

Distribution: Captain Gold, AL; (DQC) Timber/ORCS FILE SYSTEM/10450-20-CHN/FN Consultation FSP Letter - May Russ, CHN Massett.doc Date typed: 2004/10/26 Date last saved: 2004/11/08 1:10 pm

10420-20/Consultation

November 8, 2004

May Russ Administrator Council of the Haida Nation Post Office Box 589 Masset, British Columbia VOT 1MO

Dear May Russ:

The purpose of this letter is to provide you with some information about the new planning process that guides forest development activities on Crown land under the Forest and Range Practices Act (FRPA) and to describe how the consultation process with First Nations in respect of these forestry operational plans will be undertaken.





An Overview of Forest Stewardship Plans

The Government of British Columbia recently enacted the FRPA and associated regulations that came into effect on January 31, 2004. The new legislation provides a legal framework for the development of a Forest Stewardship Plan (FSP). The FSP is the new operational plan that licensees will develop to guide forest development activities. The FSP is required to identify results and/or strategies to address a range of objectives set by governmentiii. Objectives may be set through strategic land use planning processes such as the Vancouver Island Land Use Plan Higher Level Plan Order and Landscape Unit Planning processes, by regulation or by Ministerial Orders. Although significantly different in content requirements, the FSP, for practical purposes replaces the forest development plan that you are accustomed to under the Forest Practices Code of British Columbia Act.

Page 1 of 5

Ministry of Forests

Queen Charlotte Islands Forest District

Location: 1229 Cemetary Road Queen Charlotte, BC V0T 1S0

Mailing Address: Post Office Box 39 Queen Charlotte, BC V0T 1S0

Tel: 250-559-6200 Fax:

250-559-8342

Cultural Heritage Objective

A number of key resource management objectives for resource values such as soils, biodiversity, wildlife, and riparian have been identified by government in the Forest Planning and Practices Regulation. Licensees must develop results and/or strategies in their FSPs that are consistent with the objectives set by government. One key objective that you should be aware of is the objective set by government for cultural heritage resources which is to conserve, or if necessary, protect cultural heritage resources that are:

- (a) the focus of a traditional use by an aboriginal people that is of continuing importance to that people, and
- (b) not regulated under the Heritage Conservation Act.

In developing results and/or strategies to address this objective, licensees will be seeking information from First Nations regarding cultural heritage resources and aboriginal interests.

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Multiple Licensees within a Forest Stewardship Plan

Another key change under FRPA is that it provides the opportunity for an FSP to include several licensees within a single forest district or to include several licensees across more than one forest district. The reduction in the number of FSPs in the district, as compared to forest development plans may reduce the number of operational plan referrals you will receive from the Queen Charlotte Islands Forest District staff and licensees. The First Nation consultation process will continue to occur with respect to these FSPs and as such, the Haida Nation will be provided an opportunity to provide information regarding your aboriginal interests and how these interests may be impacted with respect to the FSP.

First Nations Information Sharing and Consultation Process on the Forest Stewardship Plan

Consultation with First Nations is a continuing obligation of the Crown. The purpose of the consultation process is to provide an opportunity for First Nations to identify their aboriginal interests that may be affected by proposed forestry activities or decisions. In making forest management decisions, the decision-maker must ensure that adequate consultation has occurred and seek to

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Council of the Haida Nation

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The FRPA requires the licensee to make reasonable efforts to meet with First Nations affected by the proposed operations under the FSP and to discuss the FSP with the First Nation. To comply with this requirement, licensees will be contacting the Haida Nation to meet and discuss the FSP during the review and comment period defined in the legislation. However, the Queen Charlotte Islands Forest District encourages licensees to meet with the Haida Nation prior to or during the preparation of the FSP to assist in development of the results or strategies for the cultural heritage resources objective and to ensure an early opportunity for consideration of your aboriginal interests in the plan. I encourage the Haida Nation to participate in this process.

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If you have any questions or input regarding the above changes in legislation and their resulting effects on the consultation process, I welcome meeting with the Haida Nation in the future. My staff would be available to meet in Old Massett or Skidegate. Also, feel free to call me at 559-6202.

Yours truly,

Leonard Munt

District Manager

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November 8, 2004

Chief Councillor Wilson Brown Old Massett Village Council Post Office Box 189 Masset, British Columbia V0T 1M0

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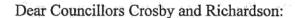
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November 8, 2004

Councillor David Crosby Councillor Colin Richardson Skidegate Band Council Post Office Box 1301 Skidegate, British Columbia VOT 1S1



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Distribution: Captain Gold, AL; (DQC) Timber/ORCS FILE SYSTEM/10450-20=CHN/FN Consultation FSP Letter - Guujaaw.doc Date typed: 2004/10/22 Date last saved: 2004/11/08 12:01 pm

File:

10420-20/Consultation

November 8, 2004

Guujaaw President Council of the Haida Nation Post Office Box 98 Queen Charlotte, British Columbia V0T 1S0

Dear Guujaaw:

The purpose of this letter is to provide you with some information about the new planning process that guides forest development activities on Crown land under the Forest and Range Practices Act (FRPA) and to describe how the consultation process with First Nations in respect of these forestry operational plans will be undertaken.





An Overview of Forest Stewardship Plans

The Government of British Columbia recently enacted the FRPA and associated regulations that came into effect on January 31, 2004. The new legislation provides a legal framework for the development of a Forest Stewardship Plan (FSP). The FSP is the new operational plan that licensees will develop to guide forest development activities. The FSP is required to identify results and/or strategies to address a range of objectives set by government. Objectives may be set through strategic land use planning processes such as the Vancouver Island Land Use Plan Higher Level Plan Order and Landscape Unit Planning processes, by regulation or by Ministerial Orders. Although significantly different in content requirements, the FSP, for practical purposes replaces the forest development plan that you are accustomed to under the Forest Practices Code of British Columbia Act.

Page 1 of 5

Forests

Ministry of Queen Charlotte Islands Forest District

Location: 1229 Cemetary Road Queen Charlotte, BC V0T 1S0

Mailing Address: Queen Charlotte, BC V0T 1S0

> Tel: 250-559-6200 250-559-8342

Cultural Heritage Objective

A number of key resource management objectives for resource values such as soils, biodiversity, wildlife, and riparian have been identified by government in the Forest Planning and Practices Regulation. Licensees must develop results and/or strategies in their FSPs that are consistent with the objectives set by government. One key objective that you should be aware of is the objective set by government for cultural heritage resources which is to conserve, or if necessary, protect cultural heritage resources that are:

- (a) the focus of a traditional use by an aboriginal people that is of continuing importance to that people, and
- (b) not regulated under the Heritage Conservation Act.

In developing results and/or strategies to address this objective, licensees will be seeking information from First Nations regarding cultural heritage resources and aboriginal interests.

The Content of a Forest Stewardship Plan

The content requirements of an FSP are significantly different from the forest development plan. The FSP provides much less detail as to where actual road or harvesting activities will be conducted by a licensee. Unlike the forest development plan, the licensee is not required to show proposed cutblock and road locations within their FSP. The licensee is required to show the general areas where their results or strategies for objectives set by government will apply. These general areas are called forest development units^{vi}. On Haida Gwaii, licensees may propose to describe large areas such as watersheds or a series of watersheds as their forest development units. Within these forest development units, licensees will not be showing any further refinement of proposed timber harvesting or road construction within the FSP. You will not typically see proposed cutblocks or roads and harvest summary tables describing cutblock numbers, cutblock volumes and harvest or silviculture systems as you were accustomed to seeing in a forest development plan. For each forest development unit, the FSP describes the results or strategies that the licensee will implement to meet the objectives set by government for that area. To achieve the objectives set by government for specified resource values, a result or strategy must be verifiable and enforceable.

Multiple Licensees within a Forest Stewardship Plan

Another key change under FRPA is that it provides the opportunity for an FSP to include several licensees within a single forest district or to include several licensees across more than one forest district. The reduction in the number of FSPs in the district, as compared to forest development plans may reduce the number of operational plan referrals you will receive from the Queen Charlotte Islands Forest District staff and licensees. The First Nation consultation process will continue to occur with respect to these FSPs and as such, the Haida Nation will be provided an opportunity to provide information regarding your aboriginal interests and how these interests may be impacted with respect to the FSP.

First Nations Information Sharing and Consultation Process on the Forest Stewardship Plan

Consultation with First Nations is a continuing obligation of the Crown. The purpose of the consultation process is to provide an opportunity for First Nations to identify their aboriginal interests that may be affected by proposed forestry activities or decisions. In making forest management decisions, the decision-maker must ensure that adequate consultation has occurred and seek to

Guujaaw, President Council of the Haida Nation

accommodate where asserted aboriginal rights or title may be affected by those decisions. The Ministry of Forests (MOF) Aboriginal Rights and Title Policy and consultation guidelines will continue to be followed.

A key part of the consultation process involves the information sharing and gathering phase where the licensee must make reasonable efforts to meet and discuss the plan with affected First Nations groups. First Nations are requested to provide information on their aboriginal interests that may be affected in the area where proposed forest development activities will occur. Licensees continue to play a role in gathering information regarding cultural heritage resources in the plan area, identifying results or strategies that meet the government objective for cultural heritage resources and carrying out a review and comment process on their proposed FSP.

The FRPA requires the licensee to make reasonable efforts to meet with First Nations affected by the proposed operations under the FSP and to discuss the FSP with the First Nation. To comply with this requirement, licensees will be contacting the Haida Nation to meet and discuss the FSP during the review and comment period defined in the legislation. However, the Queen Charlotte Islands Forest District encourages licensees to meet with the Haida Nation prior to or during the preparation of the FSP to assist in development of the results or strategies for the cultural heritage resources objective and to ensure an early opportunity for consideration of your aboriginal interests in the plan. I encourage the Haida Nation to participate in this process.

Generally, the consultation on a specific FSP will commence with the start of the legislated review and comment period for the FSP. The review and comment period for an FSP is initiated by a newspaper advertisement and typically extends for a 60-day period unless otherwise provided for by the legislation. District staff will send a letter requesting the Haida Nation to participate in consultation on the FSP. Consultation and where appropriate, efforts to seek to accommodate the aboriginal interests relevant to the operational plan will take place prior to the decision on the FSP. When the FSP is submitted to the delegated decision-maker for a determination, First Nations will be advised in writing of the earliest date that the delegated decision-maker may make a determination on a FSP. The delegated decision-maker will consider aboriginal interest information provided by a First Nation regarding the FSP prior to the completion of the determination on the plan. If Forest and Range Agreements or other written agreements are entered into between the Queen Charlotte Islands Forest District and the Haida Nation, they will continue to be in effect and will guide consultation on the FSP.

Information from First Nations

It is important for First Nations to participate and provide site-specific information regarding their asserted aboriginal interests that may be affected by proposed forest operations. Where a First Nation does not provide specific aboriginal interest information within a reasonable time frame, the delegated decision-maker will continue in the decision making process on a FSP. The delegated decision-maker will consider the aboriginal interests information that he/she has up to the time of concluding an FSP determination.

Post Forest Stewardship Plan Approval

After the FSP is approved, there are no further operational plans submitted by the licensee for determination by the delegated decision-maker. The licensee continues to gather information and develop road and harvesting plans for their operations throughout the term of an FSP. In most instances the licensee must prepare a site plan that provides the approximate locations of cutblocks

and roads and identifies how the results or strategies described in the FSP apply to the site. The licensee must make the site plan available to the public and First Nations on request. Major licensees must have a road permit and/or cutting permit issued by the delegated decision-maker prior to commencing operations. Licensees may find value in continued information sharing with First Nations while developing site plans and prior to the submission of the cutting permit or road permit to ensure that they have a satisfactory understanding of potential impacts of proposed cutblocks and roads on aboriginal interests. The delegated decision-maker will consider all new aboriginal interests information made available to him/her following an FSP approval and will consider whether there is an unjustifiable infringement of an aboriginal interest when considering whether to issue a road permit or cutting permit. The delegated decision-maker may determine that further consultation with First Nations is required prior to the issuance of the cutting permit or road permit.

The Transition

While the FRPA came into effect on January 31, 2004, we are currently within a transition period from the *Forest Practices Code of British Columbia Act* and its regulations to FRPA. The transition period ends when an FSP is approved and no later than December 31, 2005. As FSPs are prepared during this period, I encourage the Haida Nation to actively participate in licensee requests for information sharing and gathering and discussion on the FSP during the review and comment period. As well, I encourage the Haida Nation to participate in consultation on FSPs with Queen Charlotte Islands Forest District staff.

If you have any questions or input regarding the above changes in legislation and their resulting effects on the consultation process, I welcome meeting with the Haida Nation in the future. My staff would be available to meet in Old Massett or Skidegate. Also, feel free to call me at 559-6202.

Yours truly,

Leonard Munt District Manager

Queen Charlotte Islands Forest District

pc: Chief Councillor Wilson Brown

Old Massett Village Council, Old Massett

Councillor Colin Richardson Councillor David Crosby

Skidegate Band Council, Skidegate

May Russ, Administrator

Council of the Haida Nation, Old Massett

i "result" means a description of

- (a) measurable or verifiable outcomes in respect of a particular established objective, and
- (b) the situations or circumstances that determine where in a forest development unit the outcomes under paragraph (a) will be applied;

ii "strategy" means a description of

- (a) measurable or verifiable steps or practices that will be carried out in order to meet a particular established objective, and
- (b) the situations or circumstances that determine where in a forest development unit the steps or practices will be applied;

iii "objectives set by government" means

- (a) objectives prescribed under section 149 (1) of FRPA, or
- (c) objectives established or continued under sections 3 to 5 of the Forest Practices Code of British Columbia Act by a person or persons under those sections;
- iv "licensees" means, for the purposes of this letter, major licenses and BC Timber Sales within the Queen Charlotte Islands
 Forest District
- "cutblock" means an area within which an agreement holder is authorized to harvest timber, as identified in
 - (a) a cutting permit, or
 - (b) the agreement, if the agreement does not provide for cutting permits;
- vi "forest development unit" (FDU) means an area identified in a forest stewardship plan
 - (a) where forest development may occur during the term of the plan, and
 - (b) within which, during the term of the plan, timber to be harvested or roads to be constructed are entirely located;
- vii "delegated decision-maker" means, for the purposes of this letter, a person authorized by the Forest Minister to make a decision under forestry legislation or a person authorized by forestry legislation to make a decision. Normally this will be the District Manager.

MINISTRY OF FORESTS BRITISH COLUMBIA FOREST SERVICE BRIEFING NOTE

File: 19660-01/TFL 47

280-20/CLIFF 82633

I PREPARED FOR:

The Honourable Michael de Jong, Minister of Forests - **FOR DECISION** (as requested by Darrell Robb, Regional Staff Manager, Coast Forest Region)

II ISSUE:

Should the Government consult with First Nations on the subdivision of forest tenures, specifically TFL 47

III BACKGROUND:

On August 18, 2004, TFL Forest Ltd.(TimberWest) sent the Minister of Forests a written request to subdivide Tree Farm Licence (TFL) 47 into two separate TFLs. They request the amendment be effective by January 2005. The requested subdivision would result in one TFL wholly confined to the Queen Charlotte Islands Forest District and the other limited to the North Island-Central Coast, and Campbell River Forest Districts.

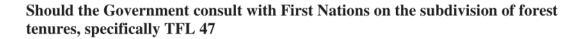
A key issue that has arisen is whether or not the government should consult with First Nations on the subdivision.

Section 39 of the *Forest Act* (the Act) provides that the minister must subdivide a TFL if requested by the holder. This aligns with the government objectives to encourage diversification of the size and number of tenures, encourage the market for tenures and create more opportunities for new participants.

The request indicated that TimberWest may wish to transfer the TFL in the Queen Charlotte TSA to a third party after subdivision.

IV DISCUSSION:

s.14



s.14

V Options and Recommendation:

s.14

Should the Government consult with First Nations on the subdivision of forest tenures, specifically TFL 47

s.14

Recommendation

Option 2

The Government of British Columbia consults with potentially affected First Nations on the subdivision of TFL 47.

VI OTHER:

FRAs have been signed or initiated with most of the FNs potentially affected by TFL 47. These agreements identify a streamlined consultation process but do not negate the need altogether.

VII CONCLUSION:

A decision is required on consultation with potentially affected First Nations about the subdivision of TFL 47. The decision on this tenure will bear on the subdivision of most other tenures.

A draft letter responding to the licensee's request to subdivide TFL 47 is included with this briefing note.

Should the Government consult with First Nations on the subdivision of forest tenures, specifically TFL 47

APPROVED / NOT APPROVED Date
The Honourable Michael de Jong - FOR DECISION
Minister Of Forests

Cindy Stern Regional Executive Director Coast Forest Region

Tom Yacyshen Tenures Forester Coast Forest Region (250) 751-7059

December 17, 2004

Distribution: MINISTER DEPUTY EOP RCO DIC DQC FILE BNBINDER Document name: G:\!Workgrp\ADMIN\FOI\2018\FNR-2018-80632\361203.doc Le Notify (by Fax): Tom Yacyshen, Tenures Forester, RCO (250) 751-7159

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Distribution: File Document name: G:\!Workgrp\TIMBER\ORCS File System\19710-Tree Farm Licence - Plans\20-Forest_Stewardship_Plan\2006July_HaidaConsultationLetter2_FSP.doc BL Contact: Mark Salzl, SO DQC Date typed: 2006/07/26 Date last saved: 2006-07-27 9:15 am

File: 19710-20/TFL39 FSP 2006 – 2011

July 27, 2006

BY FAX

All Haida Contacts Queen Charlotte Islands/Haida Gwaii, British Columbia

Dear Sir or Madam:

In my letter of February 21, 2006 I notified you that the Queen Charlotte Islands Forest District was in receipt of a proposed Forest Stewardship Plan (FSP) prepared by Cascadia Forest Products Ltd. (now Western Forest Products Inc.) and requested consultation with the Haida First Nation on this plan. This FSP covers Western Forest Product Inc.'s (WFP) coastal forest tenures which includes Block 6 of TFL 39 (and various timber licences) on Haida Gwaii.



The Review and Comment period for this proposed FSP was from January 27, 2006 to March 27, 2006 and was extended to end on April 26, 2006. WFP has now submitted the proposed FSP on July 6, 2006 for a determination by the Designated Decision Maker (DDM)—namely Greg Hempell of the Sunshine Coast Forest District. In the FSP, WFP has revised several of the results or strategies that were proposed in the original version of the FSP in response to comments received from the public, agencies, and first nations. The Cultural Heritage Resources result or strategy, which is of particular importance to first nations, has not been revised. A copy of the revised FSP along with FSP maps is available for downloading from the following website: http://www.cascadiafp.com/fsp.html.

District staff is available to discuss the FSP with you. Since the DDM may be making a determination on the FSP on or after August 25, 2006, any meeting to discuss the FSP would have to be carried out before this date.

Page 1 of 2

Please contact Mark Salzl, Stewardship Officer, or Sean Muise, Stewardship Forester at 250-559-6200 if you would like to meet. Also, at this time we invite any additional information that the Haida Nation may wish to share with the DDM regarding the proposed Forest Stewardship Plan. Any additional information will assist the DDM further in understanding the aboriginal interests that may be practised by the Haida First Nation in the area proposed for forest development.

We request that any information that you may wish to share with the DDM be forwarded to the Queen Charlotte Islands Forest District office before August 25, 2006.

Yours truly,

Mark Salzl

Stewardship Officer

Queen Charlotte Islands Forest District

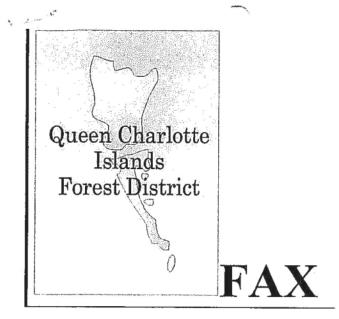
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Guujaaw, President	By Fax – 250-559-8951
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Chief Councillor Elizabeth Moore	By Fax - 250-626-5440
Old Massett Village Council, Old Massett	•

Councillor Richard Russ	By Fax - 250-559-8247
Councillor Robert Mills	3 -
Skidegate Band Council, Skidegate	

May Russ, Administrator Haida Tribal Society, Old Massett	By Fax – 250-626-3403
Haida Tribai Society, Old Massell	



File: 19710-20/TFL 39 FSP 2005

JIII 2 7 2006

Number of pages including cover sheet

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TO:

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PC:

As per letter - by fax only

FROM:

Date

Mark Salzl, RPF

Stewardship Officer

Queen Charlotte Islands Forest District

Ministry of Forests Post Office Box 39

Queen Charlotte BC V0T 1S0

Phone

250-559-6222

Fax

250-559-8342

Sent by:

Bianca Langrick, Resource Clerk

Call 250-559-6264 re any problems with

this transmission.

Re: Haida Consultation Regarding Cascadia Forest Products Ltd. FSP 2006-2011

See attached letter.

Note: Original letter with any attachments will be forwarded by mail.





Distribution: File Document name: G:\!Workgrp\TIMBER\ORCS File System\19500 - Forest Licence\55 - Forest Stewardship Plans\2006 Dec_HC Let2.doc BL Contact: Sean Muise, SF DQC Date typed: 2006/12/12 Date last sayed: 2006-12-15 9:15 am

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19500-55/FL A16869 2006 FSP

10420-20/Consultation

DEC 1 8 2006

Guujaaw, President Council of the Haida Nation PO Box 98 Skidegate, British Columbia V0T 1S0

Councillor Richard Russ Councillor Robert Mills Skidegate Band Council PO Box 1301 Skidegate, British Columbia VOT 1S0 Chief Councillor Elizabeth Moore Old Massett Village Council PO Box 189 Massett, British Columbia V0T 1M0

May Russ, Administrator Haida Tribal Society PO Box 589 Masset, British Columbia V0T 1M0



Dear Sir or Madam:

The Review and Comment period of the Forest Stewardship Plan (FSP) for the Husby Group of Companies Forest Operations as submitted by Husby Forest Products Ltd. (HFP) was from August 24, 2006 to October 23, 2006. HFP has now submitted the proposed FSP on December 7, 2006 for a determination by the Designated Decision Maker (DDM) Leonard Munt of the Queen Charlotte Islands Forest District.

In the FSP, HFP has revised several of the results or strategies that were proposed in the original version of the FSP in response to comments received, including the Cultural Heritage Resources result or strategy, which is of particular importance to the Haida Nation. A copy of the revised FSP along with FSP maps are included with this letter.

Please contact Mark Salzl, Stewardship Officer, or Sean Muise, Stewardship Forester, at (250)559-6200 if you would like to meet at a time and place of your preference. Also, at this time we invite any additional information that the Haida Nation may wish to share with the

Page 1 of 2

Ministry of Forests and Range Queen Charlotte Islands Forest District Location: 1229 Cernetary Rd. Queen Charlotte, BC V0T 1S0 Mailing Address: PO Box 39 Queen Charlotte, BC V0T 1S0

Tel: (250) 559-6200 Fax: (250) 559-8342 DDM regarding the proposed Forest Stewardship Plan. Any additional information will assist him in further understanding the aboriginal interests of the Haida Nation that should be considered within the area proposed for forest development.

We request that any information that you may wish to share with the DDM be forwarded to the Queen Charlotte Islands Forest District office.

SEAN MUISE

Yours truly,

Sean Muise, R.P.F. Stewardship Forester

Queen Charlotte Islands Forest District