



File: 10350-00 Aboriginal Issues – Policy  
Cliff: 123914

**MAY 13 2010**

To: HQ Executive Directors,  
Diane Medves, Director, First Nation Consultation and Coordinated Authorizations Branch,  
Jim Langridge, Director, Resource Tenures Branch  
Regional Executive Directors  
District Managers,  
Timber Sales Managers

From: Darrell Robb, RPF  
Director  
Aboriginal Affairs Branch

**Re: Draft Policy and supporting documents regarding issuance of Free Use Permits (FUPs) for First Nations domestic use of Crown timber**



Please find attached the draft (interim) policy and supporting documents that have been developed to assist staff when consulting with or receiving requests from First Nations for FUPs.

In 2006, the Supreme Court of Canada issued the *Sappier* and *Gray* decisions recognizing an aboriginal right to harvest timber for domestic purposes on Crown lands including the construction of residential dwellings. Since these decisions were made, the *Forest Act* and the Free Use Permit Regulation has been amended to facilitate the use of Crown timber by First Nations for traditional and cultural activity including domestic purposes.

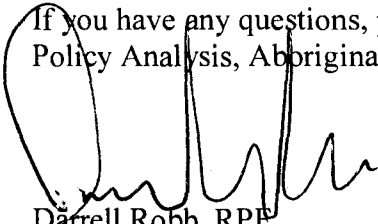
In 2009, a FUP steering committee was established with representation from Operations and Tenure and Revenue Divisions to develop a draft (interim) policy and supporting material to provide advice and guidance to staff when considering issuing a FUP to a First Nation for a traditional and cultural activity or for domestic use (construction of a residential dwelling).

The draft (interim) policy and supporting material were presented to and approved by the Operations Leadership Team in January, 2010. The policy and supporting material is now available for distribution to staff who may be involved in First Nation consultation processes or who may receive First Nation requests for FUPs.

The policy is being distributed in draft (interim) form at this time in order to provide the necessary advice and guidance to staff as quickly as possible. The policy and supporting material may be adjusted in the future if needed.

Draft Policy and supporting documents regarding issuance of free use permits (FUPs) for First Nations domestic use of Crown timber

If you have any questions, please contact myself or Diane Goode, Manager, Litigation and Policy Analysis, Aboriginal Affairs Branch.



Darrell Robb, RPF  
Director  
Aboriginal Affairs Branch

pc. Kathy Chopik, ADM, Competitiveness and Innovation  
Bob Friesen, ADM, Forest and Range Tenure and Pricing  
Jim Snetsinger, ADM, Forest and Range Resource Stewardship  
Dave Peterson, ADM, Field Operations

Attachment(s): Draft Free Use Permits for Traditional and Cultural Activities Policy  
Free Use Permits for Traditional and Cultural Activities Administration Guide