



September 24, 2020

Sent Via Email to Campbell River Natural Resource District Licensees

**RE: Update Regarding Proponent Engagement and Information Sharing
Processes with First Nations**

Good afternoon,

While you or your organization may have received previous guidance, I believe it important to share some updated information about licensee engagement and information sharing processes with First Nations. As you are likely aware, Provincial decision makers are responsible for ensuring that consultation is appropriate for all decisions where there may be an impact to Treaty Rights or asserted or established Aboriginal Rights and Title ("Aboriginal Interests").

In keeping with our reconciliation mandate, the Province continues to work with First Nations to build and strengthen meaningful relationships. Proponents, currently operating or looking for investment and development opportunities in British Columbia, have an important role in supporting reconciliation and building a strong and resilient economy. Proponent or licensee led engagement may include pre-engagement with First Nations regarding applications as such efforts can provide practical, timely, and cost-effective opportunities to identify and address any potential issues before an application is prepared for submission to the Province. In fact, any party making an application to government or Crown corporations is encouraged to engage First Nations as early as possible. Further, certain legislation makes proponent information sharing a requirement such as the *Environmental Assessment Act* and the *Forest and Range Practices Act* (FRPA). See the FRPA Administration Bulletin Number 1, Forest Stewardship Planning: First Nations Information Sharing Bulletin (<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/nr-laws-policy/integrated-resource-bulletins/frpa-admin-no-1-fn-info-sharing-jun-9-2005.pdf>) to understand basic expectations relating to a variety of forestry applications.

There are many resources available to help licensees undertake this work including the [Building Relationships with First Nations - Respecting Rights and Doing Good Business](#) document, which provides practical advice and strategies to help businesses develop strong working relationships with First Nations. This document is also available in Mandarin, Japanese and Korean and can be found on the [Proponent Resources website](#). The First Nations Consultative Areas Database (CAD) is an interactive mapping tool that helps to identify First Nations with Aboriginal Interests

Page 1 of 4

on the land base and provides preliminary contact information for those First Nations within the area queried (<http://maps.gov.bc.ca/ess/hm/cadb/>).

My staff and I appreciate the efforts proponents make to engage with First Nations and we are here to work with you on building a better understanding so that we can all improve the ways in which we work together. Below is a list of recommended documentation to submit along with your application:

- An outline of all First Nations with whom information has been exchanged;
- A communication log – for each First Nation – that outlines the date of a letter, meeting, phone call or email and any relevant details of the discussion and comments from the First Nation;
- A summary of any measures undertaken to reduce or address potential impacts to the First Nation's Aboriginal Interests; and
- A summary of any outstanding issues that may require follow up by the Province.

If a licensee undertakes these procedural aspects of consultation the Province may rely on these efforts including any measures that address impacts to Aboriginal Interests; in some circumstances these efforts may substantially streamline the consultative process leading to expedited decision-making on land and resource authorizations.

Please note that in order to uphold the Crown's legal obligation to consult with First Nations, the Province through a consultative process will confirm with appropriate First Nations the scope of proponent led pre-engagement efforts including:

- That all relevant project/application details have been provided to the Nation(s);
- That the Nation(s) was given a reasonable amount of time to review the information; and
- Any information regarding measures undertaken by a proponent to reduce impacts to Aboriginal Interests.

The Province may still need to consult and, where appropriate, accommodate First Nations depending on our understanding of the application's potential to impact Aboriginal Interests, the strength of the claims for Aboriginal Interests and/or the existence of established or Treaty rights. In many cases, however, the Province can rely on the engagement conducted between proponents and First Nations and this can result in expedited timeframes if potential impacts have been addressed or mitigated at the outset. For more information please see **Section D. Proponent Engagement Activities in the Province's Guide to Involving Proponents When Consulting First Nations** (pages 7 -12) available online at https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations/involving_proponents_guide_when_consulting_with_first_nations.pdf.

Further, as you may be aware, the Province has entered a number of agreements with First Nation governments that define and guide consultation on a range of forestry decisions including Strategic Engagement Agreements (SEA) and Forest Consultation Revenue Sharing Agreements (FCRSA). More information and specifics about these agreements can be accessed through the following links:

- Strategic Engagement Agreements (SEA) - <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/strategic-engagement-agreements>
- Forest Consultation Revenue Sharing Agreements (FCRSA) - <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/forest-consultation-and-revenue-sharing-agreements>

Archaeological sites on both public and private land are protected under the [Heritage Conservation Act \(HCA\)](#), whether they are known or not, and must not be disturbed, impacted or altered without a permit issued by the Provincial Archaeology Branch. In 2008, the Campbell River Natural Resource District provided direction by way of a letter which directed proponents to use Archaeological Overview Assessments (AOAs) to assist in planning activities. However, AOAs contain sensitive First Nations cultural information protected under the HCA and are a tool to be considered in conjunction with current information (i.e., location of new sites). Access to this information is restricted by the Province and subject to an [Archaeological Information Sharing Agreement](#) with the Archaeology Branch.

At this time, we are asking that you discontinue the use of Provincial AOAs and any other potentially sensitive cultural information that was erroneously provided by our office. Further, we respectfully ask that you dispose of this information in an appropriate and permanent manner. We expect that licensees, through information sharing processes with First Nations, engage meaningfully with Nations regarding the potential impacts to their Aboriginal Interests, including but not limited to cultural resources that are protected under the HCA, so as to inform your planning processes.

The Archaeology Branch is working to develop additional tools to support land-use planning, while respecting the sensitive nature of information related to archaeological sites. If you are aware of specific archaeological sites or features in an area in which you intend to operate or are seeking guidance regarding management of impacts to potentially unidentified archaeological resources, please contact the Archaeology Branch to obtain further information and guidance.

Attached to this letter is an updated template titled Licensee Summary of First Nations Information Sharing to be completed and submitted with your applications.

If you have any questions around this process or the Provincial expectations surrounding pre-engagement or information sharing with First Nations, please contact Rosalind Barabash, at 250-850-1744 or via email at Rosalind.barabash@gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Gary Gwilt', with a stylized flourish at the end.

Gary Gwilt
Acting District Manager
Campbell River Natural Resource District

Attachment: Licensee Summary of First Nation Information Sharing for Permits & Licences:
Campbell River Natural Resource District

Licensee Summary of First Nation Information Sharing for Permit & Licences: Campbell River Natural Resource District

Applicant/Licensee:	
Tenure/Cutting Permit #	
Cut Blocks #'s	
Road Permit/Section ID	
Special Use Permit #	
Land Act Tenure File #	

Completed By:	
Date:	

Archaeology and Aboriginal Interests Information (**Attach comments if necessary**)

		Y/N
1. Is the application area(s) the same as that which was referred to the First Nation(s)?		
2. Was the area reviewed by:	a) a professional archaeologist (office or field)? (summarize/comment if so)	
	b) a First Nation field assessor(s)? (summarize if so)	
3. Is the area in the vicinity (~1km) of:	a) a specific known aboriginal interest (cultural, traditional, Indian Reserve, ActiveTreaty interest (if known), etc.) or one communicated by a FN in information sharing?	
	b) an existing archaeological site? (data available through Archaeology Branch or archaeology professionals)	
Comments Related to Points 1-3 (provide here or attach)		

Communication/Event Log Summary

First Nation (Please sort)	Date	Event/Result (include a summary of details and any measures undertaken to reduce or address potential impacts and/or any outstanding issues that require follow-up by the Province)