

Instrument No. 5 to TFL 55

The following documents issued under the *Forest Revitalization Act* have amended TFL 55 as follows:

- 1) FRA Orders # 3(2) 14-1 reduced the Licence holder's AAC apportionment by 6,000 m³;
- 2) Minister's letter to the Licence holder, dated September 13, 2007, made available the following volumes for disposition:

6,000 m³ to TSLs or FLTCs;
- 3) The TFL 55 Schedule of Amendments amended various paragraphs of the TFL 55 agreement to allow for the above disposition.

Minister of Forests

ORDER # 3(2) 14-1

(Order made under section 3 of the *Forestry Revitalization Act*, S.B.C. 2003, c.17, and section 33.2(2) of the Timber Harvesting Contract and Subcontract Regulation, B.C. Reg. 22/96)

I, the Honourable Michael de Jong, Minister of Forests, hereby order that

Definitions

1. In this Order,
 - a. "Act" means the *Forestry Revitalization Act*,
 - b. words and phrases have the same meaning as in the Act, and
 - c. "Schedule" means the schedule to this Order.

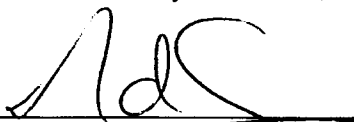
Forest licences, tree farm licences and timber sale licences

2. For the purposes of section 3 (2) of the Act, the reduction in the allowable annual cut attributed to a forest licence, a tree farm licence, or a timber sale licence listed in Column 2 of the Schedule is as set out in Column 3 of that Schedule opposite that licence.
3. For the purposes of section 3 (5)(c) and section 3 (5.1) of the Act, the date the reduction in allowable annual cut attributed to the licence listed in Column 2 of the Schedule occurs, is March 31, 2005.

Replaceable Contracts

4. Under the authority of section 33.2 (2) of the Timber Harvesting Contract and Subcontract Regulation, the last date for making a forestry revitalization proposal in respect of the licences listed in Column 2 of the Schedule is July 30, 2006.

This Order signed on the 21st day of Dec , 2004, in Victoria, by:



The Honourable Michael de Jong, Minister of Forests

SCHEDULE TO MINISTER'S ORDER # 3(2) 14-1

Column 1	Column 2	Column 3
Licensee	Licence Number	Reduction in Allowable Annual Cut (cubic metres)
LOUISIANA PACIFIC GROUP		
LP Engineered Wood Products Ltd.	A17645	24 000
LP Engineered Wood Products Ltd.	TFL55	6 000



SEP 13 2007

Bob Holland
Louisiana-Pacific Canada Ltd.
Box 170
Golden, British Columbia
V0A 1H0

Dear Mr. Holland:

Minister's Order # 3(2) 14-1, issued pursuant to section 3(2) of the *Forestry Revitalization Act* (Act), attributed a 6,000 m³ reduction to the allowable annual cut (AAC) available to the holder of Tree Farm Licence (TFL) 55. In accordance with the Order, this reduction occurred on March 31, 2005 but is deemed to have come into force on March 31, 2003, as per Section 3(5.1) (c) of the Act.

Until further notice, I have determined in accordance with Section 47.8 of the *Forest Act*, that the above-noted AAC reduction for TFL 55 will be available for disposition as follows:

<u>Method of Disposition</u>	<u>Volume</u>
Forest Licences (Division 2 of Part 3)	0 m ³
Timber Sale Licences (Division 3 of Part 3), or Forestry Licences to Cut (Section 47.6(3))	6,000 m ³
Forest Licences and/or Forestry Licences to Cut (Section 47.3)	0 m ³
Forestry Licences to Cut (Section 47.6(2))	<u>0 m³</u>
TOTAL	<u>6,000 m³</u>

As provided for by section 5(3) of the Act, licences are deemed to have been amended to reflect the content of a Minister's Order. Accordingly, TFL 55 is deemed to have been amended as of March 31, 2003, by amending paragraph 1.09 and adding paragraph 1.12.1. The details of these amendments can be found in the attached *Schedule of Amendments* (Schedule). The Schedule also includes amendments to paragraphs 1.11, 1.12, 1.13, 1.18, 13.02, 13.03, 13.07, 13.08 and 21.02, which are consequential to other changes in legislation. The purpose of including these amendments is to provide clarity with respect to the authority of the Timber Sales Manager under this licence.

Minister of
Forests and Range
and Minister Responsible
for Housing

Office of the
Minister

Mailing Address:
PO Box 9049 Stn Prov Govt
Victoria BC V8W 9E2
Telephone: 250 387-6240
Facsimile: 250 387-1040

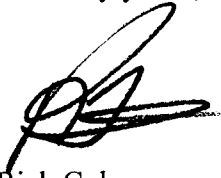
Location:
Parliament Buildings
Victoria BC V8V 1X4
e-mail: FOR.Minister@gov.bc.ca

Bob Holland

The attached Schedule forms an integral part of TFL 55 and should be attached thereto.

If you have any questions regarding this letter, please contact Dave Parsons, Regional Staff Manager, Southern Interior Forest Region, at (250) 828-4015.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'RC', written over a horizontal line.

Rich Coleman
Minister

Attachment: TFL 55 – Schedule of Amendments

pc: T.P. (Phil) Zacharatos, Regional Executive Director, Southern Interior Forest Region
Jim Langridge, Director, Resource Tenures and Engineering Branch
Serg Pereverzoff, Timber Sales Manager, Okanagan-Columbia Timber Sales Office
Dave Raven, District Manager, Columbia Forest District
Dave Parsons, RSM, Forest Revitalization, Southern Interior Forest Region

TFL 55

SCHEDULE OF AMENDMENTS

As per Section 5 of the *Forestry Revitalization Act*, paragraph 1.09 is deemed to have been amended March 31, 2003, to reflect Minister's Order # 3(2) 14-1.

1. Paragraph 1.09 is amended by replacing it with the following paragraph:

- 1.09 Each year during the term of this Licence, the Regional Manager, District Manager and/or the Timber Sales Manager, according to the authority provided in the *Forest Act*, may dispose of the following volumes of timber of a type specified in paragraph 1.03 from a type of terrain specified in paragraph 1.04, provided the timber is within areas of Schedule B Land agreed to under paragraph 1.12, paragraph 1.12.1 or specified under paragraph 1.13:
- (a) subject to paragraph 1.17, 11 675 m³ of the allowable annual cut, under non-replaceable timber sale licences or forestry licences to cut awarded under section 47.6(3) of the *Forest Act*;
 - (b) 6 000 m³ of the allowable annual cut, in accordance with a disposition plan approved by the Minister pursuant to section 47.8 of the *Forest Act*; and
 - (c) a volume of timber not exceeding one half of one percent (0.5%) of the portion of the allowable annual cut the Chief Forester determines is attributable to Schedule B Land, under free use permits.

For the most part the following amendments are consequential to changes in legislation and are included to provide clarity with respect to the authority of the Timber Sales Manager under this licence. The addition of paragraph 1.12.1 is consequential to the deemed amendment to paragraph 1.09.

2. Paragraph 1.11 is amended by replacing it with the following paragraph:

- 1.11 In addition to any timber disposed of under paragraph 1.09 and 1.10, the Regional Manager, District Manager and/or Timber Sales Manager, may dispose of any timber in the Licence Area that is not
- (a) of a type specified in paragraph 1.03,
 - (b) from a type of terrain specified in paragraph 1.04,
- provided the timber is within areas of Schedule B Land agreed to under paragraph 1.12 of specified under paragraph 1.13.

3. Paragraph 1.12 is amended by replacing it with the following paragraph:

- 1.12 Subject to paragraph 1.13, the District Manager and/or the Timber Sales Manager and the Licensee will agree upon areas of Schedule B Land for the purpose of paragraphs 1.09 (a) and (c), 1.10, 1.11 and 1.18, having regard to
- (a) the type and quality of timber on the area of Schedule B Land under consideration compared to the Schedule B Land as a whole,

- (b) the type of terrain on the area of Schedule B Land under consideration compared to the Schedule B Land as a whole,
- (c) in the case of paragraph 1.10, the type of timber referred to in Section 40(1)(b) of the *Forest Act*,
- (d) in the case of paragraph 1.18, the nature of the Licensee's failure to comply with the management plan,
- (e) the management plan in effect under this Licence and the forest development plan approved in respect of the Licence,
- (f) any potential interference with the operations of the Licensee under this Licence, and
- (g) use of the Licence Area for purposes other than timber production, including use of the Licence Area by
 - (i) trappers, guide outfitters, range tenure holders, and other licensed resource users, and
 - (ii) aboriginal people claiming an aboriginal interest in or to the area.

4. The following paragraph is added:

- 1.12.1 For the purposes of paragraph 1.09 (b), the operating areas of Schedule B Land as were selected under Phase 2 of Timber Reallocation and confirmed by letter dated October 3, 2005.

5. Paragraph 1.13 is amended by replacing it with the following paragraph:

- 1.13 If under paragraph 1.12, the District Manager and/or the Timber Sales Manager and the Licensee are unable to agree upon areas of Schedule B Land for the purposes of paragraphs 1.09 (a) and (c), 1.10, 1.11 and 1.18, the District Manager, the Timber Sales Manager or the Licensee may refer the matter to the Regional Manager, in which case the Regional Manager, subject to paragraph 1.16, having regard to
- (a) the factors referred to in paragraph 1.12, and
 - (b) the recommendations of the District Manager and/or the Timber Sales Manager and the Licensee,
- will specify areas for these purposes.

6. Paragraph 1.18 is amended by replacing it with the following paragraph:

- 1.18 If
- (a) a management plan referred to in paragraph 2.01 or approved under paragraph 2.28 provides that part of the allowable annual cut is to be harvested from a specified part of the Licence Area or from a specified type of timber or terrain, and the Licensee fails to comply with that provision, and
 - (b) as a consequence, the Chief Forester, under Section 69 of the *Forest Act*, reduces the portion of the annual allowable cut available to the Licensee

then, in addition to any timber disposed under paragraphs 1.09, 1.10, and 1.11, the Regional Manager, District Manager or Timber Sales Manager may dispose of a volume of timber, from areas of Schedule B Land agreed to under paragraph 1.12 or specified under paragraph 1.13, up to an amount equal to the amount by which the Chief Forester reduces the allowable annual cut under Section 69 of the *Forest Act* multiplied by the number of years the reduction remains in effect.

7. Paragraph 13.02 is amended by replacing it with the following paragraph:

- 13.02 The Regional Manager, District Manager or Timber Sales Manager may carry out on Schedule B Land and Schedule A Land subject to a timber licence
- (a) silviculture the Crown is required to carry out, under the Acts or regulations referred to in paragraph 9.01, and
 - (b) any other silviculture, provided it does not
 - (i) compromise the management plan in effect under this Licence or a forest development plan approved in respect of this licence, or
 - (ii) unreasonably interfere with the Licensee's operations under this Licence.

8. Paragraph 13.03 is amended by replacing it with the following paragraph:

- 13.03 Where the Regional Manager, District Manager or Timber Sales Manager carries out silviculture referred to in paragraph 13.02, the Regional Manager, District Manager or Timber Sales Manager, as the case may be, will ensure the silviculture is consistent with the intent of the management plan in effect under this Licence, except where the Regional Manager, District Manager or Timber Sales Manager is required to depart from the management plan because of the requirements of a higher level plan or the Acts, regulations or standards referred to in paragraph 9.01.

9. Paragraph 13.07 is amended by replacing it with the following paragraph:

- 13.07 Upon reasonable notice from the Regional Manager, District Manager or Timber Sales Manager, the Licensee will provide a Ministry employee with reasonable office and living accommodation on premises owned or operated by the Licensee in or near the Licence Area, to enable the Ministry employee to fulfill an obligations or exercise a right under this Licence.

10. Paragraph 13.08 is amended by replacing it with the following paragraph:

- 13.08 The Licensee may charge the Regional Manager, District Manager or Timber Sales Manager, as the case may be, for costs reasonably incurred in providing the accommodation referred to in paragraph 13.07.

11. Paragraph 21.02 is amended by adding the following definition as subparagraph (ii.1):

- 21.02 In this Licence, unless context otherwise requires,
- (ii.1) "Timber Sales Manager" means
 - (i) a Timber Sales Manager appointed under the *Ministry of Forests and Range Act* for a BC timber sales business area in which all or part of the Licence is situated, and
 - (ii) any person authorized by the Timber Sales Manager to exercise a power or fulfil a duty under this Licence.

This Schedule forms an integral part of TFL 55 and should be attached thereto.