



Distribution: LAKES

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September 2, 1999

Major Licensees

Woodlot Licensees

Small Business Forest Enterprise Program

Lakes Forest District

Dear Licensee:



In February, 1998, I sent a letter to all tenure holders providing interpretation and interim direction for the management of culturally modified trees (CMTs). This direction served as a balance between development of the forest resource and management of the cultural heritage resource. I have recently reviewed some of the CMT documentation forwarded by the licensees with the intent of streamlining the data collection requirement without losing the integrity of CMT records. I have found that it is possible to streamline some aspects of the collection of data and have outlined the changes within the "Quantity of CMTs" section. I have also taken this opportunity to revise some aspects of my direction as outlined in my letter dated February 12, 1998. The following continues to provide interim direction for CMTs until superseded by policy.

Background:

The preamble to the *Forest Practices Code of British Columbia Act* ("Act") establishes that sustainable use of the forest resource includes "balancing economic, productive, spiritual, ecological and recreational values of the forest to meet the economic, social and cultural needs of peoples and communities, including First Nations". The *Act* requires that tenure holders assess cultural heritage resources in operational planning (*Section 17 (2) (c)*) and that forest development plans identify and describe the known locations of cultural heritage values (*Operational Planning Regulation Section 15 (2) (a)*).

The *Act* (*Section 51*) also requires that where a person finds an unidentified resource feature (which includes a cultural heritage resource) when carrying out a forest practice, he or she must

modify or stop the forest practice in the immediate vicinity (*Act, Section 51 (2) (a)*) and promptly advise the district manager of its existence and location (*Act, Section 52 (2) (b)*).

It is clear that cultural heritage resources must be adequately managed during forest practices.

In managing for cultural heritage resource features, tenure holders have recently struggled with the identification and conservation of culturally modified trees, both in the operational planning stages and during active harvest. Management strategies have largely comprised of tree and/or patch retention around CMTs, however, some development has been delayed pending further direction. The following interim direction serves to provide some assistance in properly managing this resource feature.

Culturally Modified Trees Definition

It is my opinion that trees, which have been modified by aboriginal groups, are culturally important and may be historically significant. Measures, which must be taken to preserve the history of CMT occurrences, may be accomplished through tree retention, partial tree retention or record-keeping.

Trees marked prior to 1846, are managed by law under the *Heritage Conservation Act*. These trees cannot be destroyed or altered without a permit issued by Archaeology Branch. The information and records of such trees will be assured through conditions of the permit and will be the responsibility of Archaeology Branch, Ministry of Small Business, Tourism and Culture.

For CMTs with marks dated after 1846, the FPC Act legislation does not specify management measures. However, since the district manager must adequately manage the cultural heritage resource, it is entirely appropriate that he recommend specific actions or conditions which would serve as adequate management.

Management of Culturally Modified Trees post 1846

It is my expectation that tenure holders demonstrate due diligence when confronted with **potential CMTs on planned or active blocks**. Due diligence may be demonstrated by adequately training staff and licensee representatives to recognize markings on possible CMTs and by ascertaining when a tree was marked in relation to the 1846 date, as follows:

- Once the Archaeology Branch issues a permit, the ageing of a CMT can be determined by directly boring the tree with an increment borer, if the conditions of the permit allows it.
- An alternative method would be to bore representative surrounding trees and conclude from those samples the age of the scarring or marking. This will determine if the date of the modification occurred after 1846.

It is my opinion that the cultural needs of the aboriginal sector in terms of CMTs and the historical significance for archaeological purposes would be adequately served by identifying, recording, and documenting the information about the locations of the CMTs at Lakes Forest District office. Ministry of Forests is responsible for providing the information about the CMTs to the First Nation in whose traditional territory the CMTs are located.

Quantity of CMTs

My expectation is that confirmed CMTs occurring singly, or in groups, should be accurately located on the map of tenure (i.e. Silviculture Prescription map, Logging Plan map, Road Permit map or Special Use Permit map), should have information recorded on the "Level 1 CMT Recording Form", including estimated age(s) of the CMT and should have the modification photographed, where the marking is unique from the "bark stripped" markings typically found in Lakes TSA. Once the information is properly recorded, you may proceed with harvesting, where it is determined that the modification(s) occurred after 1846, and the particulars of the modifications are recorded in the Lakes Forest District office. Where CMTs occur in groups, I expect that the location of the cluster be located on the map of tenure. You should also recognize that other cultural resource features (cache pits, burial sites) may be associated with CMTs and these may require further assessment.

Mountain Pine Beetle Infestation

In such areas where CMTs are subject to mountain pine beetle infestation, you should then follow the process previously outlined. **Where CMTs are found during active harvest operations, please notify Lakes Forest District Compliance and Enforcement Officers, prior to harvest of the CMT, about the findings and location, and record as outlined previously.** The completed documentation should then be submitted to the District Manager, Lakes Forest District, for his consideration.

Where CMTs are found prior to operational plan approval, the information outlined above should be submitted as part of the permit application.

The above direction is formulated to derive a balance between the cultural needs of the aboriginal people and the documentation of historical values and the development or operational costs borne by tenure holders. This direction is consistent with the Ministry of Forests *Aboriginal Rights and Title Policy* and the *Consultation Guidelines*.

Please contact me at 692-2200 if you have any questions or concerns.

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Yours truly,

A large, stylized handwritten signature in black ink, appearing to be 'R. A. Murray', written over the printed name and title.

R. A. Murray
District Manager
Lakes Forest District

cc: First Nations