

This 2021 Amending Agreement dated for reference the 22nd day of March, 2021.

**(“2021 Amending Agreement”)**

between

**KITSELAS FIRST NATION**

as represented by the Chief and Council of the Kitselas Indian Band  
 (“Kitselas”)

and

**HER MAJESTY THE QUEEN IN RIGHT OF  
 THE PROVINCE OF BRITISH COLUMBIA**

as represented by the Minister of Indigenous Relations and Reconciliation  
 (hereinafter the “Province”)

(each a “Party” and collectively the “Parties”)

**WHEREAS:**

- A. On February 15, 2018 the Province and Kitselas entered into the *Kitselas Consultation Agreement* (the “Agreement”);
- B. Section 16.6 of the Agreement provides that the Parties may agree to amend the Agreement in writing; and
- C. The Province and Kitselas wish to amend the Agreement in accordance with this 2021 Amending Agreement.

NOW, THEREFORE, the Parties agree as follows:

**1. Effective Date**

- 1.1 This 2021 Amending Agreement will take effect on the last date it is signed by the Parties (the “2021 Amending Agreement Effective Date”).

**2. Amendments to the Agreement**

Effective as of the 2021 Amending Agreement Effective Date, the Agreement is amended as follows:

2.1 Paragraphs B, C and D of the Whereas section of the Agreement are deleted and replaced with the following:

“B. British Columbia and Kitselas have signed:

- (i) the Kitselas Reconciliation Agreement which commits the Parties to negotiating and attempting to reach agreement on a consultation agreement; and,
- (ii) The Kitselas Forest & Range Consultation and Revenue Sharing Agreement (FCRSA);

C. The Parties respect Kitselas laws, policies and cultural values, and are committed to fostering excellent working relationships to implement a consultation process consistent with the purposes of the Kitselas Reconciliation Agreement;

D. British Columbia has enacted the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) that provides a framework for implementing the United Nations Declaration of the Rights of Indigenous Peoples (United Nations Declaration);”

2.2 The Whereas section of the Agreement is further amended by inserting the following as paragraph E:

“E. The Parties see the evolving relationship developed through this consultation Agreement as a tool for Kitselas enacting stewardship of its territory and for the Parties to explore approaches to reconciliation consistent with the United Nations Declaration and Declaration Act.”

2.3 Section 1.1 of the Agreement is amended by inserting the following definition:

“**“2021 Amending Agreement Effective Date”** means the date the 2021 Amending Agreement between the Kitselas and the Province is signed by both Parties;”

2.4 The definition of “**Proposed Activity**” in section 1.1 of the Agreement is amended by deleting the phrase “but does not include any proposed “Operational Plan”, or “Administrative Decision and/or Operational Plan” within the meaning of the FCRSA;”.

2.5 The definition of “**Shared Engagement Record**” or “SER” in section 1.1 of the Agreement is deleted and replaced with the following:

“**“Shared Engagement Record” or “SER”** means the document developed by the Consultation Working Group in accordance with the Engagement Framework

in respect of a Proposed Activity, including a copy of the information package, correspondence and documents added by either Party during Engagement, and applicable Recommendations;”

- 2.6 Section 2.2 of the Agreement is amended by deleting the “and” after the end of subparagraph d., deleting the period at the end of subparagraph e. and replacing it with a semicolon and inserting the following as subparagraph f.:

“f. establishing a strong working relationship for collaborative dialogue between the Parties on matters related to lands and resources, such as moving beyond transactional approaches to consultation, including sharing ideas and utilizing new tools for increased collaboration and cooperation.”

- 2.7 Section 5.1 of the Agreement is deleted and replaced with the following:

“5.1 **Periodic Review.** The Parties will review this Agreement as soon as practicable after the 6th and 12th month anniversaries of the Effective Date, and then annually thereafter to ensure that it is effective, discuss new strategic opportunities and moving beyond transactional approaches to consultation, and, following such review, may agree to amend this Agreement, including any agreed upon funding, in accordance with section 16.6.”

- 2.8 Section 6.3 of the Agreement is deleted and replaced with the following:

“6.3 **Relationship to FCRSA.** The Parties acknowledge that this Agreement including the Engagement Framework contained in Appendix C of this Agreement is the means by which the Parties will fulfill their obligation to consult and, where appropriate, the means by which British Columbia will identify measures or processes to accommodate any adverse impacts on Kitselas’ Aboriginal Interests resulting from proposed forest and range activities.”

- 2.9 Section 9 of the Agreement is amended by inserting the following as sections 9.2 and 9.3:

“9.2 **Funding.** In order to effectively implement this Agreement, British Columbia will, for the a three (3) year period following the 2021 Amending Agreement Effective Date, supplement Kitselas resources by providing Kitselas with **\$300,000** dollars in funding, payable as follows:

- a. **\$100,000 dollars** within sixty (60) days of the 2021 Amending Agreement Effective Date; and

- b. **\$100,000 dollars** within thirty (30) days of the first and second anniversaries of the 2021 Amending Agreement Effective Date and upon receipt of the applicable reports under section 10.1.
- 9.3 **Funding Renewal.** Six (6) months prior to the expiry of the three-year funding period of this Agreement under section 9.3, the Parties will seek to negotiate the renewal of funding to supplement Kitselas resources for implementing this Agreement.”
- 2.10 Section 10 of the Agreement is amended by inserting the following as section 10.1:
  - “10.1 **Reporting on Funding.** To be eligible for payments under section 9.2, Kitselas will, on or before the anniversary of the 2021 Amending Agreement Effective Date of each year, prepare a report containing the information set out in Appendix D.”
- 2.11 Section 14 of the Agreement is deleted and replaced with the following:
  - “14.1 **Term.** This agreement will commence on the Effective Date.
  - 14.2 **Termination.** Notwithstanding 14.1, this Agreement may be terminated in writing by either Party on ninety (90) days’ notice or on a date mutually agreed on by the Parties.
  - 14.3 **Withdrawal.** A Provincial Agency may withdraw its participation in this Agreement by providing 45 days written notice to the Consultation Working Group Co-Chairs, and on such notice, the Parties will:
    - a. determine if any changes to the funding under section 9.2 or any amendments to this Agreement are required; and
    - b. amend this Agreement if required.
  - 14.4 **Resolution of Termination or Withdrawal.** In recognition of the enduring value of a government-to-government relationship between the Parties, the Parties will:
    - a. on notice of termination under section 14.2 or withdrawal of a Provincial Agency under section 14.3, provide the other Parties with the reasons for the termination or withdrawal; and
    - b. meet face to face within 30 days to attempt to resolve the issue prior to termination or withdrawal.
  - 14.5 **Status of Funding and Survival of Provisions on Termination.** Where this Agreement is terminated under section 14.2:

- a. the Parties will meet face to face within 14 days of the termination to discuss:
  - i. remittance of any unspent funding in accordance with subsection b.;
  - ii. ongoing communication; and
  - iii. such other matters as the Parties may agree in order to maintain a good working relationship;
- b. Kitselas will, where it has received funding from British Columbia to implement this Agreement, remit any unspent funds to British Columbia within 30 days of the termination of this Agreement taking effect; and
- c. section 8.4 of this Agreement related to Confidentiality and Freedom of Information survives the termination of this Agreement.”

2.12 Appendix C – Engagement Framework of the Agreement is deleted and replaced with Appendix C – Engagement Framework attached to this 2021 Amending Agreement as Appendix 1.

### **3. General**

3.1 This 2021 Amending Agreement may be signed in counterparts and exchanged by electronic means of transmission. Together all counterparts constitute the 2021 Amending Agreement.

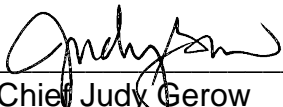
3.2 Each Party represents and warrants to the other that:

- a. it has taken all necessary action and has obtained all necessary approvals to enter into this 2021 Amending Agreement;
- b. this 2021 Amending Agreement is valid and binding; and
- c. its representatives who sign this 2021 Amending Agreement have been duly authorized to do so.

3.3 Except as amended by this 2021 Amending Agreement, all provisions of the Agreement remain in full force and effect.


IN WITNESS whereof the Parties have executed this 2021 Amending Agreement as set out below.

**Signed on behalf of Kitselas, as  
represented by:**

  
\_\_\_\_\_  
Chief Judy Gerow  
(or authorized  
representative)

March 9, 2021  
Date

**Signed on behalf of Her Majesty the  
Queen in Right of the Province of  
British Columbia, as represented by the  
Minister of Indigenous Relations and  
Reconciliation:**

  
\_\_\_\_\_  
The Honourable  
Murray Rankin  
(or authorized  
representative)

March 22, 2021  
Date

**Appendix 1**  
**Appendix C – Engagement Framework**

<b>Kitselas Activity Table</b>					
<b>Sector</b>	<b>Level 0 – No Consultation</b>	<b>Level 1 – Post Decision Notification</b>	<b>Level 2 – Notification (10 Days)</b>	<b>Level 3 – Normal</b>	<b>Level 4 – Deep</b>
<b>Forestry (FLNRORD)</b>	<p><b>Licence / Tree Farm Licence/Community Forest/ Agreement/Woodlot Licence</b></p> <ul style="list-style-type: none"> <li>Administrative Cutting Permit amendments (for example: a date change)</li> <li>Forest stewardship plans minor amendments (for example: adding another licence that is in their name into the FSP)</li> <li>Woodlot licence plan minor amendments</li> </ul> <p><b>Misc. Forest Tenure Decisions</b></p> <ul style="list-style-type: none"> <li>Free use permit issuance or First Nations cultural use</li> <li>Authority to harvest timber by Crown agents (Forest Act Sec 52)</li> </ul>	<p><b>Licence to Cut – Occupant Licence To Cut, Forest Licence To Cut</b></p> <ul style="list-style-type: none"> <li>Forestry licence to cut issuance (minor cutting, small scale salvage, recreation sites and trails)</li> <li>Occupant licence to cut issuance</li> <li>Community wildfire protection (Forest Licence To Cut)</li> </ul> <p><b>Forest Licence / Timber Licence</b></p> <ul style="list-style-type: none"> <li>Transfer / consolidation of forest licence (except woodlots) - as long as it is not transferring from one licensee to another</li> </ul> <p><b>Old Growth Management Areas</b></p> <ul style="list-style-type: none"> <li>Minor amendments</li> </ul> <p><b>BC Timber Sales</b></p>	<p><b>Licence / Tree Farm Licence/Community Forest Agreement/Woodlot Licence</b></p> <ul style="list-style-type: none"> <li>Operational Cutting Permit Amendments (for example, a reduction in size)</li> </ul> <p><b>Woodlot Licence Decisions</b></p> <p><b>Special Use Permits</b></p> <ul style="list-style-type: none"> <li>Special use permit amendments/replace ment</li> </ul> <p><b>Forest Licence</b></p> <ul style="list-style-type: none"> <li>Forest stewardship plan extensions</li> </ul> <p><b>Incremental silviculture work led by the Province</b></p> <ul style="list-style-type: none"> <li>Stand treatments to meet timber objectives (fertilization/Juvenile spacing/brushing)</li> </ul> <p><b>Special Use Permits</b></p> <ul style="list-style-type: none"> <li>Incremental silviculture work led by the Licensee - Stand treatments to meet</li> </ul>	<p><b>Forest Licence:</b></p> <ul style="list-style-type: none"> <li>Non-replaceable forest licence extension</li> </ul> <p><b>Woodlot Licence Decisions</b></p> <ul style="list-style-type: none"> <li>Direct award of woodlot to First Nations through Forest and Range Agreements / Forest and Range Opportunities process (either new or area increase)</li> <li>Boundary amendment to increase Crown land only under Section 47.1 (First Nations only) –</li> <li>New management plan or amendments</li> </ul> <p><b>Woodland Licence Decisions</b></p> <ul style="list-style-type: none"> <li>Direct award area based licence</li> </ul>	

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Forestry (FLNRORD)	<ul style="list-style-type: none"> <li>Permit to grow and/or harvest Christmas trees on Crown land</li> </ul> <b>Road Use Permits</b> <ul style="list-style-type: none"> <li>Road use permits on Forest Service Roads (new and amendments)</li> </ul>	<ul style="list-style-type: none"> <li>Decision to auction a TSL</li> <li>Notification of TSL award</li> </ul>	timber objectives (fertilization/Juvenile spacing/brushing) <b>Forest Licence / Timber Licence</b> <ul style="list-style-type: none"> <li>Transfer / consolidation of forest licence if it is transferring from one licensee to another</li> </ul> <b>BC Timber Sales</b> <ul style="list-style-type: none"> <li>Timber sale licence extensions</li> </ul>	<ul style="list-style-type: none"> <li>First Nations through Forest and Range Agreements</li> <li>Management Plan</li> </ul> <b>Government Action Regulations</b> <ul style="list-style-type: none"> <li>Government action regulation orders</li> </ul> <b>Special Use Permits</b> <ul style="list-style-type: none"> <li>Special use permit issuance, except for incremental silviculture work</li> </ul> <b>Land Use Order Amendments and Establishments</b> <ul style="list-style-type: none"> <li>For example, A major amendment to an OGMA</li> <li>All other Land Use Order Amendment and Establishment decisions</li> </ul> <b>Cutting permit</b> <ul style="list-style-type: none"> <li>Cutting permit issuance**</li> </ul> <b>Road Permit</b> <ul style="list-style-type: none"> <li>Road permit Issuance</li> </ul> <b>Timber Supply Review of Timber Supply Area ***:</b>	



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Forestry (FLNRORD)				<ul style="list-style-type: none"> <li>Timber supply reviews (Chief Forester) for timber supply area annual allowable cut (AAC) determination***</li> <li>AAC apportionment*</li> </ul> <p><b>Tree Farm Licence:</b></p> <ul style="list-style-type: none"> <li>Timber Supply Review and Management Plan /AAC approval***</li> </ul> <p><b>Forest Licence</b></p> <ul style="list-style-type: none"> <li>Replacement *</li> <li>Forest Stewardship Plan approval (including amendments requiring approval, not including extension requests)*</li> <li>Non-replaceable forest licence issuance*</li> <li>Decisions related to Unused, Unharvested and Uncommitted Volumes in the Management Units</li> </ul> <p><b>Provincial Forest Deletion</b></p>	

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Forestry (FLNRORD)				<ul style="list-style-type: none"> <li>Decision on Provincial forest deletion</li> </ul> <b>Timber Licence</b> <ul style="list-style-type: none"> <li>Extension</li> </ul> <b>Community Forest Agreement Decisions, including:</b> <ul style="list-style-type: none"> <li>management plan amendments and approvals*</li> <li>Timber supply review and/or allowable annual cut determination*</li> <li>Identification of community forest agreement area and district manager approval*</li> <li>Boundary amendment</li> </ul> <b>Woodlot Licence Plan/Management Plan</b> <ul style="list-style-type: none"> <li>development and amendments</li> </ul> <b>BC Timber Sales (BCTS)</b> <ul style="list-style-type: none"> <li>Road permit issuance</li> <li>Timber Sale Licence issuance</li> </ul>	
Lands (FLNRORD)	<ul style="list-style-type: none"> <li>Establishment of Section 16/17 Land</li> </ul>	<ul style="list-style-type: none"> <li>Emergency Measures related for the</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of Section 16/17 Land Act</li> </ul>	<ul style="list-style-type: none"> <li>Crown land tenure.</li> </ul>	<ul style="list-style-type: none"> <li>New resort application.</li> </ul>

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<b>Lands (FLNRORD)</b>	<p>Act Reserves for provincial agencies in which a higher level of engagement is required prior to development (i.e., future park, MEMPR no staking reserve, MOTI gravel reserve for future operations).</p> <ul style="list-style-type: none"> <li>Administrative applications that are assignments from individuals to individuals.</li> <li>Activities that are noted in the <i>Permission Land Use Policy</i>.</li> </ul>	<p>protection of life and property.</p> <ul style="list-style-type: none"> <li>Communication sites and associated buildings with less than 1 hectare site footprint &amp; no new road access.</li> <li>Navigation aids.</li> <li>Investigative Use Permits where there are low impacts (i.e., surveying and inventory work [birds, plants, water quality/quantity], non-mechanized land alteration).</li> <li>Commercial film (small).</li> <li>Commercial recreation involving non-motorized, light-impact, extensive uses including , backcountry hiking, and guided nature tours.</li> </ul>	<p>Reserves for non-provincial government agencies (i.e., Federal Government, Municipality) or provincial applications related to treaty interests for neighbouring nations.</p> <ul style="list-style-type: none"> <li>Commercial recreation involving non-motorized, light-impact, specific to: river rafting.</li> <li>Administrative applications including scheduled renewals of existing tenures, licenses or permits. Engagement will occur annually on a batched basis (i.e., Lands Replacements).</li> </ul>	<ul style="list-style-type: none"> <li>Land Act subdivision development approval.</li> <li>Land tenure (i.e., communication site in undisturbed area).</li> </ul>	<ul style="list-style-type: none"> <li>Major projects not currently undergoing review under Environmental Assessment Act.</li> </ul>
<b>Water (FLNRORD)</b>	<ul style="list-style-type: none"> <li>Section 9 (Water Licences), Section 10 (Short Term Use</li> </ul>		<ul style="list-style-type: none"> <li>Section 9's (Water Licences) that are greater than 1% MAD</li> </ul>	<ul style="list-style-type: none"> <li>Section 11's (Change Approvals) moderate</li> </ul>	<ul style="list-style-type: none"> <li>Water licences (i.e., associated with</li> </ul>

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<b>Water (FLNRORD)</b>	<p>Approvals) and Section 11 (Change Approvals) amendments (i.e., change of works, abandonment, apportionment, cancellation, extension of time, name change):</p> <ul style="list-style-type: none"> <li>○ Transfer of appurtenancy, and addition or changes in purpose where the change does not alter the downstream impacts.</li> <li>○ Issuance of a final licence (Section 21).</li> <li>• Orders under the <i>Water Sustainability Act</i> (WSA) to regulate water use or instream activities and groundwater.</li> <li>• All remediation Orders relating to non-compliance.</li> </ul>		<p>or 2.0 m<sup>3</sup>/day (approximately 500 gallon/day) or otherwise deemed low to moderate risk during the technical assessment.</p> <ul style="list-style-type: none"> <li>• Section 9's (Water Licences) that are not exceeding 2.0 m<sup>3</sup>/day (approximately 500 gallons/day) and/or 1% of the MAD, but involve Crown land.</li> <li>• Section 9's (Water Licences) for existing groundwater users/wells, where the source aquifer is suspected of hydraulic connectivity with surface water, and the well is in an area of water scarcity, in which case a pre-decision notification will take place.</li> <li>• Section 9's (Water Licences) for existing groundwater users/wells, where the</li> </ul>	or higher impact, using QPs and BMPs.	hydroelectricity production, or comparable large water authorizations).

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Water (FLNRORD)	<ul style="list-style-type: none"> <li>Maintenance, repairs, and Orders under the <i>Dike Maintenance Act</i>.</li> <li>Maintenance, repairs, and Orders under the <i>Dam Safety Regulations</i>.</li> <li>Section 9's (Water Licences) that are not exceeding 2.0 m<sup>3</sup>/day (approximately 500 gallons/day) and/or 1% of the Mean Annual Discharge (MAD) and do not involve Crown land.</li> <li>Section 9's (Water Licences) for existing groundwater users/wells, where the source aquifer is not hydraulically connected to surface water and the well is not on Crown land.</li> <li>Section 10's (Short Term Use Approvals) that are non-placer mining, (i.e., existing</li> </ul>		<p>source aquifer is suspected of hydraulic connectivity with surface water and the well is not in an area of water scarcity, in which case a post-decision notification will take place.</p> <ul style="list-style-type: none"> <li>Section 9's (Water Licences) for existing groundwater users/wells, where the source aquifer is not suspected of hydraulic connectivity with surface water, but is on Crown land with no current tenure, in which case and a pre-decision notification will take place.</li> <li>Section 9's (Water Licences) for existing groundwater users/wells, where the source aquifer is not suspected of hydraulic connectivity with surface water, but is on Crown land with a</li> </ul>		

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<b>Water (FLNRORD)</b>	<p>dust control, no impact) Not exceeding 5% MAD.</p> <ul style="list-style-type: none"> <li>Section 11's (Change Approvals) that have no or negligible risk of impact, or routine maintenance of infrastructure, using Qualified Professionals and Best Management Practices.</li> <li>Section 11's (Change Approvals) for public safety projects where there is imminent impact.</li> <li>Activities under Part 3 of the <i>Water Sustainability Regulation</i>.</li> </ul>		<p>current tenure, in which case and a post-decision notification will take place.</p> <ul style="list-style-type: none"> <li>Section 10's (Short Term Use Approvals) with potential impact on downstream First Nation Licence, and/or greater than 5% MAD</li> <li>Section 10's (Short Term Use Approvals) with moderate risk of impact to water quality/quantity or habitat values</li> <li>Section 11's (Change Approvals) with low impact, using Qualified Professionals (QP) and Best Management Practices (BMP).</li> <li>Permit over Crown Lands (PCL) that are non-exclusive in nature.</li> <li>Leave to commence for operations (i.e., final authorization to do work as per licence</li> </ul>		

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Water (FLNRORD)			conditions, for water power).		
Fish & Wildlife (FLNRORD)	<ul style="list-style-type: none"> <li>Fish &amp; Wildlife Guiding: <ul style="list-style-type: none"> <li>Guide outfitter licence.</li> <li>Transporter licence.</li> <li>Angling guide licence – freshwater.</li> </ul> </li> <li>Trapping &amp; Fur: <ul style="list-style-type: none"> <li>Trapping licence.</li> <li>Fur trader.</li> </ul> </li> <li>Hunt, Trap or Kill Wildlife: <ul style="list-style-type: none"> <li>Hunt, trap or kill wildlife.</li> <li>Hunt, trap or kill wildlife for disabled.</li> <li>Dens and dam management.</li> <li>Nest management.</li> <li>Accompany to hunt.</li> </ul> </li> <li>Possess Wildlife: <ul style="list-style-type: none"> <li>Dead wildlife.</li> <li>Dead wildlife – ceremonial.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Fish Collection.</li> </ul>		<ul style="list-style-type: none"> <li>Fish &amp; Wildlife Guiding: <ul style="list-style-type: none"> <li>Guide outfitter territory certificate.</li> </ul> </li> <li>Trapping &amp; Fur: <ul style="list-style-type: none"> <li>Trapline transfer.</li> </ul> </li> </ul>	

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<b>Fish &amp; Wildlife (FLNRORD)</b>	<ul style="list-style-type: none"> <li>○ Dead wildlife – research.</li> <li>○ Dead wildlife – lost document.</li> <li>○ Alien species.</li> <li>○ Live wildlife.</li> <li>○ Wildlife sustenance.</li> <li>• Fishing Ponds and Schools: <ul style="list-style-type: none"> <li>○ Trout pond.</li> <li>○ Fishing school.</li> </ul> </li> <li>• Wildlife Import, Export, Transport &amp; Release: <ul style="list-style-type: none"> <li>○ Import wildlife.</li> <li>○ Export wildlife.</li> <li>○ Transport live wildlife.</li> <li>○ Release live wildlife.</li> </ul> </li> <li>• Game Bird Club.</li> <li>• Wildlife Rehabilitation Centre.</li> <li>• Angling: <ul style="list-style-type: none"> <li>○ Disabled people.</li> </ul> </li> </ul>				



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Fish & Wildlife (FLNRORD)					
Arch Branch (FLNRORD)		<ul style="list-style-type: none"> <li>Administrative amendments to permits (i.e., extensions to timeframes for fieldwork reporting, change of permit holder within a company, change in archaeologist. Does not include a change in study area or methods).</li> </ul>	<ul style="list-style-type: none"> <li>Heritage inspection permit (S12.2) –nearly all of S12.2 permits issued by Arch Branch and in advance of development; physically looking for sites via shovel tests, probing, tree boring and the like account for 50-60% of total permits issued per year.</li> <li>Heritage investigation permit (S12.2) permits issued; low impact and may or may not be in advance of development – broad inventory work or research permits on typically very significant sites. Typically less than 15 individual permits in a year (less than 5% of total permits)</li> </ul>	<ul style="list-style-type: none"> <li>Site alteration permit (S12.4) – typically issued for the development phase of projects; alterations to known archaeological sites. <ul style="list-style-type: none"> <li>Accounts for 40-50% of total permits issued per year.</li> <li>Depending on the nature of proposed impacts, an archaeologist may act as co-permittee, to oversee work, or may be issued to an RPF, or a non-archaeologist if there are no concurrent archaeological assessments.</li> <li>The application describes the site(s) to be</li> </ul> </li> </ul>	

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<b>Arch Branch (FLNRORD)</b>			<ul style="list-style-type: none"> <li>Amendments to S12.2 and S12.4 permits to add areas and/or sites, change methods or change repository of artifacts.</li> </ul>	<p>altered, previous assessments, the nature of proposed impacts, and methods if concurrent archaeological assessment is required.</p> <ul style="list-style-type: none"> <li>In the event artifacts are collected, a repository must be identified.</li> <li>Regardless of whether an archaeologist is involved in the permit, there will be deliverables to record what happened.</li> </ul>	
<b>Mines (EMLI)</b>	<ul style="list-style-type: none"> <li>Non- Mechanized emergency measures required for the protection of life and property.</li> <li>Date extension of Notice of Work and leases – Coal, mineral, placer.</li> </ul>	<ul style="list-style-type: none"> <li>Non-Mechanized mineral work including: Geophysical surveys, Underground exploration with nil or negligible surface disturbance.</li> </ul>	<ul style="list-style-type: none"> <li>New Notice of Work under Mines Act in existing disturbance / previously disturbed areas, where the Notice of Work proposes a total disturbance area of</li> </ul>	<ul style="list-style-type: none"> <li>Mines act permit no EA.</li> <li>Mining lease no EA.</li> <li>New Notice of Work under Mines Act in existing disturbance / previously disturbed areas, where the Notice of Work</li> </ul>	<ul style="list-style-type: none"> <li>Mines Act permit with EA.</li> <li>Mining lease with EA.</li> <li>Aggregate development sand and gravel quarry and industrial quarry between</li> </ul>

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
Mines (EMLI)			<p>less than 0.5 ha., including:</p> <ul style="list-style-type: none"> <li>○ Drilling, trenching, or test pitting with or without the use of explosives;</li> <li>○ Re-opening of existing roads or trails within previously-disturbed areas;</li> <li>○ Underground development for mineral exploration with &lt;5ha surface disturbance;</li> <li>● Existing placer mining operations.</li> </ul>	<p>proposes total disturbance area 0.5ha. or more.</p> <ul style="list-style-type: none"> <li>○ Helicopter-supported drill programs;</li> <li>○ Drilling, trenching, or test pitting with or without the use of explosives;</li> <li>○ New access development where previous access has only been by water or air;</li> <li>○ Underground development for mineral exploration with new surface disturbance;</li> <li>● New placer mining operations.</li> <li>● Aggregate development sand and gravel quarry and industrial quarry less than 200,000 tonnes.</li> <li>● Bulk samples.</li> </ul>	200,00-500,000 tonnes.

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>Waste Management (ENV)</b>	<ul style="list-style-type: none"> <li>Section 87 of Environmental Management Act Orders used to address public safety or immediate environmental impacts.</li> <li>Minor amendments to solid waste, liquid waste, liquid effluent discharge and air discharge permit (=less than 10% increase in quantity and decrease in quality).</li> <li>Name change or transfer of waste discharge permits, administrative amendments or temporary amendments, including temporary bypass approvals.</li> </ul>	<ul style="list-style-type: none"> <li>Hazardous waste storage registration.</li> </ul>	<ul style="list-style-type: none"> <li>Significant amendments to solid waste, liquid waste, liquid effluent discharge, and air discharge permit (=more than 10% increase).</li> </ul>	<ul style="list-style-type: none"> <li>New solid waste, liquid waste, liquid effluent discharge and air discharge permits.</li> <li>Amendments to approved Liquid Waste Management Plans (LWMP) or Solid Waste Management Plans (SWMP), or development of new LWMPs and SWMPs.</li> <li>Hazardous waste registrations, or permits for hazardous waste treatment or disposal.</li> </ul>	

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>BC Parks (ENV)</b> *See note below on modifying levels for BC Parks authorizations and Park Use Permit relationship with Collaborative Management Agreements.	<ul style="list-style-type: none"> <li>Operations:               <ul style="list-style-type: none"> <li>Hazard tree removal;</li> <li>Facility maintenance, repair &amp; replacement;</li> <li>Low impact facility development (i.e., signage, etc.);</li> <li>Invasive Plant Species Management<sup>1</sup>.</li> </ul> </li> <li>Park Use Permit (PUP):               <ul style="list-style-type: none"> <li>Transfer (Administrative name/company change).</li> </ul> </li> <li>PUP – Filming (minor – no blocking of access)<sup>2</sup>.</li> <li>Letter of Authorization – Filming (promotional for tourism purposes).</li> </ul>	<ul style="list-style-type: none"> <li>Operations:               <ul style="list-style-type: none"> <li>Minor new facility development (i.e., low impact trails).</li> </ul> </li> <li>Park Use Permit:               <ul style="list-style-type: none"> <li>Minor Amendment (low impact, new activities added, additional area added);</li> <li>Communication sites and navigation aids – low impact &amp; no new access.</li> </ul> </li> <li>PUP – Filming (major)<sup>2,3</sup>.</li> <li>Research PUP (i.e., mode of access used not normally authorized, seasonal activity).</li> <li>Boundary Adjustment (administrative or addition of private lands).</li> </ul>	<ul style="list-style-type: none"> <li>Park Use Permit:               <ul style="list-style-type: none"> <li>Commercial Recreation – non-motorized, light-impact, extensive uses including: river rafting, backcountry hiking, and guided nature tours;</li> <li>Renewals.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Operations:               <ul style="list-style-type: none"> <li>Major new facility development (i.e., new Visitor's Center);</li> <li>Extensive hazard tree removal requiring a prescription;</li> <li>Prescribed burning &amp; fuel hazard reduction by prescription.</li> </ul> </li> <li>Park Use Permit:               <ul style="list-style-type: none"> <li>New;</li> <li>Fixed roof accommodation – cabin/hut/shelter;</li> <li>Major amendment with significant area and/or activity changes and/or new footprint with moderate impacts.</li> </ul> </li> <li>Research PUP:               <ul style="list-style-type: none"> <li>For investigative use purposes (i.e., major projects);</li> <li>Extraction based (i.e., fish/egg</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Establishment of new Park or Protected Area</li> <li>PUP - Fixed roof accommodation – new lodges</li> <li>PUP – major projects (i.e., major roads, utility corridors)</li> <li>Park boundary adjustment (major deletion – moderate to high impacts on PPAs.</li> </ul>

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>BC Parks (ENV)</b> *See note below on modifying levels for BC Parks authorizations and Park Use Permit relationship with Collaborative Management Agreements.	<ul style="list-style-type: none"> <li>Research PUP or Letter of Authorization:               <ul style="list-style-type: none"> <li>Observational based;</li> <li>Low impact sampling (i.e., tree coring or surface rock collection).</li> </ul> </li> </ul>			collection, live wildlife capture). <ul style="list-style-type: none"> <li>Boundary Adjustment (Addition of new Crown lands, change in designation, minor deletion).</li> <li>Management planning for Parks and Protected Areas (PPAs) not identified in the Kitselas-Province of BC Collaborative Management Agreement.</li> </ul>	
<b>MOTI – Operations</b> *See below for Level 4 process instructions unique to MOTI	<b>Aggregates:</b> <ul style="list-style-type: none"> <li>Gravel Removal or Processing in Developed Area (No Stripping Required)</li> <li>Section 16/17 Map Reserve Application</li> </ul> <b>Bridges Rehabilitation / Replacements:</b>	<b>Emergency Works:</b> <ul style="list-style-type: none"> <li>Emergency Response</li> </ul>	<b>Aggregates:</b> <ul style="list-style-type: none"> <li>Geotechnical Test Pitting</li> </ul> <b>Bridges Rehabilitation / Replacements:</b> <ul style="list-style-type: none"> <li>Bridge Rehabilitation – Rip Rap Restoration, No Impacts to Water</li> </ul>	<b>Aggregates:</b> <ul style="list-style-type: none"> <li>Pit Development and Expansion, including Logging, Clearing and Grubbing</li> </ul> <b>Bridges Rehabilitation / Replacements:</b> <ul style="list-style-type: none"> <li>Bridge Rehabilitation - New Rip Rap</li> </ul>	<i>*See below for Level 4 process instructions unique to MOTI</i>  <b>Bridges Rehabilitation / Replacements:</b> <ul style="list-style-type: none"> <li>Bridge Replacements</li> </ul> <b>CVSE Scale Sites:</b>

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>MOTI – Operations</b> <i>*See below for Level 4 process instructions unique to MOTI</i>	<ul style="list-style-type: none"> <li>Bridge Rehabilitation – Structural</li> <li>Minor Deck Resurfacing</li> </ul> <b>Culvert Repair and Replacement:</b> <ul style="list-style-type: none"> <li>No Water Sustainability Act Permit Required</li> <li>Where Water Sustainability Regulation Section 39 Authorized Changes – Changes in and about a stream apply</li> </ul> <b>CVSE Scale Sites:</b> <ul style="list-style-type: none"> <li>Scale Improvements (on existing footprint / no new disturbance)</li> </ul> <b>Intersection Improvements:</b> <ul style="list-style-type: none"> <li>Electrical Improvements or New Electrical Installations</li> </ul> <b>Routine and Quantified Road and Bridge Maintenance as defined by the Highway</b>		<ul style="list-style-type: none"> <li>Major Deck Resurfacing</li> </ul> <b>Culvert Repair and Replacement:</b> <ul style="list-style-type: none"> <li>Where Section 11's (Change Approvals) with low impact, using Qualified Professionals (QP) and Best Management Practices (BMP) are required.</li> </ul> <b>Intersection Improvements:</b> <ul style="list-style-type: none"> <li>Small Intersection Improvements (e.g. meridians)</li> </ul> <b>Road Improvements / Repairs / Upgrades:</b> <ul style="list-style-type: none"> <li>Pavement Resurfacing</li> <li>Road Improvements (wider shoulders, pull-outs)</li> </ul>	<ul style="list-style-type: none"> <li>Bridge Rehabilitation – Rip Rap Restoration, Impacts to Water</li> </ul> <b>Culvert Repair and Replacement:</b> <ul style="list-style-type: none"> <li>Where Section 11's (Change Approvals) moderate or higher impact, using QPs and BMPs are required.</li> </ul> <b>CVSE Scale Sites:</b> <ul style="list-style-type: none"> <li>Scale Expansions (new disturbance)</li> </ul> <b>Intersection Improvements:</b> <ul style="list-style-type: none"> <li>Large Intersection Improvement Within Existing Right-Of-Way</li> </ul>	<ul style="list-style-type: none"> <li>New Scale Location</li> </ul> <b>Intersection Improvements:</b> <ul style="list-style-type: none"> <li>Large Intersection Improvement Requiring Additional Lands Outside Right-Of-Way</li> </ul> <b>Road Improvements / Repairs / Upgrades:</b> <ul style="list-style-type: none"> <li>4 Laning</li> <li>Grade Separation</li> <li>Lowering Roads</li> <li>Passing Lanes</li> </ul>

*\*See below for Level 4 process instructions unique to MOTI*

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>MOTI – Operations</b> <i>*See below for Level 4 process instructions unique to MOTI</i>	<b>Maintenance Agreement Schedule 1:</b> <b>Surface Maintenance:</b> <ul style="list-style-type: none"> <li>Asphalt Pavement Maintenance</li> <li>Dust control and Base Stabilization</li> <li>Fence Maintenance</li> <li>Highway and Shoulder Grading</li> <li>Pavement Patching and Crack sealing</li> <li>Road Base Maintenance</li> <li>Snow Removal / Surface Cleaning</li> </ul> <b>Structure Maintenance</b> <ul style="list-style-type: none"> <li>Bridge Maintenance, including washing</li> </ul> <b>Drainage Maintenance</b> <ul style="list-style-type: none"> <li>Ditch Maintenance</li> </ul>				<i>*See below for Level 4 process instructions unique to MOTI</i>



Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>MOTI – Operations</b> <i>*See below for Level 4 process instructions unique to MOTI</i>	<ul style="list-style-type: none"> <li>Drainage Appliance Maintenance</li> <li>Shore, Bank and Watercourse Maintenance (annual report available)</li> </ul> <b>Roadside Maintenance</b> <ul style="list-style-type: none"> <li>Brush, Tree and Danger Tree Removal</li> <li>Curb / Gutter / Island Maintenance</li> <li>Fence Maintenance</li> <li>Litter Removal / Debris Removal</li> <li>Rest Area Maintenance</li> <li>Vegetation Control</li> </ul> <b>Traffic Maintenance</b> <ul style="list-style-type: none"> <li>Sign Maintenance</li> <li>Temporary Pavement Marking</li> </ul>				

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>MOTI – Operations</b> <i>*See below for Level 4 process instructions unique to MOTI</i>					
<b>MOTI – Development Services</b> <i>*See below for Level 4 process instructions unique to MOTI</i>	<b>Permits</b> <ul style="list-style-type: none"> <li>• Access (Residential)</li> <li>• Bus Stops, Shelters, Benches</li> <li>• Cattleguard/ Gates</li> <li>• Fencing</li> <li>• Fiber Optics</li> <li>• Mailboxes</li> <li>• Overhead cable, Telephone and Power</li> <li>• Sidewalk and Landscaping</li> <li>• Signs</li> <li>• Special Events</li> <li>• Street Lights</li> <li>• Structure Encroachment or Setback</li> <li>• Traffic Signs</li> </ul>		<b>Permits</b> <ul style="list-style-type: none"> <li>• Works Within Right-Of-Way (Construction on a Road Dedication)</li> </ul> <b>Permits within 500 metres of an Indian Reserve or Archaeological site</b> <ul style="list-style-type: none"> <li>• Access (Residential)</li> <li>• Bus Stops, Shelters, Benches</li> <li>• Cattleguard/ Gates</li> <li>• Fencing</li> <li>• Sidewalk and Landscaping</li> <li>• Trenching, Boring or Jacking</li> <li>• Underground cable, Telephone and Power</li> <li>• Wireless Communication</li> </ul> <b>Subdivision Approvals</b>	<b>Permits</b> <ul style="list-style-type: none"> <li>• Access (Commercial, Industrial)</li> <li>• Oil &amp; Gas Activities</li> <li>• Transmission Lines</li> </ul> <b>Road Closures</b> <ul style="list-style-type: none"> <li>• All Road Closures</li> </ul>	<i>*See below for Level 4 process instructions unique to MOTI</i>

Kitselas Activity Table					
Sector	Level 0 – No Consultation	Level 1 – Post Decision Notification	Level 2 – Notification (10 Days)	Level 3 – Normal	Level 4 – Deep
<b>MOTI – Operations</b> <i>*See below for Level 4 process instructions unique to MOTI</i>	<ul style="list-style-type: none"> <li>Trees on Highway Right of Way (removal)</li> <li>Trenching, Boring or Jacking</li> <li>Underground cable, Telephone and Power</li> <li>Wireless Communication</li> </ul>		<ul style="list-style-type: none"> <li>Crown Land Created Through Subdivision (Road Dedication)</li> </ul> <b>Municipal/ Regional District Referrals</b> <i>(within 800 metres of a Controlled Access Highway):</i> <ul style="list-style-type: none"> <li>Approval of Municipal Development Permits Referral</li> <li>Rezoning Applications</li> </ul>		

Modifier Criteria
<p>Each Party may propose to modify a consultation level up or down by following the Engagement Framework process, which requires a rationale and agreement by both Parties.</p>
<p><b>*Note: It is expected that up-modifiers will not be used for BC Parks for the following reasons:</b></p> <ul style="list-style-type: none"> <li>• BC Parks is responsible for the management and conservation of a system of parks and protected areas (PPAs) located throughout the province. Included in its mandate is the legislated requirement for BC Parks to protect values within these areas from environmental and social impacts that are not necessary to preserve or maintain the unique set of values each Protected Area offers. In addition to these legislated mandates, BC Parks policy outlines the need to balance conservation and recreation objectives. Of primary concern is the long-term protection and management of natural, cultural heritage, and recreation values.</li> <li>• To ensure that the stewardship of BC's parks and ecological reserves is included in all activities and practices that are conducted within these areas, impact assessments are required as per the BC Parks Impact Assessment Policy (1999). The Policy applies to all reviewable actions proposed within PPAs, including those proposed by BC Parks.</li> <li>• Management plans are required to be developed for all PPAs. A management plan is developed with input from First Nations, local governments, the public and other interest groups. It outlines the management direction, including a list of allowable uses and activities, and desired future condition for a protected area and how to achieve it. The management plan is built based on the objectives of the higher level land use plan. There is an existing commitment that no new activities will be authorized within a conservancy until such time that a management plan is in place.</li> </ul>
*BC Parks – Park Use Permits
<ul style="list-style-type: none"> <li>• Although Kitselas has a Collaborative Management Agreement with BC Parks, the Parties agree that the engagement process for Park Use Permit authorizations will be in accordance with this Engagement Framework.</li> </ul>
*Forestry – Process Clarifications
<p><b>* Modified Timelines</b></p> <ul style="list-style-type: none"> <li>• Timeline is 30-40 days for all decisions marked with a * in level 3 of forestry section of the activity table</li> </ul> <p><b>** Cutting Permit Issuance</b></p> <ul style="list-style-type: none"> <li>• Pilot project beginning January 2021: Batching information-sharing and consultation processes for cutting, road and ancillary permits. Review and update in a year</li> </ul> <p><b>*** TSR Process</b></p> <ul style="list-style-type: none"> <li>• Consultation will be initiated by FLNRORD during the review and comment phase of the “Information Package” (Tree Farm Licences) / “Data Package” (Timber Supply Areas) and “Draft Management Plan” (Tree Farm Licences) / “Discussion Paper”(Timber Supply Areas). Kitselas will make best efforts to respond within the first 40 business days of consultation being initiated. This timeframe will allow for any appropriate adjustments to be made before the next step in the Timber Supply Review. While these timelines allow for the most</li> </ul>

efficient and thorough consideration of Kitselas' interests, all comments received in advance of the Allowable Annual Cut determination (and approval of the Management Plan in the case of Tree Farm Licences) will be considered by FLNRORD. At Kitselas' request, a meeting may be scheduled with the Chief Forester in advance of the decision.

**\*MOTI – Level 4 Consultation Process**

- Following 4.1 of Appendix C – Engagement Framework, MOTI Project Manager will provide written notice to Kitselas of a proposed activity as soon as practicable (cc'ing the CWG co-chairs). This will include information listed in 4.1 (a) – (c) and will be accompanied by an initial version of the SER (v.1.0) for the proposed project.
- Once this information is received, the CWG will establish a Level 4 working group as detailed in Appendix C – 4.4
- As per Appendix C – 4.5, the CWG will develop a process for engagement respecting the proposed activity using the following as guidance:

MOTI has noted that Level 4 projects are typically comprised for 3 key decision points:

1. Pre-Design Phase
    - Following receipt of initial SER and all other relevant information, Kitselas will provide information as set out in Appendix C – 4.4 (a) – (c) via SER to the MOTI Project Manager.
    - MOTI Project Manager will respond to KLRD via SER initiating an iterative engagement process.
  2. Design & Assessment Phases
    - As relevant project documents and updates arise, they will be distributed by the MOTI Project Manager via SER.
    - Following the receipt of any new information, Kitselas will provide responses and an engagement process continues through consultation timeline (~1-2 years).
  3. Decision/Tender Phase
    - Following engagement on proposed project, the parties will seek final consensus and enter into SER.
    - 30 business days prior to going to tender, Project Manager sends out a final (pre-decision) SER to Kitselas summarizing communications, comments received and how they were addressed.
    - Kitselas provides final comments on project within 20 business days of receiving the final (pre-decision) letter.
    - MOTI Project Manager will respond back to KLRD via SER in an iterative engagement process that will end within 30 business days from the date final (pre-decision) SER is provided to Kitselas.
- Negotiations on an accommodation agreement may occur depending on the scope and impact to aboriginal rights including title of a particular level 4 project. These negotiations will occur separately between MOTI and Kitselas.
  - As outlined in Section 9.2 (b) of this Agreement, additional funding may be available to support the CWG on Level 4 projects. This will be discussed on a project by project basis depending on the scope and complexity of the Level 4 project.

<sup>1</sup> Activities are conducted in accordance with the 5 Year Invasive Plant Pest Management Plan for Provincial Public (Crown) Lands in Central and Northern British Columbia (FLNRORD), which is publicly available.

<sup>2</sup> Filming Park Use Permits are provincially required to be processed in 5 days.

<sup>3</sup> Film monitors may be required to be on site during all stages of filming to ensure conditions of the Park Use Permit are adhered to. Monitors have Stop Work Order Authority under the Permit.