

Nadina District First Nation Woodland Licence Area Selection & Transition Guidance

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Acronyms

AAC- Annual Allowable Cut
BCTS- British Columbia Timber Sales
BEC- Biogeoclimatic Ecosystem Classification (includes zones and any subzones)
Bl- Subalpine Fir
CPs/RPs- Cutting permits/Road permits
DND- Nadina District
ESAw- Environmentally Sensitive Area for wildlife
ESSF- Engelmann-Spruce-Subalpine fir
ESF check- Electronic Submission Framework check
FAIB - Forest Analysis and Inventory Branch
FCRSA- Forestry Consultation and Revenue Sharing Agreement
FLNRO- Ministry of Forests, Lands & Natural Resources Operations
FN- First Nations
FNWL- First Nations Woodland Licence.
FPPR- Forest Planning and Practices Regulation (under Forest and Range Practices Act)
FTOA- First Nations Tenure Opportunity Agreement
Ha- hectares
LRSY- Long Run Sustained Yield
Pl- Lodgepole pine
SBS- Sub-Boreal Spruce zone
STI Depletion- Stan
Sx- Hybrid spruce
THLB- Timber harvesting land base
TSA- Timber supply area
TSR- Timber supply review
MARR- Ministry of Aboriginal Relations and Reconciliation
M³- cubic metres
M³/year- cubic metres per year
NRL- Non-Recoverable Loss
OGMAs- Old Growth Management Areas
SRMP- Sustainable Resource Management Plan
UWR- Ungulate Winter Range
VEG tree height- allowable maximum disturbance between green up height.
VQO- Visual Quality Objective
VQOM- Visual Quality Objective modified
VQOP- Visual Quality Objective partial retention
VQOR- Visual Quality Objective retention
WHAs- Wildlife Habitat Areas
WTP- Wildlife tree Patch- this term has changed to Wildlife tree retention
P2P- Plan-to-perspective ratios

1.0 Key Legislative Direction:

Forest Act, Division 7.11 — First Nations Woodland Licences

1.1 Regarding Licence Content:

- 1.1.1 Must give to its holder the exclusive right to harvest timber on the Crown land referred to in paragraph (b), for the term of the agreement, and
- 1.1.2 May give to its holder the right to harvest, manage and charge fees for botanical forest products and other prescribed products.

1.2 Regarding Changes in area or boundary:

In accordance with the regulations and with the consent of the holder of the Licence, the minister may change the boundary or area of a First Nations Woodland Licence.

2.0 Policy Direction:

Key First Nations Woodland Licence locating principles:

(Source- First Nations Direct Award Forest Tenure Opportunities Guidelines December 16, 2011).

- 2.1 Locate in core (not shared) territory where possible or as directed by the interim measures agreement.
- 2.2 *Forest Revitalization Act* licensees who did not have operating areas already reduced under Bill 28 would be a primary location consideration for a FNWL. If this option is not possible, refer to the “*Principles for Locating New Forest Tenures*” for further details.
- 2.3 Avoid areas with significant unamortized investments by existing licensees.
- 2.4 Avoid areas where a First Nations ability to manage for botanical forest products may conflict with crown range tenure holders. However, if there are no or minimal anticipated range conflicts, sufficient available range, and the First Nation has interests in managing range resources, a consideration to award a FNWL could allow for

increased access to grazing licences and hay cutting licences through recent amendments to the *Range Act*.

- 2.5 Areas with viable access should be considered. Viable access means that the current forest logging road and associated access structures provide safe access for the desired configuration of loaded logging trucks and other harvesting related equipment.
- 2.6 Ideally, the land base should be contiguous with or adjacent to Indian Reserves or proposed Treaty Settlement Lands.
- 2.7 Consider as a priority, areas that contain traditional use and cultural values that will offer the First Nation the ability to manage these values (e.g. on existing log around areas or sacred areas).
- 2.8 Consider if a proposed FNWL will improve access to other licensees' operating areas (e.g. is adjacent or close to reserve and the First Nation effectively controls access).
- 2.9 Consider, as an objective, if a proposed FNWL will provide for wildfire hazard abatement issues around communities that have been impacted by mountain pine beetle.
- 2.10 FNWLs should not generally be located in areas experiencing huge catastrophic losses due to mountain pine beetle attack – unless the First Nation is agreeable to managing the tenure (and associated ongoing obligations) during the period prior to reforested stands meeting minimum harvest age (i.e. 80-120 years). **In the Lakes TSA, this step is not possible to achieve given the landscape level changes due to mountain pine beetle attack.
- 2.11 FNWLs should be located within a representative management unit profile within a First Nations' traditional territory. This ensures that the FNWL area is not comprised of the best or worse timber profile.

3.0 Primary Considerations

Table 1. Primary Considerations in establishing a FNWL.

3.1 All First Nations are eligible for a FNWL, if they sign a FTOA, and if there is a source of replaceable AAC, and available operating area. However, unless otherwise approved by MARR, only First Nations who have a source of Bill 28 AAC from Forest Revitalization and can sign an FCRSA, can participate in the revenue sharing feature of this licence.
3.2 FLNRO will commit the resources as required to achieve substantive completion of this initiative consistent with Minister's direction.
3.3 Proponent will take a lead role in discussing their proposed area selection with licensees, BCTS and FN operating within the TSA, collating the responses received,

developing collaborative solutions and mitigating options to address concerns regarding their proposal.

- 3.4 Outside processes are ongoing and will feed into the analysis where required.
- 3.5 Proceed with those First Nations with Bill 28 volume in the Lakes TSA;
- 3.6 Engage with First Nations given Minister's commitments of Sept 11th, 2012; formal mandate approved.
- 3.7 Owing to existing and projected timber supply constraints, individual First Nation, Bill 28 volumes will be utilized on a forward-looking basis in that unused volumes do not accrue.
- 3.8 Provided the suite of Bill 28 tenuring opportunities available to land tenures, Lakes TSA tenures will proceed with the sole option of FNWLs given the anticipated outcome that the majority of the Lakes TSA will be covered by area based tenures in the form of CFAs, Woodlots and/or Tree Farm Licences; residual areas that may remain for future, volume based tenures may find operating conditions constrain opportunities and or lie outside of specific asserted traditional territories.
- 3.9 Area selection analysis will be approached on an individual basis for each First Nation and/or Band;
- 3.10 Where possible, FLNRO will work between districts to consider area based tenure placement(s) that enhance strategic and operational efficiencies for First Nation tenure holders.

3.11 Secondary Considerations for a Replaceable Forest License over a FNWL: (Source- First Nations Direct Award Forest Tenure Opportunities Guidelines December 16, 2011).

The FNWL may not be the best fit in all situations. The FNWL will require both a strategic plan (e.g. management plan) and an operational plan (e.g. forest stewardship plan or a woodlot licence plan) and some First Nations may not be interested in undertaking this level of planning. In addition, locating areas for these tenures may take a number of years to implement. In some situations, a replaceable forest licence might be more appropriate than a FNWL.

- i. FCRSA expiry check-where the time required establishing FNWLs would lead to gaps in revenue sharing.
- ii. Where a replaceable forest tenure may mitigate the need for infrastructure investment and/or third party compensation to existing forest tenure holders; land suitability (i.e. catastrophic losses over the land base);
- iii. where allocations of replaceable AACs are not adequate;
- iv. where forest health requires the salvage of small areas of diseased, damaged or threatened timber over a large area;
- v. where First Nations are not interested in the increased obligations associated with FNWLs;
- vi. Where First Nations may prefer less participation in the forest sector (i.e. benefit of appointing a third party to manage and harvest the tenure).

4.0 Area Selection Assumptions:

- 4.1 FNWL area will be within asserted traditional territory to align with the revenue sharing model.
- 4.2 Area selection should reflect attributes associated with the THLB of the timber supply area (TSA) proportionately to the percentage of AAC targeted for the area based tenure.
- 4.3 TSA Representation by tenure is preferred but not rigid; TSA representation by all FNWLs as a group is a target.
- 4.4 Traditional territory may be a limiting factor to finding THLB attributes of the TSA. Operating areas that reflect the THLB attributes of the TSA can be used as a starting point to defining the area of the FNWL area based tenure.
- 4.5 Area selection should have general support from First Nations, other licensees, stakeholders and public.
- 4.6 Area selection should not unduly impact existing forest tenure holders or tenure holders within other resource sectors, e.g. Oil and gas, mining and should support existing land use plans.
- 4.7 Area Suitability: Where an existing direct award Community Forest Area or Woodlot is being converted to a FNWL, the tenure area will remain the same. Where this isn't the case, direction on finding FNWL areas can be found in the document titled *"Principles for Locating New Forest Tenures."*
- 4.8 Solutions to defining the licence area must not include or result in payment of compensation by Government to any tenure holder or stakeholder. The Proponent establishes agreement with other licence holders and BCTS. Where an agreement to transfer assets cannot be reached, the Proponent provides options to the District Manager to mitigate situations where they are unable to achieve agreement with other licence holders on all or part of the area selection.
- 4.9 First Nation Woodland License (FNWL) area should be calculated based on the replaceable AAC and sized using assumptions that were determined in the most recent timber supply review (Lakes TSR July 12, 2011) for the management unit.
- 4.10 A representative amount of the following where possible:
 - Near, mid and long term timber;
 - Proportion of species, age class and grade of timber including green wood and beetle wood;
 - Operability;
 - Existing roads and infrastructure;
 - Hauling distance to mills- appraisal considerations;
- 4.11 Shelf life will be based on 15 years as per the 2011 TSR after which the dead pine will be considered a non-recoverable Loss (NRL). With the amount of mountain pine beetle impacted area, dead pine will be a representation factor as TSA representativeness is being sought.

- 4.12 Age class distribution will be reasonably balanced to ensure a stable harvest flow except where this may not be fully possible in mountain pine beetle impacted areas.
- 4.13 Logging method is conventional.
- 4.15 Constraints, including but not limited to land use conflicts, critical wildlife areas, sensitive ecosystems, visuals, fisheries sensitive watersheds (if applicable).
- 4.16 Direct harvest of the existing AAC to pine stands and/or pine species. For the Lakes TSA, it is anticipated that 70% of the total harvest will be from pine trees for the 2008-2015 period (lakes 2011 TSR updated data package).
- 4.17 Operationally retain stands that have a suitable secondary structure component.

5.0 FNWL Area Steps

Table 2. Process detail for area-based FNWL net downs.

Step 1: General Area Selection:		
<ul style="list-style-type: none"> The Minister has approved mandates for First Nation Woodland Licences (FNWLs) and the Deputy Minister will approve all other mandate requests. Following the approval of a mandate and a successful conclusion of a negotiation, the FTOA will be signed by the First Nation and forwarded to the Minister of Forests, Lands and Natural Resource Operations for signature. Woodlot for Windows and/or Forest Analysis Inventory Branch expertise can be utilized to confirm area/volume check as a final step prior to FTOA sign off and/or tenure issuance. <ol style="list-style-type: none"> Canvass First Nations for approximate areas of interest – confirmation of broad community support not required at this time yet is preferred. Review initial areas proposed by First Nations for consistency with known aboriginal interests, alignment with TSA representation and representative THLB amount utilizing a contribution of 2.69 m³/ha per year. For the Morice TSA, a contribution number of 3.23 m³/ha per year will be used (please see appendix F for Morice TSA information). Note: this may require iterative meetings with First Nations. <p>Notes: Area refinement will seek balance around the following key parameters:</p> <ol style="list-style-type: none"> Total THLB, total pine leading/spruce leading/balsam leading; Total THLB by Modification/ Partial Retention and Retention Polygons; Total THLB < 40 yrs old/40 to 80 yrs old and > 80 yrs. Complete THLB sensitivity check following parameters outlined below in Step 2. <ol style="list-style-type: none"> Meet with First Nation to review above results and confirm area selection support; confirm area with Chief & Council <p>TSA THLB Representation Parameters: For Morice TSA information - See Appendix F.</p>		
STEP 2: Reductions already accounted for by using Lakes TSR 2011 THLB:		
<p>Notes: Use of the base THLB layer accounts for the reductions specified below as per Lakes 2011 TSR. FNWLs are required to meet planning requirements at a landscape level while woodlots are required to meet planning requirements applicable to a woodlot level tenure; therefore, parameters below will not be 100% applicable in all cases depending upon tenure type supporting a particular Bill 28 AAC base.</p>		
Parameter	Reductions	Notes
Existing access	100% reduction as per TSR	<ul style="list-style-type: none"> Evaluate tenure for access

corridors, roads, trails & landings		constraints re: “isolated timber”			
OGMAs	100% reduction as per TSR	<ul style="list-style-type: none">• Internal to tenure = include with area for FNWL, replacement strategy for woodlot tenure• External to tenure = include where volume may be isolated by FNWL, do not include for woodlot tenure			
Low timber productivity	100% reduction as per TSR				
Problem Forest Types	100% reduction as per TSR				
Deciduous Leading	100% reduction as per TSR	<ul style="list-style-type: none">• Internal to tenure = include with area• External to tenure = include where volume would otherwise be isolated by FNWL• Addresses Problem Forest Types			
Mixed Deciduous	100% reduction as per TSR	<ul style="list-style-type: none">• 100% reduction of deciduous component with inventory layer			
Balsam > 250 years old	100% reduction as per TSR	<ul style="list-style-type: none">• High defect• Addresses Problem Forest Types			
Private Land	100% reduction as per TSR	<ul style="list-style-type: none">• Removed from corrected Lakes TSR 2011 THLB			
ESAw	100% reduction as per TSR	<ul style="list-style-type: none">• Wildlife			
Identified Wildlife Habitat/UWR/ WHAs	Constraint consideration as per table 7 in appendix B as per TSR	<ul style="list-style-type: none">• For known areas as of October 2012• Requires email list of areas of relevance from DND Stewardship Officer			
Landscape Corridors - North	For values, see table 24 and 25 in appendix B. Reduction as per TSR				
Landscape Corridors - South	For values, see table 24 and 25 in appendix B. Reduction as per TSR				
Stream class	Description	Riparian reserve zone (m)	Riparian management zone (m)	Total RMA width (m)	% Reduction
S1	Fish stream,	50	20	70	75%

S2	width > 20m Fish stream,	30	20	50	65%
S3	width > 5m Fish stream,	20	20	40	56%
L1B	with >1.5 m Lake between	10	0	10	100%
W1	5 – 1000 ha Wetland >5 ha	10	40	50	26%
W5	Complex of wetlands	10	40	50	26%
Non Recoverable Losses	Consistent with TSR and area-based AAC analysis			<ul style="list-style-type: none">Assumption that active management will minimize NRLs given tenure size (except LBN).Consider NRL implications for larger tenures	
Decay/Waste/Brea kage Allowance	Pine 8%, Non Pine 12% as per TSR			<ul style="list-style-type: none">Cruise to billing ratio	

Step 3: Refined FNWL Area/AAC Sensitivity –Upwards and Downwards Pressures

Note: selected tenure areas will be reviewed for known net downs (i.e. S3 streams and above, lakes, rivers); where pressures may impact the Bill 28 AAC, additional THLB may be included to achieve a Bill 28 sustainable AAC; tenure area is assessed for consistency with THLB riparian representation

Parameter	Sensitivity Check	AAC Pressure
WTP	<p>Increase THLB to reflect WTP % within respective SRMP (see note)</p> <p>Utilize 10% for Lakes North SRMP</p>	<ul style="list-style-type: none"> Downward pressure Follow SRMPs for Lakes North and South or, in the case of Lakes South, utilize FPPR defaults where SRMP does not apply Evaluate potential for overlaps with other constraints and adjust
Shelf Life	Shelf life is dependent on many factors, including market conditions, the price of the timber and available milling technology. (Lakes TSR 2011)	<ul style="list-style-type: none"> Downward pressure Overall based on 15 years with high amount of variability either way.
Future roads, trails & landings	Test the effect of a 2% increase in THLB over base THLB supporting AAC where there is little to no road infrastructure.	<ul style="list-style-type: none"> Downward pressure Offset for a smaller area based license where the increase in infrastructure adversely affects the AAC Approx 2% reduction to THLB projected to occur over time; system dependent. This does not account for any future unknown mining, or oil& gas development. **May not be applicable for any of the FNWL areas.
Future Pipelines and associated construction	<ul style="list-style-type: none"> Review proposed pipeline routes know as of Summer 2013 	<ul style="list-style-type: none"> Downward pressure
Economic and Physical Operability	<ul style="list-style-type: none"> Operability – avoid slopes > 45%/cable, etc. Economic – discuss with proponent; minimize barge access constraints Avoid areas with significant access challenges due to 	<ul style="list-style-type: none"> Operability generally not an issue within Lakes TSA Economic: discuss areas of south Francois that may be constraining (i.e. Marilla)

	agreement dynamics with private Land, utilities, etc.	
Section 7 Wildlife Notices	Tenure area assessed for sensitivity	<ul style="list-style-type: none"> • Forest cover requirements for wildlife habitat (see Appendix B)
Minimum Harvest Volume	Review effect of minimum 140 m3/ha. Review effect of minimum 200 m3/ha	<ul style="list-style-type: none"> • Upward pressure. • Downward pressure
Range Tenures	Avoidance strategy may not be possible due to amount of land-use overlap within the Lakes TSA.	<ul style="list-style-type: none"> • Downward pressure • *Assess overlap with range tenures given potential management of botanicals under FNWLs. • Where avoidance not possible, discuss and document impact to potential botanical interests of proponent
STI Depletion	Deplete through ESF check	<ul style="list-style-type: none"> • Downward Pressure • Confirm blocks within ESF • Confirm recently completed & submitted cruises with FLNRO DND (note: cut-off point for soft asset definition)
Amortization Check	<ul style="list-style-type: none"> • Presence of any defined Hard assets 	<ul style="list-style-type: none"> • Define soft assets values
Soft Asset Mgmt	<ul style="list-style-type: none"> • See transition strategy 	<ul style="list-style-type: none"> • Downward pressure with the presence of multiple party developments (i.e. Guaranteed CPs/RP development to outgoing licensee)
LRSY Check	Woodlot for Windows and/or Forest Analysis Inventory Branch expertise can be utilized to confirm area/volume check as a final step prior to FTOA sign off and/or tenure issuance.	

Notes:

- Where FNWL Area/AAC Sensitivity check suggests consistency with TSA representation, confirm with First Nation and move to area refinement by adjusting area selection to seek balance with TSA representation.
- Identifying the Crown forested land base and the timber harvesting land base (THLB) was done as per the Lakes 2011 TSR and using a corrected version of the Lakes TSR THLB FAIB layer.

Appendices

Appendix A: *Forest Act*, Division 7.11 — First Nations Woodland Licences

Award of first nations woodland licence

43.54 (1) In this section, "**representative**" means a person or other legal entity that

- (a) is appointed by a first nation as its representative, and
- (b) meets prescribed requirements.

(2) The minister may enter into a first nations woodland licence with a first nation or its representative to implement or further an agreement between the first nation and the government respecting treaty-related measures, interim measures or economic measures.

(3) After a first nations woodland licence has been entered into under subsection (2), the minister may, if it furthers the objectives set out in subsection (2), and with the consent of the holder of the licence, increase the area covered by the licence.

(4) The minister must not enter into a first nations woodland licence under subsection (2) until

- (a) a management plan is approved by the minister for the proposed first nations woodland licence area, and
- (b) if required under the agreement between the first nation and the government referred to in subsection (2) of this section, one or more agreements referred to in section 12 are surrendered.

Content of first nations woodland licence

43.55 A first nations woodland licence

- (a) must be for a term of not less than 25 years and not more than 99 years,

(b) must describe a first nations woodland licence area, determined by the minister, comprising Crown land and, if the area so determined includes land that is

- (i) in a reserve as defined in the *Indian Act* (Canada), or
- (ii) private land,

also comprising that land,

(c) subject to this Act and the licence,

- (i) must give to its holder the exclusive right to harvest timber on the Crown land referred to in paragraph (b), for the term of the agreement, and
- (ii) may give to its holder the right to harvest, manage and charge fees for botanical forest products and other prescribed products,

(d) must require its holder to pay to the government, in addition to other amounts payable under this Act,

- (i) stumpage under Part 7 in respect of Crown timber, and
- (ii) waste assessments for merchantable Crown timber, whether standing or felled, that could have been cut and removed under the licence, but, at the holder's discretion, is not cut and removed,

(e) must provide for cutting permits with terms that do not exceed 4 years to be issued by the district manager, or a forest officer authorized by the district manager, within the limits provided in the licence and subject to this Act and the *Forest and Range Practices Act*, to authorize its holder to harvest timber from specified areas of Crown land within the first nations woodland licence area,

(f) must require its holder to

- (i) submit for the approval of the minister, at the times specified in the licence, a management plan that meets the requirements of the licence, and
- (ii) implement management plans approved by the minister,

(g) may include one or more provisions of Division 3.1 of Part 4 with any variations necessary or desirable to adapt the provision or provisions

(i) for the purposes of the licence, or

(ii) to take into account the effect of a surrender of an agreement referred to in section 43.54 (4) (b),

(h) must state that it is a condition of the licence that the first nation comply with the agreement between the first nation and the government referred to in section 43.54 (2), and

(i) may include other terms and conditions, consistent with this Act, the *Forest and Range Practices Act*, the *Wildfire Act* and any regulations or standards made under those Acts, determined by the minister.

Replacement of First Nations Woodland Licences

43.56 (1) Unless a first nations woodland licence provides that a replacement for the first nations woodland licence must not be offered, the minister, during the 6 month period following the ninth anniversary of an existing first nations woodland licence, must offer the holder a replacement first nations woodland licence.

(2) A first nations woodland licence offered under subsection (1) must

(a) be for a term of not less than 25 years and not more than 99 years, commencing on the tenth anniversary of the existing licence,

(b) describe, as a first nations woodland licence area, the area subject to the existing licence and any change to the boundary or area made by the minister under subsection (3), and

(c) include other terms and conditions that are set out in the offer and are consistent with this Act, the *Forest and Range Practices Act*, the *Wildfire Act* and any regulations or standards made under those Acts.

(3) In accordance with the regulations, and with the consent of the person to whom a first nations woodland licence is offered under this section, the minister may change the boundary or area in the offered first nations woodland licence from the boundary or area of the existing first nations woodland licence.

(4) An offer made under this section may be

(a) amended, and

(b) accepted by written notice to the minister not later than 3 months after the offer is served.

(5) If an offer made under this section is accepted,

(a) a first nations woodland licence containing the terms and conditions set out in the offer, including amendments, must be entered into by the minister and the holder of the first nations woodland licence, and

(b) the existing first nations woodland licence expires on the commencement of the replacement licence.

(6) A first nations woodland licence is not renewable.

Change in area or boundary

43.57 In accordance with the regulations and with the consent of the holder of the licence, the minister may change the boundary or area of a First Nations Woodland Licence.

Appendix B: Lakes TSR Management Assumption Background

Table 3. Utilization levels (Lakes TSR 2011).

Analysis unit	Minimum diameter at DBH (cm)	Maximum stump height (cm)	Minimum top diameter (cm)
Lodgepole pine	12.5	30.0	10.0
Balsam	17.5	30.0	10.0
Spruce	15	30.0	10.0

Table 4. Unsalvaged losses (Lakes TSR 2011)

Cause of loss	Total loss (m ³ for the 2003-2007 period)	Annual unsalvaged loss (m ³ /year)
Blow down	0	0
Spruce Bark Beetle	25,929	5,186
Balsam Bark Beetle	51,736	10,347
Spruce Budworm	1,587	317
Fire	51,292	7,418

Blow down is < 1% of the TSA volume with 50% volume recovered.

OAF 1, in pine-leading plantations, has been kept at 20 to reflect rust levels affecting pine within the Lakes TSA.

Table 5. Forest cover requirements in the Lakes South SRMP landscape corridors

BEC zone	Analysis units	Minimum area retained (%)	Minimum height retained (m)	Minimum crown closure (%)	Age for retention (years)
SBS	Conifer leading	70	-	-	≥ 70
ESSF	Conifer leading	70	-	-	≥ 100
SBS	All	70	15	25	≥ 100
ESSF	All	70	15	25	≥ 120
All	Deciduous leading	70	-	-	≥ 40

Table 6. Forest cover requirements for the Lakes North SRMP landscape corridors

Zone	Analysis unit	Ecosystem	Minimum retained area (%)	Retention period
<i>Vegetative cover important for biodiversity</i>	Balsam and spruce-leading > 140 years of age	All	100	<i>Until 2015</i>
	Balsam and spruce-leading > 140 years of age	All	70	<i>From 2016 on</i>
<i>Hydro-riparian ecosystems</i>	All	SBS dk 07, 08, 09, 10	100	<i>Until 2015</i>
		SBS mc 07, 09, 10, 12	100	<i>Until 2015</i>
		ESSF mc 07, 08, 09, 10	100	<i>Until 2015</i>
		SBS dk 07, 08, 09, 10	70	<i>From 2016 on</i>
		SBS mc 07, 09, 10, 12	70	<i>From 2016 on</i>
		ESSF mc 07, 08, 09, 10	70	<i>From 2016 on</i>
<i>Rare ecosystems</i>	All	TBA	100	<i>All times</i>

The landscape corridor constraints apply to the crown-forested portion of the land base.

Table 7. Forest cover requirements for wildlife habitat

Species	Maximum allowable disturbance (% area)	Minimum green-up height (metres) / age (years)	Minimum retained area (%)	Minimum age for retention (years)	Maximum age for retention (years)	Land base to which constraint apply
Deer	33	3 m / 17 yrs				THLB
			50	101		Crown forest
Moose	33	3 m / 17 yrs				THLB
			30	101		Crown forest
Grizzly	50				121	Crown forest
						THLB

Table 8. Percent alteration values for perspective and planimetric views, and area-weighted average values for P2P, and VEG tree height

VQO	Proposed % alteration in perspective view	P2P	% alteration (planimetric)	VEG tree height
M	12.55	3.470	43.552	4.228
PR	4.30	3.466	14.902	4.235
R	0.75	3.295	2.471	4.498

The objective values of M, R and PR in the Lakes were considered in the base case. A retention VQO considered where allowable max disturbance between green up height of 4.498 m is 2.471 % planimetric alteration with a mean annual increment (MAI) of 0.5. A partial retention (PR) VQO considered where allowable max disturbance between green up height of 4.235 m is 14.902% planimetric alteration with an MAI of 1.5.

Wildlife Tree Retention

In the Lakes North SRMP planning area, the management practice is to retain a minimum of 5% of the gross area of each cut block for WTR, and to retain a minimum of 10% of the total area of cut blocks harvested on an annual basis.

Table 9. Wildlife tree retention targets for the Lakes South SRMP area

BEC zone				% cut block to be retained as WTP by landscape units		
	Cheslaslie Ootsa	Intata		Cheslatta	François West	François East
SBS	>12	>12	>16	>12	>13	>14
ESSF	>9	>9	>9	>9	>12	>9

Mountain goat

Table 10. Forest cover requirements for mountain goat ungulate winter range

Zone or group	Analysis unit	Minimum retained area (%)	Sensitivity levels
Mountain goat winter range	All	100	Crown forested

Northern Caribou- Takla Herd.

Table 11. Forest cover requirements for northern caribou: Takla ungulate winter range

Zone or group	Analysis unit	Minimum retained area (%)	Age for retention (years)	Land base to which constraint apply
Winter range class - high	All	100	-	Crown forested
Winter range class - medium	All	70	> 80	Crown forested

Appendix C: FNWL Transition Strategy Protocol

First Nation Woodland License Transition Protocol

*Nadina District, Ministry of Forests, Lands, and Natural Resource Operations
Effective: November 22, 2012*

This protocol does not preclude any preliminary work between First Nations (incoming) licensees and Replaceable Forest License (outgoing) licensees regarding area establishment.

Purpose:

“Transition” is a step within the overall First Nation Woodland License (FNWL) establishment process.

The Transition Strategy Protocol is a guidance document for the transition to FNWL in the Lakes Timber Supply Area. The protocol will document and communicate the agreed upon conduct for all parties in order to facilitate the transition of operating area for the establishment of FNWL.

The Transition Strategy Protocol is intended to expand on the general provincial principles for locating new forest tenures by detailing the specific process in the Lakes Timber Supply Area.

The Transition Strategy Protocol is applicable to all FNWL in the Lakes TSA. If a FNWL establishment process commenced prior to the effective date of the transition strategy, effort will be made to apply the protocol wherever possible.

Guidance / Reference Material:

1. *“First Nation Woodland License Establishment Process”*, September 5, 2012, Ministry of Forests, Lands, and Natural Resource Operations.
2. *“First Nations Direct Award Forest Tenure Opportunities Guidelines”*, December 16, 2011.
3. *“Principles for Locating New Forest Tenures”*, November 8, 2011.

In Scope:

1. Reforestation Obligations
2. Standing Timber Inventory / Approved Authorizations
3. Unamortized roads and bridges
4. Road Permit roads
5. Development in progress / Unapproved applications
6. Business to business agreements between proponents

Out of Scope:

1. AAC allocation process to First Nations communities
2. Lakes TSA apportionment
3. Other overlapping licenses, leases, or tenures (eg. Range tenures)
4. First Nation Consultation
5. Tree Farm Licenses, Woodlots (existing and pending)

Affected Parties:

- Replaceable Forest License holders
- Bill 28 affected First Nation Licensees
- Community Forests
- Non-replaceable Forest Licensees
- Ministry of Forests, Lands, and Natural Resource Operations (FLNRO)
- BCTS

Principles:

- Harvesting will not be curtailed during the transition, in particular approved cutting permits,
- Existing investments will be made “whole” – reasonableness to prevail,
- Stabilizing licensees operating within the Lakes TSA is a priority,
- No affected party will frustrate the implementation of the transition strategy once initiated, By way of example, response within 2 business days to communication is reasonable,
- Should mutual agreement between the outgoing licensee(s) and incoming licensee regarding final FNWL boundary selection be unreachable, the determination of final boundary location rests with the District Manager.

Roles and Responsibilities:

- All parties will be responsible for active participation.
- FLNRO will facilitate the transition meetings where requested by proponents.

Transition Strategy:**Existing Reforestation Obligations:**

All existing obligations, including those that exist through an approved but unlogged cutting authority will remain with the outgoing licensee until Free Growing is achieved, unless otherwise agreed to between outgoing and incoming licensee.

Standing Timber Inventory / Approved Authorities:

All approved cutting authorities within the area of interest that are held by the outgoing licensee(s) remain with the outgoing licensee, unless otherwise agreed to with the incoming licensee.

Unamortized roads and bridges:

Should special circumstances be identified during transition that do not fall within either of the options below, these will be addressed on a case specific basis.

Option 1: The outgoing licensee is granted development opportunity within the area of interest sufficient to complete the amortization.

Option 2: The incoming licensee negotiates directly with the outgoing licensee a business to business agreement that satisfies both parties regarding the unamortized costs. Timeline: One month.

Option 3: Any combination of Options 1 and 2 as agreed to by the incoming and outgoing licensees.

Road Permit Roads:

Unless otherwise agreed to by the incoming licensee and outgoing licensee(s), the procedures for Road Permit (RP) roads will commence when the Forest Tenure Opportunity Agreement (FTOA) is signed. For road transfer procedures please refer to the Road Transfer Protocol available at the District Office.

Development in progress/ Unapproved applications

The procedure for development in progress will be dependent on the months to submission from the date of “Referral” (District Manager letter and map). This section is predominantly related to Cutting Permit and Road Permit applications.

0 months to submission of complete application (currently submitted) – Proceed to decision:

- FLNRO provides a summary of pending applications with the communication of the refined area of interest for the respective FNWL. These applications will proceed to the decision maker for decision unless a business to business arrangement is negotiated outside the transition process.

>0 months – 4 months to submission of complete application – Proceed to decision or purchase agreement:

- Within a reasonable amount of time (i.e. Two weeks) following receipt of communication of the refined area of interest for the respective FNWL, the affected licensee(s) will notify FLNRO of the overlap. Within approximately thirty business days, the licensee will provide FLNRO, in digital format, the extent of their proposed development and a summary of development status.
- The outgoing licensee will provide a timeline for the remaining works to FLNRO and the incoming licensee, including a target date for submission.
- FLNRO will inform the incoming licensee to confirm that they are aware of this proposal. NOTE: In most if not all cases, the First Nation should have prior knowledge of proposals within this time frame as per the delegated obligation of information sharing.
- These applications will proceed to the decision maker for decision unless a business to business arrangement is negotiated outside the transition process.

>4 months to submission – Incorporate into FNWL area:

- In principle, development that would take longer than 4 months to complete is considered to be areas of interest for FNWL development and will not be pursued by the outgoing licensee (development > 4 months to submission may be subject to transition negotiations between proponents).

Appendix D: THLB/AAC representation

Table 12. Lakes TSA Bill 28 Volume/THLB Approximations

FIRST NATION	AAC	THLB (ha)	Estimated Total (ha)	% of TSA
Burns Lake	2,707	1,005.45	1,555.60	
Cheslatta Carrier Nation	6,833	2,537.95	3,926.64	
Lake Babine	28,088	10,432.61	16,141.00	
Nee-Tahi-Buhn	3,729	1,385.05	2,142.90	
Skin Tyee	3,639	1,351.62	2,091.18	
Stellat'en	2,292	851.31	1,317.12	
Wet'suwet'en	6,196	2,301.36	3,560.58	
CFA	150,000	55,713.90	86,198.74	10.6%
TFL (Hampton)	449,699	167,029.90	258,423.24	31.9%
TFL (West Fraser)	342,194	127,099.75	196,644.61	24.3%
Notes: Bill 28 AAC will be based upon an AAC amount utilizing a contribution of 2.69 m3/ha per year for the Lakes District.				

Table 13. Annual Allowable Cut Figures for Lakes TSA Timber Supply Review (TSR) IV.

AAC during TSR IV	1,410,534.00 m3/year
Total THLB	523,909.00 hectares
Total Forested	810,575.00 hectares

Table 15. THLB areas by species, VQO, and ages.

THLB (ha)	THLB < 40 yrs	THLB 40- 80 Yrs	THLB 80+ Yrs	Pine Leading	Sx leading	Balsam Leading	VQO M	VQO PR	VQO R
541,745.46	103,955.94	67,831.99	337,001.15	369,341.45	108,163.22	28,566.63	19,657.30	103,902.62	15,534.85
THLB (ha)	% THLB < 40 yrs	% THLB 40-80 yrs	% THLB 80+ yrs	% THLB PL lead	% THLB Sx lead	% THLB BI lead	% THLB VQO M	% THLB VQO PR	% THLB VQO R
541,745.46	19.19	12.52	62.21	68.18	19.97	5.27	3.63	19.18	2.87

Appendix E: Forest Act Section 8 Considerations

As the AAC determination has been delegated, the Regional Executive Director (RED) or the Regional Executive Director's designate will determine an allowable annual cut for each First Nation Woodland License area, in accordance with the First Nation Woodland License agreement, and any directions of the Chief Forester.

As the Designated Decision Maker (DDM) for Nadina district, I have reviewed the information for all of the factors required under section 8 of the Forest Act. Additionally, AAC factors in this document were considered in a manner consistent with what the Chief Forester is required to consider. The factors listed in table 1 were accepted in the analysis and therefore no discussion is included in this rationale. Where more uncertainty exists, I have included them in the factors discussion indicating how the information was considered.

Table 14. List of Factors for which analysis assumption of the base case have been accepted

<i>Forest Act Section and Description</i>	<i>Factors</i>
8(8)(a)(i) The composition of the forest and its expected rate of growth on the area	<ul style="list-style-type: none">• forest cover inventory• TSR THLB layer including: Private land, non THLB, parklands, Non productive and non commercial, Existing roads, trails, landings Low productivity, uneconomic, deciduous leading stands, water features and buffers, Environmentally Sensitive areas-with wildlife features were removed from THLB, Low site productivity, Natural and managed stand yields, Minimum merchantability standards for Lakes TSA. Values as used in Lakes TSR July 12, 2011.
8(8)(A)(ii) The expected time that it will take the forest to become re-established on the area following denudation,	<ul style="list-style-type: none">• Regeneration delays• Existing amount of current plantations• Any non-satisfactory stocked areas.

8(8)(v) The constraints on the amount of timber produced from the area that reasonably can be expected by use of the area for purposes other than timber production, and	<ul style="list-style-type: none"> • Cultural Heritage resources • Recreational uses and considerations • Non-timber resources • Ungulate winter range • Visual Quality considerations • Watershed constraints • Fisheries and hatchery considerations • Adjacency considerations • Stand level biodiversity • Range resources outlined in LRMP and other possible potential range resources.
8(8)(b) the short and long term implications to British Columbia of alternative rates of timber harvesting from the area,	<ul style="list-style-type: none"> • Alternate rates of harvest
8(8)(c) Repealed 2003-31-02	<ul style="list-style-type: none"> • N/A
8(8)(d) The economic and social objectives of the government, as expressed by the minister, for the area, for the general region and for British Columbia, and	<ul style="list-style-type: none"> • Community dependence as discussed in Lakes TSR 2011
8(8) (8) (e) abnormal infestations in and devastations of, and major salvage programs planned for, timber on the area.	<ul style="list-style-type: none"> • Mountain Pine beetle • Non-recoverable losses
8(8)(iv) The standard of timber utilization and the allowance for decay, waste and breakage expected to be applied with respect to timber harvesting on the area	<ul style="list-style-type: none"> • Utilization standards in Lakes TSA • Decay waste and breakage allowance
8(8)(iii) Silviculture treatments to be applied to the area,	<ul style="list-style-type: none"> • Integrated management and incremental silviculture • Silviculture systems

Appendix F: Morice TSA FNWL Area Selection Information

As similar analysis and transition principles/processes will be used in the Morice TSA, please refer to Nadina District First Nation Woodland Licence Area Selection and Transition Guidance (v.7 Aug 6, 2013). Any exceptions between the Lakes and Morice TSAs will be in considerations and values derived during the Morice TSR. The Morice TSA FNWL analysis will be based upon information from the last effective TSR (February 1, 2008) for the Morice TSA.

One of the key area selection assumptions, species representation varies from the Lakes TSA to the Morice TSA. Over the Morice TSA FNWLs, A TSR representative percent of 51 % pine, 25% spruce and 24% balsam will be sought where possible. In addition, an FNWL Bill 28 AAC will be based upon an AAC amount utilizing a contribution of 3.23 m³/ha per year for the Morice TSA. Lastly, area refinement and transition will follow the Lakes TSA FNWL processes.