
TIMELINE OF EVENTS TFL# 44

October 1980: Nuu-chah-nulth declare ownership of their territories.

Spring 1993: Hupacasath First Nation enters the BC Treaty Process with 12 other Nuu-chah-nulth Nations.

June 2003: Hupacasath First Nation publicly releases the HFN Land Use Plan which defines their land and forest values and management objectives at the territorial level including land use designations for fee simple land.

December 2003: Weyerhaeuser requests the Minister of Forests to remove private land from Tree Farm Licence 44.

July 2004: Minister of Forests, Michael de Jong approves the removal of over 70,000 hectares from TFL #44 without consulting First Nations or the general public.

December 2004: Hupacasath First Nation commences action in the Supreme Court of British Columbia on the basis that the Provincial Crown breached its duty to consult with them on the removal of private land from TFL 44.

February 2005: Brascan Limited reaches a \$1.2 billion deal to purchase Weyerhaeuser sawmills and timber rights. (Brascan later changes its name to Brookfield Asset Management)

May 2005: Brascan assigns its assets to two different entities. Cascadia Forest Products takes over the saw mills and harvest right and Island Timberlands Limited Partnership takes over the private timberlands. Institutional investors, including numbered companies controlled by the BC Investment Management Corp., which invests the pension funds of BC's public sector employees, purchases 49.9 percent of Island Timberlands, which was to focus on logging for export and real estate development. BCIMC's share of Island Timberlands is estimated at 25 percent. Legally, BCIMC is an agent of the provincial government, which has violated its duty to consult and accommodate the Hupacasath. These transactions did not come to the Hupacasath's attention until January 2008.

December 2005: Justice Lynn Smith of the Supreme Court of British Columbia decides that the Crown had a duty to consult with the Hupacasath regarding the removal of the land from TFL 44 and the consequences of the removal of that land on the remaining (Crown land) portion of TFL 44.

Justice Smith orders a two year consultation period for the Province to address Hupacasath's interests and reach reasonable accommodation. She further sets out nine conditions that Brascan, Brookfield Asset Management, Island Timberlands and their successors must fulfil in the interim on the removed lands. These conditions require the protection of ungulate winter ranges and community watersheds, access for aboriginal groups and seven days notice to Hupacasath of any intention to conduct activities on the land which may interfere with the exercise of aboriginal rights.
(Peter Grant- Memo- attached)

January 2006 – November 2007: The Provincial Crown and Hupacasath meet regularly to try and reach agreement on the scope of accommodation. The parties are unsuccessful in this regard.

During this period there was significant destructive activity on the affected lands.

December 2007: Justice Smith's court ordered two year period for consultation expires along with Brascan's and Island Timberland's conditions. Hupacasath return to court and request an extension of the conditions on Island Timberlands and the appointment of a conference settlement judge to be appointed to oversee a successful conclusion to the accommodation negotiation.

January 2008: Justice Smith agrees to proceed on the matter at a full hearing scheduled for May 28-30th in BC Supreme Court.

For more information please contact:

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