

Notification Letter

(DESCRIPTION OF TRANSACTION AS DESCRIBED IN NOTICE OF INTENDED DISPOSITION) (CURRENT LICENSEE NAME), (LIST OF INTENDED LICENCES)

2013-01-15

File: FOR (FILE NUMBER)

(FIRST NATION CHIEF & COUNCIL)
(ADDRESS):

Attention (FIRST NATION REPRESENTATIVE)

Dear (FIRST NATION CHIEF AND COUNCIL):

I am writing to inform you of the intended disposition (transfer) of (LIST THE LICENCE(S)) in the (DISTRICT OFFICE), currently held by (COMPANY NAME). The licence holder is proposing to transfer (LIST THE LICENCE(S)) to (COMPANY NAME ACQUIRING THE LICENCES). These licenses have a total allowable annual cut of (AAC m³) of timber and cover an area of (AMOUNT) hectares. Also incorporated in the transfer are associated (ROAD PERMIT ID) (see attached list) (add list if necessary).

Both the holder of the agreement and the intended recipient must give written notice to the minister of the intended transfer. The new tenure holder assumes all of the obligations of the original holder of the tenure. The minister must give notice that the disposition can proceed, unless the disposition will unduly restrict competition in the standing timber markets, log markets, or chip markets. The Tenures, Competitiveness, and Innovation Division will be conducting an assessment for the minister's consideration regarding whether the disposition unduly restricts competition in these markets. In our view, the nature of this transaction does not impact aboriginal claims *(delete "aboriginal claims" and insert "treaty rights" if dealing with a treaty First Nation)*
(Required information where the Minister is the decision maker. Use alternate paragraph below if the RED is the decision maker)



Ministry of Forests, Lands and Natural Resource Operations

Region

Mailing Address: Tel:

Fax:

Website: www.gov.bc.ca/for

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Both the holder of the agreement and the intended recipient must give written notice to the Regional Executive Director (RED) of the intended transfer. The new tenure holder assumes all of the obligations of the original holder of the tenure. The RED must give notice that the disposition can proceed where he/she has determined that i) the agreement is transferable, ii) all road permits in association with the licences are also being transferred iii) if a WL, the intended recipient is eligible to hold the licence and iv) the agreement has not been issued under BCTS. In our view, the nature of this transaction does not impact aboriginal claims ***(Required information where the RED is the decision maker, remove “aboriginal claims” and insert “treaty rights” if dealing with a treaty First Nation).***

The transfer does not change the nature of the licence, and the new tenure holder assumes all of the original holder’s tenure obligations. The purpose of the letter is to notify you that this transaction is underway so that you can make any necessary contact with the incoming and/or outgoing licensees. Licensee contact information has been attached to this letter. The Ministry of Forests, Lands and Natural Resource Operations intends to continue to consult with you in respect to your aboriginal interests (treaty rights if dealing with a treaty First Nation) and how those interests (treaty rights) may be impacted by future forestry decisions related to these licenses. ***(Required information. Note that if either or both of the licensees refuse to meet with First Nations then revise the paragraph and remove this reference)***

(LICENCE) was originally awarded directly to (NAME OF BAND) under a (NAME TYPE OF AGREEMENT) between the Province and your Band, (DATE SIGNED). It was issued to (COMPANY NAME) following an agreement the company made with your Band. Should the transfer of this license to (TRANSFEROR) be finalized, the terms of the (NAME TYPE OF AGREEMENT) remain in effect until its expiration on (EXPIRY DATE).

(Paragraph is relevant where there is an existing agreement with the First Nation that originally awarded a licence to the First Nation, subsequently transferred to the licensee, and which licence is now caught by the current transfer. Consider any specific existing arrangement(s) that may exist between the Crown, First Nation, and/or licensee that is relevant to the licences being transferred and provide information summarizing our understanding. Delete if not applicable.)

Consistent with the Forest and Range Consultation and Revenue Sharing Agreement between (NAME) Band and the province, we are initiating a 30 day notification process for the transfer of these licenses. We ask that you provide any comments in writing by (DATE) to (NAME), First Nations Consultation Officer, FLNRO.

(Paragraph relevant to FCRSA and level of consultation that is triggered for a transfer and which the parties agreed to. Check to determine if an agreement exists with the First Nation that captures the transfer(s) and if yes, what process was agreed to and must be followed. Revise wording to be consistent with existing agreement. Delete if not applicable.)

The Province entered into a Strategic Engagement Agreement (SEA) with the (NAME) Nation on (date). The SEA establishes procedures for meaningful consultation regarding

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strategic and operational land and resource management issues. The ministry has considered Schedule 1 of this agreement and is of the view that an initial engagement level of 1 is appropriate for the intended licence transfers. The engagement level modifiers were reviewed and it was not considered necessary to increase the engagement level. Please notify us if you do not agree with the proposed engagement level. We are initiating a 30 day notification process, and would ask that you provide any comments in writing by **(DATE)** to **(NAME)**, First Nations Relations, FLNRO.

(Paragraph relevant to SEA and engagement level that is triggered. Check to determine if an agreement exists with the First Nation that captures the transfer(s) and if yes, what process was agreed to and must be followed. Revise wording to be consistent with existing agreement. Delete if not applicable.)

If you would like to meet and discuss this matter by (date – provide 30 days or appropriate date consistent with any existing agreement), or require further information I can be contacted at **(PHONE NUMBER)** or via email at **(E-MAIL ADDRESS)**.

Sincerely,

(FIRST NATION COORDINATOR NAME)

First Nations Relations

(FOREST REGION)

Ministry of Forests, Lands and Natural Resource Operations

(PHONE #)

Attachment: maps, list of road permits, licensee contact information

Licensee Contact Information

(TRANSFEROR)

(NAME, TITLE, ADDRESS, PHONE NUMBER)

(TRANSFeree)

(NAME, TITLE, ADDRESS, PHONE NUMBER)