

2018

Lower Nicola Indian
Band

Stephen Jimmie,
Lands Manger

LNIB TIMBER PERMIT POLICY

October 31, 2018

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REVIEW AND REVISIONS

Change #	Date	Key Changes	Reviewer
1	September 2018	Original issue by Holly Vear (draft)	Stephen Jimmie
2	September 21, 2018	Recommended including option for use of stumpage rates according to the BC Interior Appraisal Manual for Timber Pricing	Don Gosso, Shulus Forestry Enterprise
3	September 24, 2018	No changes	Lands Management Advisory Committee
4	September 26, 2018	No changes	All Directors
5	October 16, 2018	No significant changes	Holly Vear & Murray Browne, Woodward & Company
6	October 22, 2018	No changes, recommended ratification by Council with Resolution No. 2018-01	Lands Management Advisory Committee
7	November 6, 2018	No changes, ratified by Resolution	Chief and Council
8	November 8, 2018	Update Review and Revisions table, insert resolution date in Part 3, Section 17, insert approval date on Page 14.	Stephen Jimmie

Part 1 Purpose

1. The objectives of this policy are:
 - a. to set out a standardized set of rules and processes that apply to obtaining a timber permit on LNIB Land to harvest timber and, in some circumstances, to sell timber harvested on LNIB Land; and
 - b. to clearly define the roles and responsibilities of the Lands Manager, the Lands Management Advisory Committee, the Lands Department and applicants during the application process.
2. This policy is not intended to provide legal advice to any person.

Part 2 General

Definitions

3. The definitions in section 2.1 of the Land Code apply to this Policy.
4. In addition, for the purposes of this policy,

“permittee” means a Person to whom the Lands Manager has issued a timber permit in accordance with this policy,

“policy” means this LNIB timber permit policy,

“site plan” means a plan described at section 27.d of this policy, and

“timber permit” means a permit that has been issued by LNIB as a Licence under the Land Code to authorize the following:

 - a. the harvesting of timber on LNIB Land, which may also include the authority to sell the timber, or
 - b. the sale of timber harvested under a LNIB authorization other than pursuant to this policy.
5. The term “harvest” or any modification of that term (e.g. harvested, harvesting) in relation to timber, includes the removal or clearing of timber regardless of the purpose for which the timber will be used.
6. A reference to a section number means the section appearing in the section’s corresponding Part of this policy.

Role of Council

7. Council has delegated its authority, to grant a timber permit and to impose conditions on a timber permit in accordance with this policy, to the Lands Manager.

Role of the Lands Manager

8. The Lands Manager is responsible for:
 - a. receiving and reviewing applications for a timber permit;
 - b. referring complete applications for a timber permit to harvest timber to the Lands Management Advisory Committee;
 - c. taking into account the input from the Lands Management Advisory Committee, deciding whether to approve or refuse applications for a timber permit, including subject to terms and conditions;
 - d. issuing timber permits and written reasons if an application is refused;
 - e. advising on applicable stumpage rates, or other fees for the commercial sale of timber;
 - f. receiving and reviewing timber harvest completion reports; and
 - g. delegating permissible duties to Lands Department staff.

Role of the Lands Management Advisory Committee

9. The Lands Management Advisory Committee is responsible for:
 - a. reviewing applications for a timber permit to harvest timber in order to determine whether to recommend that the Lands Manager approve or refuse the applications; and
 - b. recommending that a timber permit to harvest timber be subject to certain terms and conditions, if applicable.

Role of the Lands Department

10. The Lands Department is responsible for:
 - a. ensuring all requirements under this policy are complied with during the assessment of applications;
 - b. ensuring the monitoring and enforcement of timber permits;
 - c. maintaining a file in the Lands Department for all timber permits; and
 - d. carrying out any tasks under the supervision of the Lands Manager or delegated by the Lands Manager.

Approved Template Land Instruments

11. The following schedules set out the approved standard forms for the different types of timber permit applications and timber permits described in this policy:
 - a. Schedule A: Timber Permit Application – Timber Harvest with Option for Sale;
 - b. Schedule B: Timber Permit Application – Sale of Timber Harvested under Other LNIB Authorization;
 - c. Schedule C: Timber Permit – Firewood;
 - d. Schedule D: Timber Permit – Harvest and Sale;
 - e. Schedule E: Timber Permit – Sale of Timber Harvested under Other LNIB Authorization.

Part 3 Policy

Application of this Policy

14. Subject to section 15, this policy applies to any timber harvesting on LNIB Land and to the sale of timber harvested on LNIB Land.
15. If, under the authority of another LNIB policy or Law, LNIB authorizes a development or other undertaking that requires a Person to harvest timber (e.g. to clear land), then that authorization and any applicable terms and conditions will apply to regulate the timber harvesting.
16. For certainty, the commercial sale of all timber harvested on LNIB Land is regulated under this policy. See sections 44-50 for the applicable procedure when a Person seeks to sell timber harvested under a LNIB authorization other than pursuant to this policy.

Delegation

17. In accordance with the Resolution passed on November 6, 2018, Council delegates its authority to grant a timber permit and impose conditions on a timber permit to the Lands Manager in accordance with section 31.2 of the Land Code.
18. The Lands Manager may delegate his or her duties set out at sections 28-30, 38, 39 and 49 to staff in the Lands Department.

Subject to LNIB Laws

19. This policy is subject to all LNIB Laws.

Applicant Eligibility

20. Only the following are eligible to qualify for a timber permit:
 - a. Members; and
 - b. LNIB-owned entities.

Timber Permit or Other Authorization Required to Harvest Timber

21. Subject to the exemption at section 22, a Person may only harvest timber from LNIB Land if the timber harvesting is authorized:
 - a. in a timber permit issued for the following purposes:
 - i. for firewood for either personal use or donated for the use of LNIB Elders or other Members,
 - ii. for commercial sale; or
 - b. pursuant to another LNIB policy of Law.

Exemption

22. A timber permit, or other authorization, is not required to harvest the following on CP Land in any calendar year:
 - a. up to four trees of 50 centimetres diameter or less at 1.4 metres height; or
 - b. not more than two trees of 50 centimeters diameter or greater at 1.4 metres height.

Sale of Timber

23. Subject to LNIB obtaining a timber mark from the Province of British Columbia, a Person may only sell timber harvested on LNIB Land if the sale is authorized in a timber permit.

No Assignment

24. A timber permit may not be assigned.

Part 4 Process

Applying for a Timber Permit to Harvest Timber

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26. A Person may apply to the Lands Manager for a permit to harvest timber by submitting an application that contains the information provided at Schedule “A” to the Lands Department.
 27. A complete application to harvest timber will include the following:
 - a. An appropriately scaled map (1:5,000 or 1:10,000) that indicates where the proposed timber harvesting will be located and includes, where applicable:
 - i. North arrow
 - ii. Legend
 - iii. Land parcel boundaries, lot numbers and a sketched-out site plan showing the exact proposed harvest area
 - iv. Contour lines
 - v. Established roads
 - vi. Proposed roads
 - vii. Labeled and classified water courses (e.g. W1 wetland, S4 stream)
 - viii. Bridges and culverts
 - ix. Landings
 - x. Terrain features
 - xi. Forest cover information
 - xii. Elevation
 - xiii. Skidding/yarding direction
 - xiv. Existing infrastructure (e.g. buildings, camps)
 - xv. Identification of the following values provided for in the site plan:
 - A. cultural use sites and heritage sites
 - B. wildlife habitat in accordance with section 27(E)(iv)
 - C. fisheries
 - D. community watersheds
 - E. recreation features
 - b. A Land Status Report
 - c. If required, an environmental assessment approval in accordance with the LNIB Individual Agreement
 - d. A site plan that will include/identify the following:
 - i. species composition and density
 - ii. forest health concerns (e.g. prevalence of gall rust or stem rust)
 - iii. cultural use sites and heritage sites
 - iv. wildlife habitat, including any habitat protected by the Species at Risk Act and provincial endangered species legislation upon its enactment and coming into force
 - v. fisheries
 - vi. community watersheds
 - vii. recreation features
 - viii. harvesting methods to be used
 - ix. equipment to be used
 - x. the applicable dates for all activities

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- xi. location of work relative to water courses and other values identified by LNIB as significant
 - xii. post-harvest prescription
 - xiii. slash disposal method
 - xiv. deactivation and rehabilitation plans for roads and landings
 - xv. reforestation prescription
 - xvi. site preparation methods, if applicable
- e. Consent of CP-holder: if the timber harvesting is proposed on CP land, the application to harvest timber must be signed by the CP-holder demonstrating consent to the proposed harvest.

Review of Application to Harvest Timber

- 28. The Lands Manager will review the application to harvest timber and supporting materials for completeness and may request additional information from the applicant.
- 29. The Lands Manager may access and review the applicant's credit history to help assess whether the applicant can likely manage the financial costs associated with the proposed timber harvesting.
- 30. Following this review, the Lands Manager will refer the application and supporting materials to the Lands Management Advisory Committee.

Lands Management Advisory Committee Review

- 31. The Lands Management Advisory Committee will review the application to harvest timber and all supporting information and determine whether to recommend that the Lands Manager approve or refuse the application to harvest timber based on consideration of the following factors:
 - a. the promotion of health, safety, convenience and welfare of Members and of Interest Holders, residents, occupants of LNIB Land;
 - b. the well-planned and orderly development of LNIB Land and the preservation of amenities and special features of LNIB Land;
 - c. compliance with any applicable land use plan, zoning requirements, and other LNIB enactments and with applicable federal, provincial and municipal laws and standards;
 - d. any potential impacts on habitat for fish or wildlife;
 - e. environmental protection and enhancement;
 - f. flood plain measures;
 - g. the protection and enhancement of cultural and heritage sites;
 - h. viewscales, aesthetics and visual qualities;

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- i. the conservation of property values;
 - j. the potential impacts on adjacent uses, Interest Holders and occupants;
 - k. the development of the zone, neighbourhood and LNIB Land in a manner that contributes to the economic, environmental, cultural and community health of LNIB, Members and the occupants of LNIB Land;
 - l. any information provided and any authorizations granted by LNIB, including any terms or conditions, in relation to the same lands; and
 - m. any other factors which may have an impact on the community or LNIB Land.
32. The Lands Management Advisory Committee may:
- a. request additional information from the applicant; or
 - b. recommend the Lands Manager
 - i. approve the application, or
 - ii. refuse the application.
33. If the Lands Management Advisory Committee recommends the Lands Manager approve the application, the Committee may recommend that the approval be subject to certain terms and conditions in addition to the mandatory terms and conditions of all timber permits provided at sections 41 and 42.
34. The Lands Management Advisory Committee will notify the Lands Manager of their recommendation on the application to harvest timber including any terms or conditions imposed under section 33. The Committee's decision will include reasons if the Committee recommends the Lands Manager refuse the Timber Harvest Application.

Lands Manager Decision

35. Upon receipt of the recommendation under section 34, the Lands Manager will review the application to harvest timber and all supporting information, including the Lands Management Advisory Committee's recommendation and consider the factors provided at section 31, and may
- a. request additional information from the applicant; or
 - b. decide either
 - i. to approve the application, or
 - ii. refuse the application.
36. If the Lands Manager approves the application, his or her decision must specify whether he or she modified the applicant's site plan. For example, if the harvesting area, the volume of timber or tree species has been changed.

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37. In addition to the mandatory timber permit terms and conditions provided at sections 41 and 42, the Lands Manager may approve the application to harvest timber with any reasonable terms or conditions.
 38. The Lands Manager will notify the applicant of the Lands Manager's decision and will either
 - a. issue a timber permit with applicable terms or conditions; or
 - b. provide a copy of the Lands Manager's reasons for refusing the application to harvest timber.

Stumpage Rate

39. If the applicant is seeking to both harvest and sell the timber, the Lands Manager will advise the applicant of the applicable stumpage rate, or if LNIB will impose a separate fee.
40. The stumpage rate will be based on rates set out in the BC Interior Appraisal Manual for Timber Pricing, as amended from time to time, or on provincial stumpage rates for similar harvest on off-reserve lands but will take into account the circumstances and factors relevant to the specific harvest on reserve lands.

Permit Terms

41. A timber permit will include the following terms and conditions, in addition to any discretionary conditions imposed by the Lands Manager:
 - a. the permittee must ensure the activity under the timber permit is authorized by all CP-holders for the land in question, if applicable;
 - b. the permittee may only harvest timber in strict compliance with the approved site plan (which may have been modified by the Lands Manager as a term of approval);
 - c. the permittee must comply with the terms and mitigation measures set out in an applicable environmental assessment approval;
 - d. the permittee may only use a faller certified by the B.C. Forest Safety Council;
 - e. the permittee must follow all applicable laws and policies, including, but not limited to those related to safety and noise control;
 - f. timber harvested pursuant to a timber permit that authorizes harvesting for the sole purpose of providing the timber to LNIB Elders and other Members must only be provided for that purpose, and must not be sold or bartered for;
 - g. the permittee must carry insurance coverage in an amount and subject to the terms provided in the timber permit by the Lands Manager;

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- h. the permittee must obtain Workers' Compensation Insurance for all applicable activities carried out under the timber permit;
 - i. the timber permit will expire two years from the date of the permit's issuance.
 42. In addition to the terms provided at 41, a timber permit authorizing the harvest and sale of timber will include the following terms and conditions:
 - a. the permittee must provide a certified forest professional's assessment of the volume and quality of the timber to be harvested obtained by a timber cruise;
 - b. the permittee must pay to LNIB the applicable stumpage fee calculated at the stumpage rate, or other fee communicated by the Lands Manager under section 39;
 - c. all timber that is removed from LNIB Land under the timber permit must be scaled, stamped/marked and licensed in accordance with the Province of British Columbia's standards;
 - d. any non-marketable timber must be made available to LNIB Elders and other Members for firewood.

Timber Harvest Completion Report

43. The permittee must file a timber harvest completion report with the Lands Manager following the completion of timber harvesting activities authorized under a timber permit. The report must include the following:
 - a. a reference to the site plan and timber permit (include permit number);
 - b. a description of and rationale for any deviations in activities described in the original site plan;
 - c. a summary of the actual scaled volume of timber by species for each block or other designated area;
 - d. a schedule of all post-harvest surveys and other activities that are to be completed for a particular block or other designated area in accordance with the site plan;
 - e. GPS data of the final block boundary, location and status of roads and landings, streams, lakes and wetlands adjacent to blocks.

Timber Permit to Sell Timber Harvested under Other LNIB Authorization

44. A Person may apply to the Lands Manager for a permit to sell timber harvested under an LNIB authorization other than pursuant to this policy by submitting an application that contains the information provided at Schedule "B" to the Lands Manager.
45. A complete application under section 44 will include the following:

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- a. a copy of the LNIB authorization that allows the applicant to clear the timber that is the subject of the application;
 - b. a certified forest professional's assessment of the volume and quality of the timber to be harvested obtained by a timber cruise.
46. The Lands Manager will review an application received under section 44 for completeness and may
- a. request additional information from the applicant; or
 - b. decide either
 - i. subject to section 47, to approve the application, or
 - ii. to refuse the application.
47. Without limiting his or her discretion to refuse an application, the Lands Manager must not approve an application under section 46.b.i unless the Lands Manager confirms the applicant complied with all applicable terms of LNIB's authorization to clear the timber that is the subject of the application to sell the timber.
48. In addition to the mandatory timber permit terms and conditions provided at section 50, the Lands Manager may approve the application with any reasonable terms or conditions.
49. The Lands Manager will notify the applicant of the Lands Manager's decision, including the applicable stumpage fee based on the stumpage rate calculated in accordance with section 40, or other fee and will either
- a. upon receipt of the applicable stumpage fee or other fee from the applicant, issue a timber permit with applicable terms or conditions; or
 - b. provide a copy of the Lands Manager's reasons for refusing the application.

Permit Terms

50. A timber permit to sell timber harvested under an LNIB authorization other than pursuant to this policy will include the following terms and conditions, in addition to any discretionary conditions imposed by the Lands Manager:
- a. all timber that is removed from LNIB Land under the timber permit must be scaled, stamped/marked and licensed in accordance with the Province of British Columbia's standards;
 - b. any non-marketable timber must be made available to LNIB Elders and other Members for firewood;
 - c. the timber permit will expire six months from the date of the permit's issuance.

LNIB Government Timber Harvesting

51. The LNIB government is not required to comply with this policy to harvest timber on LNIB Community Land, or to sell that timber, for any purpose.

Suspending or Revoking a Timber Permit

52. The Lands Manager may suspend or revoke a timber permit with reasonable cause after giving notice to the permittee.
53. Without limiting the interpretation of reasonable cause under section 52, the following may serve as grounds to suspend or revoke a Person's timber permit:
- a. the Person is convicted of any offence under any Law or federal or provincial law relating to timber harvesting or the environment generally, or with respect to the land identified in the authorization;
 - b. the Person has ceased to meet the lawful requirements to carry on the activity for which they are authorized or relating to the land identified in the authorization.
54. Subject to Council enacting a dispute resolution law, a Person whose timber permit has been suspended or revoked under section 52 may appeal to Council on the grounds that there was no reasonable cause for the decision.

Authority of Enforcement Officers

55. Council may, by Resolution, appoint enforcement officers to enforce this policy.
56. Subject to a LNIB law that addresses enforcement powers of individuals appointed to enforce a LNIB law, and without limiting an enforcement officer's powers at law, an enforcement officer is authorized to do the following for the purpose of performing his or her duties or exercising his or her powers in relation to this policy:
- a. issue compliance notices;
 - b. at any reasonable time, enter
 - i. land or unoccupied premises, or
 - ii. a dwelling with the consent of the occupier or if authorized by a LNIB law or warrant issued by a court of competent jurisdiction;
 - c. make any reasonable inspection, investigation or inquiry necessary to determine if this policy, or a compliance notice, order or other instrument issued under this policy, has been complied with or contravened;
 - d. issue a stop work order to order any Person who has not received full and proper authorization under this policy to cease carrying out the applicable activities, which includes for certainty, carrying out activities if the Person's authorization is suspended or was revoked under section 52;

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- e. perform any other duties and exercise any other powers assigned or delegated to the enforcement officer by Council.

Part 5 References

- 53. In addition to this policy, consult the following resources:
 - a. the *LNIB Amended Land Code*;
 - b. the *First Nations Lands Management Act*;
 - c. the *Individual Agreement on First Nation Land Management between LNIB and Her Majesty the Queen in Right of Canada*; and
 - d. the *Canadian Environmental Assessment Act* and its associated regulations.

This policy is supported by Council and approved by Band Council Resolution on the 6th day of November, 2018.

Appendix - Legal Framework for Policy

The following Land Code provisions apply to authorizing a policy regulating timber harvesting on LNIB Land:

- a. 14.2 Council may, after full and fair consideration of any recommendations of the Lands Management Advisory Committee, establish mandatory standards, criteria and forms of Interests and Licences in LNIB Land.
- b. 14.6 The grant of an Interest or Licence, or Council's consent to the granting, disposition or encumbrance of an Interest or Licence, may, upon receiving recommendations from the Lands Management Advisory Committee, be made subject to conditions, but any such conditions must be set out in writing in the granting instrument or the document that records Council's consent, as the case may be.
- c. 16.1 in accordance with the Land Code, and any General Zoning Law and Land Use Plan, Council may by Resolution, upon a recommendation from the Lands Management Advisory Committee, grant Licences to take Natural Resources from LNIB Land.
- d. 18.1 The Lands Management Advisory Committee shall advise Council on the granting of Interests and Licences and may be authorized to act as a delegate of Council under this Part [Part 4 – Interests and Licences in Land].
- e. 31.2 Council may, by enacting a Law or by passing a Resolution, delegate administrative authority in relation to this Land Code or a Law to an individual or body established or authorized under this Land Code or pursuant to a Law.
- f. 35.1 The Lands Management Advisory Committee shall, subject to the approval of Council, establish a process for determining rents, royalties or other amounts relating to a process or grant under the Land Code.

SCHEDULE A
TIMBER PERMIT APPLICATION – HARVEST WITH OPTION FOR SALE

This application is required to obtain LNIB's approval and is to be completed by the applicant. Note: Lower Nicola Indian Band ("LNIB") reserves the right to reject the review of an incomplete application. The information below will be only used for the purpose for which it was obtained.

Please note that timber on LNIB Land is limited. Members are encouraged to apply to the B.C. Ministry of Forests, Lands, Natural Resources & Rural Development for Free Use Permits to harvest firewood off LNIB Land.

General Information			
Applicant Name:		Job Title:	
Company Name:			
Directors & Officer of Company:			
Company Registry No.:			
Address, City, Province, Postal Code:			
Email Address:		Phone #	
Project Information			
Lot #		Project No.:	
Status Of Land:	<input type="checkbox"/> CP Land <input type="checkbox"/> Leased Land <input type="checkbox"/> Reserve Land		
Reason for Removal of Timber:	<input type="checkbox"/> Firewood – Personal Use <input type="checkbox"/> Firewood – to be donated to Elders or other LNIB Members		
	<input type="checkbox"/> Sale of timber only (not firewood)		
Project Checklist			Notes:
Commencement Date of Requested Permit:			
Map attached (1:5,000 or 1:10,000)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Site Sketch Plan:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Land Status Report:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Environmental Assessment:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Site Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Project Description:			

All applicants must read and declare the following:

- I declare that all of the above statements and information contained in this application and in the material submitted in support of this application are, to the best of my knowledge, true and correct in all respects.
- I have a copy of, have read through and understand the LNIB Timber Permit Policy.
- I consent to having LNIB conduct or cause to be conducted a personal credit investigation.
- I agree to only use certified fallers and to follow all applicable laws and standards including safety standards and regulations.
- I agree that all timber that is removed from LNIB Land under a Timber Permit must be scaled, stamped and licensed in accordance with the Province of B.C.'s standards.
- I agree to ensure that all non-marketable timber will be made available to LNIB Elders and other Members for firewood.
- I agree to obtain or retain (i) insurance in an amount and subject to terms imposed by LNIB for the proposed work, and (ii) Workers Compensation Board coverage for any activity carried out in relation to this application.
- I agree to release and indemnify LNIB from all claims and liability in relation to any activities carried out under a permit issued based on this application.

Signature of Applicant:

Date:

If the Applicant is not the CP-Holder, the CP-Holder must sign below.

- I hereby consent to this application:

Signature of CP-Holder:

Date:

SCHEDULE B
TIMBER PERMIT APPLICATION – Sale of Timber Harvested Under Other LNIB Authorization

This application is required to obtain approval and is to be completed by the applicant. Note: Lower Nicola Indian Band ("LNIB") reserves the right to reject the review of an incomplete application. The information below will be only used for the purpose for which it was obtained.

General Information		
Applicant Name:	Job Title:	
Company Name:		
Directors & Officer of the Company:		
Company Registry No.:		
Address, City, Province, Postal Code:		
Email Address:	Phone #	
Project Information		
Lot #	Project No.:	
Status of Land:	<input type="checkbox"/> CP Land <input type="checkbox"/> Leased Land <input type="checkbox"/> Reserve Land	
LNIB Authorization permitting the harvesting of timber	<input type="checkbox"/> Development Permit (copy provided) <input type="checkbox"/> Other: _____ (copy provided)	
Volume and Quality of Timber Harvested	<input type="checkbox"/> Certified Forest Professional's assessment attached to application	For Office Use Only
		Stumpage Rate: _____ Stumpage Fee: _____ <input type="checkbox"/> Stumpage Fee Paid by Applicant [based on timber harvested]
		Other Fee:

All applicants must read and declare the following:

- I declare that all of the above statements and information contained in this application and in the material submitted in support of this application are, to the best of my knowledge, true and correct in all respects.
- I have a copy of, have read through and understand the LNIB Timber Permit Policy.
- I consent to having LNIB conduct or cause to be conducted a personal credit investigation.
- I understand that I must pay the stumpage fee communicated to me by LNIB prior to receiving a Timber Permit that authorizes the sale of timber.
- I agree that all timber that is removed from LNIB Land under a Timber Permit must be scaled, stamped and licensed in accordance with the Province of B.C.'s standards.

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- I agree to ensure that all non-marketable timber will be made available to LNIB Elders and other Members for firewood.
 - I agree to release and indemnify LNIB from all claims and liability in relation to any activities carried out under a permit issued based on this application.

Signature of Applicant:

Date:

**SCHEDULE C
TIMBER PERMIT - FIREWOOD**

TIMBER PERMIT#:

DATE OF PERMIT:

AGENT/APPLICANT:

OWNER OR REGISTERED HOLDER OF CP:

LEGAL DESCRIPTION (the 'Lands'):

TERMS AND CONDITIONS

This Timber Permit is issued in accordance with the Lower Nicola Indian Band ("LNIB") Land Code and the *LNIB Timber Permit Policy* (the "Policy") for the following purposes: (i) personal use for firewood; or (ii) donating the timber to LNIB Elders and Members for firewood.

This Timber Permit is subject to the following terms and conditions:

1. The Permittee must comply with the terms and conditions provided at section 41 of the Policy.
2. The Permittee must comply with the following terms and conditions imposed by the Lands Manager [*set out any discretionary terms imposed under the Policy*]:
 -
3. The Permittee is entitled to sell the following volumes and species from the Lands: None
4. The Permittee is not required to pay a stumpage fee to LNIB.
5. The Permittee must carry insurance coverage with the following minimum amount and type of coverage:
 -
6. The Permittee must file a timber harvest completion report with the Lands Manager following the completion of timber harvesting activities in accordance with section 43 of the Policy.
7. This Permit is valid for two years from date of issue and expires on _____, 20__.

Approved:

Date:

Stephen Jimmie, Lands Manage

SCHEDULE D
TIMBER PERMIT – HARVEST AND SALE

TIMBER PERMIT#:

DATE OF PERMIT:

AGENT/APPLICANT:

OWNER OR REGISTERED HOLDER OF CP:

LEGAL DESCRIPTION (the ‘Lands’):

TERMS AND CONDITIONS

This Timber Permit is issued in accordance with the Lower Nicola Indian Band (“LNIB”) Land Code and the *LNIB Timber Permit Policy* (the “Policy”) for the following purpose: to sell timber in accordance with the Policy and this Timber Permit.

This Timber Permit is subject to the following terms and conditions:

8. The Permittee must comply with the terms and conditions provided at the following sections of the Policy:
 - (a) section 41; and
 - (b) section 42.
9. The Permittee must comply with the following terms and conditions imposed by the Lands Manager [*set out any discretionary terms imposed under the Policy*]:
 -
10. The Permittee is entitled to sell the following volumes and species from the Lands: _____
11. The Permittee must pay to LNIB a stumpage fee based on:
 - [] rates set out in the BC Interior Appraisal Manual for Timber Pricing at a rate of:

 - [] a certified forest professional’s assessment of the volume and quality of the timber harvested at the following stumpage rate: _____
[Permittee to provide a copy of the forest professional’s assessment when paying stumpage fee].
12. The Permittee must file a timber harvest completion report with the Lands Manager following the completion of timber harvesting activities in accordance with section 43 of the Policy.

13. The Permittee must carry insurance coverage with the following minimum amount and type of coverage:

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14. This Permit is valid for two years from date of issue and expires on _____, 20__.

Approved:

Date:

Stephen Jimmie, Lands Manager

SCHEDULE E
TIMBER PERMIT – SALE OF TIMBER HARVESTED UNDER OTHER LNIB
AUTHORIZATION

TIMBER PERMIT#:

DATE OF PERMIT:

AGENT/APPLICANT:

OWNER OR REGISTERED HOLDER OF CP:

LEGAL DESCRIPTION (the ‘Lands’):

TERMS AND CONDITIONS

This Timber Permit is issued in accordance with the Lower Nicola Indian Band (“LNIB”) Land Code and the *LNIB Timber Permit Policy* (the “Policy”) for the following purpose: to sell timber harvested under a LNIB authorization other than pursuant to the Policy. The permitted activity must be carried out in accordance with the Policy and this Timber Permit.

This Timber Permit is subject to the following terms and conditions:

15. The Permittee must comply with the terms and conditions provided at the following provisions of the Policy:

- (a) section 42 (c); and
- (b) section 42 (d).

16. The Permittee must comply with the following terms and conditions imposed by the Lands Manager [*set out any discretionary terms imposed under the Policy*]:

-

17. The Permittee is entitled to sell the following volumes and species from the Lands: _____

18. The Permittee must carry insurance coverage with the following minimum amount and type of coverage:

-

19. This Permit is valid for six months from date of issue and, unless renewed, expires on _____, 20__.

Approved:

Date:

Stephen Jimmie, Lands Manager

**LOWER NICOLA INDIAN BAND
COUNCIL RESOLUTION**

181 NAWISHASKIN LANE, MERRITT, BRITISH COLUMBIA V1K0A7
TEL.: 250-378-5157 FAX: 250-378-6188

WHEREAS:

- A. The Lower Nicola Indian Band (the "LNIB") operates under the authority of Chief and Council;
- B. The LNIB assumed control and management of our Lands under the LNIB Land Code that became effective December 01, 2016;
- C. Chief and Council has established and appointed LNIB members to the Lands Management Advisory Committee (the "LMAC") pursuant to Part 6 *Land Administration* Section 33 of the Land Code;
- D. Subsection 32.1 of the Land Code states that the LMAC was established to assist with the development of the land administration system, recommend to Council, laws, resolutions, policies, and procedures respecting LNIB land;
- E. The Lands Manager presented the LNIB Timber Permit Policy (the "Policy") to LMAC on October 22, 2018 and the LMAC supported the Policy and recommended it be ratified by the LNIB Council with Resolution No. 2018-01;
- F. Subsection 14.2 of the Land Code states that the Council may, after full and fair consideration of any recommendations of the LMAC, establish mandatory standards, criteria and forms of Interests and Licenses in LNIB Land and the Policy sets out standards, criteria and forms relating to timber use and timber permits for LNIB Land; and
- G. Subsection 31.2 of the Land Code states that Council may pass a Resolution to delegate administrative authority to an individual or body established or authorized under the Land Code or a law and Council wishes to delegate authority to the Lands Manager in accordance with the Policy;

NOW THEREFORE BE IT RESOLVED THAT Chief and Council, under the authority of the Land Code including under subsections 14.2, 31.2, and 32.1:

- (a) approve the Policy dated October 31, 2018 and the standards, criteria and forms within it; and
- (b) delegate authority to the Lands Manager to grant timber permits and impose conditions in timber permits in strict compliance with the Policy.

This resolution is supported by the undersigned and passed this 6th day of November, 2018.

Quorum of Council: 5



Aaron Sumexheltza, Chief



Leona Antoine, Councilor



William Bose, Councilor



Harold A. Joe, Councilor

Joanne Lafferty, Councilor

Lesley Manuel, Councilor

Connie Joe, Councilor



Lucinda Seward, Councilor