent: Thursday, March 31, 2016 11:14 AM
To: Bailey, Annette FLNR:EX
Cc: Eamon Gaunt
Subject: Re: Date for meeting in April

Hi Annette,

Can we expect a written response from your office to our March 15th letter sent to you on March 17th? Your response will inform much of the discussion at an upcoming meeting with FLNRO regarding this referral. Internally we have a committee meeting on April 8th to discuss this issue, so a meeting with your office would need to happen after the 8th.

Tracy Fleming, M.Sc., R.P.Bio.
Referral Coordinator
Cowichan Tribes

5760 Allenby Road
Duncan, BC V9L 5J1
250-748-3196 (ext 358)

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>>> "Bailey, Annette FLNR:EX" <Annette.Bailey@gov.bc.ca> 3/17/2016 2:57 PM >>>

Hi Tracy

We received an email with the response letter from Cowichan Tribes for log handling in Cowichan Bay. As we have discussed, South Island Natural Resource District would like to meet with Cowichan Tribes.

Do you have any dates and times that will work for you?

Thanks

Annette Bailey, RPBio

Authorizations Specialist

South Island Natural Resource District

4885 Cherry Creek Road

Port Alberni, BC V9Y 8E9

250-731-3028

Jager, Brenda CSNR:EX

From: Hallworth, Debra FLNR:EX
Sent: Monday, April 4, 2016 10:33 AM
To: Bailey, Annette FLNR:EX
Subject: Signed Copy of the Response Letter
Attachments: s.22 Cow Bay response letter.pdf

Deb Hallworth
Administrative Assistant
South Island Natural Resource District
250-731-3032



File: 1405508/1406547

Reference: 297512

April 4, 2016

s.22


I have been asked to reply to your letter of March 8, 2016 regarding the potential renewal of a licence for intertidal log storage in Cowichan Bay.

The Cowichan Estuary Environmental Management Plan (CEEMP) implemented by Order in Council (OIC) No. 1652 issued in 1986 is a plan that is designed to balance industrial use and environmental protection and includes land use zoning designations. The plan indicates that "it is intended that areas of the estuary which have been assigned a designation will be used to allow reasonable fulfilment of the potential each area offers for the activity indicated". The areas designated Industrial/Commercial cover the areas used for log storage and it was recognized in the CEEMP that the area is dedicated primarily to such use. Other areas were designated for Conservation/Recreation and Habitat Management.

The licence renewal application included a report completed by environmental professionals on the log handling areas in Cowichan Bay which indicated there is a thriving benthic community under the log booms, although its composition differs from that of other areas in the estuary. As required in the CEEMP, Minister Polak has determined the log handling tenure replacements have no significant detrimental environmental impacts that were not already contemplated in the CEEMP and that the proposed tenures and industrial use are consistent with the CEEMP.

Our subsequent review of the application is now able to proceed in the next few weeks and we thank you for your input to the renewal decision.

Yours truly,


Digitally signed by Rhonda (Morris) Coleman
DN: cn=Rhonda (Morris) Coleman,
o=Ministry of Forests, Lands and
Natural Resources, ou=South Island
Natural Resource District,
email=Rhonda.morris@gov.bc.ca, c=CA
Date: 2016.04.04 09:48:40 -0700

Rhonda Morris
District Manager
South Island Natural Resource District

Ministry of Forests, Lands and
Natural Resource Operations

South Island
Natural Resource District

4885 Cherry Creek Road
Port Alberni, BC
V9Y 8E9

Tel: 250-731-3000
Fax: 250-731-3010

Jager, Brenda CSNR:EX

From: Diederichs, Ron FLNR:EX
Sent: Monday, April 11, 2016 2:00 PM
To: Bailey, Annette FLNR:EX
Subject: RE: Update on Cowichan Tribe response letter

Your process, your letter, right?

OK, s.22 I was under the impression that we would get together to discuss and was waiting for DSI to set something up.
When would you like to chat?

Ron Diederichs
Section Head
Ecosystems Section
Ministry of FLNR
2080A Labieux Road
Nanaimo, BC V9T 6J9 Ph: 250-751-3223 Fax:250-751-3208

From: Bailey, Annette FLNR:EX
Sent: Monday, April 11, 2016 1:56 PM
To: Diederichs, Ron FLNR:EX
Subject: Update on Cowichan Tribe response letter

Hi Ron

I am wondering if you have an update on a response to the Cowichan Tribe letter regarding Cowichan Bay? South Island is hoping to meet with Cowichan Tribes in the near future and would like to have the response letter sent and reviewed before the meeting.

Any information you can provide will be greatly appreciated.
Thanks.

Annette Bailey, RPBio
Authorizations Specialist
South Island Natural Resource District
4885 Cherry Creek Road
Port Alberni, BC V9Y 8E9
250-731-3028

Jager, Brenda CSNR:EX

From: Proteau, James FLNR:EX
Sent: Wednesday, April 13, 2016 2:18 PM
To: Bauto, Mary FLNR:EX
Subject: Penelakut FN - Water Lot Licenses of Occupation 1400854, 1400855, 0349217
Attachments: Google Earth Shot of foreshore areas and waterlots between IR#10 and Tsussie Reserve.jpg; IR#10 to Tsussie Reserves Map in Water Lots Vicinity.pdf; PT to BC 1400854 et al Water Lots Referrals Comments Apr 13 2016.pdf

FYI on our East Coast – Timberwest files

From: Munson, Tim FLNR:EX
Sent: Wednesday, April 13, 2016 1:58 PM
To: Morris, Rhonda M FLNR:EX
Cc: Bailey, Annette FLNR:EX; Coster, Jessica FLNR:EX; Proteau, James FLNR:EX
Subject: FW: Water Lot Licenses of Occupation 1400854, 1400855, 0349217

Hi Rhonda:

We have received a response letter from Penelakut FN to my letter sent on March 2, 2016 regarding Lease Replacements 1400854, 1400855 and Licence of Occupation Replacement 0349217. At the request of PFN, they were given an additional month to provide this response.

Please advise how you suggest we proceed. I copied Jessica to see if we can get her advice.

Thank you,

Tim
Tim Munson
First Nations Advisor
South Island Natural Resource District
Ministry of Forests, Lands and Natural Resource Operations
Phone: 250 731-3060

From: Ruth Sauder [<mailto:ruths@penelakut.ca>]
Sent: Wednesday, April 13, 2016 11:20 AM
To: Munson, Tim FLNR:EX
Cc: chiefbrown@penelakut.ca; 'Kathleen Johnnie'; 'Jack Smith'; Ronda.Jordan@stzuminus.com; 'Candace Charlie'
Subject: Water Lot Licenses of Occupation 1400854, 1400855, 0349217

Hello Tim:
Here are Penelakut's further comments on the above-noted referrals.
Regards
Ruth Sauder

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s.16;s.13

Jager, Brenda CSNR:EX

From: Freethy, Diana FLNR:EX
Sent: Tuesday, April 19, 2016 11:10 AM
To: Munson, Tim FLNR:EX
Cc: Coster, Jessica FLNR:EX; Bailey, Annette FLNR:EX
Subject: RE: Here is SoC
Attachments: 1400854-1400855-0349217_SoC -Revised 19April2016.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tim,
Here's the revised SoC worksheet for you. I'm happy to participate in letter drafting when you get to that point, and if you wish to discuss let me know!

Diana Freethy | DSocSci, MAPComm, BScBio
Senior Advisor, First Nations Relations
West Coast Region
Ministry of Forests, Lands & Natural Resource Operations
Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9
Tel: 250-751-3157
Email: diana.freethy@gov.bc.ca

From: Coster, Jessica FLNR:EX
Sent: Wednesday, April 13, 2016 3:06 PM
To: Freethy, Diana FLNR:EX
Cc: Munson, Tim FLNR:EX
Subject: FW: Here is SoC

Hi Diana,

Can you please review and update this site specific SoC **s.13,s.16**

Tim – regarding next steps in relation to the recent correspondence received:

s.13,s.16

It would be helpful if you could provide Diana with a timeline for receiving an updated SoC.

As an FYI we are working on considering cumulative impacts with respect to docks in HTG territory **s.13,s.16**
s.13,s.16 Diana is leading this work – we should talk about it when you reach step #2.

Jessica Coster MSc | Manager, First Nations Relations

West Coast Region

Ministry of Forests, Lands & Natural Resource Operations

Suite 142 - 2080 Labieux Rd, Nanaimo BC, V9T 6J9

Tel(Nanaimo): 250 751-7323

Tel(CLRS): 250 749 – 6811 ex.43

Email: Jessica.Coster@gov.bc.ca

From: Munson, Tim FLNR:EX
Sent: Wednesday, April 13, 2016 2:53 PM
To: Coster, Jessica FLNR:EX
Subject: FW: Here is SoC

Hi Jess,

Here is the Site Specific SoC Annette had access to when she drafted her second letter in September 2015.

Tim

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 13, 2016 2:52 PM
To: Munson, Tim FLNR:EX
Subject: Here is SoC

...for Timberwest in Chemainus

Annette

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s.16;s.13

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Withheld pursuant to/removed as

s.16;s.13

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DUPLICATE

Jager, Brenda CSNR:EX

From: Morris, Rhonda M FLNR:EX
Sent: Wednesday, April 27, 2016 9:14 AM
To: Hadway, Sharon L FLNR:EX
Subject: FW: Update on Cowichan Tribe response letter for Cow Bay

Keeping you in the loop on progress of our response back to Cowichan Tribes re: WFP Cowichan Bay log handling lease replacements.

From: Bailey, Annette FLNR:EX
Sent: Wednesday, April 27, 2016 9:12 AM
To: Morris, Rhonda M FLNR:EX; Proteau, James FLNR:EX
Subject: Update on Cowichan Tribe response letter for Cow Bay

Hi

Just spoke to Jess Coster.

s.13,s.14,s.16

I anticipate several conversations with Lindsey before the draft letter is ready.

I will keep you posted.

Annette

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