Land Base Investment Program and the Land Base 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 Land Base Investment Rationale (LBIR) is the intermediary between recipient’s individual needs and those of the management unit [Timber Supply Areas (TSA), Tree Farm Licenses (TFL)]. The LBIR provides context and focus for FIA land base investments, linking strategic objectives and issues with eligible land base activities across the LBIR.

LBIR Structure
The process, content and structure of the LBIR is essentially unchanged from last year. LBIP funding for woodlot licences is available for certain eligible land base activities on Crown land. A separate allocation of LBIP funding, coordinated through the Federation of BC Woodlot Associations and administered by PricewaterhouseCoopers (PwC), is provided for eligible activities on woodlot licences. Community forests participate in and are included within the appropriate TSA LBIR.

The current LBIP First Nations information sharing process clarifies roles and responsibilities among the LBIP funding recipients as well as district staff, and the LBIP administrator. The Ministry of Forests and Range (MFR) is committed to implementing a more strategic approach to information sharing with First Nations on LBIP activities.

The LBIR structure is designed to improve efficiency and effectiveness of the program and increase collaboration across management units. Considerations for gaining efficiencies in the LBIR structure are outlined below:
Provincially:
- LBIR structure may be configured into a logical unit to describe issues and activities, for example, where there are multiple Forest Districts (FDs) within one management unit (MU), such as a TSA.
- Community Forests will be included with the appropriate TSA LBIR.
- One LBIR may be prepared where an Innovative Forest Practices Agreement (IFPA) covers more than one MU and it is a logical unit to describe issues and activities.

Northern Interior Forest Region:
- Multiple Forest Districts within a single TSA example: The Prince George TSA spans multiple FDs (Fort St. James, Vanderhoof, and Prince George). One LBIR may be prepared for the Prince George TSA, however, district-specific issues should be outlined, possibly in separate sections.

Coast Forest Region:
- TFL Blocks may be included with the appropriate TSA LBIR rather than the former approach that included all TFL Blocks within one LBIR (that may have spanned more than one Forest District). TFL-specific issues should be outlined, possibly in separate sections.

Southern Interior Forest Region:
- Multiple Forest Districts within a single TSA example: The Williams Lake TSA spans multiple FDs (Chilcotin and Central Cariboo). One LBIR may be prepared for the Williams Lake TSA, however, district-specific issues should be outlined, possibly in separate sections.

**LBIR Preparation**

One recipient for each LBIR will take responsibility for organizing, administering and submitting the document on behalf of multiple recipients (and possibly multiple management units). The LBIR “Lead” will ensure completion of the LBIR and will also ensure that content for specific MU issues and activities (e.g., TFLs, Community Forests, Forest Districts) is included within the document with input from all participating recipients.

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

**Timing**

The LBIR “cycle” will need to start at the end of the calendar year or earlier to allow for the information sharing process to occur during February and March. This timing is intended to allow for an adequate amount of review time within the information sharing process, so that projects can begin as early as possible in the upcoming fiscal year (after April 1st.)
Starting the LBIR development late in the calendar year is not mandatory but encouraged in order to prevent process “hold ups” that could occur if the LBIR is finalized later into the new calendar year.

Content

The LBIR 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);

- 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;

- A listing of eligible activities that will address the management 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 LBIR, 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 LBIR submission). The LBIR 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. FSP, FDP, 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 each of the MUs covered in the LBIR 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 each of the MUs covered in the LBIR;

4. Identify eligible LBIP activities and supporting strategies that will go towards resolving key issues and meeting MU and LBIP objectives. Include additional details if projects can be outlined at this stage (such as planned aerial photography or ground sampling phases for a Vegetation Resources Inventory);

5. Briefly describe the expected benefits from the 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 that has taken place for this project (including FIRS project #); and,

7. Outline the information sharing 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.

For the template, please refer to the “LBIP Rationale (LBIR) Template”.

Review, Update, and Submission

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

Funding

Costs associated with ensuring the LBIR is submitted to PwC in a timely manner are eligible under the LBIP. A funding cap will not be associated with this activity. Funding will be provided based on the time and effort required recognizing that this activity is subject to both a performance and financial audit.

Recipients can submit a project plan to cover the cost or transfer a portion of their allocation to the recipient that has agreed to take responsibility for completing and submitting the LBIR document.

Below is a funding guidance template that recipients should include with their project plans when submitting to PwC.

<table>
<thead>
<tr>
<th>Identify Lead Recipient for the Management Unit</th>
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<tbody>
<tr>
<td>LBIR BUDGET OUTLINE</td>
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<tr>
<td>LBIR Phase</td>
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<td>LBIR Lead, Planning with FIA Recipients</td>
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<td>LBIR Draft Document</td>
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<tr>
<td>LBIR MFR Review and Guidance – First Nations Information Sharing Requirements</td>
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<td>LBIR First Nation Information Sharing</td>
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<td>LBIR Final Document</td>
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</table>
The lead recipient initiates the FN information sharing process with the MFR first (note that it is not expected that all recipients have to go to the District Manager to discuss; just the lead who then brings it back to the group).

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 MFR policy and guidelines for consultation can be found on the MFR’s Aboriginal Affairs Branch website at http://www.for.gov.bc.ca/haa/policies_reports.htm

The MFR 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 projects undertaken by recipients 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 LBIR Lead will take responsibility for organizing, administering and submitting the LBIR on behalf of multiple recipients. The LBIR 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 LBIR development and the information sharing process for the LBIR lead, management unit recipients, and District is provided below, followed by the detailed process for information sharing.
Roles and Responsibilities for Information Sharing

The LBIR Lead is responsible for:

1) Providing opportunities for review and input into the draft LBIR for management unit recipients (including community forests) and government staff as appropriate.
2) Taking the completed LBIR to the District First Nation specialist.
   Note: LBIR Leads for management units within a Forest District are encouraged to meet together with the District staff to help create efficiencies for recipients, Districts and the First Nation(s) involved.
3) Sharing and distributing information sharing requirements with individual management unit recipients, including which First Nation(s) need to be contacted.
4) Submitting the final LBIR to PwC.

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

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

The Management Unit recipients are responsible for:

1) Fully understanding the information sharing requirements and process for the LBIP.
2) Providing the LBIR Lead with relevant history on projects planned and information sharing completed.
3) Carrying out the required information sharing.
4) 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.

Process for Information Sharing

The following is a general process for the information sharing associated with LBIP projects and is provided as guidance for consideration only. The MFR District may have additional information and guidance, therefore the recipient should contact the MFR District First Nation specialist to ensure that the appropriate information sharing process is followed.
<table>
<thead>
<tr>
<th>Step</th>
<th>Activities</th>
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</table>
| 1    | Contract obligations  
1.1 **Recipients** 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. |
| 2    | Level of information sharing and identification of relevant Aboriginal Groups  
2.1 **Recipients** 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 MFR District First Nation specialist and/or District Manager and documented in the appropriate LBIR.  

**Note:** For some activities, **Districts** may not ask for information sharing by the Recipient.  

**Note:** The level of information sharing may change as the process unfolds in relation to information a First Nation may provide regarding aboriginal interests.  

**Note:** Where project locations overlap two districts, one **District** should take the lead and notify the other district. |
| 3    | Notification and project batching  
3.1 **Notification**  
Where a **Recipient** is instructed by the MFR, and as documented in the LBIR, to undertake “notification only” for a project or set of projects, the notification must be done prior to the project starting and may be in the form of a letter from the **Recipient**. The letter would explain the purpose of the project, when it will occur, and that it is only notification. The **Recipient** will document the steps taken in FIRS.  

3.2 **Project batching**  
Where a **Recipient** or a group of **Recipients** are able to collaborate on a single LBIP information sharing package to First Nations, this approach is encouraged. The **Recipient(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). |
For projects requiring additional Information Sharing after the acceptance of the LBIR, the following steps should be addressed:

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<tr>
<th>Step</th>
<th>Activities</th>
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<tr>
<td>4</td>
<td><strong>Information sharing</strong></td>
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<td><strong>4.1 For projects that require information sharing beyond notification (as documented in the LBIR), Recipients must:</strong></td>
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<td></td>
<td>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.</td>
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<td>2. Provide an opportunity for the First Nation(s) to have the information explained to them.</td>
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<td>3. Provide First Nations with an appropriate time to respond with information. Where projects require shorter timelines, an explanation is required in the letter.</td>
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<td><strong>4.2 If First Nation’s comments are not received, the Recipient must:</strong></td>
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<td></td>
<td>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.</td>
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<td>2. Notify the MFR District First Nation specialist outlining steps taken and reasons for lack of First Nation participation.</td>
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<td>3. Document steps taken in FIRS.</td>
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<td></td>
<td>The <strong>District First Nation specialist and/or District Manager</strong>, if not already involved, may contact the First Nation and may undertake further steps to ensure that consultation has been appropriate.</td>
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<td>The <strong>District Manager</strong> 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 and First Nation.</td>
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<tr>
<td></td>
<td><strong>4.3 If First Nation’s comments are received, the Recipient</strong></td>
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<td></td>
<td>1. Must consider any concerns and information on aboriginal interests received in writing or in person.</td>
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<td>2. With the concurrence of the <strong>District First Nation specialist</strong>, may propose appropriate revisions to the project to address concerns and aboriginal interests raised.</td>
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</table>
|      | 3. Must summarize results from information sharing including comments received from the First Nation(s), concerns raised and how aboriginal interests and other concerns raised were addressed/or not. The **Recipient**
<table>
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<tr>
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<td>will send the summary to the MFR District First Nation specialist and District Manager or designate and record the information in FIRS.</td>
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The **District Manager** will review the information sharing summary and:

1. If the **District Manager** is satisfied that the information sharing process was adequate, they will notify the Recipient and First Nation, or
2. The **District Manager or designate** will notify the Recipient if they require
   - 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.

If the **Recipient** receives further requests from the District Manager or designate they must:

1. Complete the requirements as requested by the District Manager or designate.
2. Inform the District Manager or designate that the change has been made* and,
3. Amend the Project Plan in FIRS.

*The **District Manager or designate** will review the modified project information to determine if the requirements have been addressed, and will communicate the decision to the Recipient and the First Nation.

**4.4 If the Recipient cannot address the First Nation’s comments:**

The **Recipient** must

1. Notify the District First Nation specialist and/or District Manager 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

The **District Manager or designate** will review the information sharing summary and:

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. Will notify the Recipient if they require
   - 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.

If the **Recipient** receives further requests from the District Manager or designate
### Step Activities

they must:
1. Complete the requirements as requested by the District Manager or designate
2. Amend the Project Plan in FIRS and,
3. Inform the District Manager or designate

The **District Manager or designate** will review the modified project information to determine if the requirements have been addressed, and will communicate the decision to the Recipient and the First Nation.

### 5 Project Approval

**Upon receiving notification from the District Manager:**

1. The **Recipient** 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 is sufficient, the project should be submitted to PwC for review and eligibility under the LBIP (funding can then be released).