

## Land Base Investment First Nations Information Sharing Guidelines

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The Negotiations and Regional Operations Division of the Ministry of Aboriginal Relations and Reconciliation has developed a common set of procedures for consulting with First Nations for all natural resource agencies to use. These new procedures and associated guidance documents help steer the Land Base Investment (LBI) First Nations information sharing and consultation process.

The 2011-12 information sharing guidelines are intended for delivery agents completing work activities on the land base under LBI as outlined in the LBI strategy (<http://lbis.forestpracticesbranch.com/LBIS/home>). The outlined approach ensures the high-quality work and existing relationships with First Nations that have been built to date are maintained. In addition, business continuity is maintained through a more efficient and effective model that is consistent with government's direction for consultation. The described approach is not intended to replace or supersede the development of relationships, process agreements or treaties between the Province and First Nations.

The Province may delegate certain, procedural aspects of consultation to the delivery agent. Delivery agents are responsible for carrying out the information sharing component of consultation with First Nations and they will be supported by First Nations Relations Specialists, of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), who reside in the regions and/or districts.

Delivery agents are expected to contact district staff early in the information sharing process. In addition to the LBI information sharing matrix, district staff will provide guidance on the suggested level of information sharing and other relevant information. If a signed agreement such as a Forestry Consultation and Revenue Sharing Agreement is in place with specific expectations for information sharing, that process supersedes these information sharing guidelines.

**Delivery agents must have approval from the District Manager Resource Operations or their designate that information sharing was adequate prior to work commencement.**

### 1.0 Tools and Templates

There are tools and templates that have been developed to assist delivery agents with information sharing for LBI activities on the land base, and include:

- i. **Information Sharing Matrix:** The matrix describes the recommended level of information sharing required for each land base activity.
- ii. **Referral Letter Template:** The referral letter template is for use in the information sharing process and is to be tailored according to the level of information sharing required.

- iii. **Map Template:** The map template is for use in the information sharing process to provide a visual representation of all intended LBI activities in a First Nations territory.
- iv. **Contact List:** The contact list provides a listing of First Nations Relations Specialists in the districts that will assist delivery agents in the information sharing process by providing advice and guidance.

## 2.0 Roles & Responsibilities

### **First Nations Relations Specialists:**

1. In addition to the Information Sharing Matrix, First Nations Relations Specialists will provide guidance to Land Base Investment staff and delivery agents on the appropriate level of information sharing and the broader consultation process where required ;
2. Identify relevant First Nations and confirm with delivery agents;
3. Assess whether an initial review is needed and supply relevant information about the First Nation's aboriginal interests to the delivery agent where required;
4. Review the documentation of information sharing from the delivery agent and complete a delivery agent requirements checklist. In most cases information sharing is the responsibility of the proponent/delivery agent, however in some cases there is the potential for the First Nations Relations Specialist to collate and send out the proponents information sharing package with the referral letter to First Nations;
5. Document and promptly inform the delivery agent and LBI staff regarding the adequacy of the information sharing, and whether the District Manager Resource Operations or their designate is satisfied with the consultation process;
6. Carry out further consultation with First Nations as required, e.g. when comments from First Nations cannot be addressed by the delivery agent, or when projects require a higher level of consultation than originally considered appropriate and it is more suitable for government to step in; and
7. Lead and coordinate meetings with First Nations, delivery agents, and LBI staff as required.

### **Land Base Investment Delivery Agents:**

1. Check the LBI Information Summary Matrix for recommended level and timeframe for information sharing;
2. Obtain guidance and relevant information related to aboriginal interests, where required, from the district staff and confirm relevant First Nations prior to information sharing;
3. Follow the current process for Information Sharing outlined in the First Nations Information Sharing Guidelines and any additional direction given by district staff with regard to the suggested level of consultation, type and appropriate recommended action(s). In most cases information sharing is the responsibility of the proponent/delivery agent, however in some

cases there is the potential for the First Nations Relations Specialist to collate and send out the proponents information sharing package with the referral letter to First Nations. Confirm with district staff if this is an option;

4. Provide to relevant First Nations a complete Information Sharing package containing the Referral Letter, Information Sharing Summary, Workplan, and/or treatment plans and site maps for review as early as possible with a copy to district staff;
5. Document and summarize the information sharing process;
6. Ensure the First Nations Relations Specialist in the District and LBI staff in the region or district are invited to participate and/or are notified of any meetings with First Nations;
7. Delivery agents must consult with the First Nations Relations Specialist when they receive a request for financial compensation to participate in information sharing such as commenting on Referrals, Preliminary Field Reviews and when field reviews are required (e.g. if mechanical site prep, trail construction is required), and in cases where an agreement cannot be reached or when concerns cannot be addressed by the delivery agent.
8. Document the decision by the District Manager Resource Operations or their designate that the information sharing has been adequate. A clear statement is mandatory in PINES/FIRS to indicate that the information sharing requirements have been completed and that a confirmation of adequacy was received from the District.

### 3.0 Information Sharing Matrix and Consultation

#### Level 1: Planning and First Nations Information Sharing

Level 1 refers to the procedural delegation of information sharing conducted by third parties. The information package consists of a comprehensive list of all planned activities for the upcoming fiscal year and the proposed locations of those planned activities. This information is shared with First Nations.

At Level 1, no follow up with First Nations is expected by the delivery agent. If First Nations contacts the delivery agent or the Crown, it is expected that any questions or concerns raised will be responded to and communications will be documented before the commencement of work activities.

#### Level 2: Available Upon Request

Level 2 refers to the procedural delegation of information sharing conducted by third parties suitable when projects involve the technical gathering of data used to augment future projects (such as Wildlife Studies, Forest Health Overviews, and longer term monitoring projects). The delivery agent is expected to include these kinds of projects in the information package sent to First Nations. It is also expected that the delivery agent will provide copies of the final studies/prescriptions/maps or other deliverables upon request from First Nations.



### **Level 3: Notification**

Level 3 or a Notification process refers to the procedural delegation of information sharing conducted by third parties and will typically involve information sharing with the provision of a timeframe for First Nations response. At Level 3, the delivery agent shares copies of maps and treatment descriptions to First Nations when available.

### **Level 4: Expedited Normal Consultation**

Level 4 involves an expedited process. To qualify for expedited timeframes, there must be a compelling rationale based on Public Safety or Environmental Risk. A rationale for reduced comment period must be approved by the District Manager Resource Operations or their designate.

### **Level 5: Normal Consultation**

Level 5 involves a Normal Consultation process which typically extends over a 60 day period. At Level 5, the delivery agent is expected to:

- Share information, provide targeted treatment timeframes and actively follow up with First Nations. At a minimum, the following discussion points should be covered:
  - The information package was received;
  - The information package was clear and provided sufficient detailed information for First Nations to comment; and
  - Answer questions or concerns about the information sharing package or proposed activities.
- Accommodate aboriginal interests by adequately addressing technical questions and concerns at an operational level, and by utilizing options to award work as available.
- Meet with First Nations if requested and invite the First Nations Consultation Coordinators in the district and the LBI staff to participate in those meetings.

It is further expected that the delivery agent will document communications which substantiate efforts made to share information, how any questions or concerns were addressed, and if any changes were made to address specific concerns.

## **4.0 Accommodation**

The Province may be required to take steps to accommodate where:

- A proposed activity will adversely impact an aboriginal interest; or
- There is likely an infringement of a proven aboriginal right or title or treaty right.

Delivery agents must make an effort to address First Nations concerns to minimize or mitigate impacts. Accommodation may take many forms. It may involve negotiating to change a boundary or the timing



of an activity. It involves a process of seeking compromise in an attempt to harmonize conflicting interests. However, a commitment to the process does not require a duty to agree – it requires good faith efforts to understand and address each other's concerns.

# Land Based Investment Program

Land Based Investment Project  
Overview Map  
for "X" FN Area of Interest

"Name of Delivery Agent"

0 500 1,000 2,000 3,000 Meters

1:75,000

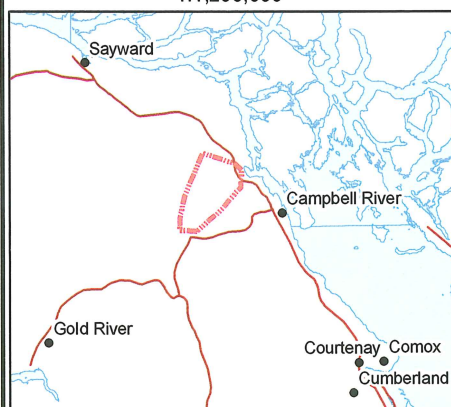
Projection: Albers Equal Area  
Datum: NAD 83

Created By: John Doe  
Date Printed: April 15, 2011



## KEY LOCATION MAP

1:1,200,000



### Base Mapping

#### Roads

- Forest Service Road
- Road Permit
- Others
- Main Arterial, Highway

#### Utilities

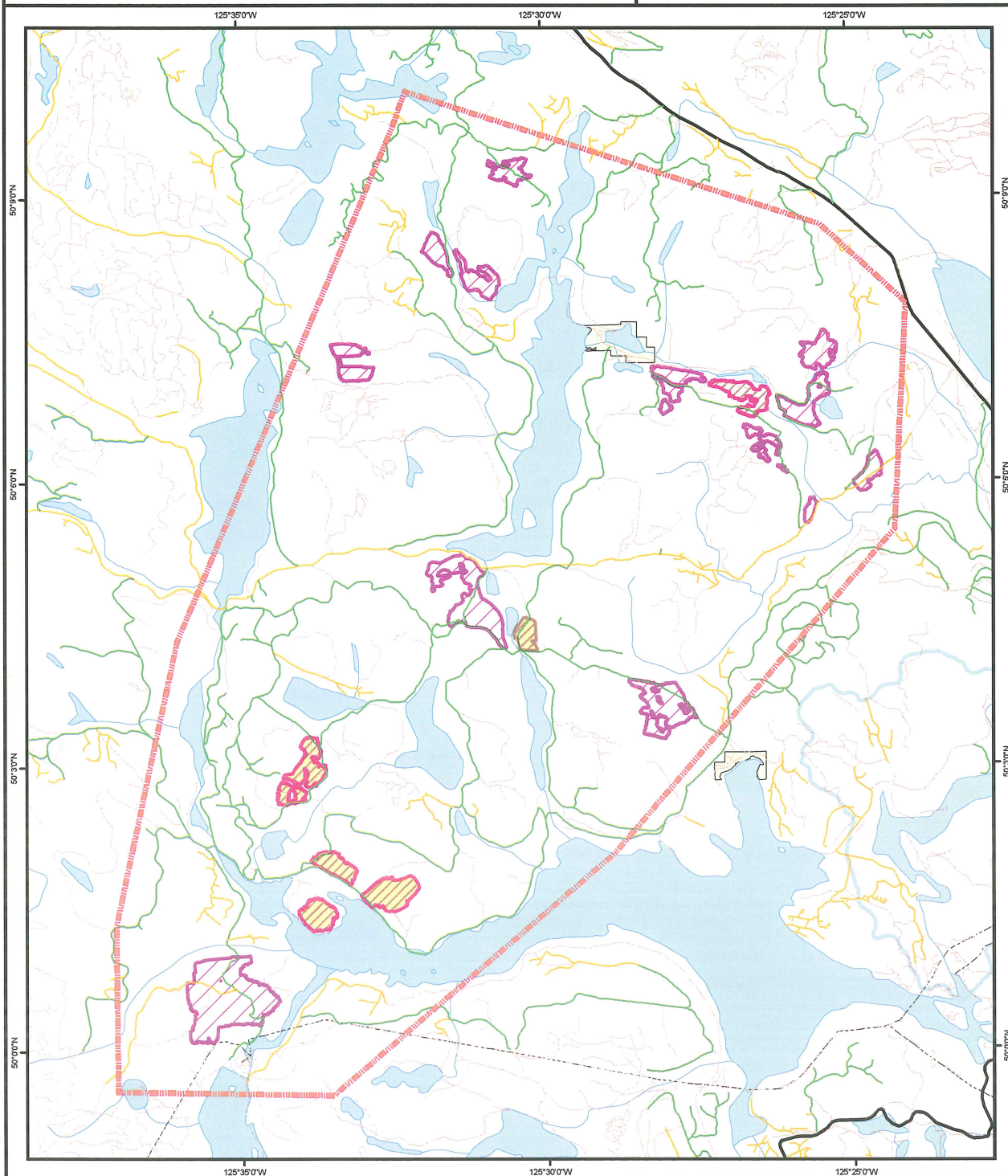
- Transmission Line
- Pipeline

#### Community Watershed

- Waterlines
- Streams
- Park & Protected Area

### Project Legend

- Project Area
- Danger Tree Assessment/Falling
- Fertilization
- Planting
- Surveys



# Land Based Investment Program First Nations Information Sharing Referral Letter Template

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An information sharing letter must be sent to any First Nations Band with possible Aboriginal interests on traditional territory where land based investment activities will be completed. The letter is meant to identify the initiation of information sharing and should contain the following:

- information about the proposed decision or activity and, where feasible, provide maps indicating where the activity may be, and identify who the provincial decision-makers are likely to be;
- seek clarification and input regarding the information provided;
- where appropriate, invite the First Nations to meet to further discuss respective interests and possible solutions to any concerns;
- identify reasonable timeline goals for responses and the overall information process; and
- identify who will be leading engagements with the First Nations, and the role of the Ministry, delivery agent and the decision-maker.

Please find below a template referral letter for use in the information sharing process. This template addresses the specific information that would be necessary if a deeper level of information sharing is required (e.g. level 4-5). Please tailor your letter according to the level of information sharing that is required for your specific work activities.



[Date]

[First Nation]

[Address]

Attention: Chief [Name] and Council:

Re: Land Based Investment Program Information Sharing [Annual Workplan/Project Referral]

The purpose of this letter is to introduce the new Land Based Investment Program (LBIP) and to share the attached information pertaining to proposed activities that will be undertaken within your traditional territory.

Investing in the forest and range resource remains a commitment of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). Under the new LBIP the way that these investments are prioritized and delivered has been revised. The FLNRO is rationalizing and coordinating all land based activity investments to ensure that every dollar invested is tied to achieving the priorities set by government. This new direction changes how activities funded under former programs such as the Forest Investment Account – Land Based Investment Program (FIA-LBIP), Forests for Tomorrow and Forest Health are targeted and coordinated.

The new LBIP is focussed on core forest management activities aimed at mitigating mid-term timber supply issues and supporting critical government goals and priorities. For more information visit the Land Based Investment Strategy webpage at:

<http://lbis.forestpracticesbranch.com/LBIS/home>

Attached, please find the proposed [Annual Workplan/ Project Plans] which provide descriptions of the various projects and general locations where these projects may occur. Specifically, [Ha site prep, Ha planting, etc.]. Please note that data collection activities may be initiated this month.

We would like to offer our assistance, at this time, in facilitating your review of the proposed activities. Additional clarification can be provided to establish a clear understanding of the scope of proposed activities. We endeavour to ensure that we are sharing suitable information to enable all potentially impacted Aboriginal interests to be brought forth and addressed.

The FLNRO requires that projects planned under the LBIP be referred to First Nations as a first step in the Crown's consultation process. The purpose of the information sharing process is to inform you of our proposed activities and to request you share information on any cultural heritage resources and Aboriginal interests you may have in the proposed project areas.

The Crown may rely upon third party information sharing activities to support consultation obligations and therefore any information received about your concerns will be shared with

Ministry staff. Please review the information provided and contact me at [phone #] or [email] prior to [date] should you have any questions or concerns, or wish to provide input regarding how your community's Aboriginal interests may be affected. Thank you.

Sincerely,

[Signatory]

[Position]

[Agency]

[Address]

Attachment(s): Annual Workplan for [Management Unit]; Project maps and descriptions

## Land Base Investment Information Sharing Matrix

Proposed Information Sharing Level	LBi Activity	Treatment Description	Proposed Information Sharing Period	Proposed Information Sharing Action
Level 1	Data Collection/Inventory Projects	LBi intention to survey an area for suitability for treatment including: silviculture surveys and field reconnaissance; inventory, growth and yield plots; monitoring; fish passage assessments.	15 days	Annual workplan
	Ground Detection Surveys (Probes)	Detection surveys identify the rate of infestation of forest stands to determine treatment priority.		
	Overview Assessments: Aerial/Ground Truthing	Large scale information gathering to monitor forest health agents.		
Level 1	Sediment Source Assessments	Inspections to reveal sediment sources that impact water quality.	15 - 30 days	Annual workplan
Level 2	Assessment & Planning	Field assessments including prescriptions; site treatment plans; layout, inspections and monitoring.	15 days	Annual workplan; final report/assessment available upon request
	Computer Modelling & Mapping	Computer application of stand dynamics and timber supply analysis; mapping products (e.g. TEM, PEM).		
Level 3	Bark Beetle Treatments	Combinations of single tree treatments (e.g. falling and burning).	30 days	Map and treatment description
	Bridge & Culvert Replacement/Maintenance	Infrastructure maintenance as required for safety and environmental protection.	30 days	Annual workplan; map and treatment description
	Danger Tree Assessment & Falling	Required Worksafe BC practice.		
	Deactivation	Permanently deactivate road by removal of culverts and constructing waterbars. Sometimes road will become inaccessible for use.		
	Range Treatments	Fencing Grass seeding		
	Recreation	Planting rec sites Danger tree removal		
	Fish Passage Treatments	Remediation work on fish bearing streams to increase fish passage and habitat.		
Level 3	Brushing: Manual	Manually cutting target plant species that are competing/damaging the establishment of conifers.	30 - 60 days	Annual workplan; map and treatment description
	Mechanical Site Preparation/Overstory Removal	Heavy equipment to pile debris and/or create planting spots; removal of stand dead trees on site.		
	Planting	Follows previous silviculture surveys and planting prescriptions to adequately reforest a site.		
	Spacing: Manual	Manually cutting target conifer species to reduce the stocking levels on a site.		
Level 3 - 5	Forest Fuel Reduction	Promoting public and community safety in urban/wildland interface zones. A regime of treatments focused on reducing accumulated forest fuels. Treatments included brushing, thinning, and pruning to reduce surface fuel loading.	60 days	Annual workplan; map and treatment description; follow up with First Nations contacts; seek to address any issues/concerns; provide FLNRO First Nations Relations Specialists in the district with information sharing summary.
Level 5	Brushing: Chemical	Use of a selected herbicide treatment to control competing deciduous plant competition.	60 days	Annual workplan; map and treatment description; follow up with First Nations contacts; seek to address any issues/concerns; provide FLNRO First Nations Relations Specialists in the district with information sharing summary.
	Cutting Authority Issuance (FLTC, ITSL) Overstory Removal	A harvesting permit allowing for the commercial removal of timber from a site. If surveyed area(s) indicates area is eligible, clearing using competitively awarded overstory removal contracts linked to the rights for a FLTC. Reforestation of these areas will be carried out by FFT. These FLTCs do not have silviculture obligations.		
	Ecosystem Restoration Treatments: Harvesting, Spacing, Thinning, Prescribed Fire	A regime of treatments focused on improving ecosystem form and function, often including the re-introduction of management fires on the landscape.		
	Fertilization	Application of nutrients (e.g. urea) aerially/manually, to promote growth of conifers.		
	Road/Trail Construction	Development/upgrade of access to a treatment site.		

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**Ministry of Forests, Lands and Natural Resource Operations**  
**First Nations Relations Specialists**

**North Central / West Area**

**Omineca Region**

Fort St. James	250 996-5215	Bett, Louise	<a href="mailto:Louise.Bett@gov.bc.ca">Louise.Bett@gov.bc.ca</a>
Mackenzie	250 997-2233	Tack, Stefan E	<a href="mailto:Stefan.Tack@gov.bc.ca">Stefan.Tack@gov.bc.ca</a>
Prince George	250 614-7503	Perkins, Stacy	<a href="mailto:Stacy.Perkins@gov.bc.ca">Stacy.Perkins@gov.bc.ca</a>
Vanderhoof	250 567-6314	Payne, Steve G	<a href="mailto:Steve.Payne@gov.bc.ca">Steve.Payne@gov.bc.ca</a>

**Skeena Region**

Kalum	250 638-5142	La Haie, Bruce	<a href="mailto:Bruce.LaHaie@gov.bc.ca">Bruce.LaHaie@gov.bc.ca</a>
Nadina	250 692-2204	Marr, Sharon P	<a href="mailto:Sharon.Marr@gov.bc.ca">Sharon.Marr@gov.bc.ca</a>
Skeena Stikine	250 847-6398	Bresser, Todd A	<a href="mailto:Todd.Bresser@gov.bc.ca">Todd.Bresser@gov.bc.ca</a>
Skeena Stikine	250 847-6310	Camenzind, Bill	<a href="mailto:Bill.Camenzind@gov.bc.ca">Bill.Camenzind@gov.bc.ca</a>

**Northeast Area**

**Northeast Region**

Peace	250 784-1272	Edwards, Janice A	<a href="mailto:Janice.A.Edwards@gov.bc.ca">Janice.A.Edwards@gov.bc.ca</a>
Peace (Fort Nelson)	250 774-5511	Greskiw, Garth	<a href="mailto:Garth.Greskiw@gov.bc.ca">Garth.Greskiw@gov.bc.ca</a>

**South Area**

**Cariboo Region**

100 Mile House	250 395-7849	Perrey, Barbara	<a href="mailto:Barbara.Perrey@gov.bc.ca">Barbara.Perrey@gov.bc.ca</a>
Cariboo	250 398-4475	Atkins, Bev	<a href="mailto:Bev.Atkins@gov.bc.ca">Bev.Atkins@gov.bc.ca</a>
Cariboo Chilcotin	250 394-4712	Kerley, Jason F	<a href="mailto:Jason.Kerley@gov.bc.ca">Jason.Kerley@gov.bc.ca</a>
Cariboo Chilcotin	250 398-4359	Speed, Murray	<a href="mailto:Murray.Speed@gov.bc.ca">Murray.Speed@gov.bc.ca</a>
Quesnel	250 991-7265	Strand, Nicole	<a href="mailto:Nicole.Strand@gov.bc.ca">Nicole.Strand@gov.bc.ca</a>

**Thompson/Okanagan Region**

Cascades	250 256-1430	Galliazzo, Christine	<a href="mailto:Christine.Galliazzo@gov.bc.ca">Christine.Galliazzo@gov.bc.ca</a>
Cascades	250 378-8421	Walter, Bruce D	<a href="mailto:Bruce.Walter@gov.bc.ca">Bruce.Walter@gov.bc.ca</a>
Kamloops	250 828-4591	Henry, Larry	<a href="mailto:Larry.Henry@gov.bc.ca">Larry.Henry@gov.bc.ca</a>
Kamloops	250 371-6535	McQueen, John	<a href="mailto:John.McQueen@gov.bc.ca">John.McQueen@gov.bc.ca</a>
Kamloops	250 371-3940	Purdy, Rob	<a href="mailto:Rob.Purdy@gov.bc.ca">Rob.Purdy@gov.bc.ca</a>
Kamloops	250 371-6605	Sherstobitoff, Mahrusa M	<a href="mailto:Mahrusa.Sherstobitoff@gov.bc.ca">Mahrusa.Sherstobitoff@gov.bc.ca</a>
Okanagan Shuswap	250 490-2203	Cormier, Laverne	<a href="mailto:Laverne.Cormier@gov.bc.ca">Laverne.Cormier@gov.bc.ca</a>

**Kootenay/Boundary Region**

Columbia (Selkirk)	250-365-8638	Wiles, Ian	<a href="mailto:Ian.Wiles@gov.bc.ca">Ian.Wiles@gov.bc.ca</a>
Rocky Mountain	250 426-1734	Fraser, Rick	<a href="mailto:Rick.A.Fraser@gov.bc.ca">Rick.A.Fraser@gov.bc.ca</a>

**Coast Area**

**South Coast Region**

Chilliwack	604 702-5733	Chisholm, Kevin T	<a href="mailto:Kevin.Chisholm@gov.bc.ca">Kevin.Chisholm@gov.bc.ca</a>
Squamish	604 898-2172	Fauchon, Colette P	<a href="mailto:Colette.Fauchon@gov.bc.ca">Colette.Fauchon@gov.bc.ca</a>
Sunshine Coast	604 485-0703	Sloos, Hugo	<a href="mailto:Hugo.Sloos@gov.bc.ca">Hugo.Sloos@gov.bc.ca</a>

**West Coast Region**

Campbell River	250 286-9368	Smeeth, Aaron M	<a href="mailto:Aaron.Smeeth@gov.bc.ca">Aaron.Smeeth@gov.bc.ca</a>
Haida Gwaii	250 559-6278	Toledo, Ricardo M	<a href="mailto:Ricardo.Toledo@gov.bc.ca">Ricardo.Toledo@gov.bc.ca</a>
Nanaimo	250 751-7037	MacAulay, Rosalie J	<a href="mailto:Rosalie.MacAulay@gov.bc.ca">Rosalie.MacAulay@gov.bc.ca</a>
North Island - Central Coast	250 956-5093	DesRochers, Kathy A	<a href="mailto:Kathy.Desrochers@gov.bc.ca">Kathy.Desrochers@gov.bc.ca</a>
North Island - Central Coast	250 956-5007	Hunchuk, Dean	<a href="mailto:Dean.Hunchuk@gov.bc.ca">Dean.Hunchuk@gov.bc.ca</a>
South Island	250 731-3022	Neill, Emma	<a href="mailto:Emma.Neill@gov.bc.ca">Emma.Neill@gov.bc.ca</a>