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ABORIGINAL AFFAIRS BRANCH  
MINISTRY OF FORESTS AND RANGE

File: 10420-20/Tla-o-qui-aht

Cliff: 120626

JUN 07 2009

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JUL 22 2009

Chief Francis Frank  
Tla-o-qui-aht First Nation  
PO Box 18  
Tofino, British Columbia  
V0R 2Z0  
Canada

Dear Chief Francis Frank:

**Re: Amendment # 1 of Tla-o-qui-aht First Nation Interim Agreement on Forest & Range Opportunities (FRO) between British Columbia and the Tla-o-qui-aht First Nation, date for reference June 5, 2009.**



The Tla-o-qui-aht First Nation signed the Tla-o-qui-aht First Nation Interim Agreement on Forest & Range Opportunities (FRO) with government in 2008. There was no volume opportunity associated with the FRO at that time; however, within the agreement there is the following clause:

*Section 8.4 – The Ministry of Forests and Range will attempt to locate a volume of timber for the Tla-o-qui-aht First Nation. Should a suitable volume of timber for a Non-replaceable Forest Licence, or a Forestry Licence to Cut be identified by the Ministry of Forests and Range, this agreement may be amended to offer volume to the Tla-o-qui-aht First Nation under Section 47.3 of the Forest Act. The Tla-o-qui-aht First Nation recognizes that any volume will be limited in nature and that it may not become available.*

An opportunity for the Tla-o-qui-aht to access a small amount of timber has arisen. Pursuant to section 8.4, Ministry of Forests and Range is able to invite Tla-o-qui-aht First Nations to

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Ministry of Forests  
and Range

Aboriginal Affairs Branch

Location:  
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Victoria, British Columbia  
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CANADA

Mailing Address:  
PO Box 9521 Stn Prov Govt  
Victoria, BC V8W 9C2

Tel: (250) 356-3064  
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Chief Francis Frank

enter into a direct award opportunity for approximately 6,000 m<sup>3</sup>. In order to offer this volume of timber we will need to amend the Tla-o-qui-aht First Nation Interim Agreement on Forest & Range Opportunities by adding a new section 3.2, as outlined below:

### 3.2 Forest Tenure

**3.2.1 After the execution of Amendment #1 to this agreement, the Regional Executive Director will invite the Tla-o-qui-aht First Nation, or such legal entity as the Tla-o-qui-aht First Nation has appointed as its representative to hold the licence, to apply under section 47.3 of the *Forest Act* for non-replaceable forest licence or Forestry Licence to Cut for up to 6,000 m<sup>3</sup>, for a term of no more than 2 years, from the Independant Power Project, at Canoe Creek, in the Arrowsmith Timber Supply Area (TSA).**

If you are in agreement with this amendment to the FRO, please indicate by signing this letter and returning it to Aboriginal Affairs Branch, Ministry of Forests by mail or Fax: 250-356- 6076.

Subject to the execution of Amendment #1 by both Tla-o-qui-aht First Nation and the Deputy Minister of Forests and Range, the Regional Executive Director for Coast Forest Region shall invite Tla-o-qui-aht to enter into a NRFL/FLTC for up to 6,000m<sup>3</sup>.

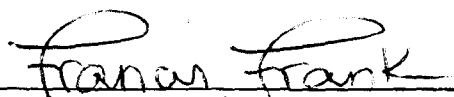
If you have any questions in the interim, please call Emma Neill, Woodlot Forester at (250) 731-3022.


Yours truly,



Len Mannix  
Manager Negotiations  
Aboriginal Affairs Branch

**The Tla-o-qui-aht First Nations hereby agree and consent to the amendment to the Tla-o-qui-aht First Nation Interim Agreement on Forest & Range Opportunities between British Columbia and the Tla-o-qui-aht First Nations, as set out above.**

  
\_\_\_\_\_  
Francis Frank, Chief  
Tla-o-qui-aht First Nation

  
\_\_\_\_\_  
Witness

Date:   Sep 3/09

Chief Francis Frank



Dana Hayden, Deputy Minister  
Ministry of Forests and Range

Date: Oct 7/09



Witness

pc: Len Mannix, Manager Negotiations, Aboriginal Affairs Branch  
Emma Neill, Woodlot Forester, South Island Forest District