



Forest Operations Plans – Engaging with First Nations

The contents of this bulletin are for information purposes only, and this bulletin does not constitute legal advice. All users should refer to the relevant sections of current legislation referred to in this bulletin for the exact legal wording of any requirements. Government practitioners should seek legal advice from the Ministry of Attorney General, whereas industry practitioners should seek independent legal advice.

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1.0 Introduction

This bulletin provides guidance on engaging with First Nations¹ as part of a Forest Operations Plan (FOP) process. It outlines legislated requirements and procedural expectations under the *Forest and Range Practices Act* (FRPA) and Forest Planning and Practices Regulation (FPPR). This bulletin supports forest professionals, government staff, and statutory decision makers (SDMs) responsible for preparing, submitting or reviewing FOPs.

Forest Landscape Plans (FLPs) are prepared by the Province in consultation and cooperation with First Nations, in collaboration with agreement holders and local communities, and with input from local stakeholders. Once established, an FLP sets clear direction for forest development within the forest landscape area. FOPs are required in areas where an FLP has been established and for applicable agreement holders under the *Forest Act*, including timber sales managers (TSM)². As part of the FOP development process, those preparing a FOP or amendment must follow the legislated requirements for First Nations engagement, including planning, conducting, tracking and reporting on engagement activities in a manner consistent with these requirements.

Foundational Commitments for First Nations Engagement

The engagement of First Nations in forest planning is guided by several foundational commitments. For example, under section 3 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) the Province is required, in consultation and cooperation with First Nations, to take all measures necessary to ensure that the laws of BC are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

Free, Prior and Informed Consent (FPIC) is a key principle of UNDRIP and is affirmed through B.C.'s *Declaration Act*. FPIC means that First Nations have the right to be fully informed about proposed activities that may affect their lands, territories, or resources, and to participate in decision-making before those activities proceed. While FPIC does not create a legal veto under Canadian law, it requires proactive, transparent, and good-faith engagement to ensure that consent is sought through meaningful dialogue.

The above commitments build on the previous and ongoing constitutional duty to consult with First Nations on matters that could impact their Aboriginal rights or title under section 35 of the Constitution Act, 1982.

¹ First Nations are the only Indigenous peoples with whom to engage on a FOP as per the [Distinctions-based Approach](#). The term "First Nation" in this bulletin means the same as "Indigenous Nation" in FRPA.

² In situations where BC Timber Sales (BCTS) prepares FOP, BCTS acts as the proponent for those proposed activities and is responsible for carrying out the engagement processes required under FRPA s.2.38 and FPPR Division 4.

Engagement undertaken during FLP development helps establish relationships, identify landscape-level values, and establish a process for engagement. This work can provide important context for subsequent FOP engagement and may inform the engagement approach. However, FLP engagement does not replace or satisfy the engagement requirements applicable to FOPs under FRPA s.2.38 and FPPR Division 4. Separate and FOP specific engagement is required prior to submission.

2.0 Requirements for Engagement

Early, engagement by agreement holders and TSMs with First Nations during FOP development is critical. It supports informed decision-making, helps identify harvesting and road construction locations with greater detail and precision, and builds on relationships and dialogue established during the FLP development process. Addressing site-specific matters at this stage allows First Nations' concerns to be considered early and supports the timely administration of cutting authorities under the *Forest Act*.

Under FRPA s.2.38 (1)(a), an agreement holder or TSM must make "reasonable efforts to engage" with First Nations when preparing a FOP or amendment. The following general considerations are intended to support the fulfillment of this requirement.

- **Start Early:** reasonable efforts are expected to be proactive and begin early in the planning process to allow adequate time for First Nations to review and provide meaningful feedback. Early engagement supports better information sharing and may reduce costs by addressing concerns before significant investments are made in cutblock and road development.
- **Plan and document:** agreement holders and TSMs are encouraged to document how potentially affected First Nations were identified, when and how contact was initiated, and how communication and engagement preferences were considered. Consider working with the local District to identify territorial boundaries.
- **Be flexible and accessible:** use a range of outreach methods and work with Nations to identify and accommodate their specific needs. Consider that not all Nations have the same resources available, offer flexibility in timelines, scheduling and meeting formats. Ensure that all information provided is clear, concise and accessible.
- **Demonstrate good faith:** make a sincere and consistent effort to understand and address concerns raised during engagement. While reaching agreement is not required, it should be evident that reasonable efforts to engage were made.

A lack of response from a First Nation does not, on its own, indicate that engagement efforts were unreasonable. However, in order to demonstrate that reasonable engagement occurred, an agreement holder or TSM should be able to demonstrate that sustained and good faith attempts to initiate and maintain engagement were made.

The FRPA s.2.38 (1)(a) and Part 1.1, Division 4 (*Engagement with Indigenous nations*) of the FPPR set out the specific requirements for engaging with First Nations, summarized in the sections that follow. These engagement requirements apply to all First Nations; however, where a First Nation is a signatory to a treaty (historic or modern) or other agreement with the Province, additional or distinct obligations for the Province may apply. In such circumstances, agreement holders or TSMs should reach out to their local Ministry of Forests First Nations Relations staff on how best to proceed.

2.1 Content Requirements

An agreement holder and TSM must provide relevant information to First Nations at the outset of the engagement process for a FOP or amendment. This includes details about the agreement holder or TSM, business contact information, submission timelines, proposed activities, and, where applicable, details of any proposed amendment, substitute requirement or additional measure³. For FOP with multiple signatories, the business contact information for each relevant party must be provided.

If any of this information changes during the course of engagement, the agreement holder or TSM must promptly provide updated information to the affected First Nation(s) in accordance with FPPR s.4.25 (2). The full list of required information is set out in FPPR section 4.

A Note on the First Nations Engagement Period

Engagement with First Nations does not have a fixed legislated period, unlike public review and comment. Under FPPR s.4.25 (1)(f) agreement holders and TSMs are required to provide First Nations with the date on which they intend to submit the FOP or amendment. This serves as an informal reference point to support planning and coordination with First Nations, while still allowing the flexibility needed to conduct reasonable engagement efforts.

2.2 Process Requirements

To support transparency and reasonable engagement, agreement holders and TSMs are required to follow specific process requirements when preparing a FOP or amendment. These process requirements include:

- **Accessibility:** the FOP or amendment must be available as a digital copy, a paper copy at the person's place of business and, if requested, as a paper copy provided directly to the First Nation (FPPR s.4.26);

³ For more information on substitute requirements, refer to FRPA Administration Bulletin #18 on inconsistent planning requirements for a FOP.

- **Assessments:** if the proposed FOP or amendment include a planning guideline(s) that requires an assessment to be conducted before submission to the minister for approval, a copy of the assessment(s) must also be made available to First Nations upon request, in a manner that is reasonable (FPPR s.4.27); and
- **Offer to meet:** agreement holders or TSMs, or their representative, must offer to meet with First Nations to discuss the proposed FOP or amendment (FPPR s.4.28).

Taken together, these requirements help operationalize the principles of FPIC by ensuring information is provided prior to decisions, free of coercion, and is supported by complete, accessible materials and dialogue.

Note: Digital versions may be shared via email, downloading link, USB or other media, or through an agreed-upon portal. If a First Nation confirms digital delivery alone meets their needs, a paper copy is not required unless subsequently requested. Proponents should document these preferences for future reference.

2.3 Engagement Summary

Once engagement with a First Nation(s) has been concluded, the agreement holder or TSM must submit a summary of that engagement in accordance with FRPA and the FPPR. This summary must include:

- A summary of the engagement and description of any changes made to the proposed FOP or amendment in response to matters raised by First Nations (FRPA s.2.38 (2)(a)), and
- A description of matters raised by First Nations that were not addressed through changes to the FOP or amendment (FPPR s.4.29 (c)).

Agreement holders and TSMs are encouraged to include an explanation if matters raised by the First Nation(s) were not addressed through changes to the FOP, to help demonstrate that reasonable efforts were made to engage.

Under FPPR s.4.29, the summary of engagement must also include the following:

- A copy of the information provided to First Nations (as described in FPPR s.4.25), including a copy of the version of the FOP provided to them;
- The timing of engagement, including the date on which it was initiated and concluded;
- If any First Nations requested an extension to the engagement period, the submission must indicate whether the engagement period was extended and for how long; and
- A description of the agreement holder or TSM's engagement efforts, including:
 - A list of correspondence and meetings with each First Nation; and
 - A copy of the comments received.

These requirements help ensure transparency, demonstrate reasonable effort, and support informed decision-making by SDMs under FRPA.

3.0 Frequently Asked Questions

3.1 How do I know which First Nations to contact, and how should I address the correspondence?

Agreement holders or TSMs who have previously engaged with First Nations through a Forest Stewardship Plan (FSP) may have existing contacts. For those agreement holders or TSMs without prior engagement, a list of applicable First Nations and contact information can be generated using the [Contacts for First Nation Consultation Areas Database](#). In addition, First Nations Relations staff at the regional or district Natural Resource office can assist in identifying the appropriate Nations and providing up-to-date contact information.

3.2 What if a First Nation does not respond to my correspondence or offer to meet?

First Nations receive a high volume of engagement requests from both the Province and agreement holders/TSMs. A lack of response may occur for a variety of reasons, including the possibility that the correspondence was not received. If there is no response within two weeks of the initial correspondence, follow up with a phone call or email - preferably using a different contact than the one initially used. Confirm contact details with Natural Resource regional or district staff or phone the administrative office of the First Nation. If, after several attempts, there is still no response, document your efforts and include this record in the FOP engagement summary document.

3.3 What if the comments I receive from First Nations are outside the scope of what I, as the Forest Act agreement holder, can address?

Agreement holders are expected to engage reasonably with First Nations by discussing comments, seeking to understand their basis, and engage in further dialogue to support potential solutions. When comments received fall outside the agreement holder's legal ability to address, are not practicable, or cannot be addressed for other valid reasons, this should be clearly communicated to the First Nations. It is encouraged that this discussion should be documented in the FOP engagement summary. District staff may initiate formal consultation on blocks or roads where outstanding concerns remain. This process builds on the agreement holder's engagement efforts and provides the necessary time to address unresolved issues, supporting timely issuance of cutting and road permits.

4.0 Resources and Contact

4.1 Legislative Links

- Forest Act [Forest Act \(gov.bc.ca\)](http://gov.bc.ca)
- Forest and Range Practices Act [Forest and Range Practices Act \(gov.bc.ca\)](http://gov.bc.ca)
- Forest Planning and Practices Regulation [Forest Planning and Practices Regulation \(gov.bc.ca\)](http://gov.bc.ca)

4.2 Resource Links

- Forest Operations Plan - [Forest Operations Plan - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca)
- Guidance for agreement holders regarding information sharing with First Nations during Forest Stewardship Plan development - [FRPA Admin No 1 FN info sharing](#)
- Guidance for agreement holders regarding consultation - [Consultation Resource Guides](#)

4.3 List of Acronyms

Acronyms	Full Name
FLA	Forest Landscape Area
FLP	Forest Landscape Plan
FOA	Forest Operations Area
FOP	Forest Operations Plan
FPPR	Forest Planning and Practices Regulation
FRPA	<i>Forest and Range Practices Act</i>
FSP	Forest Stewardship Plan
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

4.4 Contact

If there are any questions about the content of this bulletin, please contact the Forest Science Planning and Practices Branch: frpa.support@gov.bc.ca

For more FRPA Bulletins topics, visit:

[Forest and Range Practices Act implementation tools - Province of British Columbia \(gov.bc.ca\)](http://gov.bc.ca)

Appendix A. Summary of Agreement Holders' Engagement Responsibilities

Task	FPPR references
Provide name of person holding the FOP	s.4.25 (1)(a)
Provide BC address (not PO box) for hard copy review	s.4.25 (1)(b)
Provide business hours for hard copy review	s.4.25 (1)(c)
Provide email address of person holding the FOP	s.4.25 (1)(d)
Provide website address (if applicable)	s.4.25 (1)(e)
Provide intended submission date to minister	s.4.25 (1)(f)
Provide substance of amendment (if applicable)	s.4.25 (1)(g)
Provide proposed term of the FOP	s.4.25 (1)(h)
Provide types of activities proposed	s.4.25 (1)(i)
Provide text of each incorporated planning guideline requirement	s.4.25 (1)(j)
Provide text of related forest landscape plan outcome	s.4.25 (1)(k)
State if plan includes substituted requirement and related outcome	s.4.25 (1)(l)
State if plan includes an additional measure	s.4.25 (1)(m)
State if amendment requires ministerial approval	s.4.25 (1)(n)
Provide updated information promptly if changes occur	s.4.25 (2)
Provide name, address, and email of each person if multiple holders	s.4.25 (3)