



June 23, 2023

Decision Rationale for A40873 Cutting Permit VK3 and Road Permit Amendment R24198 A000

Licence	Cutting Permit	Associated RP	Location
A40873	VK3	R24198 (A000)	Muskeg

Purpose

This document explains my decision on the cutting permit (CP) VK3 and associated Road Permit (RP) R24198 (A000) for Canadian Forest Products Ltd (Canfor) in the Muskeg operating area.

Authority

I am the District Manager with delegated authority to make decisions under the *Forest Act* (FA) and the *Forest and Range Practices Act* (FRPA).

Background

- Licence holder for A40873 is Canfor.
- Canfor holds Forest Stewardship Plan #11 over the Muskeg area.
- Canfor initiated information sharing with First Nations on October 3, 2022.
- The Province initiated consultation with First Nations on October 28, 2022. Consultation on CP VK3 was closed on June 16, 2023 and RP R24198 (A000) on June 22, 2023.
- Canfor submitted CP VK3 on April 6, 2023 and RP R24198 (A000) on May 26, 2023.

Consultation Process

The Province engaged in consultation in good faith and endeavoured to provide sufficient, accurate and timely information throughout the consultation process. Canfor was delegated to carry out some procedural aspects of consultation. The Province followed the Haida consultation process and extended timelines for consultation. It is my view that the extended consultation process allowed adequate time for First Nations to assess potential impacts to their Aboriginal rights and title or treaty rights and provide their comments; and for the Province to hear First Nations concerns and understand the nature and scope of the potential impacts of the proposal.

Substantial consultation occurred with West Moberly First Nation (WMFN). WMFN raised concerns regarding cumulative effects, which I addressed below. WMFN has established a moratorium on all current and proposed forestry activities in the application area. I have received no direction to enforce the moratorium and am not bound by this in my decision.

Page 1 of 3

Cumulative Effects

I am aware that a cumulative effects model that meets the expectations set out by the Court in *Yahey v British Columbia*, 2021 BCSC 1287 and the needs of Treaty 8 First Nations has not been developed to date; however, efforts are being made by the Province to develop this model collaboratively with Treaty 8 First Nations. In the interim, I have reviewed this application in consideration of the following values and known features:

- RSEA Moose Habitat Effectiveness – the blocks and roads are in the 0 to 40% effective category.
- RSEA Water Quality – the blocks and roads are located in the high disturbance category. The blocks have had the required Environmental Stewardship Initiative (ESI) Riparian management practices applied to any lakes, stream, wetlands, NCL, NCW's & NCD's as required by ESI MOU.
- RSEA Environmental Livelihoods – the blocks and roads are in a "Roaded Modified" category.
- No overlap with any ESI Biodiversity Management Areas (BMA).
- There are no caribou herds in the area of the CP or RP.

Considerations

In making this decision, I have considered the following information:

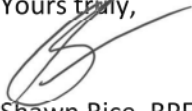
- The consultation record and I understand that there were no block specific concerns raised by First Nations regarding CP VK3 and RP R24198.
- Canfor's current approved FSP #11 objectives and results and strategies were incorporated into the development of the CP and RP.
- The blocks and roads are located outside the BMAs of the ESI.
- Canfor is following the Best Management Practices (BMP) identified for the ESI area.
- There is a substantial area of BMAs in the general area of the blocks within CP VK3.
- The amount of Wildlife tree patches (8.1% of the area) identified by Canfor within the blocks. Also, 2 of the 4 blocks will be partially harvested.
- The blocks overlap with rank 3 nest density polygons. There are no special management requirements related to migratory birds for Rank 3 nest density polygons and the restricted periods do not apply. However, BMPs are being applied on these blocks through increased ESI -riparian protection, retention of wildlife trees, high value snag and deciduous species and individual trees or snags suitable for cavity nesting bird species, fisher and future moose browse. MUS336 - partial cut or high retention silviculture system – 89% partial cut due to retention of deciduous.

I have also considered the Crown's responsibility to First Nations and I believe that reasonable efforts have been made to understand and minimize any potential impacts to Treaty 8 rights and Aboriginal rights and title. Lastly, I have considered how delaying my decision may have economic implications on the communities in the area.

Decision

Considering the factors laid out above, I have approved CP VK3 and RP R24198 (A000). In making this decision, I have determined that the consultation with First Nations by the Crown has been carried out in good faith. Reasonable efforts and opportunities have been made to meaningfully consult and I believe that the honour of the Crown is upheld.

Yours truly,

A handwritten signature in black ink, appearing to be 'Shawn Rice', written over the words 'Yours truly,'.

Shawn Rice, RPF
District Manager
Prince George Natural Resource District



September 25, 2023

Decision Rationale for A40873 Cutting Permit VJ8 and Road Permit Amendment R24198 A001

Licence	Cutting Permit	Associated RP	Location
A40873	VJ8	R24198 (A001)	Muskeg

Purpose

This document explains my decision on the cutting permit (CP) VJ8 and associated Road Permit (RP) R24198 (A001) for Canadian Forest Products Ltd (Canfor) in the Muskeg operating area. The access road is an existing road.

Authority

I am the District Manager with delegated authority to make decisions under the *Forest Act* (FA) and the *Forest and Range Practices Act* (FRPA).

Background

- Licence holder for A40873 is Canfor.
- Canfor holds Forest Stewardship Plan #11 over the Muskeg operating area.
- Canfor initiated information sharing with First Nations on October 3, 2022.
- The Province initiated consultation with First Nations on January 17, 2023. Consultation on CP VJ8 and RP R24198 (A001) was closed on June 30, 2023.
- Canfor submitted CP VJ8 and RP R24198 (A001) on August 18, 2023.

Consultation Process

The Province of British Columbia (the Province) endeavoured to provide sufficient, accurate and timely information throughout the consultation process, from January 17, 2023 to June 30, 2023; Canfor was delegated to carry out some procedural aspects of consultation. I have reviewed the record of consultation, which is reflected in the considerations below. The Province followed the Haida consultation process and extended timelines for consultation. It is my view that the extended consultation process allowed adequate time for First Nations to assess potential impacts to their Aboriginal rights and title or treaty rights and provide their comments, and for the Province to hear First Nations concerns and understand the nature and scope of the potential impacts of the proposal.

No block-specific concerns regarding CP VJ8 and RP R24198 were raised during Canfor's information sharing process or during consultation carried out by the Crown. I am aware that during consultation on several information sharing packages, West Moberly First Nations (WMFN) has raised concerns

Page 1 of 3

regarding cumulative effects, which I address below. WMFN has also imposed a moratorium on all current and proposed forestry activities in the application area.

I have received no direction to enforce the moratorium and am not bound by this in my decision.

Cumulative Effects

I am aware that a cumulative effects approach that meets the expectations set out by the Court in *Yahey v British Columbia, 2021 BCSC 1287* and the needs of Treaty 8 First Nations has not been developed to date. It is my understanding that the Province is working in collaboration with Treaty 8 First Nations on a cumulative effects approach. It is also my understanding that West Moberly First Nations is participating in this process. In the interim, I have reviewed this application in consideration of the following values and known features:

- Regional Strategic Environmental Assessment (RSEA) Moose Habitat Effectiveness – The effectiveness category has a high risk rating. However, the closest block to a moose Ungulate Winter Range (UWR) polygon is 14km away from a Conditional Harvest Zone and high value moose habitat values are addressed through the established Moose UWR. Maintenance of moose habitat effectiveness has been facilitated by the following:
 - BMP #1 – Maintaining < 250m dash distance between cover through block design.
 - BMP #2 - Reduction of motorized vehicle access post-harvest.
 - BMP #3 - Facilitate the recruitment of moose forage species post-harvest.
- RSEA Grizzly Bear has a conservation concern ranking of moderate.
- RSEA Water Quality – the blocks and roads are located in the high-density class. All roads within and associated with the blocks will be deactivated. There are no riparian features associated with the blocks. There are Non-Classified Drainages within the blocks, which are tied to a Wildlife Tree Retention Areas (WTRA) or have enhanced riparian buffers applied as per the Environmental Stewardship Initiative (ESI) riparian management. The current watershed peak flow has a moderate hazard class.
- RSEA Peaceful Enjoyment – the blocks and roads are in a “Roaded Modified” category. Canfor will be utilizing existing roads to access the blocks and will limit in-block roads. There will be no loop roads. Canfor will also be applying other measures to limit motorized access following harvest completion, such as tank traps and lock block.
- Caribou – The blocks and access roads do not overlap with core, matrix habitat or caribou resource review areas.
- No overlap with any ESI Biodiversity Management Areas (BMA) or Old Growth Deferral Areas (TAP). The Candidate Old Forest Areas (COFA) do not apply to the ESI.
- Neither of the blocks or access roads overlap with any UWR or Wildlife Habitat Areas (WHA).

Considerations

In making this decision, I have considered the following information:

- After reviewing the consultation record, I understand that First Nations raised no block-specific concerns regarding CP VJ8 and RP R24198. However, WMFN did provide general concerns as part of several consultation packages, and their moratorium statement is a clear

indication of their views. I have considered this along with the views of other First Nations in the application area.

- Canfor's current approved FSP #11 objectives and results and strategies were incorporated into the development of the CP and RP.
- Canfor completed Archaeological Assessments on blocks MUS322 and MUS330. Blocks MUS324 and MUS328 required no further assessments. All recommendations from the assessments will be followed.
- The blocks and roads are within the ESI but are located outside the BMAs.
- Canfor is following the BMP identified for the ESI area.
- The blocks contain a significant amount of insect damage.
- The amount of Wildlife Tree Retention Areas identified by Canfor within the CP totals 9.9% of the area.
- The CP and RP overlap with rank four and five migratory bird nest density polygons. BMPs are being applied on these blocks through:
 - planned harvesting outside of the nesting period one and two.
 - planned retention around the non-classified features.
 - retention of wildlife trees, high-value snag and deciduous species, and individual trees or snags suitable for cavity-nesting bird species.

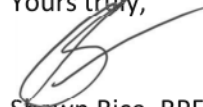
I have also considered the Crown's responsibility to First Nations and I believe that reasonable efforts have been made to understand and minimize any potential impacts to Treaty 8 rights and Aboriginal rights and title. Lastly, I have considered how delaying my decision may have economic implications for communities in the area who rely on forestry activity.

Decision

Considering the factors laid out above, I have issued CP VJ8 and RP R24198 (A001). In making this decision, I have determined that the consultation carried out by the Crown, with First Nations, has been carried out in good faith and meets the principles of the Haida Decision. Reasonable efforts and opportunities have been made to meaningfully consult and I believe that the honour of the Crown is upheld. A CP is intended to be a primary administrative decision, with decisions on CP authorizations made on a case-by-case basis. WMFN has provided broad concerns, however, I have not been made aware of any site-specific archaeological, traditional use or contemporary use values within CP VJ8 and its associated RP R24198 (A001) that relate to Treaty 8 Rights and Aboriginal rights and title under section 35 of the *Constitution Act*. I have concluded that the mitigation measures planned by Canfor and noted above are appropriate.

I am satisfied that, to the best of my knowledge and legal authority, known concerns and issues have been addressed.

Yours truly,



Shawn Rice, RPF
District Manager
Prince George Natural Resource District



September 20, 2023

Decision Rationale for A40873 Cutting Permit UW8 and Road Permit Amendment R23470 A006

Licence	Cutting Permit	Associated RP	Location
A40873	UW8	R23470 (A006)	War

Purpose

This document explains my decision to issue cutting permit (CP) UW8 and associated Road Permit (RP) R23470 (A006) for Canadian Forest Products Ltd (Canfor) in the War operating area.

Authority

I am the District Manager with delegated authority to make decisions under the *Forest Act* (FA) and the *Forest and Range Practices Act* (FRPA).

Background

- Licence holder for A40873 is Canfor.
- Canfor holds Forest Stewardship Plan #11 over the War area.
- Canfor initiated information sharing with First Nations on August 27, 2021.
- The Province initiated consultation with First Nations on October 28, 2021. Consultation on CP UW8 and RP R23470 (A006) was closed on March 14, 2022.
- Canfor submitted CP UW8 and RP R23470 (A006) for decision on July 13, 2023.

Consultation Process

The Province of British Columbia (the Province) initiated consultation on October 28, 2021 and closed consultation on March 14, 2022 and endeavoured to provide sufficient, accurate and timely information throughout the consultation process. Canfor was delegated to carry out some procedural aspects of consultation, and I have reviewed that record, which is reflected in the considerations below. The Province followed the Haida consultation process and extended timelines for consultation. It is my view that the extended consultation process allowed adequate time for First Nations to assess potential impacts to their Aboriginal rights and title or treaty rights and provide their comments and for the Province to hear First Nations concerns and understand the nature and scope of the potential impacts of the proposal.

Canfor addressed some concerns raised by First Nations during the consultation including completing Archaeological assessments. I am aware that during consultation on other information sharing packages, West Moberly First Nations (WMFN) has raised concerns regarding cumulative effects,

Page 1 of 3

which I address below. WMFN has established a moratorium on all current and proposed forestry activities in the application area.

I have received no direction to enforce the moratorium and am not bound by this in my decision.

Cumulative Effects

I am aware that a cumulative effects approach that meets the expectations set out by the Court in *Yahey v British Columbia*, 2021 BCSC 1287 and the needs of Treaty 8 First Nations has not been developed to date. It is my understanding that the Province is working in collaboration with Treaty 8 First Nations on a cumulative effects approach. It is also my understanding that WMFN are participating in this process. In the interim, I have reviewed this application in consideration of the following values and known features:

- Regional Strategic Environmental Assessment (RSEA) Moose Habitat Effectiveness – The effectiveness category is considered high risk rating. Moose is managed through the Ungulate Winter Ranges (UWR) (U-7-022) which is greater than 1km away. Canfor will be following the standards identified through the Environmental Stewardship Initiative (ESI) for moose.
- RSEA Grizzly Bear has a conservation concern rating of moderate.
- RSEA Water Quality – the blocks and roads are located in the high-density class. There are no riparian features associated with the block or road system. There is a non-classified wetland and non-classified drainage within the block, which is tied to a wildlife tree retention area and has enhanced riparian buffers applied as per the ESI riparian management. The current watershed peak flow has a low hazard class.
- RSEA Peaceful Enjoyment – the blocks and roads are in a “Roaded Modified” category. Canfor will be applying roadside screening along the mainline. There are no loop roads. Canfor will also be applying other measures to limit access and sightline, including but not limited to bridge deactivation.
- Caribou – The block and road do not overlap with core or matrix habitat or caribou resource review areas.
- There is no overlap with any ESI Biodiversity Management Areas (BMA) or Old Growth Deferral Areas (TAP). The Candidate Old Forest Areas (COFA) do not apply to the ESI.
- Neither the blocks nor the roads overlap with any UWR or Wildlife Habitat Areas (WHA).

Considerations

In making this decision, I have considered the following information:

- After reviewing the consultation record, I understand that First Nations raised no block-specific concerns regarding CP UW8 and RP R23470. However, WMFN did provide general concerns as part of other consultation packages, and their moratorium statement is a clear indication of their views. I have considered this along with the views of other First Nations in the application area.
- Canfor completed Archaeological Assessments on CP UW8.
- Canfor’s current approved FSP #11 objectives and results and strategies were incorporated into the development of the CP and RP.
- The blocks and roads are located outside the BMAs of the ESI.
- Canfor is following the Best Management Practices (BMP) identified for the ESI area.

- There is a substantial area of BMAs in the general area of CP UW8.
- The CP is 25% damaged by insects.
- The amount of wildlife tree patches identified by Canfor within the CP totals 6% of the area.
- The CP and RP overlap with rank four and five migratory bird nest density polygons. BMPs are being applied on these blocks through:
 - planned harvesting outside of the nesting period one and two.
 - retention of deciduous (13%).
 - planned retention around the non-classified features.
 - retention of wildlife trees, high-value snag and deciduous species, and individual trees or snags suitable for cavity-nesting bird species.

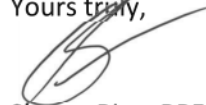
I have also considered the Crown's responsibility to First Nations and I believe that reasonable efforts have been made to understand and minimize any potential impacts to Treaty 8 rights and Aboriginal rights and title. Lastly, I have considered how delaying my decision may have economic implications on the communities in the area.

Decision

Considering the factors laid out above, I have issued CP UW8 and RP R23470 (A006). In making this decision, I have determined that the consultation carried out by the Crown, with First Nations, has been carried out in good faith and meets the principles of the Haida Decision. Reasonable efforts and opportunities have been made to meaningfully consult and I believe that the honour of the Crown is upheld. A CP is intended to be a primary administrative decision, with decisions on CP authorizations made on a case-by-case basis. WMFN's have provided broad concerns. I have not been made aware of any site-specific archaeological, traditional use or contemporary use values within CP UW8 and its associated RP R23470 (A006) that relate to Treaty 8 Rights and Aboriginal rights and title under section 35 of the *Constitution Act*. I have concluded that the mitigation measures planned by Canfor and noted above are appropriate.

I am satisfied that, to the best of my knowledge and legal authority, known concerns and issues have been addressed.

Yours truly,



Shawn Rice, RPF
District Manager
Prince George Natural Resource District