

BCTS
BC Timber Sales

First Nation Consultation
Cutblock and Road DUE DILIGENCE REPORT(DDR)

Project Overview

Date of Report: May-July 2013

This checklist applies to (select one or both):

Cutblock/Road Status (select one or more):

Timber Sale #: **A80499**

Road Permit #: n/a

Cutblock(s) ☒ Road(s) ☒
Sec. 196(1) ☐ Sec. 196(2) ☐ FRPA ☒

Cutblock ID/UBI:

1	40BG338
2 (no longer included)	40BG2H2
3	40BG2H3
4	40BG2H4
5	40BG2H5

Road ID/URI: n/a

FSP and FDU: FDU #4 from the Prince George Business Area Forest Stewardship Plan – Amendment #11

Operating Plan: Originally referred in OP #2 and re-referred in Operating Plan #10 - Mackenzie

Geographic Location: BCTS Operating Areas located in the Mackenzie TSA which reside south of the Peace Arm to the east, South of Hidden Valley (in the vicinity of Omineca Park) to the west, and north of the Nation Lakes/River and McLeod Lake

Phase 1: Preparation and Initial Review (Planning Forester):

1.1 Project Description and background notes:

(Include a description of the area of proposed development including location, planned activities and sensitivity of potential impacts with regards to historic and future Cultural Heritage uses)

The blocks and roads applicable to Operating Plan #10 are located in the southern portion of the Mackenzie TSA within BC Timber Sales Operating areas. The majority of blocks and roads are located south of the Peace Arm of the Williston Lake Reservoir to the east and south of Omineca Park to the west. Outside of BCTS recognized operating areas there are 6 blocks north of Omineca Park located near the junction of the Finlay/Osilinka and Hidden Valley Forest Service Roads. There are three blocks located to the east of Wolverine Lake. The proposed harvesting and road building activities are planned to take place within the next 3-5 years; up to 2018. The majority of harvesting and road building activities will facilitate the removal of timber damaged by the Mountain Pine Beetle – approximately 70% of the planned harvest volume. The blocks and roads in Operating Plan #10 were previously referred through Operating Plans/Forest Development Plans dating back more than three years. The purpose of Operating Plan #10 is to provide a new opportunity for First Nations to review and respond to concerns relative to the development of these blocks and roads. In addition, blocks that are themed on the maps as "previously referred" include those from Operating Plan #8 (referral

period March 15 – May 15, 2012), as well as planned development referred from previous operating plans where harvesting and road building activities will likely not occur within the next five years.

One of the best management practices used in the Prince George Business Area (PGBA) is the use of an internally developed Archaeological Overview Assessment (AOA) model - not endorsed by Arch Branch, which identifies areas of high potential for archaeological features. Currently, the PGBA is working with Ecofor Consulting, an archaeology firm, to develop an AOA which will eventually be endorsed by the Archaeology Branch. Using this information, site level archaeological impact assessments (AIA's) are completed on cutblocks and roads prior to development in those areas deemed to be of high archaeological potential. It is through the AIA's where cultural heritage resource features may be identified and conserved and addressed appropriately. This may be through avoidance, recording and reporting findings to First Nations and/or preservation. Forestry operations are obliged to cease if and when they encounter previously unidentified cultural heritage features. If historic and future cultural heritage features are unidentified during the planning and operational phases of forestry development activities, there is a risk these features may be altered or removed.

1.2 Identification of First Nation(s), Process Agreements, and Consultation "Term":

A. First Nations with asserted traditional territories that overlap the cutblock/road and Referral of Operating Plan (Operating Plan includes proposed development of a number of blocks and roads):				
First Nation;	Consultation Protocol or Agreement	First Nation Consultation Authority(i.e. representative Band Council member or Hereditary Chief)	Term (30,60 days or other)	Date Complete
McLeod Lake Indian Band	Treaty 8 / McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement	Consultation package sent to the Senior Resource Officer. Letter sent to Chief and Council.	30 days	July 10, 2013
West Moberly First Nations	Treaty 8 / Treaty 8 Economic Benefits Agreement (Amended) / Forest and Range Management Agreement / Heritage Conservation MOU / Strategic Land and Resource Planning Agreement/Final Agreement/Government to Government Protocol Agreement	Consultation package sent to Chief and Council; cc to West Moberly First Nation Land Manager and the Treaty 8 Land and Resource Director (coordinating Lands Office).	30 days	July 10, 2013
Halfway River First Nation	Treaty 8	Consultation package sent to Chief and Council; cc to Halfway River First Nation Land Manager.	30 days	July 10, 2013
Takla Lake First Nation	Takla Lake Forest and Range Opportunities Agreement	Consultation package sent to Chief and Band Council; cc to Takla Lake First Nation Forestry Coordinator.	30 days	July 10, 2013
Nak'azdli Band	No formal agreements in place as of June 2013	Consultation package sent to Chief and Band Council; cc to Nak'azdli Band Natural Resources Coordinator.	30 days	July 10, 2013
Saulteau First Nation	Treaty 8	Consultation package sent to Chief and Council; cc to Saulteau Land Manager.	30 days	July 10, 2013

Tsay Keh Dene Band	No formal agreements in place as of June 2013	Consultation package sent to Chief and Council; cc to Natural Resource Department	30 days	July 10, 2013
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B. Potential Impacts to First Nation Interests:

Document	Applicable		Consistent		Comments (Include proposed measures to resolve potential impacts)	Initial
	Y	N	Y	N		
Previous Consultation/Known Interests/Treaty or Related Documents	☒	☐	☒	☐	<p>McLeod Lake Indian Band: Treaty 8 / McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement / AECIS First Nation Profile; May 30, 2013/ MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012 / MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011 / Treaty 8 Treaty Rights Consideration Report Reference Guide – March 31, 2009 / Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009 / MAG Memo – Treaty 8 Disputed Area – Supplement to memorandum of October 20, 2006 – October 31, 2006.</p> <p>West Moberly First Nation: Treaty 8 / West Moberly First Nation – Traditional Land Use and Occupancy Study – 1999-2000 / AECIS First Nation Profile; May 30, 2013/ MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012 / MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011 / Treaty 8 Treaty Rights Consideration Report Reference Guide – March 31, 2009 / Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009 / MAG Memo – Treaty 8 Disputed Area – Supplement to memorandum of October 20, 2006 – October 31, 2006 MAG /Memo – Treaty 8 Disputed Area – Supplement to memorandum of October 20, 2006 – October 31, 2006.</p> <p>Halfway River First Nation: Treaty 8 /Treaty Eight Tribal Association – Traditional Use Study (T8TA TUS) – December 2000 / AECIS First Nation Profile; May 30, 2013/ MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012 / MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011 / Treaty 8 Treaty Rights Consideration Report Reference Guide – March 31, 2009/ Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009.</p> <p>Takla Lake First Nation: Takla Lake First Nation – Review of Historical and Ethnographic Sources – August 2011 / AECIS First Nation Profile; May 30, 2013.</p> <p>Nak'azdli Band: Nak'azdli Band – Review of Anthropological and Historical Sources Relating to the Use and Occupation of Land – July 10, 2009 / AECIS First Nation Profile; May 30, 2013</p> <p>Saulteau First Nation: Treaty 8 /AECIS First Nation Profile; May 30, 2013 / Treaty Eight Tribal Association – Traditional Use Study (T8TA TUS) – December 2000/ MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012 / MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011 / Treaty 8 Treaty Rights Consideration Report Reference Guide – March 31, 2009/ Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009.</p> <p>Tsay Keh Dene Band: Tsay Keh Dene Traditional Use Study: Understanding the Land and People Final Report – March 31, 2002/ AECIS First Nation Profile; May 30, 2013</p>	DH

Historic Research Report/Strength of Claim	☒	☐	☒	☐	<p>McLeod Lake Indian Band: No SOC or TUS completed as of May 2013/ Strength of Claim Assessment not required for Treaty 8 First Nations.</p> <p>West Moberly First Nation: West Moberly First Nation – Traditional Land Use and Occupancy Study – 1999-2000 / Strength of Claim Assessment not required for Treaty 8 First Nations.</p> <p>Halfway River First Nation: Treaty Eight Tribal Association – Traditional Use Study (T8TA TUS) – December 2000 / Strength of Claim Assessment not required for Treaty 8 First Nations.</p> <p>Takla Lake First Nation: Takla Lake First Nation – Review of Historical and Ethnographic Sources – August 2011 / see section "Phase 4" for information related to Strength of Claim Assessments.</p> <p>Nak'azdli Band: Nak'azdli Band – Review of Anthropological and Historical Sources Relating to the Use and Occupation of Land – July 10, 2009 / see section "Phase 4" for information related to Strength of Claim Assessments.</p> <p>Saulteau First Nation: Treaty Eight Tribal Association – Traditional Use Study (T8TA TUS) – December 2000/ Strength of Claim Assessment not required for Treaty 8 First Nations.</p> <p>Tsay Keh Dene Band: Tsay Keh Dene Traditional Use Study: Understanding the Land and People Final Report – March 31, 2002 / see section "Phase 4" for information related to Strength of Claim Assessments.</p>	DH
FSP CHR Results and or Strategies	☒	☐	☒	☐	See Prince George Business Area Forest Stewardship Plan – amendment #11.	DH
Archaeological Overview Assessments (AOA)	☐	☒	☐	☐	There is no formal AOA approved for use in the Mackenzie Forest District.	DH
Cultural and Heritage Archaeological Resource Inventories or Data Base	☒	☐	☒	☐	Archaeological Resource Information is available through RADD. This information will be assessed in the event that an AIA is required.	DH
Traditional Use Studies	☒	☐	☒	☐	<p>McLeod Lake Indian Band: None</p> <p>West Moberly First Nation: West Moberly First Nation – Traditional Land Use and Occupancy Study – 1999-2000.</p> <p>Halfway River First Nation: Treaty Eight Tribal Association – Traditional Use Study (T8TA TUS) – December 2000.</p> <p>Takla Lake First Nation: Takla Lake First Nation – Review of Historical and Ethnographic Sources – August 2011</p> <p>Nak'azdli Band: Nak'azdli Band – Review of Anthropological and Historical Sources Relating to the Use and Occupation of Land – July 10, 2009.</p> <p>Saulteau First Nation: Treaty Eight Tribal Association – Traditional Use Study (T8TA TUS) – December 2000</p> <p>Tsay Keh Dene Band: Tsay Keh Dene Traditional Use Study: Understanding the Land and People Final Report – March 31, 2002</p>	DH
Higher level Land Use Plans	☐	☒	☐	☐	No higher level land use plans applicable to the Mackenzie Forest District.	DH
Archaeological Impact Assessment (AIA)	☐	☒	☐	☐	AIA's will be done on blocks/roads based on known or suspect existence of First Nations Cultural Heritage Resources.	DH
C. Suggested Consultation Level (Appropriate level to address the depth of consultation required)						

Consultation Level	Required Level	Description
1) Notification	☐	Where an aboriginal claim is weak or limited, or the potential for infringement of an Aboriginal Interest is minor. Give notice of the pending decision or activity, disclose information, and give an opportunity to discuss any issues raised in response to the notice.
2) Normal	☒	Where there is a likely impact on a reasonable claim or a reasonable probability of an infringement of proven aboriginal right or title, or treaty right. Approach situations individually and with flexibility as attempts are made to minimize impacts. McLeod Lake First Nation, Takla Lake First Nation, West Moberly First Nation, Halfway River First Nation, Nak'azdli Band, Sauteau First Nation and Tsay Keh Dene Band.
3) Deep	☐	Where there is strong aboriginal rights claim (including title), the potential for negative impacts on the claimed aboriginal right or title or treaty right is high, and there is a risk of non-compensable damage. First Nation(s) should have an opportunity to make submissions and participate in the decision-making process.

Phase 2&3: Engagement, Preliminary Assessment and Accommodation (Planning Forester):

- Provide Information and seek input.
- Discuss Preliminary Assessment and Suggested Consultation Level.
- Complete Consultation at appropriate level.
- Provide BCTS response and proposed accommodation measures.

Description of Consultation Activities: (Attachments included Yes ☐ No ☒)

A. Chronological Summary of Consultation and Information Sharing Communications				(discussed appropriate level)
First Nation	Date	Communication Method	BCTS Planning Document Referred	Consultation Level
McLeod Lake Indian Band	June 7, 2013	Mailed / emailed Consultation Package	Package sent to the Senior Resource Officer in Chetwynd. The Consultation package consisted of a consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10. Copy of the consultation letter sent to Chief and Council in McLeod Lake and emailed to the Forestry Contact in Chetwynd which provided an FTP link to access all OP 10 consultation package files.	Normal
McLeod Lake Indian Band	June 17, 2013	Phone Call	Phoned Eran Spence and left message on answering machine since the office was closed due to a community funeral. No return call.	Normal

McLeod Lake Indian Band	July 11, 2013	Letter/Email	Final decision letter sent	Normal
West Moberly First Nation	June 7, 2013	Mailed/email Consultation Package.	<p>Package sent to the Chief and Council in Moberly Lake. The Notification package consisted of a consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10.</p> <p>Email sent to West Moberly First Nation Land Manager and to the Treaty 8 Land and Resource Director notifying them that the package was mailed to Chief and Council. Also provided a link to the BCTS ftp site where all relevant information can be downloaded.</p>	Normal
West Moberly First Nation	June 17, 2013	Phone Call	Phoned George Desjarlais and left message with a receptionist since he was occupied. No call back.	Normal
West Moberly First Nation	July 11, 2013	Letter/Email	Final decision letter sent	Normal
Halfway River First Nation	June 7, 2013	Mailed/email Consultation Package.	<p>Package sent to the Chief and Council in Wonowon. The Notification package consisted of a consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10.</p> <p>Email sent to Halfway River First Nation Land Manager notifying her that the package was mailed to Chief and Council. Also provided a link to the BCTS ftp site where all relevant information can be downloaded.</p>	Normal
Halfway River First Nation	June 17, 2013	Phone Call	Phoned Roslyn Pokiak and left message with a receptionist since she was occupied. No call back.	Normal
Halfway River First Nation	July 11, 2013	Letter/Email	Final Decision letter sent.	Normal
Takla Lake First Nation	June 7, 2013	Mailed/email Consultation Package.	<p>Package sent to the Chief and Band Council in Prince George. The Consultation package consisted of a consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10.</p> <p>Email sent to Takla Lake First Nation Forestry Coordinator notifying her that the package was mailed to Chief and Band Council. Also provided a link to the BCTS ftp site where all relevant information can be downloaded.</p>	Normal
Takla Lake First Nation	June 11, 2013	Meeting in person	Met with Elke Lepka and some of the hereditary chiefs in Germansen Landing. Opportunity to discuss items of concern, including OP 10. Spiritual area of importance identified by Elke is outside of BCTS operating areas. No other specific areas of concern identified.	Normal
Takla Lake First Nation	July 11, 2013	Letter/Email	Final Decision letter sent.	Normal
Nak'azdli Band	June 7, 2013	Mailed/email Consultation	Package sent to the Chief and Band Council in Fort St. James. The Consultation package consisted of a	Normal

		Package.	<p>consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10.</p> <p>Email sent to Nak'azdli Band Natural Resources Coordinator notifying him that the package was mailed to Chief and Band Council. Also provided a link to the BCTS ftp site where all relevant information can be downloaded.</p>	
Nak'azdli Band	June 17, 2013	Phone Call	Phoned and spoke with Evan Prince. He confirmed that he received the referral package and confirmed the end date of the referral period to be July 10. He also mentioned that Duane Martin is his supervisor and he would speak with him about this referral. He explained that he identifies the Keyoh that is effected by the referral and then will invite the Keyoh member to a meeting. He will be in touch once he has a chance to review the referral package.	Normal
Nak'azdli Band	July 11, 2013	Letter/Email	Final Decision letter sent.	Normal
Nak'azdli Band	July 12, 2013	Phone Call/Email	Call from Evan Prince asking for an extension. Follow-up email from Denise stating that BCTS would consider input at any time.	Normal
Saulteau First Nation	June 7, 2013	Mailed/email Consultation Package.	<p>Package sent to the Chief and Council in Chetwynd. The Consultation package consisted of a consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10.</p> <p>Email sent to Land Manager, Naomi Owens as well as the Treaty 8 Land and Resource Director / Lands Contact. Provided a link to the BCTS ftp site where all relevant information can be downloaded.</p>	Normal
Saulteau First Nation	June 17, 2012	Phone Call	Phoned Naomi Owens and left message with a receptionist since she was occupied. No call back.	Normal
Saulteau First Nation	July 11, 2013	Letter/Email	Final Decision letter sent.	Normal
Tsay Keh Dene Band	June 7, 2013	Mailed/email Consultation Package.	<p>Package sent to the Chief and Council in Prince George. The Consultation package consisted of a consultation letter, hardcopy 1:50,000 scale operating plan maps, GIS shapefiles of proposed blocks and roads, a Google Earth KML file of the proposed activities, and a CD containing all digital data relative to OP #10.</p> <p>Email sent to Forestry Manager, Patience Rakochy. Provided a link to the BCTS ftp site where all relevant information can be downloaded.</p>	Normal
Tsay Keh Dene Band	June 20, 2013	Meeting in person	Met with Patience Rakochy, Forestry Director. Reviewed the content of OP #10. No specific concerns related to blocks and roads.	Normal
Tsay Keh Dene Band	July 3, 2013	Meeting in person	Met with Patience Rakochy and Chief Dennis Izony in Tsay Keh Dene. Reviewed the objective of BCTS's Operating Plan process. Also discussed the	Normal

			archaeological assessment projects. Want ongoing communication from BCTS. Nothing specific to blocks and roads.	
Tsay Keh Dene Band	July 11, 2013	Letter/Email	Final Decision letter sent.	Normal

B. Summary of First Nation Comments and Resultant BCTS Accommodation Measures: (include a short sentence describing the accommodation measure)

BCTS Document Referred	First Nation	First Nation Comments and/ or Concerns	BCTS Response and Accommodation Measures
Consultation Package	McLeod Lake Indian Band	None	None
Consultation Package	West Moberly First Nation	None	None
Consultation Package	Halfway River First Nation	None	None
Consultation Package	Takla Lake First Nation	Identified an area of spiritual importance which exists outside of BCTS Operating Area	None
Consultation Package	Nak'azdli Band	Wanted more time to review the information	Assured the Forestry Referral Contact (Evan Prince) via email that BCTS would consider input anytime, even after the referral period.
Consultation Package	Saulteau First Nation	None	None
Consultation Package	Tsay Keh Dene Band	Wants to keep the lines of communication open relative to operational development; no specific input on blocks and roads	BCTS will continue sending referrals annually, and information such as Archaeological Assessment reports as they become available.

C. Summary of Key Issues and Required Actions to be carried forward into Operations: (Enter into Genus Planning Module, Communications Component)

First Nation	Issue	Action	Initial
McLeod Lake Indian Band	n/a	n/a	JAG
West Moberly First Nation	n/a	n/a	JAG
Halfway River First Nation	n/a	n/a	JAG
Takla Lake First Nation	n/a	n/a	JAG
Nak'azdli Band	n/a	n/a	JAG
Saulteau First Nation	n/a	n/a	JAG
Tsay Keh Dene Band	n/a	n/a	JAG

Phase 4: Decision and Follow-up (Planning Forester):

Recommendation (To include the writers' recommendations regarding the adequacy of consultation and accommodation options)

Consultation and Strength of Claim Summary

McLeod Lake Indian Band: Consultation advice taken from the following documents: AECIS website – McLeod Lake Indian Band's First Nation profile May 2013, *FNQ2 Narrative and Consultation Advice – March 7, 2012*; the *MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012*; the *MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011*; and the *Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009*. The Provincial and Federal Governments have recognized that Treaty 8 rights for McLeod Lake Indian Band extend into the "Claimed Traditional Territory" as detailed in the *McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement*. For this reason, consultation is required for McLeod Lake Indian Band within the Treaty 8 disputed area. A "Strength of Claim" assessment is not required for Treaty 8 First Nations. The appropriate consultation level is normal for McLeod Lake Indian Band within the Treaty 8 disputed area.

West Moberly First Nation: Consultation advice taken from the following documents: AECIS website – West Moberly First Nation profile May 2013, Northeast Aboriginal Relations Sharepoint – Consultation Advice Page for Treaty 8 First Nations, *FNQ2 Narrative and Consultation Advice – March 7, 2012*; the *MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012*; the *MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011*; and the *Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009*. The appropriate consultation level is notification for West Moberly First Nation within the Treaty 8 disputed area and normal within the Provincially recognized Treaty 8 area. A "Strength of Claim" assessment is not required for Treaty 8 First Nations.

Halfway River First Nation: Consultation advice taken from the following documents: AECIS website – Halfway River First Nation profile May 2013, Northeast Aboriginal Relations Sharepoint – Consultation Advice Page for Treaty 8 First Nations, *FNQ2 Narrative and Consultation Advice – March 7, 2012*; the *MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012*; the *MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011*; and the *Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009*. The appropriate consultation level is notification for the Halfway River First Nation within the Treaty 8 disputed area and normal for areas within the Provincially recognized Treaty 8 area. A "Strength of Claim" assessment is not required for Treaty 8 First Nations.

Takla Lake First Nation: Consultation advice taken from the following documents: AECIS website – Halfway River First Nation profile May 2013, The appropriate consultation level is normal for Takla Lake First Nation within the asserted traditional territory. A "Strength of Claim" assessment is required for all non-treaty First Nations.

The initial assessment of "Strength of Claim" has been based on known cultural and heritage information as well as information contained in the Ethnohistoric report prepared by the Ministry of Attorney General - *Takla Lake First Nation – Review of Historical and Ethnographic Sources – August 2011*. This initial review suggests that aboriginal interests have been practiced in the vicinity of the proposed harvesting and road construction activities, and that the potential impact to these activities is moderate to strong on aboriginal rights and moderate on aboriginal title. As of March 2012, the Ministry of Attorney General has not completed a legal opinion of strength of claim for the Takla Lake First Nation relative to this Ethnohistoric report. This initial strength of claim assessment is based on the following:

Aboriginal Rights: Time of contact is set at 1793 by Alexander Mackenzie's entrance into the central interior of BC. At that time the traditional territory of the Takla Lake First Nation was described as the areas encompassed by the Finlay River, Omineca River, Bear Lake, Parsnip River, Northern end of Takla Lake, and the Driftwood River (page 76 of the Ethnohistoric report). The large geographic area is likely due to the Sekani people being largely nomadic in nature. Aboriginal activities (rights) at the time of contact have been described hunting, fishing, trapping, and gathering (page 15 of the Ethnohistoric report). It has been recorded that pre-contact the Sekani people occupied areas on the east side of

the Rocky Mountains. As a result of confrontation with the Cree Nation the Sekani people were pushed over the Rocky Mountains into the areas described in this section. The Sekani people often traded with the Carrier Nation. **Based on the information provided in the Ethnohistoric report, the initial assessment of strength of claim for aboriginal rights is moderate to strong.**

Aboriginal Title: Crown Sovereignty was asserted in 1846. At that time the traditional territory of the Takla Lake First Nation was described as the areas encompassed by the Finlay River, Omineca River, Bear Lake, Parsnip River, Northern end of Takla Lake, Manson Lakes, Osilinka River, Mesilinka River, Ingenika River, Thutade Lake, and the Driftwood River (page 1 of the Ethnohistoric report). In 1846 there appears to be a geographic shift southward as the Sekani people were becoming more present in the Carrier territory. As the Sekani people were largely nomadic in nature, Fort Connolly (Bear Lake) was the primary village site occupied in 1846 due to the establishment of the Fort for trading purposes. There were seasonal use areas throughout the territory such as Thutade Lake and Finlay Forks – these seasonal use areas were used mostly for hunting, trapping, and gathering. The Sekani people used canoes, where possible, and trail systems to travel between Fort Connolly and the seasonal use areas. Fort Connolly was primarily inhabited by both Sekani and Carrier people. The Gitksan people were also present at Fort Connolly from time to time. Whereas the Sekani people tolerated the people from the Carrier Nation at Fort Connolly, they did not have the same regard for people from the Gitksan Nation. There was inter-marriage between the 3 First Nations Groups at Fort Connolly (Sekani, Carrier, and Gitksan). The information suggests that the traditional territory identified in 1846 was not exclusive to Takla Lake First Nation. **Based on the information provided in the Ethnohistoric report, the initial assessment of strength of claim for aboriginal title is strong in the Fort Connolly area and moderate in the seasonal use areas, such as the area where the proposed harvesting and road building is located.**

Nak'azdli Band: Consultation advice taken from the following documents: AECIS website – Nak'azdli First Nation profile May 2013, The appropriate consultation level is normal for Nak'azdli Band within the asserted traditional territory. A "Strength of Claim" assessment is required for all non-treaty First Nations.

The initial assessment of "Strength of Claim" has been based on known cultural and heritage information as well as information contained in the Ethnohistoric report prepared by the Ministry of Attorney General – *Nak'azdli Band – Review of Anthropological and Historical Sources Relating to the Use and Occupation of Land – July 10, 2009*. This initial review suggests that aboriginal interests have been practiced in the vicinity of the proposed harvesting and road construction activities, and that the potential impact to these activities is moderate to strong on aboriginal rights and moderate to weak on aboriginal title. As of May 2013, the Ministry of Attorney General has not completed a legal opinion of strength of claim for the Nak'azdli Band relative to this Ethnohistoric report. This initial strength of claim assessment is based on the following:

Aboriginal Rights: Time of contact is set at 1793 by Alexander Mackenzie's entrance into the central interior of BC. At that time the traditional territory of the Nak'azdli Band was associated with the rich salmon fisheries primarily in the area surrounding Fort St. James. The Carrier people in this area also used the larger area around Fort St. James for hunting and gathering (pages 17-20 of the Ethnohistoric report). Aboriginal activities (rights) at the time of contact have been described hunting, fishing, trapping, spiritual (pot latching), and gathering (pages 18-19 of the Ethnohistoric report). The Nak'azdli Carrier people often traded with other Carrier Nations, as well as with the Sekani people. **Based on the information provided in the Ethnohistoric report, the initial assessment of strength of claim for aboriginal rights is moderate to strong.**

Aboriginal Title: Crown Sovereignty was asserted in 1846. At that time the traditional territory of the Nak'azdli Band was described as the areas encompassed by the Stuart River, Stuart Lake, Pinche, Inzana, Nahounili, Carrier Lake, Great Beaver Lake, and Tezzeron (page 52 of the Ethnohistoric report). In the late 19th century, there appears to be a geographic shift northward into Sekani territory in the vicinity of Nation Lakes and Nation River (page 33 and 53 of the Ethnohistoric report). The Nak'azdli Carrier people used canoes, where possible, and trail systems to travel between Fort McLeod and Fort Fraser, as well as trails used for seasonal use. Fort St. James was almost exclusively inhabited by the Nak'azdli Carrier people. The Carrier and Sekani territories overlapped to a certain degree. Often there occurred inter-marriage between the Nak'adli Carrier and the Sekani people. The information suggests that the traditional territory

identified in 1846 was not exclusive to Takla Lake First Nation. **Based on the information provided in the Ethnohistoric report, the initial assessment of strength of claim for aboriginal title is strong in the Fort St. James area and moderate to weak in the area where the proposed harvesting and road building is located.**

Note: the Ethnohistoric Report used to assess the strength of claim for the Nak'azdli Band is scheduled to be updated by the Ministry of Attorney General in 2012. It was confirmed on May 31, 2013 this has not yet been completed (Phone call with Carly Gilchrist, Advisor First Nations Relations Ft St James District and Denise Hogue). Once the report is update the initial assessment for strength of claim will need to be re-assessed.

Saulteau First Nation: Consultation advice taken from the following sources: AECIS website – Saulteau First Nation profile May 2013, Northeast Aboriginal Relations Sharepoint – Consultation Advice Page for Treaty 8 First Nations, FNQ2 Narrative and Consultation Advice – March 7, 2012; the MJAG Memo – Treaty 8 – Key Legal Principles Summary – December 24, 2012 ; the MARR Memo – Treaty No. 8: Treaty Rights and Asserted Rights vs. Aboriginal Rights – November 16, 2011; and the Interim Advice for Treaty 8 Consultation and Accommodation – March 31, 2009. The appropriate consultation level is notification for the Saulteau First Nation within the Treaty 8 disputed area and normal for areas within the Provincially recognized Treaty 8 area. A “Strength of Claim” assessment is not required for Treaty 8 First Nations.

Tsay Keh Dene Band: Consultation advice taken from the following documents: AECIS website – Tsay Keh Dene First Nation profile May 2013, The appropriate consultation level is normal for Tsay Keh Dene Band within the asserted traditional territory. A “Strength of Claim” assessment is required for all non-treaty First Nations.

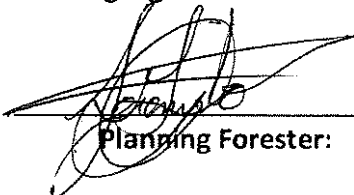
The initial assessment of “Strength of Claim” has been based on known cultural and heritage information as well as information contained in the Traditional Use Study report prepared for the Ministry of Sustainable Resource Management – *Tsay Keh Dene Traditional Use Study: Understanding the Land and People Final Report, March 31, 2002*. This initial review suggests that aboriginal interests have been practiced in the vicinity of the proposed harvesting and road construction activities, and that the potential impact to these activities is moderate to strong on aboriginal rights and moderate on aboriginal title. As of May 2013, the Ministry of Attorney General has not completed a legal opinion of strength of claim for the Tsay Keh Dene Band relative to this Ethnohistoric report. This initial strength of claim assessment is based on the following:

Aboriginal Rights: Time of contact is set at 1793 by Alexander Mackenzie’s entrance into the central interior of BC. At that time the traditional territory of the Sekani [Tsay Keh Dene] were associated with rivers draining eastward and northward to the Arctic – occupying the area drained by the Finlay and Parsnip rivers. (Page 68 of the Ethnohistoric report). Consequently they fished extensively for trout and whitefish both in summer and winter. They relied primarily on indigenous game for their diet and were therefore more hunters/trappers than fishers. Their diet included black and grizzly bear, moose, beaver, caribou, small animals like groundhogs, etc. In summer they gathered plants and berries. Sekani groups were surrounded by enemies (Carrier and Gitksan to the west and Beaver and Cree to the east), therefore they subsisted in the mountains and valleys which did not support an abundance of salmon (west) or buffalo (east) They were nomadic and roamed from valley to valley in search of food. Aboriginal activities (rights) at the time of contact have been described hunting, fishing, trapping, and gathering. The Sekani people traded and married with all peoples who neighbored them, however relations with bands like the Gitksan (west) and the Cree (east) were often hostile. **Based on the information provided in the Ethnohistoric report, the initial assessment of strength of claim for aboriginal rights is moderate to strong.**

Aboriginal Title: Crown Sovereignty was asserted in 1846. At that time the traditional territory of the Tsay Keh Dene Band was described as the Finlay-Parish in the summer and in the plains east of the Rocky Mountains to hunt buffalo in the winter (page 38 of the Ethnohistoric report). They were gradually driven permanently into the western area in the 19th century due to conflicts with the Beaver and Cree Indians to the east. They had no permanent residences until the 1950’s. The Sekani [Tsay Keh Dene] frequently travelled through the Finlay River as family relations were close between the Fort Ware, Fort Grahame and McLeod Lake Bands. (Page 39 of the Ethnohistoric report) The Carrier and Sekani

territories overlapped to a certain degree. Often there occurred inter-marriage between the Nak'azdli Carrier and the Tsay Keh Dene / Sekani people. The information suggests that the traditional territory identified in 1846 was not exclusive to the Tsay Keh Dene Band. **Based on the information provided in the Ethnohistoric report, the initial assessment of strength of claim for aboriginal title is moderate to weak in the area where the proposed harvesting and road building is located.**

Planning Sign Off:


Planning Forester:

Feb 4/14
Date:

Site Plan Sign off (The Site Plan is consistent with Higher Level Plans, FSP, CHR and AIA, Results of Consultation and Accommodation):

The site plans are consistent with the FSP. Communication of proposed development was done during operational planning. No cultural heritage resources (CHR) evaluations were requested following consultation. No CHR's were identified during field work. If a previously unidentified CHR is encountered, by the TSM or Agreement Holder while conducting a forest practice, operations will be modified or cease to the extent necessary to protect the resource, until a CHR evaluation can be carried out. Letters of referral were sent to applicable First Nation Bands originally referred in OP #2 and re-referred in Operating Plan #10 – Mackenzie (June 2013). Comments received are listed above.


Practices Forester: Tim Qureshi

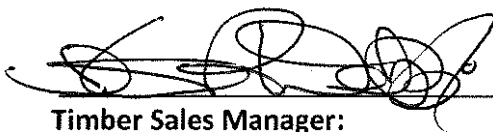
FEB 3, 2014
Date: Feb 3, 2014

Area Forester Review (Optional peer review signoff):

Area Forester:

Date:

TSM Decision to proceed with the Timber Sale Auction or with constructing a Road:


Timber Sales Manager:

14/02/04
Date

Acting Timber Sales Manager

By signing this document, I indicate that I am aware of the Information sharing, consultation and accommodation activities which have occurred between BCTS Representatives and First Nations regarding the proposed block or road. I have determined that reasonable efforts and opportunities have been made to meaningfully consult and that the honour of the Crown is upheld.

Communication of Decision to First Nations (Planning Forester)(If Decision to proceed with sale or road was made following consultation then list date(s) that decision was communicated to applicable First Nations)(date sent shall not occur prior to TSM sign off)

Blocks / Roads	First Nation	Decision to Proceed Y	Notification Method	Notification Date	Initial
		☐			
		☐			
		☐			
		☐			