

**Forest Investment Account
Land Base Investment Program**

**Woodlot Investment Rationale (WIR) and Information Sharing with
First Nations for 2007/08**

1. Land Base Investment Program and the Woodlot Investment Rationale

Introduction

The Forest Investment Account's (FIA) Land Base Investment Program (LBIP) provides funding to eligible recipients to undertake work to improve the forest asset base and support sustainable forest management practices on Crown land through:

- higher level strategic decision-making and planning;
- increased timber volume and value;
- increased site productivity;
- restored terrestrial, aquatic and riparian environments;
- better decision-making information and tools; and,
- infrastructure that protects public safety and mitigates environmental hazards.

The Woodlot Investment Rationale (WIR) is the intermediary between a Woodlot licensee's individual needs and those of the management area where the small tenures are located. It provides context and focus FIA land base investments, linking strategic objectives and issues with eligible land base activities across the jurisdictional area of the WIR.

WIR Structure

There are two significant issues that emerged in 2006/07 associated to the LBIP that necessitate modification to the 2007/08 investment rationale process and content:

1. 2006/07 is the last year of the agreement with the Federation of BC Woodlot Associations (FBCWA) to administer the FIA Small Tenures Program (STP). STP funding is available for certain eligible land base activities on Crown land under Woodlot Licence and Community Forest Agreement tenures. Towards identifying efficiencies and effectiveness in service delivery of FIA investments, an understanding has been reached that will consolidate the Small Tenures Program with the LBIP in 2007/08 under one administration agreement (through PricewaterhouseCoopers).

Under the STP, Small Tenure Investment Rationales (STIRs) were prepared by each of the FBCWA's Lead Woodlot Associations. The STIRs provided an overview of the management area issues that need to be addressed for the achievement of the desired future condition of the forests within Woodlot Licenses and Community

Woodlot Investment Rationale Guidelines and Information Sharing with First Nations 2007/08
December 13, 2006

Forests (e.g. desirable age class and seral stage distribution, desirable habitat distribution).

Starting in 2007/08, Community Forests will participate in the LBIP's Land Base Investment Rationale (LBIR) process. One strategic level WIR will be developed for the province to describe proposed land base investments that will address woodlot issues and priorities by reviewing and summarizing the WIRs prepared by the eleven Lead Woodlot Associations. The Federation of BC Woodlot Associations will coordinate the preparation of the Lead Association WIRs and the development of the provincial WIR.

2. During 2006/07, revisions were made to the LBIP First Nations information sharing process to clarify roles and responsibilities among the LBIP funding recipients as well as district staff, and the LBIP administrator. At that time, a commitment was made by the MoFR to develop and implement a more strategic approach to information sharing with First Nations on LBIP activities.

The information sharing process associated with the proposed activities in the WIR is included in this document and is consistent with information sharing associated with the LBIRs.

WIR Preparation

The FBCWA will provide overall coordination for development of the local and provincial WIRs.

One representative from each of the Lead Woodlot Associations participating in the program will take responsibility for organizing, administering and submitting information covering the boundaries of their jurisdiction, on behalf of the woodlot licensees within their management area. This information will be included in the provincial WIR.

Further details related to roles and responsibilities for WIR submission and the process for information sharing are outlined below.

Timing

The WIR "cycle" will need to start at the end of the calendar year or earlier to allow for the information sharing/consultation process to occur during February and March. The timing is intended to allow for an adequate amount of review time within the information sharing/consultation process so that projects can begin as early as possible in the upcoming fiscal year (starting April 1, 2007).

Starting the WIR development late in the calendar year is not mandatory but encouraged in order to prevent process "hold ups" that could occur if the WIR is finalized later into the new calendar year.

Content

The WIR will include:

- An overview of the management unit issues that need to be addressed over the short term (3 years) for the achievement of the desired future condition of the forests within it (e.g. desirable age class and seral stage distribution, desirable habitat distribution);
- An overview of provincial woodlot issue(s) that need to be addressed over the short term (3 years);
- Documentation for ministries that links the LBIP activity expenditures at the forest and stand level with resource objectives at the management unit level, and LBIP objectives at the provincial level; and
- A listing of eligible activities and specific projects if possible that will address the management issues and any provincial level issues. This information will be used in the information sharing process with First Nations to outline the types of activities, coverage or area of activity within the WIR and potential impact to the land base.

Specific documents that identify and/or support these subjects should be referenced or footnoted (they do not need to be included with the WIR submission). Management issues described in the WIR must:

1. Summarize existing information from:
 - a. Land use plans (e.g. LRMP, regional plans and SRMP);
 - b. Forest management documents (e.g. SFMP, TSR);
 - c. Ministry of Forests and Range operational plans (e.g. WLPs, IFPA Forestry Plans, Species and Ecosystems at Risk Recovery Plans); and,
 - d. Strategies (e.g. silviculture, forest health, recreation, restoration).
2. Include pertinent resource objectives across the management area covered in the WIR that contribute towards the future desired state of the forest resource that are in sync with the LBIP;
3. Identify key issues towards meeting resource objectives that can be addressed by LBIP investments across the management area covered in the WIR;
4. Identify eligible LBIP activities and supporting strategies that will go towards resolving key issues and meeting management area, district-specific, and LBIP objectives. Include additional details if projects can be outlined at this stage;
5. Briefly describe the expected benefits from the proposed LBIP investments. (Note: This Section can be combined in a table with point 3);

6. For projects that span multiple years, explain any previous work completed (and expenditures to-date) as well as the remaining works, an estimate of funding required to fully complete the project, and indicate any information sharing/consultation that has taken place for this project (under the previous Small Tenures Program); and,
7. Outline the information sharing/consultation requirement based on direction from the District. There may be an existing consultation matrix that will provide information to the District Manager or designate for their determination of the appropriate level of information sharing/consultation.

For the template, please refer to the “Woodlot Investment Rationale (WIR) Template”.

Review, Update, and Submission

PwC will be responsible for reviewing the WIR as per these guidelines. Eligibility of specific activities will be determined at the project plan stage. The WIR will be posted on the FIRS home page (www.fialicensees.com). PwC will refer to the WIR for linkages to activity expenditures at the forest and stand level.

Funding

Costs associated with ensuring the WIR is submitted to PwC in a timely manner are eligible under the LBIP. Funding will be provided based on the time and effort required recognizing that this activity is subject to both a performance and financial audit.

Please note, that WIR development costs up to March 2007 will be processed through the FBCWA under the FIA Small Tenures Program.

2. Information Sharing with First Nations on LBIP Projects

Background

Information sharing with First Nations on the LBIP activities is based on the premise that the legal obligation associated with consultation in respect of aboriginal interests rests with the Crown, however, the Crown has the ability to delegate procedural aspects associated with this consultation process.

In fulfilling this legal obligation, the Crown will consider “third party” information sharing activities, of which it has knowledge, as part of the broader consultation process. For the LBIP, the “third party” is the Recipient agreement holder who leads the information sharing step of the larger consultation process through obligations outlined in the recipient agreement, the General FIA Standards (FS 1001) and this document. The MoFR policy and guidelines for consultation can be found on the MoFR’s Aboriginal Affairs Branch website at <http://www.for.gov.bc.ca/haa/Policies.htm>

The MoFR District Manager or designate has decision making authority as to whether the First Nation consultation process, including the information sharing step, has been appropriate. The appropriate level of First Nation consultation will depend on the **strength of the First Nation's aboriginal interests** within the project area and the **potential impact** the proposed forestry projects may have on those interests.

In the LBIP, the majority of the investments involve activities such as strategic resource planning and the gathering of resource information which will likely have minimal impact on the land base. About one third of the funding is invested each year in projects that are "on the ground" and are more likely to directly impact the land base (e.g., road deactivation, stream restoration).

As outlined above, the FBCWA will provide overall coordination for development of the WIR. One representative from each Lead Woodlot Association will take responsibility for organizing, administering and submitting information on behalf of multiple woodlot licensees in their jurisdiction. The WIR will be used to provide information to district staff so they can determine an appropriate level of information sharing. Based on the nature of the LBIP activities, it is anticipated that there will be a portion of activities that will require a low level of information sharing to be carried out by management unit recipient and, in some cases, Districts may not require information sharing.

An overview of the roles and responsibilities for the FBCWA, Lead Woodlot Association, and District is provided below, followed by the detailed process for information sharing.

Roles and Responsibilities for Information Sharing/Consultation

The Federation of BC Woodlot Associations is responsible for:

- 1) Overall coordination for development of the Provincial WIR document.
- 2) Developing a provincial strategy for LBIP investment on woodlots.
- 3) Submitting the final Provincial WIR to PwC.

The Lead Woodlot Association is responsible for:

- 1) Development of the draft Lead Association WIR.
- 2) Providing opportunities for review and input into the draft Lead Association WIR for woodlot licensees within their jurisdiction and government staff as appropriate.
- 3) Fully understanding the information sharing requirements and process for the LBIP.
- 4) Taking the completed Lead Association WIR to the District office First Nations specialist (in particular to discuss proposed activities in their jurisdiction).
- 5) Undertaking information sharing as directed by the District (for the proposed activities in their jurisdiction).

Woodlot Investment Rationale Guidelines and Information Sharing with First Nations 2007/08
December 13, 2006

- 6) Documenting the information sharing, including the decision by the District that the information sharing has been adequate. A clear statement is required in FIRS (Box 5) to indicate that the information sharing requirements have been completed as required and that a confirmation of adequacy was received from the District.

The District First Nation specialist and/or DM is responsible for:

- 1) Reviewing the Lead Association WIR with the local FIA Coordinator to:
 - advise on and document the appropriate level of information sharing identified in the WIR; and,
 - confirm the First Nation(s) that need to be contacted.
- 2) Confirming, documenting and informing the Lead Woodlot Associations regarding the adequacy of the information sharing carried out.
- 3) Carrying out further consultation with the First Nation(s) as required, e.g., where the First Nation does not engage in the consultation process, or where comments from the First Nation cannot be addressed by the Lead Woodlot Association.

Process for Information Sharing

The following is a general process for the information sharing associated with FIA LBIP projects and is provided as guidance for consideration only. The MoFR Districts may have additional information and guidance so the Recipient/Lead Woodlot Association should contact the MoFR District First Nation specialist to ensure that the appropriate information sharing process is followed.

Step	Activities
1	<p><u>Contract obligations</u></p> <p>1.1 Recipients/Lead Woodlot Associations must review and understand their obligations with respect to information sharing with First Nations as outlined in the Recipient Agreement and General FIA Standards as well as how this information sharing fits within the First Nation consultation process.</p>

Woodlot Investment Rationale Guidelines and Information Sharing with First Nations 2007/08
December 13, 2006

Step	Activities
2	<p><u>Level of information sharing and Identification of relevant Aboriginal Groups</u></p> <p>2.1 Recipients/Lead Woodlot Associations must review and understand the level of information sharing required and the First Nation(s) that may be potentially affected for each of their proposed activities, as confirmed by the MoFR District First Nation specialist and/or District Manager and documented in the WIR.</p> <p>Note: For some activities, Districts may not ask for information sharing by the Recipient/Lead Woodlot Association.</p> <p>Note: The level of information sharing may adjust as the process unfolds in relation to information a First Nation may provide regarding aboriginal interests.</p> <p>Note: Where project locations overlap two districts, one district should take the lead and notify the other district.</p>
3	<p><u>Notification and Project Batching</u></p> <p>3.1 Notification</p> <p>Where a Recipient/Lead Woodlot Association is instructed by the MoFR, and as documented in the WIR, to undertake “notification only” for a project or set of projects, the notification would preferably be done prior to the project starting and may be in the form of a letter from the Recipient/Lead Woodlot Association. The letter would explain the purpose of the project, when it will occur, and that it is only notification. The Recipient/Lead Woodlot Association will document the steps taken in FIRS.</p> <p>3.2 Project batching</p> <p>Where a Recipient/Lead Woodlot Association or a group of Recipients /Lead Woodlot Associations are able to collaborate on a single LBIP information sharing package to First Nations, this approach is encouraged. The Recipient(s) /Lead Woodlot Association(s) should consider listing all projects proposed within a First Nation’s asserted traditional territory, describing the proposed project, why it is being proposed, who will be doing it, where it will be occurring, and when the project or activity will occur. It is suggested that greater detail and information be provided for those proposed projects with greater impact (i.e., some projects may be listed as notifications and other requesting input on potentially affected aboriginal interests).</p>

Woodlot Investment Rationale Guidelines and Information Sharing with First Nations 2007/08
December 13, 2006

For projects requiring additional Information Sharing after the acceptance of the WIR, the following steps should be addressed:

Step	Activities
4	<p><u>Information Sharing</u></p> <p>4.1 For projects that require information sharing beyond notification (as documented in the WIR), Recipients/Lead Woodlot Associations must:</p> <ol style="list-style-type: none"> 1. Provide correspondence to the First Nation about these project(s) being proposed within the First Nation's asserted traditional territory. The correspondence should explain the location, nature, and extent of the proposed activities, when the proposed project should take place, and should provide First Nations with an understanding of the potential on-the-ground impact of the proposed activities. For those projects requiring a higher level of information sharing, technical and descriptive information, such as diagrams and mapping products depicting the location of the proposed activities, should be sent or delivered to the potentially affected First Nations. 2. Provide an opportunity for the First Nation(s) to have the information explained to them. 3. Provide First Nations with an appropriate time to respond with information. Where projects require shorter timelines, an explanation is required in the letter. <p>4.2 If First Nation's comments are not received, the Recipient/Lead Woodlot Association must:</p> <ol style="list-style-type: none"> 1. Contact the First Nation and determine whether the First Nation does not wish to provide comments or does not want to participate in the process. 2. Notify the MoFR District First Nation specialist outlining steps taken and reasons for lack of First Nation participation. 3. Document steps taken in FIRS. <p>The District First Nation specialist and/or DM, if not already involved, may contact the First Nation and may undertake further steps to ensure that consultation has been appropriate.</p> <p>The District Manager will determine whether the information sharing process has been appropriate and whether the project(s) should go ahead, determine the adequate response, and send a response to the Recipient/Woodlot Association Lead and First Nation.</p> <p>4.3 If First Nation's comments are received, the Recipient/Lead Woodlot Association</p> <ol style="list-style-type: none"> 1. Must consider any concerns and information on aboriginal interests received in writing or in person. 2. With the concurrence of the District First Nation specialist the Recipient/Lead Woodlot Association may propose appropriate revisions to the project to address concerns and aboriginal interests raised. 3. Must summarize results from information sharing including comments received from the

Woodlot Investment Rationale Guidelines and Information Sharing with First Nations 2007/08
December 13, 2006

Step	Activities
	<p>First Nation(s), concerns raised and how aboriginal interests and other concerns raised were addressed/or not. The Recipient/Lead Woodlot Association will send the summary to the MoFR District First Nation specialist and District Manager or designate and record the information in FIRS.</p> <p>The District Manager will review the information sharing summary and:</p> <ol style="list-style-type: none"> 1. If the DM is satisfied that the information sharing process was adequate, they will notify the Recipient/Lead Woodlot Association and First Nation, or 2. The DM or designate will notify the Recipient/Woodlot Association Lead if they require <ul style="list-style-type: none"> - additional information sharing to be carried out, or - a more detailed copy of the review and comment documentation is required, and/or - modifications to be done to the proposed LBIP project to address aboriginal interests, <p>If the Recipient/Lead Woodlot Association receives further requests from the DM or designate they must:</p> <ol style="list-style-type: none"> 1. Complete the requirements as requested by the DM or designate 2. Inform the DM or designate that the change has been made* and, 3. Amend the Project Plan in FIRS <p>*The DM or designate will review the modified project information to determine if the requirements have been addressed, and will communicate the decision to the Recipient/Lead Woodlot Association and the First Nation.</p> <p>4.4 If the Recipient/Lead Woodlot Association cannot address the First Nation's comments: the Recipient/Lead Woodlot Association must</p> <ol style="list-style-type: none"> 1. Notify the District First Nation specialist and/or DM with a summary of the information sharing to date, nature of the impasse including why the First Nation's aboriginal interest or concern cannot be addressed, and 2. Document the steps taken in FIRS <p>The District Manager or designate will review the information sharing summary and:</p> <ol style="list-style-type: none"> 1. Will determine whether the First Nation information sharing process has been adequate, and determine if the project(s) should go ahead, and if so, the circumstances and any adjustments that may be necessary to accommodate aboriginal interests and concerns raised. 2. The DM or designate will notify the Recipient/Lead Woodlot Association if they require <ul style="list-style-type: none"> - additional information sharing to be carried out, or - a more detailed copy of the review and comment documentation is required, and/or - modifications to be done to the proposed FIA project to address aboriginal interests. <p>If the Recipient /Lead Woodlot Association receives further requests from the DM or</p>

Woodlot Investment Rationale Guidelines and Information Sharing with First Nations 2007/08
December 13, 2006

Step	Activities
	<p>designate they must:</p> <ol style="list-style-type: none"> 1. Complete the requirements as requested by the DM or designate 2. Amend the Project Plan in FIRS and, 3. Inform the DM or designate <p>The DM or designate will review the modified project information to determine if the requirements have been addressed, and will communicate the decision to the Recipient/Woodlot Association Lead and the First Nation.</p>
5	<p>Project Approval</p> <p>Upon receiving notification from the District Manager,</p> <ol style="list-style-type: none"> 1. The Recipient/Lead Woodlot Association must ensure that documentation of the information sharing process and decision is entered into FIRS (Box 5) with a clear statement to indicate that the information sharing was completed as required and that a confirmation of adequacy was received from the District. 2. Once it has been confirmed that the information sharing/consultation is sufficient, the project should be submitted to PwC for review and eligibility under the LBIP (funding can then be released).