

File: 10450-01

July 25, 2007

Dear Chief and Council:

The Kamloops Forest District has requested that the timber licensees provide this Ministry of Forests and Range letter to you as an attachment to the licensee's referral package, requesting review and comment on their Forest Development Plan (FDP) or FDP Amendment.

Through this letter the Kamloops Forest District is initiating consultation on this specific proposed decision regarding the licensee's FDP or FDP Amendment.

The Kamloops Forest District is guided by the "*Ministry of Forests Consultation Policy and Consultation Guidelines*" when consulting with First Nations, and is governed by legislation such as the *Forest Practices Code of British Columbia Act*, the *Forest and Range Practices Act* and the *Heritage Conservation Act*. As well, several Bands have signed Forest and Range Agreements with the Ministry that further define the consultation processes with these Bands. The Ministry recognises that forest development activities of the Crown should not unjustifiably infringe "aboriginal interests" (defined as potentially existing, yet unproven aboriginal rights and title).



The Ministry of Forests and Range has requested the licensee provide information to First Nations during the review and comment period regarding the proposed FDP or FDP amendment, and requested the licensee consider information received about aboriginal interests. At the end of the licensee review and comment period, the licensee is to submit their FDP or FDP amendment application for consideration to the Kamloops Forest District. The licensee is required to include a copy of each written comment received in regards to the proposed plan or amendment, and a summary of any changes made to the proposed plan to address these comments. In addition, the licensee is requested to include a description of the aboriginal interests identified, and the efforts made to meet and discuss the proposed plan or amendment with affected First Nation groups.

If an aboriginal interest is raised that cannot be addressed by the Licensee, the Ministry requests that the Licensee or the First Nation, inform and involve the Kamloops Forest District staff as soon as possible, so that consultation can proceed in regards to this aboriginal interest.

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The 'response period' is important to allow forest activities to occur in a timely manner. The response period will vary depending on the referral intent. For expedited major salvage operations such as for the mountain pine beetle-infested stands, the Kamloops Forest District has authorized a 10 day expedited response period for consultation on FDP amendments. Where an expedited consultation process is followed it is expected that harvesting will be completed as soon as possible, and before the next beetle flight. For non-expedited situations the response period will generally be 60 days. Since this Kamloops Forest District letter initiates consultation on the enclosed proposed FDP or FDP amendment package sent by the licensee, the response period stated by the licensee in their letter is considered by the District to be the timelines for the consultation response period.

After the response period has ended, the licensee will send their application to the District for consideration and the District will review the licensee's referral summary. If no response has been received from the Band within the stated response period, the District may conclude that the Band does not intend to respond or participate in the consultation process on the proposed decision, or does not have aboriginal interests that might be impacted by this decision, and that this decision may proceed. The District may follow-up with a phone call or email to the Band to confirm that no response has been received.

The Kamloops Forest District will fully consider information it receives from the Band, whether received directly by the Band, or through the licensee as summarized in their application. In making the final decision, the District will consider whether each of the aboriginal interests identified by the Band have been addressed, and if not, whether the proposed activity will unjustifiably infringe on the aboriginal interests. If aboriginal interests have been identified and not adequately addressed, District staff will contact the applicable First Nations to consult further prior to a decision being made by the District Manager. To emphasise again; the licensee or the First Nation is requested to involve the Kamloops Forest District as soon as possible, if an aboriginal interest is raised during the response period that cannot be addressed by the licensee, so that consultation can proceed in a timely manner.

Please be aware that in the Kamloops Timber Supply Area (TSA) the archaeological assessment process is separate from this consultation and referral process. The assessment of potential impacts to archaeology may occur either before or after the FDP application has been approved by the District Manager. The results of the assessment may prompt adjustments to the proposed cutting and site plans. The archaeological assessment process in the Kamloops TSA directly involves First Nations as currently endorsed by the Kamloops TSA licensees and the Kamloops Forest District.

If you have questions or comments please contact Jamie Jeffreys, First Nations Stewardship Officer or Bill Ashman, Tenures Officer at (250) 371-6500. If you prefer, a written response can be sent to the Shane Berg, District Manager at the Kamloops Forest District, 1265 Dalhousie Drive, Kamloops British Columbia V2C 5Z5. Please note this letter can be found on the Internet at <http://www.for.gov.bc.ca/dka/DistrictPoliciesProcedures/TableofContents.htm>

Yours truly,



Shane Berg, R.P.F.
District Manager
Kamloops Forest District