



March 27, 2020

Ref. 49565

Chief Kirk Tsakoza  
Prophet River First Nation  
PO Box 3250  
Fort Nelson BC V0C 1R0

Dear Chief Tsakoza:

We are very pleased to recognize the successful outcome of the negotiations commenced almost one year ago to explore alternatives to continued litigation respecting the Site C dam. On behalf of ourselves and our Cabinet colleagues, we want to thank you and acknowledge your, and your community's, hard work to resolve outstanding issues. We are hopeful that this will provide a constructive path forward for your community and a positive step in improving our ongoing relationship.

The terms agreed to between the Province, BC Hydro and Prophet River First Nation are, in part, reflected in an Impact Benefits Agreement (IBA), and a Tripartite Land Agreement (TLA) and will result in discontinuance of your civil claim against the Province and BC Hydro in respect of the cumulative effects of the Site C Project and infringement of Prophet River First Nation's treaty rights. The IBA and the TLA together provide for economic benefits to your community through lump sum and annual payments, and for the identification and transfer of provincial Crown lands to Prophet River First Nation.

As agreed, in addition to the benefits provided to Prophet River First Nation through the signed TLA and IBA, the Province commits to the following initiatives on the terms described below:

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**A. Land Use Planning**

- 1) The Province and the Prophet River First Nation recognize the need to conserve and protect cultural and natural heritage resources. The Province and Prophet River First Nation will work together and with others to develop, recommend, and implement land management measures with the objective of improving protection for cultural values and the practice of Treaty 8 Rights in or close to Klua Lakes Protected Area, Redfern-Keily Provincial Park, and Trutch, and/or within other areas of cultural significance ("Significant Areas") identified by Prophet River First Nation and agreed upon by the Province.
- 2) The Province and Prophet River First Nation will discuss and implement processes to integrate robust engagement with interested parties, seeking to work collaboratively with neighbouring First Nations, local governments, tenure holders, other stakeholders, and the public.
- 3) Efforts to develop pragmatic, operational, site-specific protections and management improvements will proceed as soon as practical. This includes, where agreed, proposing interim measures to be put in place while recommendations for longer term land management measures are developed.
- 4) The Province and Prophet River First Nation will develop a joint work plan by June 15, 2020, setting out proposed processes, tasks, cost estimates, and milestones to guide their efforts. The Parties will coordinate their proposals for interim measures and longer-term land management measures within the Significant Areas with concurrent provincial programs and existing planning processes, including:
  - a. provincial Boreal Caribou recovery planning;
  - b. the Fort St John Land and Resource Management Plan amendment;
  - c. the Regional Strategic Environmental Assessment process; and
  - d. Park Management Planning.
- 5) Prophet River First Nation will reasonably consider requests by the Province for Prophet River First Nation's participation in existing planning processes within northeast British Columbia. The target date for the development of longer-term land management measures recommendations is June 15, 2024.

- 6) The Parties will seek to avoid, minimize or otherwise address adverse socio-economic and third-party impacts, including:
  - a. impacts to fee simple interests in lands, surface or subsurface tenures, rights of way, and public access;
  - b. access to surface and subsurface resources; and
  - c. potential third-party claims for compensation.
  
- 7) The Province and Prophet River First Nation acknowledge and agree that establishment and implementation of interim measures and longer-term land management measures within Significant Areas is subject to each party obtaining all necessary approvals, which may include, for the Province:
  - a. ministerial, Cabinet, or treasury board approvals; and
  - b. there being sufficient monies available in an appropriation, as defined in the *Financial Administration Act*, R.S.B.C. 1996, c. 138, to enable the Province in any fiscal year, when any expenditure in respect of an obligation may be required, to make that expenditure;

and, for Prophet River First Nation:

- c. approval by Band Council Resolution; and
  - d. applicable community engagement or approval processes.
  
- 8) The Province understands that Prophet River First Nation's ability to participate in the planning, engagement, and other processes above may require financial and human resources which may not be available to Prophet River First Nation. The Province will reasonably consider requests by Prophet River First Nation for financial and in-kind capacity support, and where necessary the Parties will work together to identify potential sources of additional financial or in-kind support from third parties.

## **B. First Nations Woodland Licence**

- 1) The Province and Prophet River First Nation will make best efforts to negotiate and reach agreement on a Forest Tenure Opportunity Agreement ("FTOA") by June 30, 2021, to enable an offer of a First Nations Woodland Licence ("FNWL") by the Minister of Forest, Lands, Natural Resource Operations and Rural Development to Prophet River First Nation.
  
- 2) The FTOA will provide Prophet River First Nation with an opportunity to apply on a non-competitive basis for a replaceable, long term, area based FNWL within an area or areas mutually agreed with the Province with an estimated Allowable Annual Cut of up to 25,000 cubic metres.

- 3) The FNWL will provide Prophet River First Nation the right to harvest and manage the timber and botanical forest product resources in the licence area in accordance with a management plan as required by the *Forest Act*. In developing the FTOA, the FNWL and the tenure management plan, the Province and Prophet River First Nation will work together to address Prophet River First Nation's interests in minimizing costs and managing the tenure in a manner consistent with traditional and cultural values.
- 4) The Province will make an effort to contribute capacity funding to offset in whole or in part, the negotiation, legal and technical costs of Prophet River First Nation required to support the development of the FTOA, FNWL, and management plan.

### **C. Dunne-za Place Naming**

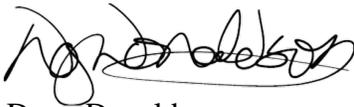
- 1) Prophet River First Nation may propose that the Province name, dual name or rename geographic features with Dunne-za place names, and the Province will consider those proposals in accordance with existing provincial law, policy and procedures.
- 2) At the request of the Prophet River First Nation, the Province will record Dunne-za names and historical background submitted by Prophet River First Nation for geographical features, in accordance with provincial law, policy and procedures, for identification in the BC Geographical Names database.
- 3) The Province will, with assistance of the Prophet River First Nation, over time, implement bilingual, culturally appropriate highway signage stating the distances to the respective Dunne-za First Nation communities.
- 4) The Province understands that Prophet River First Nation's ability to participate in these naming processes may require financial and human resources which may not be readily available to Prophet River First Nation. The Province will reasonably consider requests by Prophet River First Nation for financial and in-kind capacity support, and where necessary the Parties will work together to identify potential sources of additional financial or in-kind support from third parties.

Thank you for your openness and collaboration in developing these terms, which serve as an important component of resolving your civil claim. My hope is that we can use the commitments set out in this letter to build on our relationship and move forward in collaboration on land and resource management in your territories. In this regard, I look forward to seeing the results of our commitment to develop land and cultural protection measures, expand engagement of the Prophet River First Nation in regional forest management, and increase the use of Dunne-za place names.

Sincerely,



Scott Fraser  
Minister of Indigenous Relations and Reconciliation



Doug Donaldson  
Minister of Forests, Lands, Natural Resource Operations and Rural Development

pc: Doug Caul  
Deputy Minister  
Ministry of Indigenous Relations and Reconciliation

John Allan  
Deputy Minister  
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Tom McCarthy  
Chief Negotiator  
Ministry of Indigenous Relations and Reconciliation

Gary Reay  
Executive Director  
Ministry of Forests, Lands, Natural Resource Operations and Rural Development