

Community Forest Agreement (CFA) Feasibility Study Report

A compilation of information describing the benefits and risks
of becoming a holder of a CFA

Report prepared for the

Thompson-Nicola Regional District (TNRD)

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EXECUTIVE SUMMARY

Community Forests (CF) can be described as a forestry operation managed by a local government, First Nation or community-held organization for the benefit of an entire community. This innovative form of forest management generates economic, social, cultural and environmental benefits for local communities and for the province as a whole. Community Forestry brings people and government together in ways that provides local participation, and involvement about the use of crown land resources. A Community Forestry is a model that realizes people's enjoyment, the monetary and non-monetary benefits offered by local forest resources.

CFs can be described as an area based forestry operation managed by some type of structured governance like a society or association. The British Columbia Community Forest Association (BCCFA) is an excellent source for information and support for those who are getting started and for those holding tenures.

A Community Forest Agreement (CFA) is the contractual document, and in general terms is known as a type of forest tenure. The agreement lays out who, what, where, when and how the forest operations will be carried out over the community forest area.

Community Forests provide a mechanism by which rural communities can manage their surrounding crown lands. Community Forests generate local economic, social, cultural and environmental benefits in ways that have not been available in the past to rural communities. In addition to local job creation they can promote, wildfire risk reduction, ecosystem restoration, recreation enhancement, educational opportunities and funding for local projects.

This feasibility study will compile and report applicable information for the decision making process of the TNRD. The success and viability of CFA's is apparent there are 58 issued CFA's that represents 100 rural and Indigenous communities in BC. If managed properly a CF held by the TNRD would be a positive venture.

The timing of the scope of work for the feasibility study will be driven by the "Annual Allowable Cut (AAC) Apportionment Process" timeline set by the Ministry of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD). It is this apportionment process timeline that will set the milestone time line of the proceeding work and activities for making an application for a CFA.

The apportionment process started January 29, 2020 with a reporting date of March 5, 2021 to the Minister's office. An announcement about the apportionment is still forth coming.

The TNRD submitted a "Letter of Interest" outlining the TNRD's interest in obtaining a CFA to the FLNRORD and the Minister's office January 14, 2021. A Supplemental Information sheet was included with the letter of interest. This will provide the FLNRORD with the information needed to ensure that the apportionment process considers the allocation of volume for a CFA during their process. See Appendix I.

SECTION DESCRIPTIONS

Section 1: Background

Section one provides background information about the concepts of Community Forest Tenures and explains the vision of the TNRD. Should the TNRD have a community forest agreement?

Section 2: Goals and Benefits

This section provides the background detail about the Kamloops TSA, the TSA area apportionment process, and the elements associated to community forest tenures. The geographic boundaries of the TNRD and Kamloops TSA are identified and communities and Regional Districts that have CFAs are outlined.

Section 3: Resource Users/Consultation

The information in this section outlines the consultation process for indigenous and non-indigenous effected peoples, and identifies the need to review existing relationships and build on those prospects.

Section 4: Organizational Structure

The types of legal entities that are accepted forms of governance and the proposed reporting flow between the groups involved with the CFA.

Section 5: Risk and Liabilities

This sections talks about where funding will be needed and estimates those expenditures. It also outlines the risk exposures versus benefits. The competitive environment of tenure acquisition is also discussed.

Section 6: Business Case Analysis

This section presents the fees, charges, and estimated and actual reported cost benefits and expenditures. Challenges and potential economic business opportunities are also discussed.

Section 7: Community Forest Operating Models

Outlines the next steps, defines the types of work and its timing and priorities, and that the TNRD will need a fluid decision making process and the ability to respond quickly to a condensed submission timeline.

Section 8: Conclusion

CFAs are a unique and valuable opportunity.

SECTION 1: BACKGROUND

Atlas Information Management Ltd., was contacted by the TNRD to prepare a report and budget for the TNRD board, related to acquiring a CFA, and whether the concept should be approved or rejected.

The question was asked, “Should the TNRD hold a Community Forest Agreement tenure?” The question is prefaced by “if the TNRD will be given an opportunity to submit an application.”

The study provides a snapshot of how communities within the TNRD could benefit from obtaining a CFA and highlights some of the work and activities specific to preparing an application and submitting an acceptable package to the MFLNRORD. The study also identifies potential challenges, and outlines cost projections associated with the steps leading to a completed submission package.

Business development opportunities are presented with limited detail as these areas should be explored at a more appropriate phase during the progress of the application for a CFA.

1.1. TNRD’s Eligibility

The Community Tenures Regulation says that for the purpose of section 43.2 (3) (c) of the Forest Act, a community forest agreement may be entered into only when an applicant that is a society as defined in the Societies Act, or an association as defined in the Cooperative Association Act, or is a company or an extraprovincial company or a partnership. Partnerships are eligible if they are comprised of;

1. First Nations,
2. Municipalities or Regional Districts,
3. Societies that comply with Societies Act,
4. Associations that comply with Cooperative Associations Act,
5. Companies or extraprovincial companies, or
6. A combination of any of the entities referred to above.

Eligibility references above are from the Community Tenures Regulation, BC Reg. 352/2004

If the TNRD is invited to apply it is eligible to apply for a CFA provided a governance structure that meets the legal entity requirements of the Community Forest Agreement Application Requirements Guidebook is formed.¹

Please refer to Appendix VI of this report. See the *Community Forest Agreement Application Requirements Guidebook March 2017 page 11*, Attachment A for the legal entity details.

¹ Page 11 MFLNRO Community Forest Agreement Application Requirements

SECTION 2: GOALS AND BENEFITS

2.1. What is a Community Forest?

Community Forest can be described as a forestry operation managed by a local government, First Nation or community-held organization for the benefit of the entire community. Community Forests are bound by legislation and regulation and are awarded by the Minister of FLNRORD.

This innovative form of forest management generates economic, social, cultural and environmental benefits for local communities and for the province as a whole. At its core, community forestry is about local control over local forests and enjoyment of the monetary and non-monetary benefits offered by local forest resources.²

2.2. The Goals of a Community Forest

CFAs support opportunities in areas such as recreation, wildlife and watershed management for communities and contribute to a more diversified forest economy.

Examples of goals of for Community Forest Program are to:

1. Provide long-term opportunities for achieving a range of community objectives, values and priorities.
2. Diversify the use of and benefits derived from the CFA area.
3. Provide social and economic benefits to British Columbia.
4. Undertake community forestry consistent with sound principles of environmental stewardship that reflect a broad spectrum of values.
5. Promote community involvement and participation.
6. Promote communication and strengthen relationships between Aboriginal and non-Aboriginal communities and persons.
7. Foster innovation.
8. Advocate forest worker safety.³

2.3. What is a Community Forest Agreement?

The Community Forest Agreement (CFA) is an area-based licence operating on Crown Land that provides the exclusive right to harvest timber within the CFA area, plus the right to manage botanical forest products. Licenses are long-term, 25 years, replaceable every 10 years.

The BC Government CFA tenure was developed to give local communities the opportunity to manage local forests for the benefit of those communities, in a manner consistent with locally defined objectives and values.

² <https://bccfa.ca/community-forestry/>

³ Available from the BCCFA website <https://bccfa.ca/>.

CFAs are governed by the Forest Act and the Forest and Range Practices Act and all other applicable statutes and regulations.⁴

2.4. Allowable Annual Cut Determination-Kamloops Timber Supply Area Apportionment Process

Allowable Annual Cut is the volume expressed in cubic meters (m³) that is available to be harvested by agreement holders in the Timber Supply Area (TSA) in a given year. The AAC is reviewed every 10 years during a Timber Supply Review (TSR). The Chief Forester determines the ACC after a TSR has been completed.

Once the AAC is determined, the Minister allocates or apportions the AAC to various agreement holders including BC Timber Sales (BCTS). This allocation is referred to as the Apportionment Process, where volume allowed to be harvested in a given year the AAC is distributed. The Kamloops TSA is presently undergoing an Apportionment Process and some of those key items are as follows:

1. May 2016 AAC was set at 2.3 million.
2. The Chief Forester will be establishing an AAC for the next five year period effective May 5, 2021.
3. The AAC of 2.1 million cubic metres will be set, of which 200,000 cubic metres is attributable to cedar-leading and hemlock-leading stands older than 140 years.
4. AAC continues to be on a downward trend since 2016.
5. The apportionment process started January 29, 2020.
6. On March 5, 2021 the FLNRORD staff will send their AAC apportionment report to the Minister; on the May 5, 2021 the Kamloops TSA AAC drops to 2.1 million m³ meters.
7. Any opportunities for a successful CFA application will be limited after May 5, 2021.

The TNRD has submitted an Expression of Interest Letter and supplemental information document to the FLNRORD, to be considered in the apportionment process.

2.5. History and Description of Kamloops TSA

Currently the Kamloops TSA has three CFAs in place:

1. The Lower North Thompson Community Forest Society.
2. Wells Gray Community Forest Corp and the.
3. Logan lake Community Forest Corporation.

The Kamloops TSA ranges from Logan Lake to Wells Gray Provincial Park; it takes in the Blue River area and is bounded by the Columbia Mountains and the Cariboo regional district. There are 34 First Nations communities within the TSA.

⁴ <https://bccfa.ca/community-forestry/>

The Kamloops TSA's current AAC is 2.3 million cubic metres, effective May 5, 2016 until May 4, 2021, after which the AAC becomes 2.1 million cubic metres.

Generally, a new AAC is set at least once every 10 years. The apportionment process is currently underway March 5, 2021 is a milestone date that the apportionment package will be sent to the Minister's office.

2.6. Comparison of Kamloops TSA and TNRD Boundaries

Some of the TNRD area overlaps neighbouring Forest Districts. It is recommended that staying within a single TSA makes the feasibility study, review and assessment process less complicated. Avoiding multiple levels of neighbouring governments will keep your project process simplified.

However during the course of the feasibility study work, the study may indicate considering exploring the full scope of the TNRD area.

See the attached maps in Appendix II:

1. Geographic Overview Map Kamloops TSA – TNRD Area.
2. Area Based Tenures Map Kamloops TSA.

2.7. Bordering Communities with CFAs

Cascade District:

1. Vermillion Forks Community Forest Corporation – Princeton/Tulameen.
2. Xaxli'p Community Forest Corporation – Lillooet.

Okanagan Shuswap District:

1. The West Bank First Nation – Peachland/Kelowna.
2. Lower Similkameen Community Forest Limited Partnership – Keremeos.
3. Monashee Community Forest LLP – Enderby/Armstrong.
4. Cherry Ridge Management Committee.

100 Mile House District:

1. 100 Mile Development Corporation – 100 Mile House.
2. Clinton & District Community Forest of BC Limited – Clinton.

2.8. Regional Districts with CFA's

Table 2 - 1 shows that Regional Districts do hold CFAs. Three Regional Districts within BC have partnered relationships with successful community forest agreements in place. A brief snapshot of information has been included, this information shows the similarities and differences in board structures and partnership distribution as well as the variability of the AAC and land base area of CFA's.

Table 2-1 Summary of Regional Districts with CF's

CFA Tenure	Shareholders	Partnership Distribution	AAC m3/year Area ha	BOD Structures
Chinook CF-K4	Village of Burns Lake RD of Bulkley Nechako Areas B & E Burns Lake IB Chesletta Carrier Nation Lake Babine Nation Nee Tahi Buhn IB Skin Tyee Band Wet'suwet'en FN	FN's hold 85% of the Local Partnership RDBN and Village split 15% of Local Partnership	150,000 m3/year 90,658 ha	<ul style="list-style-type: none"> 1 year terms CFF was incorporated 2016 BOD elects executive President Vice President Secretary Treasurer
Creston CF-KD3	Town of Creston BC RD Central Kootenay Wildsight Erickson Community Association Trails for Creston Valley Society	Information not readily available	25,000 m3/year 21,329 ha	<ul style="list-style-type: none"> Awarded 2008 10 member BOD, 5 from community at large 3 permanent employees Forest Manager Office Administrator Registered Forest Technician All forestry operations are tendered to locally based contractors
Cascade Lower Canyon CF-K3J	Yale FN District of Hope Fraser Valley RD	3 – Way partnership	30,000 m3/year 26,000 ha	<ul style="list-style-type: none"> Profits disbursements to 3 partners of \$315,000 6 directors, 2 appointed to represent each shareholder and a appointed alternate director Quorum of BOD is 4 or more Robert's Rules of Order are applied BOD selects the Chair and appoints Vice Chair and Secretary or Treasurer.

Note: Regional District of Kootenay Boundary is seeking an invitation for a CFA

SECTION 3: RESOURCE USERS/CONSULTATION

3.1. First Nations Engagement and Consultation

Nearly half of operating CF's are held by First Nations or are in partnerships with non-indigenous communities. It should be understood to be a successful applicant a meaningful partnership with First Nations is essential. Two items need to be considered, the partnership must be attractive enough to garner the First Nations attention. They likely would be more successful submitting their own application. The second item is; the more innovative the First Nations partnership is potentially higher scores could be achieved throughout the review process of the application.

A government expectation of committing to a CFA is the inclusion of the First Nations, through meaningful partnerships and business development. The government of BC's assertion is that through partnership with individual entities, and First Nations, stronger more diverse communities will evolve.

The Crown has a legal duty to consult First Nations and seek to address their concerns before potentially impacting treaty rights or asserted or established aboriginal rights and title. This duty is a requirement of the Constitution Act, 1982. The Supreme Court of Canada in Haida (2004) said that government could delegate the procedural aspects of consultation to proponents. Procedural aspects of consultation refer to the direct engagement component of consultation that involves sharing and discussing information. The Guide to Involving Proponents When Consulting First Nations is located in Appendix VI.

3.2. Inventory of Existing TNRD's First Nations Relationships

The BC government's Consultation Procedure guidebook outlines four phases. At this point it is likely that the TNRD has established some or many of the phases for other situations and projects.

A review of current relationships that the TNRD may have established with First Nation would be a place to start the process. There is no point to re-inventing what might already be in place and this may save valuable time and cost.

Engagement and or partnering with First Nations groups or expanded existing relationships will need innovative concepts, in today's current political and business climate. Exploring capacity building for existing business, education and training are potential opportunities.

The spin off effect of a Community Forest's primary forestry activities has potential for job growth and business opportunity within existing local secondary industries.

Phase One – Preparation

1. Identify impacted First Nations.
2. Identify treaties or process agreement(s).
3. Review readily available information.
4. Considered consultation levels.
5. Decide who will engage First Nation.

Phase Two – Engagement

1. Provide information and seek input.
2. Engage First Nation(s).
3. Complete consultation at an appropriate level.

Phase Three – Accommodation

1. Assess consultation and need to accommodate.
2. Identify accommodation options.
3. Propose accommodation measure and attempt to reach agreement.

Phase four – Decision and follow-Up

1. Assess consultation and accommodation record.
2. Provide a decision to First Nation.
3. Ensure implementation of accommodations.⁵

It might require doing phases one and three simultaneously and returning to phase two to fill in any identified gaps.

3.3. Resource Users Identification/Consultation in the Proposed CF Area

During the process of obtaining a CFA, the applicant is required to:

“Identify and consult with persons using the agreement area for purpose other than timber production and harvesting of prescribed products, including;

- 1. an aboriginal group who may be exercising or claiming to hold aboriginal interest or treaty rights, and*
- 2. trappers, guide outfitters, range tenure holders and other agreement resource users, and*
- 3. Community members, local governments and government agencies.”⁶*

⁵ Guide to Involving Proponents When Consulting First Nations

⁶ Quote from Community Forest Agreement Application Requirements, March 2017 published by MFLNRO /forest Tenures Branch, page 6, point (h).

Resource users are notified and asked to review and provided written comments about the activities and plans that are within the proposed community forest area. The review and comment time periods are set by government regulation. These timeframes are usually 30 to 60 days depending on the activity. Examples where a review and comment time frame is required are for approval of licence management plans and cutting permit development where referrals for the sharing of information with First nations, and resource users, the FLNRORD First Nation consultation activities, advertisement of management plans are required.

SECTION 4: ORGANIZATIONAL STRUCTURE

The Forest Act and the Community Tenures Regulation provide the framework of the requirements, standards, and content of the application process and the commitments that are required of a tenure holder. See Appendix III for the associated legislation, policy references and links to the Acts that have been reviewed for the content of this study.

4.1. Governance for the CFA Corporation or Society Options to Consider

A holder of a CFA must meet the requirements of government acts and regulations and those that are specific to the [B.C. Societies Act](#) and or the [B.C. Cooperative Association Act](#).

The TNRD will be required to develop policy that will govern the appointment of a Board of Directors. Develop forms and systems that generate interested peoples and parties for their participation in job positions, directorships and potential partners.

It is anticipated that the TNRD will seek legal advice and support from the TNRD Legislative Services. Legal services will assist staff to determine the best governance structure model that will lead to a successful operational CFA.

Consider developing evaluation tools and systems such as a score card tool for making appointments of persons to key roles.

Develop a system and associated tools for determining who would have the oversight and facilitate the setup of a Board of Directors.

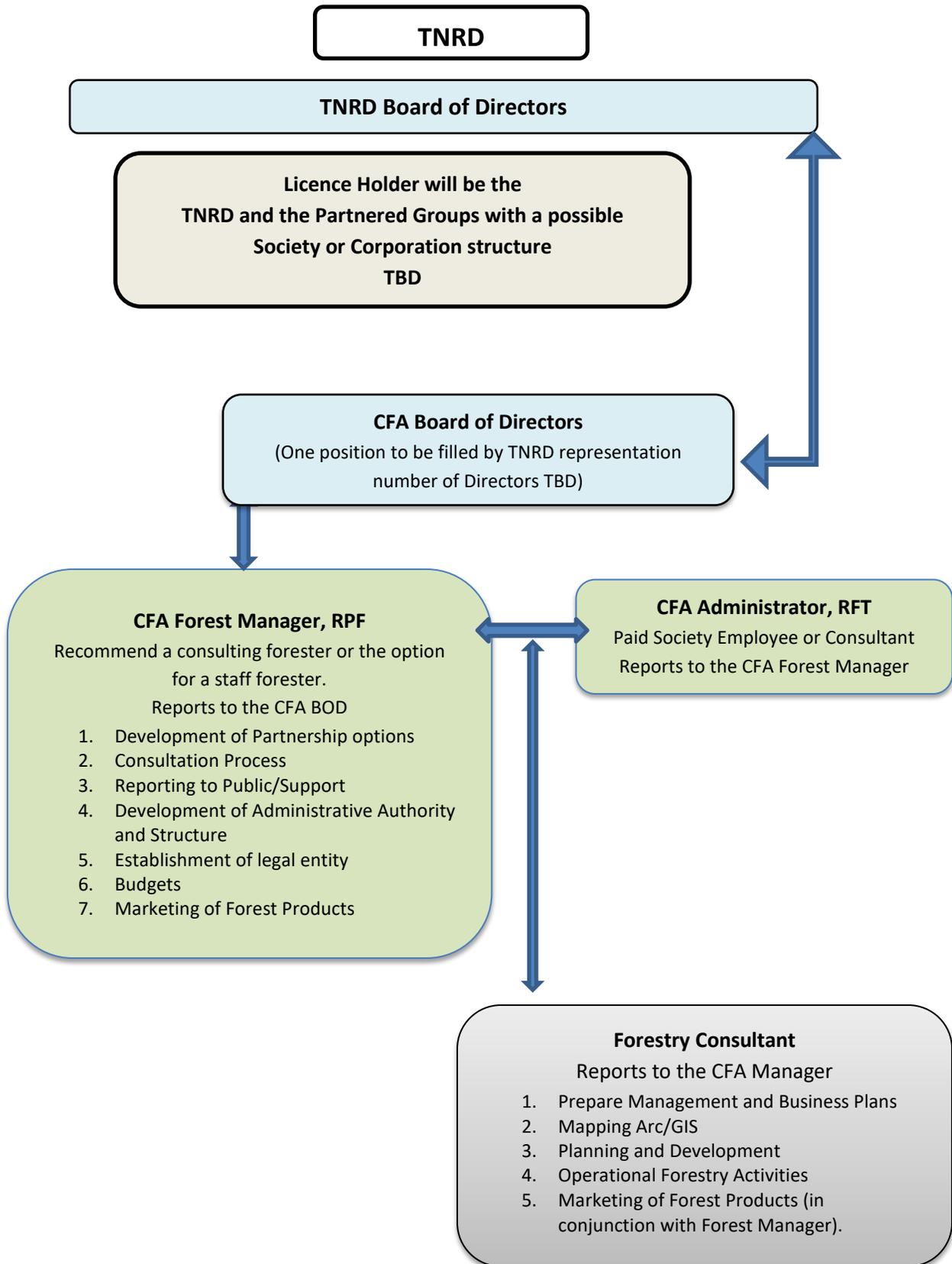
The CFA would function as a stand-alone entity or society with a manager/professional forester in place that would report to a Board of Directors specific to the CFA. The manager could be either a contract manager or employee manager, which would be determined by TNRD board of directors.

4.2. Potential Administrative Structure & Reporting Flowchart

A flow chart has been developed to depict a possible structuring of broad of directors, employees, job duties and how the identified entities and people might interact and carry out the business functions of the CFA. Refer to table 11-1.

The schematic provides an examples of how administratively a CFA would be structured and outlines the possible reporting flow and functions and activities of each level of administration.

Table 4-1 Administrative Structure and Reporting Flowchart



SECTION 5: RISK AND LIABILITIES

Liabilities described here are related to the CFA application process itself. Liabilities could include, expenditures for professional services, TNRD staff additional work commitments over and above current job duties.

1. The application must include written confirmation from the District Manager (DM) that the proposed CFA area is suitable.
2. First Nations governance structures can differ from non-indigenous structures, finding common ground is important. Anthropologist First Nations meeting facilitators are available, they ensure First Nations cultural and heritage values are encompassed in business relations.
3. Capacity for conflict resolution; the time, manpower and cost, are difficult to predict.
4. Maintaining a fluid decision making process that is efficient and provides stability for the newly appointed CFA board of directors during the application process will have challenges.
5. During the facilitation of creating a Community Forest Association Board of Directors (CFABOD), several processes and systems will likely occur simultaneously. Keeping the functions and duties of a CFABOD in line with the BC Government statutes will require good communication and oversight during this development stage. Consideration for a dedicated oversight administrator could help smooth the flow of this portion of the project.

5.1. Startup Funds: where will the funding come from? How much?

The BCCFA has many good reference and guidance materials available, in particular the 2012 Forrex Series 30 publication “The Community Forestry Guidebook II – Effective Governance and Forest Management.” Their published cost estimates have been used in the table below to demonstrate startup funds for establishing the initial funding for the Cortes Community Forest Co-Operative. Some differences exist between line actions simply because an island has a different set of factors than what will be encountered in the Kamloops TSA. Also, this publication is from 2012 and it is expected cost have increased over time and the grouping of required task is quite different for current submission packages.

If the TNRD is invited to apply for a CFA based on the apportionment process allocation a detailed budget will be required. The CFA application process has a very large scope of work and activities. An application must satisfy all required elements of the CFA Application Requirements March 2017 Hand Book.

CFA Feasibility Study - TNRD

Table 5-1 Estimated Start Up and CFA Tenure Development Cost

FORREX Publication Line Action Items	FORREX Publication 2011 Disclosed \$ Costs	Consultant Line Action Items	Consultant 2021 \$ Cost Est
Initial cost of establishing the legal entity	\$5,000	1) TNRD acts as the legal entity (this item will likely occur in house with the TNRD's legal department) but advice from the consultant may be required. 2) Consultation includes, FN and Resource User and existing Tenure Holders communications, (letters and emails) 3) Meetings, presentations	\$1,000 \$5,000 \$4,000 <u>\$10,000</u>
Documents Preparation <ul style="list-style-type: none"> • Formal CFA application • Community Consultation • Draft Management Plan • Incorporating the legal entity 	\$20,000	Document and Plan Preparation 4) Partnership Development (FN) this item maybe completed in house by the TNRD or in conjunction with support from the consultant. 5) Determination of a CF area that would include GIS/ARC spatial analysis for timber supply, AAC potential, stand inventory and land resource use. <i>With the DM's approval of a Proposed CFA area:</i> 6) FN Consultation/Resource Referrals sent to all impacted bands and resource users that are adjacent and or within the proposed CF area. 7) FN Communications/Meetings in progress and finalization of partnering agreements, business, resource and land management plans 8) Public Information Sharing (Stakeholders) 9) CFA submission package 10) Draft Management Plan 11) Incorporating the legal entity, process completed by TNRD legal department Note: The expenditures associated with the application development are not a guarantee that the TNRD will secure a CFA.	\$5,000 to \$10,000 (consultant) \$25,000 \$8,000 to \$10,000 \$15,000 to \$25,000 \$10,000 \$10,000 to \$30,000 \$10,000 to \$15,000 \$1,000 (support from consultant) <u>\$84,000 to \$126,000</u>
If TNRD is Awarded a CFA...			
<ul style="list-style-type: none"> • Development of a Forest Stewardship Plan • Access development 	\$100,000	1) Consultation and Referrals (FN/Resource users) in preparation of cutting permit applications 2) Forest Development Planning and Field Recce 3) Access Development	TBD

5.2. Competition from other Groups

If volume for a CFA is allocated through the ongoing apportionment process, there is a high probability that other interested parties will be applying for a CFA as well. The apportionment process will determine the volume of timber available for community forests. This will create a competitive environment. Competition is going to drive the need to be ready with your best application package.

The TNRD needs to be positioned for a prompt response should an invitation be received. Developing the resources of forestry experts, consulting services and project funding in advance is recommended.

Risks of expenditures versus the benefits of a CFA, the TNRD will have to review this position carefully. The expenditures associated with the application development are not a guarantee that the TNRD will secure a CFA.

The evaluation checklist (*Appendix B page 14 of the Community Forest Agreement application Requirements MFLNRO*) attached in Appendix VI of this report will be the first level of short listing of the applications.

An invitation to apply does not obligate the FLNRORD to accept an application or to direct that a CFA be entered into.

SECTION 6: BUSINESS CASE ANALYSIS

While there are associated risk and liabilities of holding a Community Forest tenure, a CFA offers local communities, both indigenous and non-indigenous many opportunities for local direct benefit.

CFAs provide a mechanism by which rural communities can manage the surrounding Crown Lands. Long-term forest activities can make ecosystem resilience possible, which in turn creates an investment for the future. A CFA would add diversity to the TNRD's Growth Strategy Plan.

6.1. Fees Charged for Utilizing Crown Timber and Forest Products

Stumpage, annual rent and logging tax are fees charged by the crown for the right to harvest timber and forest products. CFA's are subject to stumpage fees, annual rent.

Annual Rent

Annual rent is calculated by multiplying the AAC from the Crown land portion of the community forest agreement area by the CFA rent rate prescribed by the Annual Rent Regulation. The CFA prescribed rate is \$0.37/m³ of the AAC harvested annually.⁷

Table 6-1 Annual Rent Fee for an average AAC volume expressed in \$/m³.

BC's Average CFA AAC	Annual Rent \$0.37/m ³	Annual Rent Fee
Est. 32,000 m ³	0.37	Est. \$11,840.00

Stumpage Rates

Stumpage is determined by the Timber Pricing Branch of the FLNRORD. The Interior Appraisal Manual provides the parameters that are used to set stumpage rates. Stumpage rates are expressed as \$/m³. The table below shows the current stumpage rate for coniferous sawlog, this rate will be reset August 1 2021. See Appendix III for a definition of the term stumpage.⁸

Table 6-2 CFA Coniferous Average Sawlog Stumpage Rate

<u>Thompson Rivers Forest District</u>	<u>Cascades Forest District</u>
2020 Aug 1 South East Fixed Rates	2020 Aug 1 South West Fixed Rates
\$6.13 – \$8.90/m ³	\$8.87 - \$11.20/m ³

⁷ Annual Rent Regulation

⁸ Interior Appraisal Manual Chapter 6 FLNRORD Timber Pricing Branch

Table 6-3 Estimated Stumpage Fee for Average harvested AAC volume

Estimated Stumpage based on 89% Grade 1&2 Sawlog content of the Average 32,000m3	Estimated Stumpage based on 89% Grade 1&2 Sawlog content of the Average 32,000m3
Est. \$174,582 - \$253,422	Est. \$252,617 - \$318,976

6.2. GAP Analysis - What are the associated challenges?

The challenges that are presented in this section describe potential impacts from unforeseen events or situations that may require a response or change of an existing activity, idea or process that has been presented as part of the plan.

Current issues:

COVID-19 continues to present challenges, meeting the complex timelines for this project will require timely awareness of changing situations surrounding the virus. The ability to adjust management practices rapidly should be in place.

Emerging factors:

Climate Change is an emerging science but innovation and awareness of the issues will be an important factor through this project.

Finding reliable predictive information about economic change will be important. The challenges of adaption to economic conditions facing the province now and over coming years will always be a matter of concern for holders of a CFA.

Trends Past and Current:

The forest industry historically has a cyclical nature, market conditions change rapidly, our experience is that tenure and timber authorization approvals are taking longer and the complexity continues to expand. We see these timelines bridging market changes several times before approvals are obtained. This translates to missed opportunities.

The approval processes is complex and requires a committed and efficient management style. There are a significant number of elements that must be completed. Consultation, engagement with impacted groups, referrals, record, and documentation management along with meeting the submission standards are required to be satisfied by government legislation.

Continual knowledgeable effective management is the key to a successful Community Forest.

6.3. Reported Revenue & Social Economic Returns of BC's CFAs

Data from the 2020-2014 BCCFA Indicators Reports, have been used to show BC CFAs are producing revenue. The study has relied on this information as part of analysis for its recommendation that CFA's are successful, and generate revenue to their associated communities.⁹

Table 6-4 BCCFA Annual Report Indicators

Indicators	2020/19	2019/18	2018/17	2017/16	2016/15	2015/14
	≈Total	≈Total	≈1.Total m3/job	≈1.Total FTE/m3	≈1.Total FTE/m3	≈1.Total FTE/m3
	≈Ave	≈Ave	≈1.Ave m3/job	≈1.Ave FTE/m3	≈1.Ave FTE/m3	≈1.Ave FTE/m3
1. Number of Jobs All Activities PY = Person Years	956 PY 29.65	1,259 PY 34.99	1,438 jobs 39 jobs	964 jobs 33 jobs	710 jobs Not available	20 jobs 10 jobs
2. Total Economic Activity Sales Expenditures	\$10 mill \$2.4 mill \$7.2 mill \$1.8 mill	\$8.7 mill \$2.8 mill \$7.6 mill \$2 mill	\$8.7 mill \$1.9 mill \$7.5 mill \$1.3 mill	\$8.6 mill \$2.2 mill \$7.7 mill \$1.9 mill	\$11.4 mill \$2.6 mill \$11.5 mill \$2.2 mill	\$4.6 mill \$1.6 mill \$5.6 mill \$1.8 mill
3. Community Contributions	\$17.1 mill \$536,998	\$17 mill \$509,497	\$12 mill \$317,000	\$6 mill \$171,000	\$5.3 mill \$203,000	\$1.2 mill \$82,000
4. Funds Leveraged by the CF	\$3.2 mill \$276,708	\$5.3 mill \$405,865	\$2.7 mill \$170,000	\$2.3 mill \$85,000	\$2.5 mill \$105,000	\$860,000 \$143,200
5. Cut Control – Contributing logs to the Market	75% of AAC	72% of AAC	75% of AAC	78% of AAC	84% of AAC	87% of AAC
6. Distribution of Log Sales	For this specific detail go to the indicator report year of interest. The reports are available on the BCCFA website.					
7. Investments Silviculture	\$1 mill \$84,000	\$2.4 mill \$122,000	\$1.1 mill \$29,000	\$1 mill \$30,000	\$874,000 \$28,000	\$413,000 \$34,000
8. Economic Diversification	\$2.6 mill \$448,000	\$332,000 \$111,000	\$440,000 \$63,000	\$384,000 \$64,000	\$2,500	No reported data
9. Community Accountability	97% survey respondents report annually	94% survey respondents report annually	95% survey respondents report annually	95% survey respondents report annually	90% survey respondents report annually	16% survey respondents report annually
10. Public Engagement	Overall good engagement with the community sectors is reported. For this specific detail go to the indicator report year of interest. The reports are available on the BCCFA website.					
11. Investments in Community Education	\$206,000 \$8,600	\$178,000 \$5,000	\$176,000 \$5,000	\$115,000 \$3,000	\$234,000 \$8,000	\$24,000 \$7,000

⁹ Available from the BCCFA website <https://bccfa.ca/>.

Indicators	2020/19	2019/18	2018/17	2017/16	2016/15	2015/14
	≈Total	≈Total	≈1.Total m3/job	≈1.Total FTE/m3	≈1.Total FTE/m3	≈1.Total FTE/m3
	≈Ave	≈Ave	≈1.Ave m3/job	≈1.Ave FTE/m3	≈1.Ave FTE/m3	≈1.Ave FTE/m3
12. Investments in Recreation	\$218,000 \$12,000	\$700,000 \$35,000	\$586,000 \$16,000	\$486,000 \$14,000	\$1.3 mill \$48,000	\$278,000 \$20,000
13. Proactive Management of Wildfire Hazard	\$2.6 mill \$128,000 1,532 ha 96 ha	\$795,000 \$40,000 765 ha 70 ha	\$334,000 \$8,000 781 ha 71 ha	\$676,000 \$20,000 950 ha 29 ha	\$600,000 \$21,000 2,117 ha 76 ha	\$66,000 \$5,000 430 ha 33 ha
14. Forest Worker Safety BC Forest Safety Council	BCFSC or Equivalent programs 78%	BCFSC or Equivalent programs 79%	BCFSC or Equivalent programs 78%	BCFSC or Equivalent programs 81%	BCFSC or Equivalent programs 67%	BCFSC or Equivalent programs 86%
15. First Nations Involvement	For this specific detail go to the indicator report year of interest. The reports are available on the BCCFA website.					

6.4. Logging Value Analysis

To provide a better picture of the potential log value and residual earnings of a CF a logging value analysis has been prepared. See tables 6-5 and 6-6. The total residual/net value of \$793,850 based on harvesting 25,000 m³ of timber was calculated. The example data utilized existing logging and development costs from the Dixon Creek area of the Kamloops TSA. Dixon Creek is a good representation of an average logging chance. Current stumpage and mill prices were used in the analysis.

Table 6-5 Logging Value Analysis

EXAMPLE LOG VALUE ANALYSIS			
Sawlog upset Stumpage (\$/m3) (Aug 1/21)		\$ 8.77	
Date: July 30, 2021			
Total Volume:		25,000 m3	
Sample Area:			
Dixon Creek			
Scenario #		1	1
	Mill	Tolko	Weyco
	Location	Heffley	Princeton
	pieces/Product	Fd Peeler	Fd CNS
STATISTICS			
	% Volume (2 decimal places)	20.0%	80.0%
	Volume - M3	5,000	20,000
FINANCIAL			
	Mill contract - units (MT/M3)	M3	M3
	Fixed conversion factor	1.15	1.15
	Actual stratum conversion		
Mill price		130.00	100.00
	Units (MT/M3)	M3	M3
	Converted Selling price	130.00	100.00
Costs:			
	Logging	30.00	30.00
	Hauling	10.46	27.98
	Stumpage	8.77	8.77
	Development	6.00	6.00
	Admin/Overhead	5.00	5.00
Total Costs		60.23	77.75
Residual =(Converted Sell \$ - Total Cost)		69.77	22.25
	Amount - \$	348,850	445,000

Table 6-6 Logging Cost Analysis Results

Total Residual Value, Total Volume, \$/m3						
Scenario # 1	Residual		Total		Total value	
	Value-\$	Volume		\$/M3	Total-\$	\$/M3
	793,850	25,000		31.75	793,850	31.75

6.4.1. Wildfire Hazard Management and Climate Change

Climate change adaption and wildfire preparedness has been a specific focus of holders of CFAs. Investments to manage ecosystem resilience contributing to climate change are significant.

6.5. Economic Social Environment

CFAs generate local economic, social, cultural and environmental benefits in ways that have not been available in the past. Community Forests create opportunity for existing and new industry. CFA's can bring diversification in primary, secondary and tertiary job sectors. In addition to local job creation they can promote, wildfire risk reduction, ecosystem restoration, recreation enhancement, educational opportunities and funding for local projects. The government of BC's assertion is that through partnership with individual entities, and First Nations, stronger more diverse communities will evolve.

6.6. Environmental Protection and Sustainability

Provincial legislation and policy about climate change, preparedness, and adaption strategies will continue to evolve. Local governments will be tasked with meeting the objectives of provincial legislation. A CFA could provide funding for these long term environmental protection and sustainability requirements.

The Ministry of Environment and Climate Change Strategy is responsible for helping provincial public sector organizations meet Carbon Neutral Government requirements. Small community government sectors could benefit from cash-in-kind-funding generated by a CFA to pave the way to fulfilling climate change strategies with items like startup funding.

The Forest Carbon Initiative was launched in 2017 as a key element of British Columbia's commitment to take action on climate change.

CleanBC is an industrial incentive program that provides support and incentives for clean, low-carbon efficiencies and new technologies that reduce pollution in the industrial sectors. The programs discussed can be referenced to the website below.

<https://www2.gov.bc.ca/gov/content/environment/climate-change>

6.6.1. Greenhouse Gas Emission Offset Projects

There are several programs that all fall under the umbrella of B.C. Offset Projects they span nearly every region and sector of the province – driving clean economic opportunities while cutting emissions.¹⁰

6.6.2. Selling Carbon Offsets to the Province

B.C.'s carbon offset portfolio has resulted in total emission reductions of approximately 6.8 million tonnes carbon dioxide equivalent (CO₂e) between 2010 and 2019. In addition to reducing emissions, the offsetting advances green technologies while it supports clean job growth and stimulates the economy.¹¹

6.6.3. Other Benefits

A CFA can provide local communities with opportunities to address wildfire fire preparedness, forest health factors that directly impact their communities. Timely management practices are anticipated to lead to projects and business opportunities while addressing losses and mitigating future impacts.

Water quality and quantity always generates a full scope of topics and concerns for communities and industry alike. Water temperature, fish stream habitat, who and how much water is used are just some areas of concern. New laws and regulations from licensing the quantity to the sustainability of water are going to have impacts on everyone. A CFA can improve local input and management for water resources.

¹⁰ <https://www2.gov.bc.ca/gov/content/environment/climate-change/industry/offset-projects>

¹¹ <https://www2.gov.bc.ca/gov/content/environment/climate-change/industry/selling-offsets>

SECTION 7: COMMUNITY FOREST OPERATING MODELS

(If Apportionment includes the option for a Community Forest)...

7.1. Next Steps

The elements of the next steps detail the work and activities that will need to be completed if the TNRD Board proceeds to position itself to have a CFA final submission package prepared, should they be invited to apply for a CFA based on apportionment process allocations.

To Do List:

1. Retain the services of professional forester or consulting forestry company, with the scope of practice and experience related to tenure development planning and forest management.
2. Determine a governance structure that meets the requirements of the Legal Entity for the holder of a CFA. Determine the job positions and number of employees. Shape their roles and responsibilities and develop the necessary policy and procedure.
3. Secure Funding.
4. Develop CFA policies, goals, and objectives.
5. Seek potential partners and develop their involvement in the process. Engage with First Nation Groups to gain support, form potential agreements in principal or partnerships.
6. Forestry Consultant moves forward with mapping/GIS phase and prepares the associated forest management plan.
 - a. Determine a suitable CF area that is endorsed by the District Manager (DM).
 - b. Determine appropriate AAC volume for the proposed area.
7. Communications with multi levels of groups and interested persons. Including FN Consultation, Resource Users referrals, public awareness and review and comment processes.
8. Continue to engage with the associated BC governments and continue seeking their assistance and knowledge.

7.2. Development and Planning Phase

Activity Items:

1. Inventory of First nations interests.
2. Office GIS/ARC mapping exercise to identify potential suitable CFA proposed area.
 - a. Describe the proposed area; environments, cultural, values and attributes.
 - b. Obtain existing tenures, and land ownership.
 - c. Inventory assets.
 - d. Determine potential issues, and conflicts.
3. Initiate an inventory of sustainable forest management commitments and objectives.
4. Research sustainable forest economy potential and forest products.

5. Consider business partnering with First Nations and or other groups.
6. Initiate an inventory of timber, botanical forest product and others resource values.
7. Research community support and involvement interest for the CFA.
8. Determine revenue expectations and predictions.
9. Devise a consultation model for First Nations and Stakeholders review and comment input and participation.

7.3. Implementation and Action Items Phase

Completing the identified activities:

1. Meet with Forest Licence tenure holders to determine support for a CFA application.
2. Engage with First Nations groups specifically bands with strength of claim.
3. Meaningful information sharing and communication process with all impacted groups.
4. Mapping and GIS/ARC mapping tools, to determine a suitable CFA location.
5. Complete management plan and AAC determinations for the CFA.
6. Administrative Authority the legal entity (Society or Corporation) of the CFA needs to be boots on the ground ready to proceed with the administration of:
 - a. Writing and publishing Legal Entity policy, mission statements, goals and objectives.
 - b. The Business Plan.
 - c. Referral process – How will the entity get the information to the public for comments and review?
 - d. Prepare a timeline profile with milestones tracking system.

7.4. Work Activities Scope

1. Complete Inventory and determine the proposed CFA AAC.
2. Mapping and GIS/ARC process for forest inventory polygons.
3. Inventory of resource values utilizing GIS/ARC mapping and government data tools.
4. Advertisement notices – Legal advertisements.
5. Prepare notification letters, referral letter, send referral letters based on CAD report.
6. Utilize the developed documentation and record management systems.

SECTION 8: CONCLUSION

This Community Forest Feasibility Study Report has been completed to aid the TNRD Board of Director's in making an informed decision as to should the TNRD "proceed or not proceed" with a CFA if given the opportunity.

Currently the FLNRORD is in the final stages of the Kamloops TSA Apportionment Process which will establish volume allocations for tenure holders in the Kamloops TSA. The TNRD has submitted and "Expression of Interest Letter" including supplemental information to the Minister of FLNRORD to be considered in this process.

If volume is allocated for a CFA then the TNRD would be invited to submit an application. The application will go through the evaluation process as outlined in the application guidebook. FLNRORD staff reviews the application if the staff is satisfied with the application it will be moved on to the delegated decision maker for a determination.

This report provides the TNRD Board of Directors a summary of Community Forest, and the associated Agreement. The benefits of a CFA along with potential related risk and liabilities are outlined in this report.

It is the author's opinion that numerous benefits including economic and social opportunities are available, coupled with engagement with First Nations partnering the benefits outweigh the risk and liabilities. When effective management practices and scales of efficiency are applied to the administration of a CFA the forest resource can be locally managed, the benefits return to the local communities directly. Community growth and diversity will be the end products of holding a CFA.

If the TNRD is interested to apply for a CFA it should be considered to be a unique and valuable opportunity.

APPENDIX I. EXPRESSION OF INTEREST LETTER

1. Thompson-Nicola Regional District-Expression of Interest for a Community Forest Agreement
2. Supplemental Information: Expression of Interest for CFA
3. December 17, 2020 Board Report authorization to staff.



THOMPSON-NICOLA
REGIONAL DISTRICT
The Region of BC's Best

300-465 Victoria Street
Kamloops, BC V2C 2A9
Tel: 250-377-8673
Toll Free in BC: 1-877-377-8673
Email: admin@tnrd.ca

Department: Community Services

January 14, 2021

Honourable Katrine Conroy
Minister of Forests, Lands, Natural Resource Operations and Rural Development
Box 9049 Stn Prov., Govt.,
Victoria, BC V8W 9E2

Re: Thompson–Nicola Regional District-Expression of Interest for a Community Forest Agreement.

Dear Honourable Katrine Conroy:

The Thompson Nicola Regional District (TNRD) Board has authorized staff to submit an Expression of Interest to the office of the Minister of Forest, Lands, Natural Resource Operations and Rural Development (FLNRORD). As such, it is understood that a volume attribution may be determined during the Kamloops Timber Supply Area (TSA) Apportionment Process that would be available for the TNRD's interest of making an application for a community forest tenure.

The TNRD staff have been engaged with the assistance of forest professionals from the Thompson Rivers District FLNRORD, in zoom meetings, emails and phone calls. The AAC Determination and TSA Apportionment Process in the Kamloops TSA was the focus of these discussions including exploring TNRD's interest in a Community Forest Agreement (CFA).

Presently, the Kamloops TSA has been determined, the new AAC of 2.1 million m³/year has been set and the apportionment of that AAC is underway.

This Expression of Interest formally requests the Minister to consider attributing volume in the Kamloops TSA Apportionment Process for a CFA in the range of 20,000 to 30,000 m³ per year.

If volume is apportioned for a CFA, the TNRD is asking to be invited to apply for a CFA. The TNRD feels a CFA in the Kamloops TSA would greatly benefit the TNRD and First Nation Communities with a variety of employment, economic, environmental, and educational opportunities at the local level.

Please accept this letter as the TNRD's Expression of Interest to have volume for a CFA considered in the current Kamloops TSA Apportionment Process.

Please contact Ron Storie, Director of Community Services at rstorye@tnrd.ca or 250-377-7078 should you have questions.

Yours truly,

Kenneth Gillis, TNRD Board Chair.

cc: Edi Torrans, Thompson River District Manager.

Encl. Supplemental Information – Expression of Interest for Community Forest Agreement

MUNICIPALITIES: Ashcroft | Barriere | Cache Creek | Chase | Clearwater | Clinton
Kamloops | Logan Lake | Lytton | Merritt | Sun Peaks

ELECTORAL AREAS: "A" "B" "E" "I" "J" "L" "M" "N" "O" "P"



Supplemental Information: Expression of Interest for Community Forest Agreement

Synopsis:

An Expression of Interest letter has been sent to the Minister of Forests, with the objective of the Thompson-Nicola Regional District (TNRD) being considered in the Kamloops Timber Supply Area (TSA) Apportionment Process – volume allocation for a Community Forest Agreement (CFA). This supplemental information provides additional details that support how allocating volume can provide benefits to communities of the TNRD.

TNRD Service Delivery:

As a regional district, the TNRD is required to deliver services efficiently and economically to unincorporated areas of the province on a local, sub-regional and regional basis. The TNRD is tasked with a vision for the future while responding to its members' and municipalities' regional needs for governance, services capacity, and the ability to adapt to emerging government trends. If successful in application, the TNRD would have increased funding and capacity to share with its rural communities, first nations and municipalities.

Rationale for volume allocation in the Kamloops TSA Apportionment Process for a CFA:

TNRD Community Employment Losses

The TNRD region has suffered significant employment losses due to the recent closures of 3 large mills and wildfires. A CFA would help offset job losses by promoting long-term direct and indirect employment within the Kamloops TSA.

Direct job losses:

- Canfor Vavenby lost 172 direct jobs as a result of the mill closure July 2019.
- West Fraser sawmill in Chasm closed Sept 2019, 176 direct jobs were lost.
- Tolko Industries closes the Nicola Valley mill 2016 and 200 direct jobs were lost.
- Ardeu Wood Products closed Jan 2013 with 50 direct jobs lost.
- 2003 wildfire saw the loss of Tolko's Louis Creek mill this displaced 180 mill workers.

Economic Readiness

Economic benefits derived from a Community Forest tenure could directly assist rural communities, first nations, and member municipalities to gather the necessary organizational capacity to plan for the future. When communities are lacking resources and funding, their inability to respond to regulatory requirements can put people's health and welfare at risk. A Community Forest Tenure would give the TNRD the opportunity to develop community-based enterprise and build capacity within the community.



Some immediate action items of the TNRD that directly align with a CFA are:

- Emergency Management (Wildfire Interface and Flooding Protection)
- First Nations (FN) Partnerships
- Water Supply & Quality
- Climate Change Adaptation Strategy

Benefits and Opportunities: First Nations Partnerships, Economic Diversification, Environmental Stewardship, Climate Change Stability & Innovative Forest Management Practices

Community Forests generate local economic, social, cultural and environmental benefits in ways that have not been available in the past to rural communities. In addition to local job creation, they can promote wildfire risk reduction, ecosystem restoration, recreation enhancement, educational opportunities and funding for local projects. A Community Forest can also strengthen communities through relationship and capacity building. Developing First Nations partnerships is a priority for the TNRD and would be an integral part of our Community Forest development.

- First Nations partnerships will create cultural awareness and incorporate traditional aboriginal stewardship, providing forest industry jobs and non-timber related jobs to First Nations communities.
- Community Forests provide a mechanism by which rural communities can provide input on the management of the surrounding crown lands where the application of long-term forest activities can make ecosystem resilience possible, while making an investment for the future.
- Community participation in resource management leads to an improved resident awareness of forest management
- Utilize carbon programs and innovative forest management practices to endeavor to implement best practices of carbon neutrality. By implementing practices that reduce our carbon footprint, in the long-term, this can lead to potential climate change stability.



TO: Chair and Board of Directors **DATE:** December 17, 2020
FROM: Director of Community Services
SUBJECT: Community Forest Expression of Interest

RECOMMENDATIONS:

THAT, the TNRD board authorize staff to submit comments (an expression of interest) to the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) to pursue a community forest before December 31 2020.

A handwritten signature in black ink that reads "Ron Storie".

RON STORIE
Director of Community Services

A handwritten signature in black ink, appearing to be "J. H. O.", representing the CAO.

Approved for
Board Consideration
CAO

PURPOSE:

This report is intended to obtain authorization from the Board to provide the Ministry of Forest Lands and Natural Resource Operations and Rural Development (FLNRORD) and the Minister, with our expression of interest in pursuing a community forest.

SUMMARY:

FLNRORD is committed to a time-sensitive process to receive comments prior to year-end on the TNRD's intention (no obligation) to show interest in working toward a community forest. This interest "may" trigger the Minister to set a volume of timber aside for this purpose.

BACKGROUND:

At the September 16, 2020 Board of Director's meeting, the Board resolved

“THAT, the Economic Development and Recreational Services Committee recommend that staff investigate the feasibility of the TNRD pursuing the acquisition of a community forest and that the Committee recommend to the Board that \$20,000 dollars be allocated from the general economic development fund for this purpose.”

Since then we have engaged a forestry subject matter expert who is currently working on but who has not completed the feasibility study indicated in the September resolution. In addition to our engagement of this expertise, staff and our consultant have been on a couple of zoom calls with FLRORD staff. These meetings entailed explaining what seems to be a complex process of how the provincial crown timber supply is reviewed and analyzed (apportioned) to set targets for the annual allowable cut (AAC) for use amongst a number of stakeholders (including timber licensees', woodlot owners, societies, first nations and local governments) within a very sensitive timeline. It is also worth noting that the AAC calculation occur once every 10 years.

DISCUSSION:

Shortly after the last teleconference, the TNRD (among other parties) was invited to respond and provide comments on the apportionment process to FLNRORD staff. In lay person's terms, apportionment is the equivalent to the TNRD suggesting that they are interested in a community forest. This action is basically the first step in building a case that the TNRD Board may benefit from this form of tenure. In turn, it may trigger the Minister to apportion a volume of timber to the Community Forest Agreement" bucket". There is no obligation to actually go through the community forest application process should the Board resolve to provide comments to the FLNRORD apportionment process. However, because there is some time sensitivity (comments in before year end) in this process, this prompted staff to write this report request without providing the Board a completed feasibility study. In the New Year, upon completion of the feasibility report, it will be brought to a future Board meeting.

FINANCIAL IMPLICATIONS:

There are no financial considerations or implications should the Board wish to submit comments.

ALIGNMENT TO THE 2019-2022 STRATEGIC PLAN:

December 17, 2020

Subject: Commenting as a Stakeholder to the
Minister of Forests

Page 3 of 3

This initiative is consistent with the PRIORITIES set out in the Board's Strategic Plan as follows:

- Now
- Next
- Advocacy/Partnership
- 2019/2020 Department Operational Priority
- Ongoing operation, service delivery or legislative requirement
- Not identified as a priority in strategic plan or department operational plan

Attachments

- none

APPENDIX II. MAPS

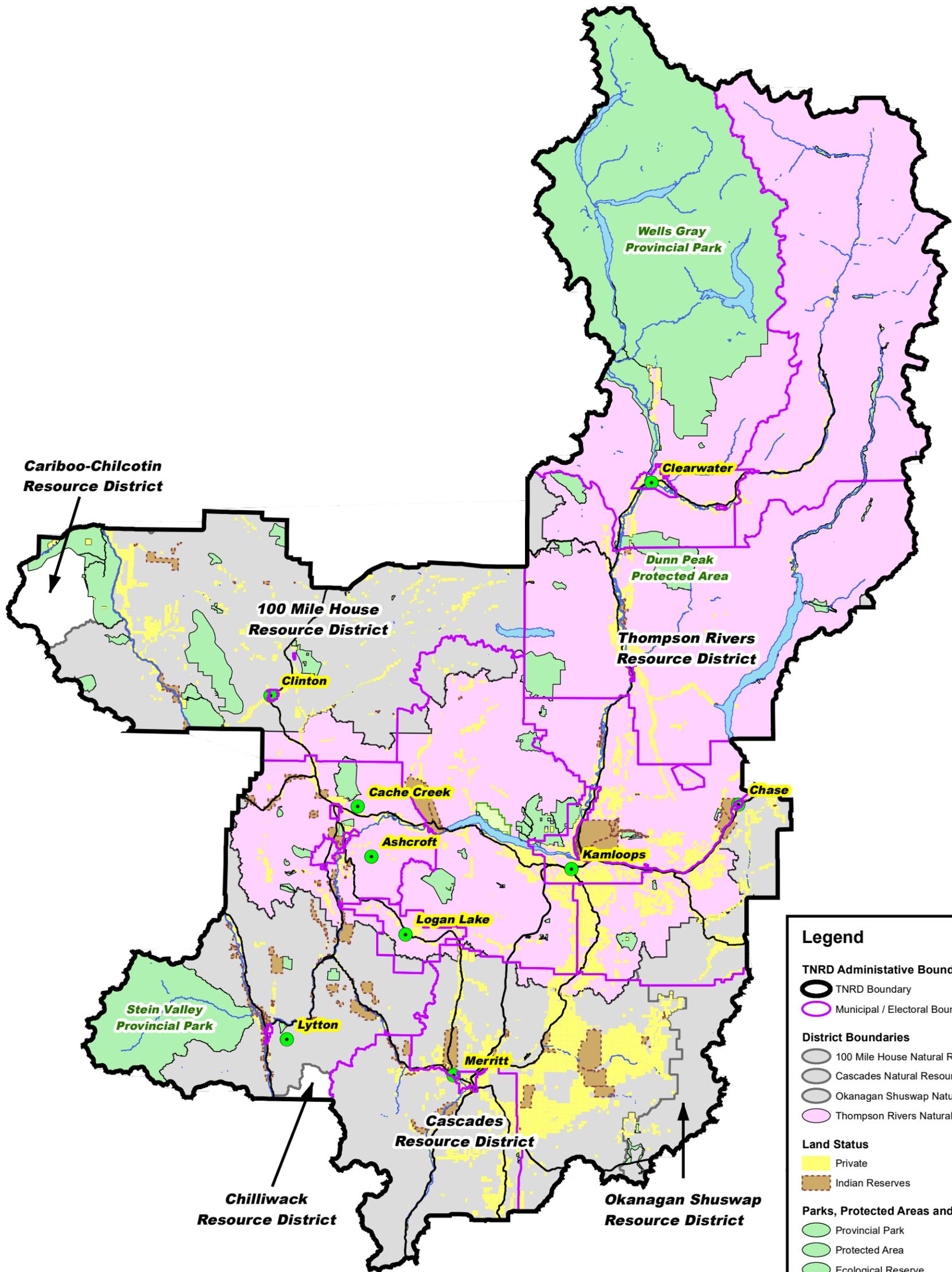
1. Geographic Overview Map Kamloops TSA – TNRD Area
2. Area Based Tenures Map Kamloops TSA



**Thompson Nicola
Regional District**

Geographic Overview Map Kamloops TSA - TNRD Area

Prepared By:



Legend

TNRD Administrative Boundaries

- TNRD Boundary
- Municipal / Electoral Boundary

District Boundaries

- 100 Mile House Natural Resource District
- Cascades Natural Resource District
- Okanagan Shuswap Natural Resource District
- Thompson Rivers Natural Resource District

Land Status

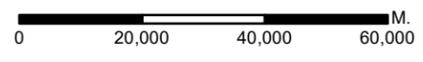
- Private
- Indian Reserves

Parks, Protected Areas and Reserves

- Provincial Park
- Protected Area
- Ecological Reserve
- Recreation Area
- Wildlife Management Areas

Other Features

- Cities / Towns
- Major Roads
- LAKES
- RIVERS



Scale: 1:1,176,471

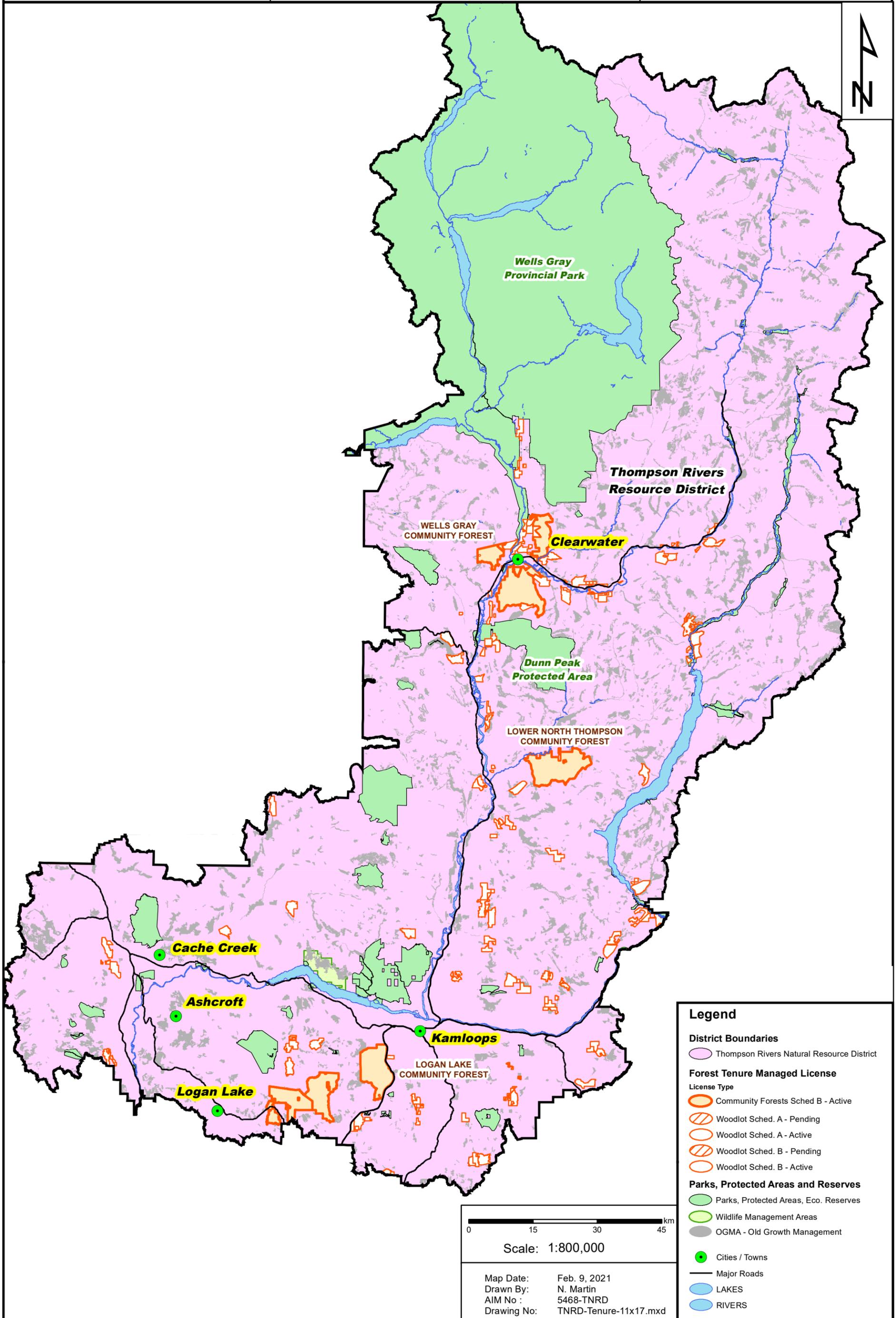
Map Date: Jan. 28, 2021
 Drawn By: N. Martin
 AIM No: 5468-TNRD
 Drawing No: TNRD-Overview.mxd



Thompson Nicola
Regional District

Area Based Tenures Map Kamloops TSA

Prepared By:



Legend

District Boundaries

- Thompson Rivers Natural Resource District

Forest Tenure Managed License

License Type

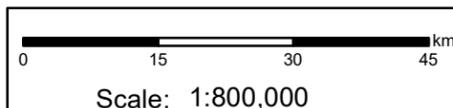
- Community Forests Sched B - Active
- Woodlot Sched. A - Pending
- Woodlot Sched. A - Active
- Woodlot Sched. B - Pending
- Woodlot Sched. B - Active

Parks, Protected Areas and Reserves

- Parks, Protected Areas, Eco. Reserves
- Wildlife Management Areas
- OGMA - Old Growth Management

Other Features

- Cities / Towns
- Major Roads
- LAKES
- RIVERS



Map Date: Feb. 9, 2021
 Drawn By: N. Martin
 AIM No: 5468-TNRD
 Drawing No: TNRD-Tenure-11x17.mxd

APPENDIX III. APPLICABLE LEGISLATION AND POLICY

- Forest Act section 8 (1), (5) – Allowable Annual Cut
- Forest Act section 10 (1) – Apportioning Cut
- Forest Act, section 111 – Annual Rent
- Forest Act Part 3 Division 7.1 section 43.2
- Forest Act Part 4 Division 3.1 Cut Control
- Forest Act section 58 and 63
- Forest Act Community Tenures Regulation BC Reg. 352/2004
- Allowable Annual Cut Administration Regulation
- Annual Rent Regulation (pertinent text cited in section 2.3.1 of this report)
- Interior Appraisal Manual (IAM) – Chapter 6 Miscellaneous Policies, Table 6-2 (pertinent text cited in section 2.3.1 of this report)
- Logging Tax Act (pertinent text cited in section 2.3.1 of this report)

Sources of Information are credited to the following:

BC Community Forest Association <https://bccfa.ca/>

Various MFLNR Policies, Guidebooks, and websites:

<https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/timber-harvesting-rights/community-forest-agreements>

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96157_03#division_d2e7917

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/16_352_2004

<https://www2.gov.bc.ca/gov/content/industry/forestry/forest-tenures/forest-tenure-administration/apportionment-commitment-reports-aac>

<https://www2.gov.bc.ca/gov/content/environment/climate-change>

<https://www2.gov.bc.ca/gov/content/environment/climate-change/industry>

<https://www2.gov.bc.ca/gov/content/environment/climate-change/industry/offset-projects>

<https://cleanbc.gov.bc.ca/>

<https://www2.gov.bc.ca/gov/content/environment>

APPENDIX IV. FORESTRY TERMS

Acronym List

- Annual Allowable Cut (AAC)
- Atlas Information Management Ltd. (ATLAS)
- BC Community Forest Association (BCCFA)
- Community Forest Agreement (CFA)
- Community Forest (CF)
- Cut Control Period (CCP)
- District Manager (DM)
- First Nations Communities (FNC)
- Kamloops Land and Resource Management Plan (KLRMP)
- Ministry of Forest, Lands, Natural Resource Operations (FLNRORD)
- Register Professional Forester (RPF)
- Register Professional Technologist (RFT)
- Statutory Decision Maker (SDM)
- Timber Supply Area (TSA)
- Thompson-Nicola Regional District (TNRD)
- Tonnes carbon dioxide equivalent (tCO₂e)
- Greenhouse gases (GHG)

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2739, 2016

A bylaw to establish a contribution service for the provisions of funding by Electoral Area “B” of the Regional District to the Lower Similkameen Community Forest Ltd and Limited Partnership.

WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen may, in accordance with the *Local Government Act*, operate a service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of Directors wishes to establish a contribution service to provide funding to the Lower Similkameen Community Forest Ltd for ongoing costs associated with the participation of Electoral Area “B” in the Lower Similkameen Community Forest Ltd and Limited Partnership;

AND WHEREAS the approval of the electors was obtained by the alternative approval process, in accordance with the *Local Government Act* ;

NOW THEREFORE the Board of the Regional District, in open meeting assembled, **ENACTS** as follows:

1 CITATION

1.1 This bylaw may be cited as the Regional District of Okanagan-Similkameen Electoral Area “B” Lower Similkameen Forest Corporations Contribution Service Establishment Bylaw No. 2739, 2016.

2. ESTABLISHMENT OF THE SERVICE

2.1 The service established by this bylaw is to contribute funding to the Lower Similkameen Community Forest Ltd and Limited Partnership, of which the Regional District is a partner, for the operation and processing of timber within the Lower Similkameen Community Forest license area.

3 BOUNDARIES OF THE SERVICE AREA

2.1 The boundaries of the service area are the boundaries of Electoral Area “B” of the Regional District of Okanagan-Similkameen.

4 PARTICIPATING AREAS

4.1 The participating area is Electoral Area “B” of the Regional District of Okanagan-Similkameen.

5. COST RECOVERY

5.1 As provided in the *Local Government Act*, the annual costs of the Service shall be recovered by one or more of the following:

- (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*];
- (b) subject to subsection (2) of section 378, parcel taxes imposed in accordance with Division 3;
- (c) fees and charges imposed under section 397 [*imposition of fees and charges*];
- (d) revenues raised by other means authorized under this or another Act;
- (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

6. LIMIT

6.1 The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$25,000 or \$0.1857 per \$1,000 net taxable value of land and improvements in the service area.

READ A FIRST, SECOND, AND THIRD TIME on the 2nd day of June, 2016.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this xxx^t day of xxx, 2016.

RECEIVED APPROVAL OF THE ELECTORATE THROUGH ALTERNATIVE APPROVAL this xxx day of xxxx, 2016.

ADOPTED this xxx day of xxx, 2016

Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this xxx day of xxx,.



MINISTRY OF FORESTS, LANDS AND
NATURAL RESOURCE OPERATIONS

Community Forest Agreement Application Requirements

March 2017

Forest Tenures Branch

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Application Administrative Information

1.0 Application Format

One digital copy of the Community Forest Agreement (CFA) application must be submitted to the location specified in the Offer Letter. If there are any large maps associated with the application, paper copies of the maps should be provided.

2.0 Application Costs

The applicant is solely responsible for the cost of preparing the application.

3.0 Acceptance of Terms

The application must be submitted and received on the basis that the applicant has read and agrees to all the provisions of this invitation to apply. If the application imposes any condition on, or modification of provisions of this invitation to apply, it will be rejected.

4.0 Obligations of the Ministry

This invitation to apply does not obligate the Minister of Forests Lands and Natural Resource Operations (FLNRO) to accept an application or to direct that a CFA be entered into.

5.0 Financial Information

For the purpose of preparing financial forecasts or statements associated with the harvesting of Crown timber, the applicant is advised that the following will apply to the CFA:

Stumpage must be paid on timber harvested from the Crown land part of the CFA area, stumpage rates are detailed in the Appraisal Manual. A CFA is subject to the payment of annual rent. The current rate is \$0.37 per cubic metre of allowable annual cut attributed to Crown land within the agreement area. This rate is subject to change.

A holder of a CFA is responsible for the payment of all applicable taxes and fees levied by federal, provincial and municipal government agencies. It is the responsibility of the applicant to determine what those taxes and fees will be.

6.0 Evaluation Process

FLNRO staff will screen the application for submission requirements and as outlined in the Evaluation Checklist (Appendix B). If FLNRO staff is satisfied with the application, it will be forwarded to the delegated decision maker (DDM) for a determination.

If one or more submission requirements are missing, and changes are required the applicant will have 60 days or another time as specified by FLNRO to revise the application. It is recommended the applicant work with FLNRO staff to ensure any resubmission satisfies the requirements. If the application is returned, or minor changes required, the applicant will have 60 days or another time as specified by FLNRO to revise and re-submit the application.

Extensions to these timelines are possible based on mutual agreement if discussed in advance with FLNRO staff.

7.00 Community Forest Agreement (Licence Document)

The applicant is advised to study the sample agreement. A sample CFA license document can be found here ((link)) and includes current requirements for the Management Plan:

<https://www.for.gov.bc.ca/ftp/hth/external!/publish/web/timber-tenures/templates/Community%20Forest%20Agreements/>

The applicant should be aware that that annual rent is due as soon as the parties sign the licence document. The effective date of the licence can be negotiated.

Application Format and Content

The application must be prepared using the following format and information:

1. Title Page

2. Letter of Introduction

One page, introducing the application, dated and signed by the person(s) authorized to sign on behalf of the applicant. This letter is to include acceptance of provisions stated in the invitation to apply for a CFA.

3. Table of Contents

Show the page numbers of all major headings.

4. Executive Summary

Provide a concise overview of the application summarizing, in no more than three pages, the key points from each major section. Indicate where the supporting detail is located in the application body and its attachments.

5. District Documentation

Include written confirmation from the District Manager that the proposed CFA area is suitable for a CFA.

6. Legal Entity

Include the documentation for the legal entity as described in Attachment A.

7. CFA Area Overview

Each CFA describes a specific area of land to be managed exclusively by the agreement holder. The CFA area must include Crown land, but may also include municipal land, Indian Reserve land, and/or private land where the owner agrees to have it included in the CFA area and managed it as part of the CFA area. The proposed CFA area cannot include lands included in tree farm licences, woodlot licences or First Nation Woodland Licences.

FLNRO will provide an initial allowable annual cut analysis to determine the area (ha) appropriate for the volume being offered. This can be incorporated into the first

Management Plan for the CFA; alternatively, if the applicant is not satisfied with the analysis or wants to do a different analysis they do so at their own cost.

The application must include the following information:

- (a) A map showing the location of the land that will be in the proposed CFA area, nearby communities, and existing access structures. The map scale must be in the range of 1:20,000 to 1:50,000.
- (b) Describe how the proposed CFA area has historically been used, and how it would be used under a CFA. Identify any issues or areas of potential conflict that will need to be addressed in implementing the CFA.
- (c) Based on the best information currently available, describe the proposed CFA area in terms of the:
 - i. ownership and/or existing tenures or rights granted to others;
 - ii. state of land and resources, e.g. history and current management;
 - iii. environmental considerations, e.g. sensitive sites or unique features; and
 - iv. cultural considerations, e.g. areas of cultural significance.

8. Management Plan

Guidance to assist in the development of a Management Plan is included in the document titled: “CFA Management Plan Companion Document” (December 2015) and located here: <https://www.for.gov.bc.ca/hth/timber-tenures/community/process.htm>. There is also a Management Plan template available should an applicant wish to utilise the format.

The Management Plan must describe the range of objectives that the applicant proposes to pursue under the CFA, and must

- (a) be prepared in accordance with any directions of the Regional Executive Director or District Manager,
- (b) be consistent with
 - (i) the CFA Agreement,
 - (ii) the forestry legislation,
 - (iii) higher level plans under the *Forest and Range Practices Act*, and
 - (iv) commitments made in the Community Forest Agreement application package or as otherwise agreed to in writing by both parties to the agreement
- (c) include existing inventories:
 - (i) for the timber in the agreement area, and
 - (ii) for botanical forest products and other prescribed products the applicant proposes to manage for,

- (d) include any other inventories and information regarding the development, management and use of the CFA that the regional manager or district manager requires to determine the allowable annual cut for the agreement area and rate of harvest of prescribed products.
- (e) propose an allowable annual cut for the agreement area which considers the following:
 - (i) inventories and other information referred to in Subparagraph (c) and (d),
 - (ii) timber harvest specifications proposed for the timber resources in the agreement area,
 - (iii) reductions that are necessary to facilitate the management and conservation of non-timber resource values in the agreement area, including visual quality, biological diversity, soils, recreation resources, cultural heritage resources, range land, wildlife, water and fish habitats,
 - (iv) silviculture practices and forest health factors that may impact on timber production,
 - (v) the anticipated impact of the reductions to the productive portion of the agreement area due to permanent roads, landings, pits and trails, and
 - (vi) any other factors that may impact on the allowable annual cut during each year,
- (f) contain a rationale for the allowable annual cut referred to in subparagraph (e) prepared in accordance with any directions of the regional manager or district manager,
- (g) propose management objectives for the agreement area regarding the harvesting, management of, and the charging of fees for prescribed products,
- (h) specify measures to be taken by the Agreement Holder to identify and consult with persons using the agreement area for purposes other than timber production and harvesting of prescribed products, including
 - (i) trappers, guide outfitters, range tenure holders, and other agreement resource users,
 - (ii) an aboriginal group who may be exercising or claiming to hold aboriginal interests or treaty rights, and
 - (iii) community members, local governments, and government agencies.
- (i) include the Agreement holder's values or guiding principles
- (j) contain the broad social, economic and resource management goals proposed for the Community Forest Agreement,
- (k) identify the linkage between the Agreement goals and the provincial Community Forest Agreement Program goals, and

- (l) include a plan for annual reporting out to the community on Subparagraphs 6.02 (i), (j), and (k).

Plan Signatures

In accordance with the requirements of the *Forester's Act* the Management Plan must be signed and sealed by a Registered Professional Forester (RPF). The Management Plan must also be signed by a person authorised by the licensee to sign the plan on their behalf.

9. Community Awareness, Support and Involvement

Describe the level of support, awareness and commitment by the community. The submission must contain proof that there is a high level of community awareness of the application and strong support for the application from a broad cross-section of the community.

Examples of how this proof could be demonstrated include, but are not limited to:

- (a) distribution of information newsletters or brochures to community members;
- (b) recognition of the application in an official community plan or endorsement by a city, regional district or band council;
- (c) recognition of the application in by-laws or resolutions, of the legal entity;
- (d) community meeting(s) respecting the application;
- (e) results of a community survey respecting the application;
- (f) letters of support from licensees that operate in or near the proposed land base; and
- (g) letters of support representative of a broad range of community members and stakeholders regarding the application. This is especially important in the case of a Society or where there is no direct linkage to local government.

It is the responsibility of the applicant to determine the methods that will provide proof of broad community support and awareness within their community. The minimum mandatory requirements are:

9.1 Report on the public input event(s)

The applicant must hold at least one public meeting, open house or other event to obtain input from the public and affected stakeholders regarding the application. Subsequent meetings may be required prior to submission of the application (dependant on outcomes of prior meetings). The event(s) must allow the public to present thoughts orally and in writing by completing a questionnaire, or by providing written statements at the event(s) or delivered to the applicant up to 3 weeks following the event(s).

The applicant will be responsible for advertising, coordinating and providing relevant information regarding the application to the public before and during the event(s). FLNRO staff may attend the event(s) and may also provide information to the public.

Prior to the commencement of the public event(s) the applicant must provide the district manager with notice of the public input event(s) including the proposed format, date, location and advertisement strategy.

The application must include a report on the public input event(s) including a summary of who attended, all comments, concerns or issues raised by persons attending, or written comments received following the event(s) and how concerns or issues were addressed in the application.

9.2 Process for Public Involvement and Consultation

Include a description of the intended ongoing, long term process for public involvement and consultation concerning matters relating to the CFA, including consultation within the local community, broader community and with government agencies and affected stakeholders (including licensed users).

The minister must consider the input and concerns of stakeholders and licensed users that may be affected by a CFA. The applicant is encouraged to ascertain the position of such parties and address how the concerns of those parties, if any, will be addressed in the application for the CFA

9.3 Consultation with First Nations

The minister must consult with and consider the input and concerns of First Nations whose asserted traditional territory or asserted title lands may be affected by a CFA. The applicant is encouraged to share information with First Nations and consider how the concerns of First Nations will be addressed in the application for the CFA

10. Administrative Authority and Structure

10.1 Include in this section:

- (a) The purpose of the CFA and a mission statement;
- (b) an overview of the history of the intended holder of the CFA;
- (c) the intended administrative governance structure including representation/appointment procedures;
- (d) a description of how the board will be accessible to the community;
- (e) a description of the proposed processes for decision-making for the operation and management of the CFA
- (f) a description of the proposed processes for decision-making regarding the distribution of benefits gained through operation of the CFA;
- (g) processes for monitoring and reporting; and
- (h) processes for the resolution of any conflicts regarding implementation of the CFA.

- 10.2 For the intended CFA holder and all other entities that will play a prominent role in the business affairs, identify:
- (a) the proposed role they will play; and
 - (b) key personnel, their proposed roles and their relevant qualifications.

11. Business Considerations

The *Community Tenures Regulation* requires the applicant to submit a business plan acceptable to the minister that includes the following:

- (A) a description of the legal entity that will hold the agreement;
- (B) the governance model for the agreement, including the structure and mandate of the management board or persons who will direct operations under or in respect of the agreement;
- (C) an analysis of the markets for products harvested under the agreement;
- (D) an assessment of the events or circumstances that may compromise the ability of the holder of the agreement to successfully implement the business plan;
- (E) financial statements respecting financing, if any, forecasts for profit and loss, cash flow and capital expenditures and a listing of capital assets;

FLNR will not evaluate or comment on the feasibility of a CFA. However, it is recommended that the applicant conduct an assessment of potential financial viability based on consideration of the CFA Management Plan implications and the associated financial risks.

The following Internet site provides information for development of Business Plans: www.smallbusinessbc.ca. The applicant may also wish to consult guidelines provided by various banks and financial organizations.

Information that should be considered in a Business Plan includes:

Industry/Market Analysis and Strategy

The environment in which the business will be operating and how the business will respond to the market conditions. A summary of the competition the business will encounter.

An analysis of the company's products in the context of the markets being served, measured against the markets available.

If the business will be involved in a specialized venture, consider a comprehensive description of that market including whether the product will be marketed locally, nationally or internationally, and the potential demand in each market area.

- **Potential Risks and Pitfalls:** The inherent risks to the business and how those risks will be addressed.

- Implementation Plan: If the business will be seeking financing or capital, consider how the funds will be acquired and how the lender/investor will be repaid. Consider a table listing the various expenditures and the corresponding sources of financing.
- Human Resources: The tasks/jobs that will require full-time and/or part-time employees, including positions which will be staffed by volunteers, and associated costs.
- Projected Financial Statement Summary: Consider the following over the short term (5 years of operations) and the longer term (25 years) with consideration the CFA is a replaceable tenure.
 - (i) profit and loss forecast based on projected income statement;
 - (ii) cash flow forecast;
 - (iii) balance sheet forecast;
 - (iv) projected capital expenditure budget; and company assets.

12. Not For Public Disclosure

- (a) It is suggested that the applicant identify which information in the application they do not wish to have released and which they believe to be excepted from disclosure under the *Freedom of Information and Protection of Privacy Act*. This can best be accomplished by including such information in a separate section of the application headed "Not for Public Disclosure".
- (b) **NOTE:** applicant should be aware that if a Freedom of Information request is received for the application only information excepted from disclosure under the *Freedom of Information and Protection of Privacy Act* will be withheld. The fact that information is contained in the "Not for Public Disclosure" section will not of itself save it from disclosure.

13. Attachments

Attach relevant supporting information and documentation to the application.

ATTACHMENT A:

Agreement Holder Legal Entity Information

The Applicant is solely responsible for ensuring that the legal entity who will be the intended holder of the CFA is lawfully constituted, in good standing and authorized to carry on the business described in the application in accordance with all applicable federal, provincial and municipal legislation, including statutes, regulations and by-laws.

The following are legal entities that may be eligible. The documentation that must be included in the application, if that legal entity is intended to be the agreement holder, is described under each entity. A photocopy of the documents is required to be submitted with the Applicant's application and if further requested, certified copies must be submitted:

(a) A Band as defined in the *Indian Act* (Canada);

- i. the Band Council resolution authorizing the band to enter into the CFA;
- ii. the names and addresses of the Chief and the Band Councillors; and
- iii. the address of the Band office.

(b) A Society incorporated under the *Society Act*;

- i. a copy of the certificate of incorporation of the society issued by the Registrar of Companies under Section 3 of the *Society Act*, and a current (issued within 60 days) Certificate of Good Standing issued by the Registrar;
- ii. a copy of the constitution and by-laws of the society, and any amendments thereto, certified as having been registered by the Registrar of Companies pursuant to the *Society Act*;
- iii. a list of the names and addresses of the individuals who are the current directors of the society, as of the date that the application for the CFA is submitted by the Applicant;
- iv. the address of the office of the society; and
- v. a copy of the last annual report filed with the Registrar of Companies.

(c) An Association incorporated under the *Cooperative Association Act*;

- i. a copy of the certificate of incorporation of the cooperative issued by the Registrar of Companies under Section 15 of the *Cooperative Association Act*, and a current Certificate of Good Standing issued by the Registrar (issued within 60 days);
- ii. the memorandum and rules adopted by the subscribers of the cooperative and all amendments thereto required to be filed by the subscribers or members with the Registrar under the *Cooperative Association Act*;
- iii. a list of the names and addresses of the individuals who are the current directors of the cooperative, as of the date that the application for the PCFA is submitted by the Applicant;
- iv. the address of the office of the cooperative; and
- v. a copy of the last annual report filed with the Registrar of Companies.

(d) A Corporation incorporated or registered under the *B.C. Business Corporations Act*;

- i. for corporations incorporated in British Columbia:
 - 1) the notice of articles and articles (as defined in Section 1 of the *Business Corporations Act*), and all amendments thereto, and required under Sections 11 and 12 of the *Business Corporations Act*;
 - 2) the certificate of incorporation of the company issued by the B.C. Registrar of Companies under Section 13 of the *Business Corporations Act*; and
 - 3) any certificates of amalgamation issued by the Registrar in relation to the company;
- ii. for corporations extraprovincially registered in British Columbia:
 - 1) any articles of incorporation, memorandum of incorporation, charter, bylaws or other form of formation or constating documents, and all amendments thereto;
 - 2) the certificate of extraprovincial registration in B.C. issued by the Registrar of Companies; and
 - 3) any notices of amalgamation of an extraprovincial corporation filed with the Registrar;
- iii. a list of the names and addresses of the individuals who are the current directors of the company, as of the date that the application for the PCFA is submitted by the Applicant;
- iv. the most recent annual report of the company required to be filed with the Registrar of Companies under Sections 51 or 380 of the *Business Corporations Act*; and
- v. certificate of continuation of the corporation, if any.
- vi. Describe the reporting relationship between the shareholders and the directors of the corporation.

(e) A Partnership registered under the *Partnership Act*.

- i. for general partnerships:
 - 1) the registration statement of the partnership filed with the Registrar of Companies under the *Partnership Act*;
 - 2) a copy of the written partnership agreement, if any, and all amendments thereto, signed by all of the partners in the partnership;
 - 3) the address of the office of the partnership in British Columbia;
- ii. for limited partnerships formed in British Columbia:
 - 1) the certificate of limited partnership and all amendments thereto filed with the Registrar of Companies under the *Partnership Act*;
 - 2) a copy of the written partnership agreement and all amendments thereto, signed by all of the partners in the partnership; and
 - 3) the address of the registered office of the partnership in British Columbia;
- iii. for limited liability partnerships formed in British Columbia:
 - 1) the registration statement for the limited liability partnership filed with the Registrar of Companies under section 96 of the *Partnership Act* and evidence of such registration by the Registrar;
 - 2) a copy of the written partnership agreement and all amendments thereto, signed by all of the partners in the partnership;
 - 3) the most recent annual report of the partnership required to be filed with the Registrar of Companies under Section 110 of the *Partnership Act*; and
 - 4) the address of the registered office of the partnership in British Columbia;

- iv. for limited partnerships formed outside of British Columbia:
 - 1) the declaration of partnership filed with the Registrar of Companies under section 80 of the *Partnership Act*;
 - 2) a true copy of the original certificate of limited partnership or equivalent document and of all amendments to it verified by the proper authority of the jurisdiction in which the limited partnership was formed;
 - 3) evidence that the limited partnership still exists as a limited partnership in the jurisdiction where it was formed;
 - 4) the full names and residential addresses of the general partners;
 - 5) the address of the registered office of the partnership in British Columbia; and
 - 6) a copy of the written partnership agreement and all amendments thereto, signed by all of the partners in the partnership;
 - 7)

 - v. for limited liability partnerships formed outside of British Columbia:
 - 1) the registration statement for the limited liability partnership filed with the Registrar of Companies under section 115 of the *Partnership Act* and evidence of such registration by the Registrar;
 - 2) if the partnership has a registered office in British Columbia, the address of the office of the partnership in British Columbia;
 - 3) if the partnership does not have a registered office in British Columbia, the name and address of the attorney for the partnership;
 - 4) the most recent annual report of the partnership required to be filed with the Registrar of Companies under Section 124 of the *Partnership Act*; and
 - 5) a copy of the written partnership agreement and all amendments thereto, signed by all of the partners in the partnership.
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ATTACHMENT B:

Evaluation Checklist– (Applications will be evaluated using the following criteria)

Section	Criteria	Y/N/NA	Actions Required
1. Title Page	Included?		
2. Letter of Introduction	Included?		
	Signed Appropriately		
	Provisions accepted		
3. Table of Contents	Included?		
4. Executive Summary	Included?		
	Key points included?		
	Indication of location of supporting information included?		
5. District Documentation	Letter from DM included?		
	Letter confirms area appropriate for a CFA?		
	Letter confirms AAC appropriate for area?		
6. Legal Entity	Type of Entity?		
	Required Documentation?		
7. CFA Area Overview			
7.a. Map	Map included?		
	Appropriate scale?		
	Sufficient detail/layers?		
7.b. Area Use	Describes historical use?		
	Describes CFA use?		
7.c. Area Description	Describes ownership and existing tenures?		
	Describes state of land?		
	Environmental considerations?		
	Describes cultural considerations		
	Identifies issues, potential conflict?		

Section	Criteria	Y/N/NA	Actions Required
8. Management Plan			
Management Objectives	Included?		
	Describes resource specific objectives?		
	Potential for overlap/conflict with FRPA?		
	Includes management objectives for harvesting, management of, and the charging fees for botanical forest products?		
Other MP requirements	Includes inventories for timber?		
	Commits to further inventories?		
	Includes inventories for botanical forest products being utilised?		
	Includes other inventories required for management of the area?		
Proposed AAC	Included?		
	AAC generated by FLNR?		
	Rationale Included?		
Consultation with other users	Specifies measures taken to identify and consult with persons using the area for purposes other than timber or botanical use?		
Provincial CFA Goals	Linkages between Agreement Goals and Provincial Program Goals		
Guiding principles	Guiding principles and values?		
Resource Management Goals	Statement of social, economic, & broad resource management goals for the CFA?		
Annual reporting	Strategy for annual reporting out to the community		

Section	Criteria	Y/N/NA	Actions Required
Plan Signatures	Signed and Sealed by RPF?		
	Signed by Licensee Rep?		
9. Community Awareness, Support and Involvement	Describes level of support, awareness and commitment of community?		
	Contains proof of high level of community awareness?		
	Contains proof of strong support?		
9.1. Letters of Support	Included and range demonstrated?		
	Still Valid?		
9.2. Report of Public Events	At least one event held - date?		
	Public given opportunity to provide written/oral comments?		
	Event adequately advertised?		
	Adequate notice given to DM in requested format?		
	Report on event includes all comments raised and actions to address?		
9.3. Process for Public Involvement and Consultation	Included?		
	Will process be effective in involving public in CFA planning and operation?		
9.4. Consultation with Stakeholders and First Nations	Efforts documented?		
	Efforts diligent?		

Section	Criteria	Y/N/NA	Comments/Actions Required
10. Administrative Authority and Structure			
10.1.	Mission Statement included?		
	CFA holder history included?		
	Intended governance structure included?		
	Representation, appointment procedures documented? Detail sufficient?		
	How board will be accessible to the public outlined? Detail sufficient?		
	Process for decision making and resource allocation outlined? Detail sufficient?		
	Monitoring and reporting processes outlined? Detail sufficient?		
	Conflict resolution process outlined? Detail sufficient?		
10.2.	Role of CFA holder and other entities identified? Detail sufficient?		
	Key personnel, role and qualification identified? Detail sufficient?		
11. Business Plan	Included?		
11.1	Disclosure statement included? All required info included?		
	Short, medium and long-term objectives included? Objectives consistent with other parts of business plan?		
	Products and services produced outlined? Key success factors outlined? Detail sufficient?		
12. Not for public disclosure	Included?		
13. Attachments	Relevant information included?		

Management Plan No ?

Name of Holder or Community Forest?

Community Forest Agreement

K??

Date of Submission:

????-for reference only

Prepared by: _____-names of persons preparing part A,
name of RPF completing TSR work in part B

I confirm that the Management Plan submitted is consistent with the Community Forest Agreement dated _____, all relevant forestry legislation, any applicable Higher Level plans under the *Forest and Range Practices Act* and any commitments agreed to by both parties to this agreement.

?????	?????
RPF signature	Company representative signature
?????	?????
Printed Name of RPF	Printed name of Company representative – <i>must be designated in Signing Authority matrix</i>

Part A: Linking community values to the management of the Community Forest

1. Mission Statement and Guiding Principles.

Provide mission statement and guiding principles here

2. Linkage of Community Forest Program Goals to Management Goals

Complete the following table while considering the definitions provided.

Mission Statement:		
CFA Goals	Linkage to Associated Provincial CFA Goals	Objectives
Social	<i>State Goal here (see preamble)</i>	As defined below
Economic		
Broad resource		

3. Botanical Forest Products

*Identify the intention of the organization regarding harvesting or management of Botanical Forest Products:
delete the choice not taken*

The Community Forest _____ will not be harvesting or managing Botanical forest products

The Community Forest _____ will be harvesting or managing Botanical forest products.

Our management objectives for harvesting, managing and charging fees for the prescribed products listed in the Schedule C of our Community Forest Agreement document are:

State objectives here (see section 2)

4. Consultation with other Forest Users

Outline how you will consult with persons using the CFA area for other than timber production and commercial harvesting of prescribed products listed in the schedule C of the Community Forest Agreement Document. Complete the following table.

User	Measures to Identify	Measures to Consult
Trappers		
Guide Outfitters		
Range Tenure Holders		
First Nations		
Community Members		
Local Government		
Government Agencies		

5. Reporting

Outline your strategy for annual reporting out to the community. Reporting should include performance on guiding principles and social, economic and broad resource goals and objectives.

6. Commitments (OPTIONAL)

Part B. Establishing the Annual Allowable Cut

1. Proposed Allowable Annual Cut

The allowable annual cut (AAC) for CFA _____ is _____ cubic meters

2. Allowable Annual Cut Rationale

Provide a rationale for the proposed AAC.

3. Timber Supply Review

4. RPF Declaration

I _____ RPF # _____ declare that the TSR has met the requirements of section 6.02 (a)-(f) of the community forest agreement document

Signed _____ Date _____

Management Plan Template

Companion Document



**Ministry of Forests, Lands
and Natural Resource Operations**

**December 2015
Forest Tenures Branch**

Preamble

The Goals of the Community Forest Program are to:

- provide long-term opportunities for achieving a range of community objectives, values and priorities
- diversify the use of and benefits derived from the community forest agreement area
- provide social and economic benefits to British Columbia
- undertake community forestry consistent with sound principles of environmental stewardship that reflect a broad spectrum of values
- promote community involvement and participation
- promote communication and strengthen relationships between Aboriginal and non-Aboriginal communities and persons
- foster innovation
- advocate forest worker safety

The **Management Plan** serves 2 main purposes:

- To link the community and their values to the management of the Community Forest Agreement
- To establish an annual allowable cut for the Community Forest Agreement

We strongly suggest the Management Plan (MP) be prepared using the following format and contain the information indicated. Additional information may be required at the direction of the District Manager or Regional Executive Director. Prior to starting work on your MP, meeting with the local district and/or regional tenures forester is essential in obtaining the clearest understanding possible of Management Plan requirements.

It is the expectation that as the Community Forest organization matures, understands more about their land base and values change, the MP will be amended to reflect any changes.

The following references are relevant references to be used as you develop a MP:

Forest Act – Section 43: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/96157_00

Community Forest Agreement Document – Section 6:

<https://www.for.gov.bc.ca/ftp/hth/external/!publish/web/timbertenures/templates/Community%20Forest%20Agreements/>

Management Plan No ?

Name of Holder or Community Forest?

Community Forest Agreement

K??

Date of Submission:

????-for reference only

Prepared by: _____-names of persons preparing part A,
name of RPF completing TSR work in part B

I confirm that the Management Plan submitted is consistent with the Community Forest Agreement dated _____, all relevant forestry legislation, any applicable Higher Level plans under the *Forest and Range Practices Act* and any commitments agreed to by both parties to this agreement.

?????	?????
RPF signature	Company representative signature
?????	?????
Printed Name of RPF	Printed name of Company representative – <i>must be designated in Signing Authority matrix</i>

Part A: Linking community values to the management of the Community Forest

The Community Forest Agreement (CFA) application and management plan development process requires that a community spend time together to identify its common vision and priorities for the organization, for forest management and for benefits deriving from operations. Applicants for a CFA must include a mission statement and a description of guiding principles, which are then confirmed and included in the final licence document. These statements also form part of the annual reporting framework to the community.

(See Appendix 1 for full example of Guiding Principles)

1. Mission Statement and Guiding Principles.

Provide mission statement and guiding principles here

A mission statement is a written declaration of an organization's core purpose and focus. A mission statement normally remains unchanged, whereas goals and objectives may be altered to adapt to change.

A mission is different from a vision in that the mission is the cause and the vision is the effect. A vision is something to be accomplished whereas a mission is something to be pursued for that accomplishment. Purpose and Mission are terms often used interchangeably.

Properly crafted mission statements:

- (1) serve as a filter to separate what is important from what is not,
- (2) clearly state who will be served and how, and
- (3) communicate a sense of intended direction to the entire organization's circumstances.

Guiding principles inform and shape decision-making and assist in the attainment of the vision, mission, goals and objectives, and ideally are developed after consultation with community members and forest users.

2. Linkage of Community Forest Program Goals to Management Goals

Complete the following table while considering the definitions provided.

Mission Statement:		
CFA Goals	Linkage to Associated Provincial CFA Goals	Objectives
Social	<i>State Goal here (see preamble)</i>	As defined below
Economic		
Broad resource		

Goal

A broad, general statement, usually not quantifiable, that expresses a desired state or process to be achieved. Normally, a management goal is stated in terms of purpose, often not attainable in the short term, and provides the context for more specific objectives.

Objective

A concise, time-specific statement of measurable planned results that corresponds to stated goals in achieving the desired outcome. Commonly forms the basis for development of strategies or further planning to define the precise steps to be taken, and the resources to be used and assigns responsibility in achieving the identified goals.

3. Botanical Forest Products

Identify the intention of the organization regarding harvesting or management of Botanical Forest Products: delete the choice not taken

The Community Forest _____ will not be harvesting or managing Botanical forest products

The Community Forest _____ will be harvesting or managing Botanical forest products.

Our management objectives for harvesting, managing and charging fees for the prescribed products listed in the Schedule C of our Community Forest Agreement document are:

State objectives here (see section 2)

4. Consultation with other Forest Users

Outline how you will consult with persons using the CFA area for other than timber production and commercial harvesting of prescribed products listed in the schedule C of the Community Forest Agreement Document. Complete the following table.

User	Measures to Identify	Measures to Consult
Trappers		
Guide Outfitters		
Range Tenure Holders		
First Nations		
Community Members		
Local Government		
Government Agencies		

5. Reporting

Outline your strategy for annual reporting out to the community. Reporting should include performance on guiding principles and social, economic and broad resource goals and objectives.

6. Commitments (OPTIONAL)

In some cases the proponent may have made commitments to the community or shareholders during the application process. Additionally, there may be defined expectations from FLNR. In such cases the Management Plan should include a measurable description of how these commitments will be achieved.

Part B. Establishing the Annual Allowable Cut

1. Proposed Allowable Annual Cut

The annual allowable cut (AAC) for CFA _____ is _____ cubic meters

2. Allowable Annual Cut Rationale

Provide a rationale for the proposed AAC. The rationale should explain why the AAC differs from the TSR or why it is the same and must also be linked to Management Plan strategies. Over time, the AAC should reflect current practice within the CFA.

3. Timber Supply Review

Prior to embarking on a TSR it is mandatory that you meet with ministry representatives and review the proposed TSR methodology. The methodology must be signed off by the district manager, and illustrate that the following requirements will be met.

The timber supply review (TSR) must contain inventories for ;

- timber in the CFA area
- botanical forest products if they are being managed for
- any other inventories and information regarding the development and management that the regional executive director or district manager deems required

The TSR must consider:

- the aforementioned inventories
- timber specifications proposed for the timber resources in the CFA area
- reductions that are necessary to facilitate the management and conservation of the non-timber resource values in the CFA area
- silviculture practices and forest health factors that may impact timber production
- the impact of permanent access structures on timber production
- any other factors that may impact the aac each year
- any other factors that the regional executive director or district manager deems required

4. RPF Declaration

I _____ RPF # _____ declare that the TSR has met the requirements of section 6.02 (a)-(f) of the community forest agreement document

Signed _____ Date _____

Appendix 1

Examples of Goals, Objectives and Potential Strategies

Goal	Objectives	Potential Strategies
<p>Management of the community forest will provide long term benefits for local residents</p>	<ul style="list-style-type: none"> • The community forest is a successful, profitable and professional enterprise • All activities are carried out in a safe, healthy and secure environment • The business is forward looking and considers future opportunities for enhanced business and operations. • Profits are distributed in a fair and transparent manner. 	<ul style="list-style-type: none"> • Create, approve and monitor annual budgets that reflect the CF strategic priorities • Develop and maintain a full compendium of policy for effective board governance and operational management • Become a BCFSC certified company • Investigate opportunities for Certification (CSA, ISO or other) • Biomass, specialty sawmill • Develop a policy for distribution of profits
<p>Incorporate community and cultural values into forest management and activities of the organization</p>	<ul style="list-style-type: none"> • Specific cultural and heritage features and interests on the landbase are protected • A range of meaningful community engagement and educational opportunities are provided • Participation with local and overlapping FN and local user groups is actively cultivated • Local stakeholders are engaged in the early stage of operational planning 	<ul style="list-style-type: none"> • Develop an inventory and incorporate into management planning • Conduct face to face meetings with user groups to identify their land based interests • Ensure appropriate resources for quarterly meetings with local FN and biannual meetings with overlapping FN • Establish and maintain a website, and provide periodic newspaper and radio updates on the progress and activities of the CF • Build a collaborative relationship with the local school • Consider summer student program

Examples of Guiding Principles

The Community Forest Corporation supports of the following guiding principles as high level direction to the governance and management of the community forest. These guiding principles inform and shape decision-making and assist in the attainment of the vision, mission, goals and objectives. The CF will strive to promote their application by all those who work in and on community forest governance and operations.

- Ecologically sound forest practices are vital to ensuring the health and wellbeing of our lands and water for future generations. The best available information and professional recommendations will be sought in planning and decision making processes.
- Watershed preservation to ensure consumptive use quality and quantity will guide CF development.
- Management will aim to pursue opportunities to realize the best return from timber harvesting, provide sufficient revenue to pay for management of the CF and provide a financial return to the shareholders and the community.
- The administration and management of the business will be conducted in a professional manner that strives for economic efficiency while promoting environmental and social values.
- The CF will be compliant with all legislative, regulatory and legal requirements and will seek opportunities for innovation and silvicultural enhancement.
- Forest management planning and operations will respect existing community recreational areas and First Nations culturally significant areas, by minimizing interference to these areas, and to seek additional opportunities for recreation and cultural development.
- Local employment is a priority for work on the community forest to facilitate the growth of local business and community involvement.
- Safety is a key guiding principle. Forest operations, including planning and implementation will be carried out with the utmost regard for human welfare and safety.
- Foundational statements, environmental, economic, social and cultural strategic priorities, and policy directives will inform operational plans and guide management of the community forest.
- The Board of Directors will remain accountable to the communities.

6 Miscellaneous Policies

6.1 Coniferous Average Sawlog Stumpage Rates by Forest Zone and Species

1. Each of the following forest zones referred to in Tables 6-1, 6-2, 6-4, 6-4a, 6-5 and 6-6 is made up of the following forest districts and or geographic units:
 - a. North Central Zone - Mackenzie, Nadina, Prince George (less Robson Valley TSA), Quesnel and Stuart Nechako.
 - b. North East Zone - Fort Nelson and Peace.
 - c. North West Zone - Coast Mountain (excluding that portion that lies geographically within the North Coast Timber Supply Area), Skeena Stikine.
 - d. South Central Zone – Williams Lake TSA Blocks A, B, C, D, E & I.
 - e. South East Zone - Okanagan Shuswap, Rocky Mountain, Selkirk, and Thompson Rivers (plus Robson Valley TSA).
 - f. South West Zone - 100 Mile House, Cascades, and Williams Lake TSA Blocks F, G, H, and J to N.

2. Where a species of coniferous timber is not listed in Table 6-1, 6-2, 6-4, 6-4a and 6-5, the rate that must be used for that species of timber is the rate listed in the column headed as OTHER.

Table 6-1: Coniferous Average Sawlog Stumpage Rates in \$/m³

FOREST ZONE	BALSAM	CEDAR	FIR	HEMLOCK	LARCH	L. PINE	SPRUCE	W. PINE	Y. PINE	OTHER ¹
North Central	29.67	-	45.07	20.15	-	28.31	32.51	-	-	31.99
North East	16.59	-	-	-	-	18.84	16.30	-	-	16.66
North West	11.93	9.60	-	5.14	-	28.11	25.05	-	-	13.70
South Central	8.70	-	4.07	-	-	6.16	5.71	-	-	5.15
South East	34.61	30.47	30.56	28.12	29.39	32.95	33.22	30.98	27.65	31.52
South West	35.80	40.41	30.58	41.51	42.92	33.85	37.91	33.72	-	33.72

¹ Average for the Forest Zone

6.1.1 Community Forest Agreements

1. The sawlog stumpage rate for each species of coniferous timber harvested under any cutting authority issued under a Community Forest Agreement is the rate prescribed in Table 6-2 for the forest zone in which the cutting authority area is located.
2. Section 1.4.2, sections 6.1.2 through 6.5, commercial thinning in section 6.6, and sections 6.7 through 6.9 do not apply to Community Forest Agreement cutting authorities.
3. The stumpage rate determined under this section is redetermined on August 1 of each year in accordance with this section.
4. Notwithstanding subsection (1), (2), and (3), when a cutting authority is issued for the specific purpose to include projects funded by the Forest Enhancement Society of BC, the stumpage rate must be determined through a full appraisal (“fully appraised”). Refer to section 6.11 for details regarding cutting authorities with FESBC funding.

6.1.2 Woodlot Licences

1. Except as provided in subsection (2) and (8) of this section, the sawlog stumpage rate for each species of coniferous timber harvested under a cutting permit issued for a woodlot licence with an effective date after November 30, 2008 is the rate prescribed in Table 6-2 for the forest zone in which the cutting authority area is located.
2. Where a woodlot licence cutting permit has been issued with an effective date after November 30, 2008 for the purpose of using amounts from an eligible extended road amortization agreement in an appraisal, then the stumpage rate will be determined using the procedures in this manual excluding this section.
3. Except as provided in subsection (4) of this section, the sawlog stumpage rate for coniferous timber harvested under a road permit issued for a woodlot licence is the rate prescribed in Table 6-2 for the forest zone in which the timber mark applies.
4. Where a woodlot has an eligible extended road amortization agreement before December 1, 2008 the sawlog stumpage rate for a road permit with an effective date on or after December 1, 2008 is calculated using the procedures in section 6.3.
5. The sawlog stumpage rate for each species of coniferous timber harvested under a blanket salvage cutting authority issued for a woodlot licence is the rate prescribed in Table 6-2 for the forest zone in which the blanket salvage cutting authority applies.
6. The stumpage rate determined under subsections (1), (3) and (5) of this section is redetermined on August 1, each year in accordance with this section.
7. Except as provided in subsections (2) and (4) of this section, sections 1.4.2, 6.1.1, 6.1.3 through 6.5, commercial thinning and Pre-harvest Waste Assessment in section 6.6, and sections 6.7 through 6.9 do not apply to Woodlot Licence cutting authorities.

8. Notwithstanding subsection (1) through (7), when a cutting authority is issued for the specific purpose to include projects funded by the Forest Enhancement Society of BC, the stumpage rate must be determined through a full appraisal (“fully appraised”). Refer to section 6.11 for details regarding cutting authorities with FESBC funding.

**Table 6-2: Community Forest Agreements and Woodlot Licences:
Coniferous Average Sawlog Stumpage Rates in \$/m³**

FOREST ZONE	BALSAM	CEDAR	FIR	HEMLOCK	LARCH	L. PINE	SPRUCE	W. PINE	Y. PINE	OTHER ¹
North Central	4.45	-	6.76	3.02	-	4.25	4.88	-	-	4.80
North East	2.49	-	-	-	-	2.83	2.45	-	-	2.50
North West	1.79	1.44	-	0.77	-	4.22	3.76	-	-	2.06
South Central	1.31	-	0.61	-	-	0.92	0.86	-	-	0.77
South East	5.19	4.57	4.58	4.22	4.41	4.94	4.98	4.65	4.15	4.73
South West	5.37	6.06	4.59	6.23	6.44	5.08	5.69	5.06	-	5.06

¹ Average for the Forest Zone

6.1.3 Incidental Conifer in Deciduous Leading Stands

1. Except as provided in section 5.1.1(6), this section applies to coniferous timber in a cutting authority area where the total estimated volume of all deciduous species to be harvested is greater than 70% of the total estimated volume of all species to be harvested.
2.
 - a. The stumpage rate for coniferous timber is the rate prescribed in Table 6-3 for the smaller of the area of the forest district/district portion, timber supply area, region, or Area in which the entire cutting authority area for the tenure is located.
 - b. Where the Crown is responsible for basic silviculture on the cutting authority area, the stumpage rate for each species of coniferous timber must be the sum of the rate determined under paragraph (a) of this subsection and the silviculture levy determined under section 5.3.
3. A stumpage rate determined under subsection 2 must be redetermined on June 1, of each year in accordance with this section.
4. Notwithstanding subsection (2) in this section, the stumpage rate may be determined through a full appraisal in accordance with chapters 1, 2, 3, 4, and 5.
5.
 - a. In this section the area of a forest district or the area of a timber supply area does not include the area of a park located within that district or timber supply area.
 - b. In this section the area of a Tree Farm Licence will be included in the area of the district or timber supply area in which it is geographically located.

6.2 Cutting Authorities With 5000 m³ or Less Volume

1. Where the total estimated coniferous volume to be harvested in a cutting authority area is 2000 m³ or less, and where the agreement under which the cutting authority authorizing harvesting on the cutting authority area has been issued has a coniferous allowable annual cut of not more than 3000 m³, or no coniferous annual allowable cut:
 - a. The stumpage rate for each species of coniferous timber in the cutting authority area must be determined using the stumpage rate in Table 6-1 for the forest zone in which the cutting authority area is located, except that,
 - i. Where the agreement holder is not required to establish a free growing crop of trees on the cutting authority area, the stumpage rate for each species of coniferous timber must be the sum of the rate determined under paragraph (a) of this subsection and the basic silviculture cost¹ for the species in the applicable Interior Area, or
 - ii. Where the Crown is responsible for basic silviculture on the cutting authority area, the stumpage rate for each species of coniferous timber must be the sum of the rate determined under paragraph (a) of this subsection and the silviculture levy determined under section 5.3.
2. Except as provided in subsection 4 of this section or section 6.2.1, where the total estimated coniferous volume to be harvested on a cutting authority area is 5000 m³ or less, and the cutting authority authorizing harvesting on the cutting authority area is a competitively awarded forestry licence to cut, other than a BCTS licence:
 - a. Except as provided in paragraph (d) of this subsection, the upset stumpage rate for each species of coniferous timber in the cutting authority area will be 70 % of the stumpage rate for that species in Table 6-1 for the forest zone in which the cutting authority area is located, except that,
 - b. Where applications for a forestry licence to cut have been invited with upset stumpage rates determined under this subsection and no applications have been received, the upset stumpage rate for each species of coniferous timber must be the rate requested by the district manager and approved by the regional manager.
 - c. Where the regional manager does not anticipate that applications for a forestry licence to cut will be received due to market conditions or timber profile, the upset stumpage rate for each species of coniferous timber must be the rate requested by the district manager and approved by the regional manager.
 - d. Where the Crown is responsible for basic silviculture on the cutting authority area, the upset stumpage rate for each species of coniferous timber must be the sum of the rate determined under paragraphs (a), (b) or (c) of this subsection and the basic silviculture levy determined under section 5.3.

¹ From the Interior Basic Silviculture Costs published quarterly and available on the Timber Pricing Branch website.

6.3 Road Permit Stumpage Rates

1. a. In this section the area of a forest district or the area of a timber supply area does not include the area of a park located within that district or timber supply area.
 - b. In this section the area of a Tree Farm Licence will be included in the area of the district or timber supply area in which it is geographically located.
2. This section does not apply to Community Forest Agreements in section 6.1.1, Woodlots Licences in section 6.1.2 except 6.1.2(4), or any timber in the Research Forests noted in Table 6-7.
3. A stumpage rate determined under this section, other than for a road permit for a BCTS licence under subsection (6), must be re-determined annually on June 1st in accordance with this section.
4. Except as provided in subsection (6)(b), stumpage rates determined under this section are scale based for billing.
5. Except as provided in subsection (6) of this section, the stumpage rate for a road permit must be the stumpage rate:
 - a. from the table of licence average rates by district provided to the regional Area by Timber Pricing Branch if there is a minimum positive scale based billed volume of 500 m³ of coniferous sawlogs from which the weighted average sawlog stumpage rate may be determined, or
 - b. where a rate under (a) is not available, the stumpage rate is that prescribed in Table 6-3 for the smaller area of the forest district/district portion, timber supply area, region, or Area in which the entire cutting authority area for the tenure is located.
6. a. The total stumpage rate (\$/m³) for a road permit granted to the holder of a scale-based timber sale licence entered into under section 20 of the Act must be the same as the total stumpage rate (\$/m³) for the timber sale licence which entitled the holder to apply for the road permit.
 - b. The total stumpage rate (\$/ha) for a road permit granted to the holder of a cruise-based timber sale licence entered into under section 20 of the Act must be the same as the total stumpage rate (\$/ha) of the timber sale licence which entitled the holder to apply for the road permit.
7. Where a woodlot has an eligible extended road amortization agreement before December 1, 2008 the sawlog stumpage rate for a road permit with an effective date on or after December 1, 2008 is calculated using the procedures in this section.
8. The bonus bid if applicable will be added to the stumpage rate determined under subsection 5(b).

Table 6-3: Coniferous Average Sawlog Stumpage Rates by Smallest Geographic Unit

Smallest Geographic Unit	\$/m ³	Smallest Geographic Unit	\$/m ³
North Area	25.63	South Area	31.81
Northeast Region	16.66	Cariboo Region	31.09
Fort Nelson District	15.17	100 Mile House District	24.57
Fort Nelson TSA	15.17	100 Mile House TSA	24.57
Peace District	16.66	Cariboo-Chilcotin District	32.89
Fort St. John TSA	15.17	Chilcotin (29 F,G,H,J,K,L,M,N)	37.54
Dawson Creek TSA	17.41	Central Cariboo (29 A,B,C,D,E,I)	5.15
Omineca Region	33.92	Quesnel District	32.00
Mackenzie District	22.09	Quesnel TSA	32.00
Mackenzie TSA	22.09	Cascadia Blocks 5,6,7,8	32.00
Prince George District	36.27	Kootenay/Boundary Region	29.76
Robson Valley TSA	16.30	Rocky Mountain District	30.95
Prince George (24 E,F,G,H,I)	36.95	Invermere TSA	28.04
Stuart Nechako District	35.90	Cranbrook TSA	33.46
Fort St James (24 A,B,C)	38.50	Selkirk District	29.22
Vanderhoof (24D)	27.93	Arrow TSA	28.82
Skeena Region	17.60	Boundary TSA	29.85
Coast Mountains District	0.83	Golden TSA	27.09
Nass TSA	1.02	Revelstoke TSA	16.01
Kalum TSA	0.50	Cascadia Blocks 1,2,3	28.82
Pacific TSA	0.25	Cascadia Block 4	16.01
Cascadia Blocks 9,10,11	0.50	Kootenay Lake TSA	37.02
Nadina District	23.95	Thompson/Okanagan Region	33.66
Morice TSA	24.38	Cascades District	33.77
Lakes TSA	21.80	Merritt TSA	38.66
Skeena Stikine District	23.80	Lillooet TSA	4.75
Bulkley TSA	29.79	Okanagan Shuswap District	35.28
Kispiox TSA	15.86	Okanagan TSA	35.28
Cassiar TSA	1.02	Thompson Rivers District	31.30
		Kamloops TSA	31.30

6.6 Miscellaneous Stumpage Rates

1. Unless otherwise specified in this manual, the stumpage rates, at the time of scale for timber harvested for the purposes described, in the districts listed, in the forest district specific section of Table 6-7 are as prescribed in that table. This table does not apply to cruise based cutting authorities.
2. Special Forest Product (SFP) Codes are described in the Special Forest Products Regulation under the Act.
3. For SFP codes CH and HF, where the post-harvest material is removed under a tenure different from the original cruise based cutting authority, a waste assessment is not required.

Table 6-7: Miscellaneous Stumpage Rates

All Interior Forest Regions

Species	SFP Code	Product	Reserve Stumpage Rate
All Species	SB	Shake & Shingle Bolts, Blocks and Blanks	\$5.30/m ³
All Species	SK	Shakes	\$6.00/m ³
Cedar	PR	Posts & Rails (Split and Round)	\$3.00/m ³
All other Species	PR	Posts & Rails (Split and Round)	\$1.20/m ³
All Species	MT	Mining Timbers	\$3.00/m ³
All Species	FW	Firewood	\$0.50/m ³
Yew		All	\$0.25/m ³
All Species	CH	Wood chips from post-harvest material where a waste assessment has been made	\$0.25/m ³
All Species	HF	Hogged tree material from post-harvest material where a waste assessment has been made	\$0.25/m ³
All Species		Grades 4 and 6, except where the upset stumpage rate is determined under section 6.2.1(1)(a) and (b) and 5.1.1(5)	\$0.25/m ³
Deciduous Species		All, except grades 4 and 6 and except where the upset stumpage rate is calculated under section 6.2.1(1)(a) and (b) and 5.1.1(5)	\$0.50/m ³
All Species	SS	Stakes & Sticks	\$1.20/m ³
All Species	XM	Christmas Tree Length:	under 3m \$0.20/each 3-5 m \$1.00/each over 5 m \$1.50/each
All Species	CA	Cants (produced from dead and down post-logging residue)	\$3.00/m ³
All Species		Logs salvaged below the high-water levels of Reservoir Lakes and the Shuswap, Slocan, Kootenay, Mineral, and Babine Lakes	\$0.25/m ³
All Species		Marine Beachcomb	\$0.70/m ³
All Coniferous		For logs harvested from the following Research Forests: Alex Fraser (UBC), Aleza Lake (UBC and UNBC), College of New Caledonia (CNC), and Fort St. James (UNBC)	\$0.25/m ³
All Species		Firmwood Reject (Grade code Z)	NIL

Species	SFP Code	Product	Reserve Stumpage Rate
All Coniferous		Commercial thinning refers to an intermediate harvest with regard to even-aged stand management with: <ul style="list-style-type: none"> • Commercial thin stocking standards incorporated in a Forest Stewardship plan, • Stand age less than 45 years old; and • Residual stand left in a healthy, productive condition 	\$0.25/m ³

District/TSA Specific

Description of Activity	Forest District	Reserve Stumpage Rate
New Crown land area disturbed for mining exploration trails, Seismic lines, gas or oil well sites and right-of-way to well sites or, authorizations for investigative purposes issued under the Land Act	Ft. Nelson	\$ 1,384/ha
	Mackenzie	\$ 1,221/ha
	Peace	\$ 1,325/ha
	Rocky Mountain	\$ 2,014/ha

4. For Seismic lines, the corresponding district reserve stumpage rate from the above table is adjusted according to the category of line clearing as follows:

- a. Category 1 - no adjustment
- b. Category 2 - 1/2 of the reserve stumpage rate
- c. Category 3 - 1/3 of the reserve stumpage rate

5. For Seismic lines, the gross area for each category reported as new line on either:

- a. the Oil and Gas Commission's Geophysical Final Plan cover sheet; or
- b. an As Cleared Plan

is multiplied by the reserve stumpage rate as adjusted in subsection (4) above. Refer to Appendix V for category definitions.

6. For gas or oil well sites and right-of-way to well sites (pipeline rights-of-way) a stumpage rate must be determined by using the above rates for cutting authorities containing 2000 m³ or less, of merchantable coniferous volume. For pipeline rights-of-way cutting authorities greater than 2000 m³ use section 6.7.

6.10 Section 103(3) of the Act

Stumpage for the purposes of section 103(3) of the *Act* must be calculated in accordance with the procedure approved by the Director.

6.11 Forest Enhancement Society of BC (FESBC)

1. Notwithstanding any other section of this chapter, a cutting authority issued with projects funded by the FESBC for the purpose of stand restoration and/or rehabilitation must have the stumpage rate determined by a full appraisal (“fully appraised”) in accordance with chapters 1, 2, 3, 4 and 5. Stand restoration and/or rehabilitation means the harvesting and reforestation of uneconomic stands of timber.
2. The person determining the stumpage rate must ensure all project costs incurred for development, harvesting, transportation or other tenure obligations costs funded by FESBC are excluded (or “backed out”) from the appraisal.
3. The licensee representative must submit a detailed list of the projects and cost estimates approved for funding.
4. Development project costs used in the FESBC economic test (to assess FESBC funding eligibility) for a cutting authority are not eligible for amortization agreements and cannot be used by the licensee in an appraisal for another cutting authority.



Guide to Involving Proponents When Consulting First Nations



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The Province of British Columbia has a duty to consult and where required, accommodate First Nations whenever a decision or activity could impact treaty rights or asserted or established aboriginal rights and title ("Aboriginal Interests"). This duty stems from Canadian common law as expressed in court decisions.

In the case of asserted aboriginal rights and title, the scope of consultation is based on an assessment of the strength of claim, and the seriousness of potential impacts upon the asserted rights. In the case of proven aboriginal rights or treaty rights, the scope of consultation is based on the seriousness of the potential impact on the right.

The *Updated Procedures for Meeting Legal Obligations When Consulting First Nations* (the Consultation Procedures) describe the Province's approach to consulting and accommodating First Nations. In Step 5 of the Preparation Phase, the Province determines who will engage First Nations for consultation purposes, which may include involving the proponent. The Province and First Nations may also negotiate area specific agreements which shape how consultation and accommodation will take place.

While the Province is responsible for ensuring adequate and appropriate consultation and accommodation, it may involve the proponent in the procedural aspects of consultation to proponents. Proponent engagement with First Nations can facilitate effective and timely information exchange and may include the modification of plans to mitigate and avoid impacts to Aboriginal Interests. It can also contribute to some of the Province's broader objectives, including partnerships and relationship building with First Nations.

Purpose

The purpose of this document is to provide operational guidance to Provincial decision makers and staff respecting the role of proponents in consultation. It is to be used in conjunction with the Updated Procedures for Meeting Legal Obligations When Consulting First Nations.

Staff will work with proponents to ensure that Provincial and proponent activities are coordinated.

Under the *Forest and Range Practices Act* and the *Environmental Assessment Act*, the Province has statutory authority to require proponents to share information with First Nations about proposed projects. Please refer to these statutes for further guidance.

Responsibilities

Provincial decision makers

Provincial decision makers with authority to make decisions about provincial land or resources are responsible for ensuring that the consultation and accommodation record is complete and that that consultation and any accommodation are appropriate for the circumstances.

Proponents

Any party preparing for or making an application to government, including industry, local governments, federal agencies and Crown corporations are encouraged to engage First Nations as early as possible when seeking a decision. Proponents who are involved in consultation should document their engagement activities, share their consultation record with provincial staff, and advise staff of any issues that arise.

First Nations

There is a reciprocal responsibility of First Nations to participate in the consultation process in good faith, to make their concerns regarding impacts on their Aboriginal Interests known and to respond to government's effort to consult.

Proponent Questions and Answers

Why is the BC Government required to consult First Nations regarding my application?

The courts have determined that the Crown has a legal duty to consult First Nations and seek to address their concerns *before* potentially impacting treaty rights or asserted or established aboriginal rights and title (“Aboriginal Interests”). This duty stems from a constitutional obligation arising from the recognition of aboriginal and treaty rights in the *Constitution Act, 1982*.

Can the BC Government delegate the “procedural aspects” of consultation to me?

The Supreme Court of Canada in *Haida* (2004) said that government could delegate the procedural aspects of consultation to proponents. If a proponent has indicated a willingness to undertake the procedural aspects of consultation, the Province may rely on these efforts. The Province, however, is ultimately responsible for ensuring adequate consultation and accommodation where appropriate.

What is meant by “procedural aspects” of consultation?

Generally, the “procedural aspects” refers to the direct engagement component of consultation that involves sharing and discussing information. More specifically, it includes:

- Providing information about the proposed project to First Nations early in planning process;
- Obtaining and discussing information about specific Aboriginal Interests that may be impacted with First Nations;
- Considering modifications to plans to avoid or mitigate impacts to Aboriginal Interests; and
- Documenting engagement, specific Aboriginal Interests that may be impacted and any modifications to address concerns and providing this record to the Crown decision maker.

Why would the BC Government want to involve me in the “procedural aspects” of consultation?

Proponents are often in a better position to explain their proposals and address any First Nation concerns. Early and meaningful engagement provides greater opportunities for developing plans that avoid impacts to Aboriginal Interests and are more responsive to the broader interests and values of First Nations.

What will the BC Government do when I am undertaking the procedural aspects of consultation?

The BC Government is ultimately responsible for ensuring adequate consultation and accommodation, where appropriate. The government will provide information, as required, to support the proponent’s role in the consultation process.

As a small operator, will I be required to undertake the procedural aspects of consultation?

Government staff consider a number of factors in determining whether to involve the proponent in consultation including the capacity of the proponent to manage engagement activities. Small operators with limited resources may not be asked to undertake procedural aspects of consultation.

What is an Aboriginal Interest?

Aboriginal Interests refers to claimed or established treaty rights or aboriginal rights (including title). Aboriginal rights are practices or traditions integral to a First Nation culture at the time of contact. Examples include fishing, hunting and gathering plants. Aboriginal title is a subcategory of aboriginal rights that is a unique interest in land that encompasses the right to exclusive use and occupation of land for a variety of purposes. Treaty rights are held by a First Nation in accordance with the terms of a historic or modern treaty agreement with the Crown.

The Guide refers to both engagement and consultation. What is the difference between the two terms?

Although these terms are generally used interchangeably, for the purposes of this guide, the terms consultation and engagement are used to help distinguish between the Province’s and the proponent’s roles in the consultation process respectively.

Consultation Procedures

Phase One: Preparation

1. Identify First Nation
2. Identify treaties or process agreement(s)
3. Review readily available information
4. Consider consultation levels
5. Decide who will engage First Nation

Phase Two: Engagement

1. Provide information and seek input
2. Engage First Nation(s)
3. Complete consultation at appropriate level

Phase Three: Accommodation

1. Assess consultation and need to accommodate
2. Identify accommodation options
3. Propose accommodation measure and attempt to reach agreement

Phase Four: Decision and Follow-Up

1. Assess consultation and accommodation record
2. Provide decision to First Nation
3. Ensure implementation of accommodations

The Approach: Pre-Application Stage

A. Possible proponent engagement related activities prior to submission of a project application

Proponents are encouraged to engage with First Nations as early as possible in the planning stage to build relationships and for information sharing purposes. Engagement early in the planning stage provides opportunities to identify any concerns by First Nations about the proposed development/activity and may increase the likelihood of successful consultation outcomes. As well, proponents are often in a better position to provide information about their proposed activity directly to the First Nation.

The following activities may be recommended to proponents in the pre-application phase:

Early Planning:

- Searching the Province's Consultative Areas Database to identify which First Nations to engage (<http://geobc.gov.bc.ca/>); and
- Obtaining information about the First Nations in the proposed project area including relevant information regarding culture, history, economy, and political/governance structures.

Planning:

- Advising Provincial government staff of intentions to engage with First Nations;
- Informing and involving First Nations in the planning phase of their proposed project;
- Learning about the First Nation's Aboriginal Interests and other interests in the area and planning accordingly; and
- Keeping First Nations advised of milestones, including application submission dates.

Provincial government staff may provide information that may assist the proponent to focus engagement efforts based on an initial scan of Aboriginal Interests in the proposed project area. Proponents should be made aware that as the Province receives further information about Aboriginal Interests, the scope of consultation and accommodation, where required, may change.

Provincial government staff may encourage the proponent to explore options to avoid or mitigate impacts to Aboriginal Interests, particularly once there is a good understanding of the nature of potential impacts on Aboriginal Interests. The Province will consider avoidance and mitigation measures undertaken by the proponent when assessing whether Aboriginal Interests have been adequately accommodated.

To assist proponents in becoming aware of any agreements between the Province and First Nations that establish processes that guide consultations (e.g., Strategic Engagement Agreements, Forest & Range Consultation Revenue Sharing Agreements, Final Treaty Agreements or Reasonable Opportunity Agreements), Provincial government staff may provide proponents with the government website address which lists these agreements <http://www.gov.bc.ca/arr/treaty/key/default.html>. This information will enable the proponent to understand how the Province will carry out consultation under specific agreements. Proponents are encouraged to check the website on a regular basis or to talk with Provincial government staff to become informed of new agreements as they are completed.

Proponent Questions and Answers

How do I determine with which First Nations to contact?

The Province has developed the Consultative Areas Database (CAD) to identify First Nations interests in the land base. CAD is an online, interactive mapping tool that allows First Nations, the general public, industry and other levels of government to draw a point, line or polygon in iMapBC and generate a list of First Nations with contact information for the area queried. See <http://geobc.gov.bc.ca>. As First Nation territory boundaries may change from time to time, proponents are encouraged to periodically review the website to identify any changes that may be relevant to their project.

There are multiple First Nations with interests over the location of application. How do I engage with all of them?

Contact all First Nations with Aboriginal interests in the area where the proposed activity is to take place (based on CAD). Follow up with those First Nations who respond to your initiatives to meet about your application. Depending on responses from First Nations, Provincial staff may provide advice as to how to focus your engagement efforts.

What information do I provide in my letter/or first meeting with a First Nation about my project?

The letter/conversation may include:

- Details about the project/activity including location, how it could happen, timing, potential impacts that may affect both land and resources and maps;
- List all authorizations and their timing that will be required;
- Request for information about First Nations concerns including Aboriginal Interests that may be impacted by the proposed activity; and
- A request to meet.

For any assistance required to write letters or prepare for meetings with a First Nation, contact the agency responsible for your application.

Consultation Procedures

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Phase Two: Engagement

1. Provide information and seek input
2. Engage First Nation(s)
3. Complete consultation at appropriate level

Phase Three: Accommodation

1. Assess consultation and need to accommodate
2. Identify accommodation options
3. Propose accommodation measure and attempt to reach agreement

Phase Four: Decision and Follow-Up

1. Assess consultation and accommodation record
2. Provide decision to First Nation
3. Ensure implementation of accommodations

Application Stage

B. Considering the role of the proponent

The following matters are to be considered when determining the appropriate level of engagement of the proponent in a consultation process:

- the nature of the proposed activity;
- the nature of Aboriginal Interests potentially impacted ;
- the capacity of the proponent to manage engagement activities;
- the capacity of the proponent to provide information relating to the details or context of the proposed activity;
- the opportunity for the proponent to incorporate appropriate avoidance or mitigation measures into the project design and/ or implementation;
- any processes required under agreement with First Nations;
- the willingness of the proponent to be involved in a consultation process; and
- the willingness of First Nations to engage with the proponent.

The proponent is responsible for advising the Province about its willingness to be involved in the consultation process.

C. Advising First Nation(s) of proponent's role

Where the Province considers it appropriate to involve proponents in the procedural aspects of consultation and the proponent has not already proceeded to engage with the First Nation, the Province may advise the First Nation(s) that the proponent will be engaging with them regarding the proponent's proposed activity. Provincial government staff may provide the following to First Nation information regarding the nature and timing of the proposed activity and required decisions;

- government contact information respecting consultation for the proposed activity and the decision maker;
- assurance that the Province retains accountability and responsibility for assessing and ensuring adequate consultation and accommodation, where required; and,
- notification that the proponent's engagement activities may be documented and form part of the consultation record that will be considered by the decision maker.

Where a First Nation does not wish to engage with the proponent, the Province will seek to understand any concerns. To address concerns and build relationships:

- the Province, proponent and First Nation may meet to share information about the First Nations concerns and, the proponent's interests and proposed activities; and,
- the Province resuming all or part of the consultation process.

D. Proponent engagement activities

Once the Province has made a determination with respect to the potential involvement of the proponent in the procedural aspects of consultation and the proponent indicates a willingness to be involved in the consultation process, Provincial government staff may provide the proponent with the following:

- any assistance needed to identify which First Nations to engage (information available through the Consultative Areas Database - <http://geobc.gov.bc.ca/>);
- any information that may assist the proponent in focusing their engagement efforts, which may include;
 - *non-confidential information about the First Nation's Aboriginal Interests learned from the review of readily available information in Phase One;*
 - *information about Aboriginal Interests that may be impacted by the proposed activity and possible avoidance or mitigation measures;*
- information regarding expectations for documenting engagement activities and outcomes, including any measures taken to accommodate First Nation concerns;
- further information as may be requested from the proponent in order to assist in completing the consultation process; and
- updates respecting the status of the consultation process, which may include summaries of key issues or concerns expressed by the First Nation.

Provincial staff may remind proponents that they do not have the authority to make decisions with regard to the Crown's duties to consult and accommodate including:

- the strength of a First Nation's claimed aboriginal rights, including title;

- whether Crown decisions regarding a proposed project represents potential infringements of Aboriginal or Treaty rights; or
- the adequacy of the Crown's duty to consult and accommodate.

Proponent engagement activities may include:

- participating in meetings with Provincial representatives and First Nations;
- participating in their own meetings with First Nations;
- providing information to First Nations about the proposed activity, how it could happen, where it could occur (maps) and what the potential impacts may be to lands and resources;
- obtaining or discussing First Nations concerns which may include information about Aboriginal Interests that may be impacted by the proposed activity, how the proposed activity may impact identified Aboriginal Interests; and
- discussing possible mitigation options to address impacts to Aboriginal Interests.

Proponent Record Keeping

Proponents should be encouraged to document all attempts to engage with relevant First Nations and provide a record of their engagement efforts to the Province so it may be considered during the decision-making process. The engagement record may include:

- a communications log;
- a summary of engagement activities and outcomes;
- descriptions of Aboriginal Interests and any potential impacts identified; and
- descriptions of any modifications implemented or other avoidance or mitigation measures that may have made in the pre-planning, planning or engagement stages.

The Province may request updates from the proponent regarding the status of engagement activities with the First Nation and may request copies of relevant documentation between the proponent and the First Nation.

Proponent Questions and Answers

What do I do if the First Nation does not want to engage with me or does not respond?

Where this happens, contact the agency responsible for administering your application for further guidance. Proponents are encouraged to indicate their willingness to talk to the First Nation about their application to ensure that the proposed activity is understood and that there is a meaningful opportunity to discuss any concerns. It is valuable for proponents to build relationships before projects are proposed.

How does the refusal of a First Nation to engage with a proponent affect the consultation process and the timing of decisions on an application?

Where a First Nation refuses to engage with a proponent, the Province will continue to consult that First Nation directly. While proponent engagement can promote timely decisions, the refusal of a First Nation to engage with a proponent may not necessarily impact the consultation process or the timelines for decisions on applications. First Nations have a reciprocal responsibility to participate in the consultation process in good faith, to make their concerns regarding impacts on their Aboriginal Interests known and to respond to government's effort to consult.

When should capacity funding be provided to a First Nation and what is an appropriate level of funding?

There is no obligation for a proponent to provide capacity funding to a First Nation as part of the consultation process, nor will the Province direct that such funding be provided by a proponent to a First Nation. Nevertheless, to help support the consultation process, which may lead to ways to avoid or minimize potential impacts to Aboriginal Interests resulting from a proposed activity, a proponent may choose to provide funding as part of a business arrangement with a First Nation. The Province does not provide advice to proponents regarding capacity funding arrangements with a First Nation.

What should I do if a First Nation wants to charge a fee to meet? An invoice was sent to me in response to my meeting request to discuss my application.

Proponents should continue to try to engage the First Nation to share information about the application and to encourage the First Nation to provide technical information relevant to the proposed activity. As noted in the previous Question and Answer, there is no obligation for a proponent to provide capacity funding to a First Nation as part of the

consultation process, however, if a proponent has the means, the offer of capacity funding can help support the consultation process which may lead to ways to avoid or minimize potential impacts to Aboriginal Interests resulting from a proposed activity. If the First Nation refuses to meet or respond to correspondence, document your efforts and contact the agency responsible for administering your application.

How can a proponent determine if an economic related request by a First Nation is reasonable?

The responsibility for assessing the acceptability of an economic request from a First Nation rests with the proponent. Should a proponent wish to consider entering into an economic arrangement with a First Nation, a proponent could assess the reasonableness of the request on a number of variables including, but not limited to, the nature and scope of the project, the financial capacity of the proponent, and the opportunities and benefits afforded to both the First Nation and the proponent through such an arrangement.

Consultation Procedures

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2. Engage First Nation(s)
3. Complete consultation at appropriate level

Phase Three: Accommodation

1. Assess consultation and need to accommodate
2. Identify accommodation options
3. Propose accommodation measure and attempt to reach agreement

Phase Four: Decision and Follow-Up

1. Assess consultation and accommodation record
2. Provide decision to First Nation
3. Ensure implementation of accommodations

E. Accommodating Aboriginal Interests

While the duty to consult and accommodate, where appropriate, rests with the Province, proponents can assist the Province in meeting this obligation by considering ways to address concerns or mitigate impacts to Aboriginal Interests.

Below are some general measures which the Province may consider in its assessment of whether accommodation has been adequate in the circumstances:

- avoiding the impact to the identified Aboriginal Interest;
- modifying the proposal to mitigate potential impacts to Aboriginal Interests (e.g., altering the footprint or location of the proposed activity);
- changing the timing of proposed activities;
- requirements for impact or environmental monitoring; and
- other mitigation strategies.

If proponents have proposed measures to address potential adverse effects to Aboriginal Interests, decision makers may consider incorporating such measures as conditions of the authorization.

Where applications or projects have been modified by a proponent for reasons or purposes other than to address First Nation concerns, such modifications will not, in most cases, be considered a mitigation or accommodation in relation to potential impacts on Aboriginal Interests.

Proponent Questions and Answers

What is accommodation?

Courts have defined accommodation in its broadest sense as adapting, harmonizing or reconciling Aboriginal and Crown interests – essentially taking steps to avoid or minimize impacts on Aboriginal Interests. Accommodation measures seek to balance First Nations' concerns reasonably with the potential impact of the decision on Aboriginal interests with other societal interests. Consultation that excludes the consideration of accommodation in any form to address concerns would not be meaningful. The duty to consult, however, will not always lead to a legal duty to accommodate.

How does the Province determine whether accommodation is required for a project?

Whether accommodation is necessary and what form it will take is informed by the information gathered during the consultation process including:

- review of readily available information;
- information learned during engagement with the First Nations(s);
- the Province's progressive understanding of the nature of the Aboriginal Interests that might be impacted;
- the seriousness of the potential impacts on Aboriginal Interests;

- broader societal interests and objectives of the Crown; and
- any other relevant avoidance or mitigation measures that have been employed by government or the proponent.

Accommodation may be required when this information suggests that there is an established treaty or aboriginal (including title) right or where a strong case for a claimed aboriginal right (including title) exists and the proposed decision may adversely affect such Aboriginal Interests in a significant way.

What is my role and the Province's role in developing accommodation measures particularly in the pre-application phase of the project?

Responsibility for accommodation rests with the Province, however proponents can assist in fulfilling this obligation by exploring options to avoid or mitigate potential impacts on Aboriginal Interests particularly once there is a good understanding of the nature of potential impacts on Aboriginal Interests. The Province will consider avoidance and mitigation measures undertaken by the proponent in its assessment of whether Aboriginal Interests have been adequately addressed and where appropriate, accommodated.

As a small operator, how do I know that the accommodation measure discussed with the First Nations during the pre-application engagement is reasonable?

The Province is responsible for ensuring that the level of accommodation is appropriate to the circumstances (i.e. nature of the Aboriginal Interests and the seriousness of the impact on such Aboriginal Interests). If the proposed decision or activity will have minimal to no impact on the land or resources and any corresponding Aboriginal Interest, then accommodation will not generally be required. The agency responsible for your application is responsible for making the determination of the adequacy of accommodation and for sharing that determination with the First Nation and the proponent.

What if a First Nation requests an accommodation measure that is broader than the impacts of the decision?

The Province is responsible for determining the adequacy of accommodation measures, where required to address potential impacts to Aboriginal Interests arising from the proposed decision or activity.

Partnerships/Other Relationship Building Opportunities

In some cases, discussions between the First Nation and proponent may lead to partnerships or other mutually beneficial opportunities (i.e. employment opportunities, direct awards for contract services, revenue sharing etc.), the scope and purposes of which are determined by the parties and not the Province. The Province does not require that agreements or other business arrangements be reached; however, the Province recognizes that such arrangements may form relationships between the proponent and the First Nation that makes good business sense. Such relationships may help move the proponent's overall business interests and facilitate certain business and other processes that result in timely business operations and decisions. These types of partnerships are considered positive and contribute to the objectives of the New Relationship. Where these arrangements/agreements are in effect, the Province, to the extent that their terms are publicly known, may choose to assess how an agreement/business arrangement may contribute to accommodation.

Proponent Questions and Answers

Does the Province expect proponents to enter into economic agreements with First Nations as an accommodation measure?

Proponents are not required to enter into economic agreements with First Nations. While the Province encourages proponents to explore benefit sharing agreements with First Nations, such agreements, if pursued, are undertaken because the parties consider them to be in their mutual interest.

These economic agreements may be considered as a potential accommodation by the Province where such measures may be relevant to addressing potential adverse impacts of the proposed activity or project to Aboriginal Interests.

Consultation Procedures

Phase One: Preparation

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Phase Two: Engagement

1. Provide information and seek input
2. Engage First Nation(s)
3. Complete consultation at appropriate level

Phase Three: Accommodation

1. Assess consultation and need to accommodate
2. Identify accommodation options
3. Propose accommodation measure and attempt to reach agreement

Phase Four: Decision and Follow-Up

1. Assess consultation and accommodation record
2. Provide decision to First Nation
3. Ensure implementation of accommodations

F. Reviewing the proponent's engagement record

After First Nations have been given the opportunity to engage with the proponent, the Province will review the proponent's engagement record and verify any outcomes with First Nations, including identification of Aboriginal Interests that may be impacted, the nature of the impacts, and any proposed avoidance, mitigation or other measures to address the First Nations' concerns.

To determine what further role the proponent may have in consultation the following are some key questions:

- Has the proponent's engagement record been received? If so, is it complete?
- Have all potentially affected First Nations been contacted respecting the project and consulted? And if not, why not?
- Has the proponent provided all the information that the First Nation has requested?

If the proponent's engagement record appears incomplete, Provincial government staff may seek clarification from the proponent. Where there are outstanding issues, Provincial government staff may consider whether it is appropriate to continue to involve the proponent or for the Province to complete the outstanding components.

Having regard for the depth of consultation and the status of the consultation process, the Province will consider the proponent's engagement record when determining what further steps are required to fulfill the Crown's duty to consult and accommodate, where required. The Province may keep the proponent apprised of key aspects of the progress of consultations and may share any relevant information gathered during the Province's consultation process.

Proponent Questions and Answers

What is an initial view of strength of claim?

An “initial view” of strength of claim is a colloquial term used by staff to describe the process (undertaken prior to engagement with the First Nation) in which information known to government about a First Nation’s claimed aboriginal rights or title is reviewed and analyzed. The purpose of this ‘internal’ process is to gain a general understanding of the strength supporting the claim to aboriginal right and/or title. Any conclusions from this undertaking are used to internally gauge the scope of consultation and any accommodations that may be required for a consultation process under consideration.

What is an ethno-historic report?

An ethno-historic report is a collection of historical, ethno-historical and archeological information that is readily available to the Province, which is used to inform an initial view and/or preliminary assessment of aboriginal rights and title claims. The reports are focused on information relating to the occupation of land and the use of specific resources at the legally relevant time periods. The Province shares these reports only with the subject First Nation.

Like other government information, the reports are subject to the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

What is a preliminary assessment of strength of claimed Aboriginal rights?

A preliminary assessment of strength of claim is government’s estimate of the strength of the claimed aboriginal right and/or title as it concerns a specific decision after the First Nation has had an opportunity to outline its claims or comment on any initial views of the strength of

known claims provided by government. It is a component of determining the required scope of consultation and any accommodation and whether that level of consultation (and accommodation) has ultimately been fulfilled prior to making a decision.

The assessment is “preliminary” until there is a declaration made by a court regarding whether the aboriginal right and/or title has been proven, or the matter has been settled in a treaty.

A preliminary assessment by a ministry official is not a legal opinion and does not determine the existence of a rights and/or title claim, a determination only a court can make.

A preliminary assessment of strength of claim combined with a preliminary assessment of the seriousness of potential impacts of a proposed project informs the scope of consultation and any accommodation that is required.

How does the Province determine that consultation is complete?

The Province will review the consultation record to determine whether the process has been adequate given the required depth of consultation. If further consultation or accommodation is required, the Province will continue its consultation efforts and may discuss additional accommodation measures with First Nations. In making a decision on the application, the decision-maker will consider whether consultation and accommodation has been adequate having regard for applicable legal principles and other relevant information such as provincial policies or agreements with First Nations. The First Nation and the proponent will be advised of the decision.

G. Implementation

The decision maker is responsible for ensuring any accommodations are implemented. Where accommodations are to be implemented after a decision has been made, it may be necessary to follow up with proponents to ensure that any accommodation related conditions of authorizations are fulfilled.

Resources

Updated Procedures for Meeting Legal Obligations When Consulting First Nations

Government's procedures for meeting its legal obligations to consult First Nations on proposed land resource decisions.
http://www.gov.bc.ca/arr/reports/down/updated_procedures.pdf

Building Relationships with First Nations: Respecting Rights and doing Good Business

To foster better relationships between business and First Nations, the Ministry of Aboriginal Relations and Reconciliation has released a guide called Building Relationships with First Nations: Respecting Rights and Doing Good Business. This plain-language guide provides practical advice on strategies to help businesses develop strong working relationships with First Nations.
http://www.gov.bc.ca/arr/consultation/down/workingwithfirstnations_document.pdf

Proponents Guide to First Nation Consultation in the Environmental Assessment Process

This guide is intended to clarify the roles and responsibilities of the Provincial Crown and Proponents in First Nation consultation throughout an environmental assessment (EA) process, setting the stage for successful relationships between government, proponents and First Nations.
<http://www.eao.gov.bc.ca/>

Proponent Guide to Major Mines Projects

This guide is intended for proponents of major mine projects preparing to apply for multiple permits, licences or other authorizations to construct and operate a mine in the Province of British Columbia.
http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/Proponent_Guide_Major_Mine_Projects.pdf

Guide to Coordinated Authorizations for Major Mines

This guide is targeted primarily at provincial government staff involved in the review of applications for major mine authorizations. However, it is expected to be useful to other participants in the process, including First Nations, federal government agencies, international jurisdictions, local and regional governments, mine proponents and the public.
http://www.for.gov.bc.ca/ftp/major_projects/external/!publish/web/mining/Mines-Guide.pdf

Clean Energy Production in BC: An Interagency Guide Book for Proponents

This guidebook brings together statutory, regulatory, and procedural information from resource-based ministries and agencies involved with the review of Clean Energy Projects.
http://www.for.gov.bc.ca/Land_Tenures/documents/publications/clean_energy_guidebook.pdf

Consultative Area
Database (CAD)

The Province's Consultative Areas Database is an online interactive map that allows the general public, industry, other governments and First Nations to identify First Nations who have interests in a specific area. This tool is not definitive and should be used in conjunction with government advice.

<http://geobc.gov.bc.ca/>

Ministry of Aboriginal
Relations and Reconciliation

The Ministry of Aboriginal Relations and Reconciliation initiates and promotes innovative approaches to Aboriginal policy and is the Province's representative for all treaty negotiations. Explore its website for useful information and links.

<http://www.gov.bc.ca/arr/index.html>

Judgments of the Supreme
Court of Canada

<http://www.scc-csc.gc.ca/decisions/index-eng.asp>

First Peoples Language
Map of B.C.

<http://maps.fphlcc.ca/>

Aboriginal Engagement
in the Mining and Energy
Sectors Report

[http://www.nrcan.gc.ca/mineraux-metaux/sites/www.nrcan.gc.ca.minerals-metals/files/files/pdf/abor-auto/stu-etu-eng.pdf](http://www.nrcan.gc.ca/mineraux-metaux/sites/www.nrcan.gc.ca/minerals-metals/files/files/pdf/abor-auto/stu-etu-eng.pdf)

Atlas of Canada –
Aboriginal Peoples

<http://www.aadnc-aandc.gc.ca/eng/1290453474688/1290453673970>

First Nation Profiles (Aboriginal
Affairs and Northern
Development Canada)

<http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/index.aspx?lang=eng>

Appendix A: Consultation Phases

Project Phases	Government's Role	Range of Potential Roles of the Proponent in Consultation
Phase 1: Preparation – Planning Phase		
Early Planning	<ul style="list-style-type: none"> ■ The Province may assist with identifying First Nations and provide information respecting where to focus engagement efforts. 	<ul style="list-style-type: none"> ■ Searching the Province's Consultative Areas Database to identify which First Nations to engage (http://geobc.gov.bc.ca/). ■ Obtaining information about the First Nations in the proposed project area including relevant information regarding culture, history, economy, and political/governance structures.
Planning	<ul style="list-style-type: none"> ■ The Province may encourage the proponent to explore options to avoid or mitigate impacts to Aboriginal Interests. ■ The Province will confirm with proponents the website address where they can obtain a list of relevant agreements between the Province and First Nations that establish processes that guide consultations (e.g., Strategic Engagement Agreements or Forest & Range Consultation Revenue Sharing Agreements). This information will enable the proponent to understand how the Province will carry out consultation under specific agreements. http://www.newrelationship.gov.bc.ca/agreements_and_leg/engagement.html 	<ul style="list-style-type: none"> ■ Advising Provincial staff of intentions to engage with First Nations. ■ Informing and involving First Nations in the planning phase of their proposed project. ■ Learning about the First Nation's Aboriginal Interests and other interests in the area and planning accordingly. ■ Discussing possible mitigation options to address potential impacts to Aboriginal Interests.
Submitting Application to Government		<ul style="list-style-type: none"> ■ Keep First Nation advised of milestones, including application submissions dates.

Consultation Process	Government's Role	Range of Potential Roles of the Proponent in Consultation
Phase 1: Preparation – Application Phase		
<ol style="list-style-type: none"> 1. Identify First Nation 2. Identify treaties and process agreements 3. Review readily available information 4. Consider a level of consultation 5. Decide who will engage First Nation(s) 	<ul style="list-style-type: none"> ■ The Province will make a determination with respect to the potential assignment of the procedural aspects of consultation to the proponent. ■ The Province may provide the following to the proponent: <ul style="list-style-type: none"> ● any assistance needed to identify which First Nations to engage (information available through the Consultative Areas Database http://geobc.gov.bc.ca/); ● any information that may assist the proponent in focusing their engagement efforts, which may include: <ul style="list-style-type: none"> ▸ non-confidential information about the First Nation's Aboriginal Interests learned from the review of readily available information in Phase One; ▸ information about Aboriginal Interests that may be impacted by the proposed activity and possible avoidance or mitigation measures; ▸ information regarding the documenting of engagement activities and outcomes, including any measures taken to accommodate First Nation concerns, to allow such information to be included in the consultation record; ▸ further information that may be requested from the proponent in order to assist in completing the consultation process; and ▸ the status of the consultation process, which may include summaries of key issues or concerns expressed by the First Nation. ■ As appropriate, the Province will advise the First Nation that the proponent will engage with the First Nation in the consultation process. ■ Where a First Nation does not wish to engage with a proponent/industry, government will continue to consult with the First Nation. 	<ul style="list-style-type: none"> ■ Indicate to the Province a position on whether to accept the assignment of some or all the procedural aspects of consultation. ■ Verify with the Province which First Nations have Aboriginal Interests. ■ Provide to the Province any information about Aboriginal Interests learned from early engagements.

Consultation Process	Government's Role	Range of Potential Roles of the Proponent in Consultation
Phase 2: Engagement		
<p>1. Provide information and seek input</p>		<ul style="list-style-type: none"> ■ Participating in meetings independently or with government representatives and First Nations. ■ Participating in their own meetings with First Nations. ■ Providing information to First Nations about the proposed activity, how it could happen, where it could occur (maps) and what the potential impacts may be to lands and resources. ■ Obtaining or discussing information about specific Aboriginal Interests that may be impacted by the proposed activity, how the proposed activity may impact identified Aboriginal Interests, and where else the activity or use can be practiced. ■ Discussing possible mitigation options to address Aboriginal Interests.
<p>2. Engage First Nation(s)</p>	<ul style="list-style-type: none"> ■ The Province will remain informed of engagements between proponents and First Nations, seeking clarification and confirmation where required. 	<ul style="list-style-type: none"> ■ Proponents are encouraged to document all engagements and attempts to engage, the identification of Aboriginal interests and concerns and any mitigation measures implemented or planned. ■ Proponents are encouraged to address concerns respecting potential impacts to Aboriginal interests. Mitigation measures may include: avoidance, minimizing or altering the site footprint; changing the timing of the proposed activity; environmental monitoring and other mitigation options. ■ Respond to concerns and information requests from the First Nation.
<p>3. Complete consultation at appropriate level</p>	<ul style="list-style-type: none"> ■ If the proponent's engagement record appears incomplete, Provincial staff may seek clarification from the proponent. Where there are outstanding issues, Provincial staff may consider whether it is appropriate to continue to involve the proponent or for the Province to complete the outstanding components. 	<ul style="list-style-type: none"> ■ Provide an engagement record to the Province, including: ■ Descriptions of specific Aboriginal interests and any potential impacts ■ Descriptions of any modifications implemented for accommodation purposes;

Consultation Process	Government's Role	Range of Potential Roles of the Proponent in Consultation
3. Complete consultation at appropriate level (con't.)	<ul style="list-style-type: none"> ■ The Province will review the proponent's engagement record and verify any outcomes with First Nations, including identification of Aboriginal Interests that may be impacted, the nature of the impacts, and any proposed avoidance, mitigation or other measures to address the First Nations' concerns. 	<ul style="list-style-type: none"> ■ A communications log, copies of correspondence meeting notes, attempts to communicate, etc; and, ■ Summaries of engagement activities and outcomes. ■ Provide further information to First Nations about the project or clarify information about Aboriginal Interests as required.
Phase 3: Accommodation		
1. Review consultation and need to accommodate	<ul style="list-style-type: none"> ■ The Province is responsible for assessing requirements for accommodation. ■ The Province will advise the proponent if further information or accommodations are required. 	
2. Identify accommodation options	<ul style="list-style-type: none"> ■ The Province may request the proponent to consider and explore accommodation options with government staff and First Nations. 	<ul style="list-style-type: none"> ■ Work with the Province and First Nations to identify and undertake avoidance or mitigation measures to address potential impacts to Aboriginal Interests where required.
3. Propose accommodation and attempt to reach agreement	<ul style="list-style-type: none"> ■ The Province is responsible for proposing an accommodation measure to the First Nation and for attempting to reach agreement with respect to the accommodation proposal. 	
Phase 4: Decision and Follow-up		
1. Assess consultation and accommodation record	<ul style="list-style-type: none"> ■ Having regard for the depth of consultation and the status of the consultation process, the Province will consider the proponent's engagement record to determine what further steps to fulfill the Crown's duty to consult and accommodate where required. ■ The Province may keep the proponents apprised of the progress of consultation and may share relevant information gathered during the Province's consultation process. 	
2. Provide decision to First Nation	<ul style="list-style-type: none"> ■ Government will provide the decision on the application(s) to the First Nation and the proponent. 	
3. Ensure implementation of accommodations	<ul style="list-style-type: none"> ■ Government will monitor for compliance and enforcement of any accommodations. 	<ul style="list-style-type: none"> ■ Where required, proponents/industry will implement any accommodations.



**Wells Gray Community Forest Corporation
-Application To Become A Director -
SCORE SHEET**

RESIDENCY

District of **Thompson Nicola Regional District**
Clearwater **Electoral A**

CANDIDATE'S NAME: _____

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SECTION	SECTION NAME	No.	KEY POINTS	VALUE RANGE	MINIMUM	MID	MAXIMUM	APPLICANT'S SCORE	WEIGHT-ING	TOTAL SCORE	MAX SCORE
A	Personal Information		N/A	0							
B	Education			1 - 5	High school Diploma	Some post-secondary or trade school	Degree/Diploma in business, forestry, or other related		1		5
C	Work History	1	Assessment of up to date knowledge in core business activity.	1 - 5	Unemployed or retired	Currently working	Currently employed in a field directly related to core business.		1		5
		2	Individuals with a work history related to WGCFC's core business, or in a professional capacity, is an asset.	1 - 5	Work history unrelated.	Work history somewhat related.	Work history very pertinent.		2		10
		3	Business experience an asset.	1 - 5	No business experience	Some business experience	Extensive experience in operating successful business.		2		10
		4	Knowledge of forestry industry an asset	1 - 5	Some knowledge.	Average knowledge.	In-depth understanding.		2		10
D	Community Involvement	1	History of community service indicates commitment to the Wells Gray Country/DOC and its residents.	1 - 5	Limited history.	Moderately involved.	Extensive history.		2		10

		2	A concise rationale for seeking appointment to the board shows forethought on part of applicant.	1 - 5	Vague, generic response	Applicant communicates specific purpose.	Applicant's response indicates support for WGCF C activities and desire to serve community or company		2		
		3	Applicants must demonstrate commitment to adequate preparation and meeting attendance	1-5	No commitment.	Uncertain commitment.	Applicant can commit adequate time.		1		5
E	Qualities & Skills	1	Valuable Board members display honesty, integrity, respect for other board members, patience, cultural sensitivity, passion, reliability, good communications skills, etc.	1 - 5	Applicant communicates few of desired qualities.	Applicant communicates or displays some of the desired qualities.	Applicant communicates or displays most or all of desired qualities.		2		5
		2	Valuable Board members are able to work cooperatively with diverse interests, possess 'open minds', demonstrate fairness and willingness to take calculated risks, display creative thinking ability, are capable of assimilating and applying vast amounts of new information, and possess leadership / strategic thinking skills.	1 - 5	Applicant possesses few of desired skills and experience.	Applicant communicates some of the desired skills.	Applicant displays clear understanding of the skills required to be a successful board member.		2		10
F	General Knowledge	1	WGCF C established in 2004 to provide economic, multiple resource benefit and social benefit to residents of the Wells Gray Country.	1 -5	Applicant's response shows little understanding.	Applicant displays some understanding.	Applicant clearly understands history and purpose of the WGCF C.		2		10

		2	The WGCF was established in 2004 for purpose of managing the CF probationary agreement. Its primary business activity is the sale of raw logs to provide revenue to sustain the corporation and contribute to the community. It provides the following benefits on a sustainable basis: Local management of resources, local employment, forestry training & education, outdoor recreation activities, watershed management, culturally significant economic/educational opportunities for First Nations.	1 - 5	Applicant displays little understanding.	Applicant displays some understanding.	Applicant clearly understands WGCF's history, purpose, and activities.		2		
		4	First Nations were involved in establishment of WGCF and are considered key stakeholders. The Simpcw First Nation has dedicated seat on WGCF's board of directors.	1 - 5	Applicant displays no understanding of role FN play in WGCF.	Applicant displays some understanding of role FN play in WGCF.	Applicant clearly understands the importance of FN to the success of WGCF.		2		
		5	The WGCF provides local management of resources, local processing of resources, local employment, support for forestry training and education, outdoor recreation activities, a lasting relationship with the land, cultural significant opportunities for First Nations and revenue to sustain the corporate group and community.	1 - 5	Applicant displays little understanding of the WGCF's contribution to community.	Applicant displays some understanding of the WGCF's contributions to community.	Applicant clearly understands the role of the WGCF in the community, and benefits.		2		

10

10

10

		6	Applicant should have some understanding of current challenges facing the WGCFC, i.e., need for CF area expansion, impacts of MPB, reduced earning potential, etc.	1 - 5	Applicant displays little knowledge of challenges.	Applicant has some understanding of challenge.	Applicant clearly understands challenges.		2		10
		7	Preferred candidates communicate a clear vision/goals for the WGCFC.	1 - 5	Applicant doesn't have a clear vision.	Applicant displays some vision.	Applicant has a clear vision.		2		10
		8	Preferred candidates should not only have a vision for the corporation but a strategy designed to turn the vision into reality.	1 - 5	Applicant's response very general.	Applicant offers some specific strategies.	Applicant communicates clear strategy.		2		10
		9	Preferred candidates should have clear understanding of role of board of directors, i.e., setting policy, goals, monitoring corporate performance, etc. - but are not involved in day-to-day management.	1 - 5	Applicant unclear on the roles.	Applicant has some understanding of board's role.	Applicant has clear understanding of board's role.		2		10
		10	Preferred candidates must understand that individual directors must work as part of the collective to establish corporate goals, policies, etc. Directors must develop an understanding of the business, keep informed of key issues, attend meetings, and take an active role in board affairs.	1 - 5	Applicant has little understanding.	Applicant displays some understanding.	Applicant clearly has experience working on boards and understand the role / responsibility of a director.		2		10
		11	Preferred candidates should understand that the best directors possess qualities outlined in Questions E (1) and (2).	1 - 5	Applicant display little understanding.	Applicant's response shows some understanding.	Applicant clearly communicates qualities..		1		5
		12	A director has a fiduciary duty to act in the best interests of the Corporation.	1 - 5	Applicant displays little understanding.	Applicant's answer includes some mention of primary duty.	Applicant clearly understands a director's fiduciary duty.		1		5

		13	Conflict of interest is defined as a situation in which a person has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties in a trust relationship. When a question or matter arises that places a director in a conflict of interest, said director must (a) declare the conflict, (b) remove him from discussion, (c) not vote on a question that gave rise to the conflict, and (d) not attempt to influence any vote on the question.	1 -5	Applicant displays little understanding of conflict of interest.	Applicant displays some understanding of conflict of interest and a director's related responsibilities.	Applicant clearly understand the definition of conflict of interest, and is cognizant of his duty to remove himself from discussions.		1		
G	References			1 - 5	Candidates offers two references.	Candidates offers two references that are considered reliable.	Candidates two references are respected in the community and recommend candidate for appointment.		2		
H	Declaration		N/A								

5

10
195

Applicants scoring < 100 will not be considered. Score weighting may change depending on the board's requirement.

Some Sections will be mandatory-high score.

EVALUATION COMMITTEE

MEMBER'S NAME: _____

DATE: _____

Signature

Wells Gray Community Forest Corporation Policy

APPENDIX "A"

Wells Gray Community Forest Corporation (WGCFC) Application To Become A Director

To be eligible for appointment to the Board of directors of WGCFC, an individual must:

- Be a permanent resident of the Wells Gray Country/District of Clearwater, or an individual of the Simpcw First Nation.
- Have been a resident of the aforementioned area for the past 3 years;
- Be qualified, as required by the *Business Corporations Act*, to become, act, or continue to act as a director.

A. PERSONAL INFORMATION

Legal Name: _____

Residential Address: _____

No. of Years As A Resident: _____

Is your permanent residence located in:

District of Clearwater

TNRD Electoral Area A (Well Gray Country)

Mailing Address: _____

Tel: _____ Cell: _____

Email: _____

B. EDUCATION

I have:

- | | |
|------------------------------------|--------------------------|
| A High School Diploma | <input type="checkbox"/> |
| Some Post-secondary Education | <input type="checkbox"/> |
| Trade Certification | <input type="checkbox"/> |
| A Post-secondary Degree or Diploma | <input type="checkbox"/> |

If a degree or diploma, please describe: _____

C. WORK HISTORY & EXPERIENCE

1. Current Occupation: _____

2. Previous Occupations/Work History: _____

3. Have you operated your own business? If so, please describe the nature of your business, where it was conducted and the years of operation.

4. How would you rate your knowledge and understanding of the forest industry and forestry practices?

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| No Knowledge | Very Little | About Average | Above Average | Very Knowledgeable |
| <input type="checkbox"/> |

D. COMMUNITY INVOLVEMENT

- 1. Have you been involved in any other community service organizations or projects? If so, please list them and describe the nature of your involvement.**

- 2. Why do you want to serve on the Board of the WGCFC?**

- 3. As a member of the Board of directors, you will be required to read your agenda packages and come to meetings prepared to participate in discussion. You will occasionally be required to participate in email discussions and special meetings. Board directors will be expected to serve on sub committees from time to time. This will require a time commitment on your part of between 8 and 20 hours per month. Are you prepared to devote the time required?**

YES NO UNCERTAIN

E. QUALITIES AND SKILLS

- 1. As a potential member of WGCFC’s Board of directors, what qualities or personal characteristics do you possess that would make you an effective Board member?**

- 2. As a potential Board member, what special skills and experience do you possess that would benefit the WGCFC?**

F. GENERAL KNOWLEDGE

WGCFC:

- 1. When was the WGCFC established, and for what purpose?**

- 2. What is the nature of its activities?**

3. What role do First Nations play in the WGCFC?

4. How does WGCFC contribute to the community?

5. What do you feel are some of the issues or challenges facing the WGCFC?

6. What role do you see the WGCFC playing in the future?

7. What do you feel needs to be done to ensure the WGCFC continues to provide sustainable benefits to the community?

Board of Directors:

8. What functions does a corporation’s Board of directors perform?

9. What do you feel are roles and responsibilities of a corporation director?

10. What qualities do you feel the director of a corporation should possess?

11. As a director of the WGCFC, what should be your primary duty?

12. What is the meaning of ‘conflict of interest’ and what should a director attending a meeting do if he/she has a “conflict of interest”

13. Attach a resume (helpful but not mandatory).

G. REFERENCES

Please provide one personal reference.

Name: _____ Tel: _____

Please provide one work related reference from a direct superior.

Name: _____ Tel: _____

Please provide one reference from the chair person during your time regarding your community volunteer involvement.

Name: _____ Tel: _____

H. DECLARATION

In submitting this application, I hereby declare my willingness to serve as a director of the WGCFC. I also acknowledge that I am not disqualified to become a director under section 124 of the *Business Corporations Act*.

SIGNATURE

DATE

All individuals seeking appointment to the board of directors for the WGCFC must complete, sign, and submit this application form to:

*The WGCFC
224 Candle Creek Rd
Clearwater, BC
V0E 1N1*

Late or incomplete applications will be rejected. The WGCFC thanks all applicants, but advises that only individuals chosen for an interview, or selected for appointment, will be contacted. However, all applicants will be informed of the final appointment.

Clearwater Community Forest Corporation: Policy

Policy Title:	Director Selection
Policy Number:	2012-1
Date Approved:	Feb 9 2012: Revised Jan 2013

PURPOSE: To establish a policy governing the appointment of directors to the Board of Wells Gray Community Forest Corporation (WGCFC).

POLICY:

WHEREAS Wells Gray Community Forest Corporation (WGCFC) was established to give residents of the Wells Gray Country and District of Clearwater (WGC / DOC) an opportunity to manage a portion of the region's forest and non-forest resources for the benefit of the WGC/DOC as a whole.

AND WHEREAS the Wells Gray Community Forest 2010 Society (The Society), while the *de facto* sole shareholder, recognizes it has a long-standing fiduciary responsibility to ensure the WGCFC operates in a manner consistent with this purpose.

THEREFORE be it resolved that "The Society", in open meeting assembled, reaffirms the right of all WGC/DOC residents to have input into the management of the WGCFC, either directly or through individuals selected to represent their interests, and establishes the following policy governing the appointment of directors to the Board of the WGCFC.

SECTION 1 – CALL TO APPLICATIONS

1.1 Invitation to Apply

1.1.1 At least two months prior to the Corporation year end (Oct 31) or prior to a specified date for director selection set by the Board of the WGCFC, the WGCFC Board shall place an advertisement in at least two consecutive issues of a print publication serving the WGC/DOC inviting eligible candidates (as defined in Section 2 of this policy) to apply for appointment to the Board of directors of the WGCFC. This advertisement will clearly state the qualifications of the individual being sought to fill the vacant Board director position.

1.1.2 At the same time, the Board of the Community Forest shall ask the Office of the Simpcw First Nation to confirm their representative to the Board of directors.

- 1.1.3 The Board shall set a deadline for applications and nominations that is no less than three weeks prior to the date specified in Section 1.1.1.

SECTION 2 – ELIGIBILITY

2.1 DEFINITION OF ELIGIBILITY

- 2.1.1 For the purposes of this policy, eligible candidates for the Board of directors of the WGCFC must:
 - 2.1.1.1 Be a resident of the WGC/DOC for a period of not less than 3 years.
 - 2.1.1.2 Be qualified as required by the *Business Corporations Act* to become, act, or continue to act as a director; and
 - 2.1.1.3 Have submitted to the Board of WGCFC prior to the deadline outlined in Section 1.1.3 a completed Application for Appointment – Board of Directors (see Appendix “A”).

SECTION 3 – EVALUATION OF APPLICATIONS

3.1 Evaluation Criteria

- 3.1.1 The Board of the WGCFC will appoint from among Board members a 3 person Selection Committee. This Committee will receive the Application(s) for Appointment – Board of Directors form, confirm the applicant meets the qualification specifications as identified in the advertisement, score the applications using the Application to Become a Director Score Sheet, contact the references, interview the applicants, finalize the score, rank the applicants and recommend those who best meet the criteria to the Board. The Board will vote on the recommendation from the Selection Committee. The Board will then forward its recommendation to the Society.
- 3.1.2 All Applications for Appointment received up to and including the application deadline will be made available to the Society.
- 3.1.3 The Society may review the applications and the Board’s recommendations and rationale.
- 3.1.4 The Society may conduct interviews to confirm their final selection for appointment.

3.2 Evaluation Response

- 3.2.1 The Society shall inform the Board of its decision in writing. Then the chair of the Selection Committee will inform the chosen applicant(s). If the Society selection differs from the Board’s

recommendations further discussion is required between the WGCFC Board and the Trustees of the society to reach consensus.

SECTION 4 – DISPOSITION OF APPLICATIONS

4.1 Consideration of Society's Recommendations

Upon confirmation of the Society selection, the chair of the Selection Committee shall notify the successful applicant of their appointment to the Board of directors of WGCFC.

4.2 Response to Applicants

The Selection Committee shall respond to all applications in writing stating the Society's final selection. Whenever possible, responses will be delivered in a timely fashion.

APPENDIX V. DEFINITIONS

Aboriginal Interest: refers to claimed or established treaty rights or aboriginal rights (including title).

Aboriginal rights: are practices or traditions integral to a First Nation culture at the time of contact.

Act: the Forest Act

Agreement: a form of agreement granting right to harvest Crown timber referred to in section 12 of the Act.

Annual Rent: holders of CFA and other tenures are subject to an annual rent payable to the BC government. Annual rent asserts the BC government's interest in its property and resources

Coniferous Average Sawlog Stumpage rate: the sawlog stumpage rate for each species of coniferous timber harvested under a CFA is the rate prescribed in Table 6-2 for the forest zone in which the cutting authority area is located.

Cutting Authority: a cutting permit issued under in this case a Community Forest Agreement.

Cutting Authority Area: the area where timber may be harvested under the cutting authority being appraised which has a unique timber mark.

First Nations: There is a reciprocal responsibility of First nations to participate in the consultation process in good faith, to make their concerns regarding impacts on their Aboriginal Interest known and to respond to government's effort to consult.

Forest Professional: a Registered Professional Forester (RPF), a Registered Forest Technologist (RFT) or a special permit holder acting within the scope of their permit, registered and in good standing with the Association of British Columbia Forest Professionals.

Stumpage: Stumpage is a fee that businesses or individuals pay when they harvest timber from Crown land in B.C.

Timber Mark: under the Act no timber may be removed from Crown or private land unless the timber is marked with a Timber Mark. Timber marks identify the specific cutting authority or geographic location of where the timber was harvested. Timber marks are issued by the FLNRORD and consist of unique sets of letters, and numbers.

Logging Tax: applies to individuals or corporations that have generated an income from logging operations from private or Crown land in B.C.

Primary Harvesting Activities: the cutting and removal of timber from a cutting authority area

Proponents: Any party preparing for or making an application to government, including industry, local governments, federal agencies and Crown corporations are encouraged to engage First Nations as early as possible when seeking a decision. Proponents who are involved in consultation should document their engagement activities, share their consultation record with provincial staff, and advise staff of any issues that arise.

APPENDIX VI. REFERENCE MATERIAL, GUIDEBOOKS, SAMPLE DOCUMENTS

Guidebooks

1. MFLNRO Community Forest Agreement Applications Requirements March 2017 Forest Tenures Branch
2. MFLNRO Management Plan Template Companion Document December 2015 Forest Tenures Branch
3. Guide to Involving Proponents When Consulting First Nations Copyright 2014, Province of BC

Sample Documents

4. Well Gray CF Corp., Application to Become a Director form
5. Wells Gray CF Corp., Score Sheet
6. Well Gray CF Corp., Direct Selection Policy
7. MFLNRO Management Plan Community Forest Agreement Template