

Public and FN Consultation Pilot Protocol¹

Introduction

The *Forest and Range Practices Act* and its companion regulation the *Forest Planning and Practices Regulation* make fundamental changes to the principles and mechanics of forest harvest planning and perhaps also affect the way that public consultation around harvest planning is conducted. This legislation is fundamental to the shift to a results-based model where licensee and professional reliance, and creativity, are expected to provide the foundation for achieving results. Licensee and professional leadership is expected for public consultation as well.

Some, including the Forest Practices Board (www.fpb.gov.bc.ca/bulletins/Opportunity.htm), are concerned that the provisions for public consultation may be eroded, as FRPA does not spell out that public consultation needs to be effective or how to do it. In the realm of the Forest Practices Code and forest development plans, forest licensees were often frustrated by the lack of substantive or meaningful input forthcoming in response to public input processes. Even when it was provided, comment tended to be of a general nature or at a broad scale that would be more appropriately directed at much higher level land use planning and policy setting forums. Individual licensees have relatively little influence here. Another difficulty was that specific comments were provided only very late in the planning process, after licensees had incurred considerable layout cost. At this point making meaningful changes is difficult and costly, causing frustration and dissatisfaction for both licensees and the commenting individual or organization.

This document was conceived as results and strategies were being drafted for the Zeballos Forest Stewardship Plan (FSP) Pilot. During that process, it soon became apparent that although there were specific and time limited provisions for consultation with regard to the results and strategies in the FSP, there was also a need to provide for continuous opportunity to solicit and receive specific comments appropriate and needed to develop site plans and the next FSP. Results and strategies were developed to address many of the objectives and concerns that the public and First Nations were expected to have. The requirement to state results or strategies in terms that are “measurable and verifiable” coupled with the licensees’ need to protect themselves from unwarranted enforcement actions sometimes led to legalistic and difficult wording.

This document outlines what we believe the components of effective consultation could be. It outlines a “pilot” approach to consultation and information gathering with stakeholders including First Nations, local organizations and residents, and others. It focuses on ground-based, specific features and hopefully improves site-level consultation and planning around these features. The review and comment stage of the Zeballos FSP

¹ This document is background information produced in conjunction with the drafting of the Zeballos FSP and sets out consultation intent for information and discussion purposes only. The concepts discussed herein, except where set out in legislation, are not legally binding on the Licensee(s) at Zeballos or elsewhere.

marks the start of the process, and licensee professionals will learn and adapt as the process continues.

Why Consult?

Forest licensees harvest timber and manage forests that are publicly-owned. In a moral sense, and legally, licensees need to manage to meet the objectives of the land owners. As well, to ensure that their business can continue in perpetuity, licensees need to ensure that their actions are sustainable for both the short and the long term.

The public's objectives for forest use, management and protection are set out in legislation, high level land use plans, and Provincial policy. Sometimes this direction is not clear, is missing, or may even be contradictory. As well public direction is not a static thing and is ever evolving as sentiments change.

Licensees rely on professional foresters to interpret legislation and public policy and to translate these objectives - applicable to various scales - to on-the-ground decision-making (<http://www.rpf-bc.org/download/publicinterest.pdf>). Foresters are themselves governed by a Code of Ethics (<http://www.rpf-bc.org/download/bylawsaspassed17september2003.pdf>) that requires them to integrate and balance the various, and sometimes competing, objectives. As well the foresters are expected to translate high level objectives to fit the local circumstances of geography, ecology, and socio-economics. Often this is not an easy task.

Consultations with local groups and persons that may be affected by harvesting and forest management activities is crucial to assist and shape the translation of high level objectives into local level solutions. The broader the spectrum of local constituents providing their viewpoint the better chance the forester has of achieving an appropriate balance for the local situation. If no viewpoints are expressed the forester is left to go with a gut feeling of where the balance may be. Worse, if only one stakeholder group responds the forester is left to guess the perspectives of other stakeholders.

Forest licensees and others capture a range of inventory information to assist planners in the integration of harvesting and forest management activities with other non-economic and economic resources. Often though, these inventories may not provide the details that a person with extensive local knowledge may possess and could provide. This kind of detail becomes very important at the site planning level and is urgently needed if impacts to features of significance are to be minimized or avoided. In some cases, careful management and planning could even enhance the feature or resource, if desired.

The reasons for consulting with First Nations are similar to the general concepts outlined above, but are complicated by the growing and evolving legal aspects of aboriginal rights and title, and also by the Provincial government's responses to the legal jurisprudence. Provincial government ministries are required to consult with any affected First Nations government and to attempt to minimize or avoid any unjustifiable infringement of aboriginal interests. Currently in the world of operational forest planning, consultation with First Nations is carried out by the Ministry of Forests. With time, this process has

drifted toward the latter stages of operational planning, thus increasing the risk to Licensees and their socio-economic dependents but without really reducing the risk of unnecessary infringement of aboriginal interests. Impacts may include lost layout investments, reduced operational flexibility and viability, and production curtailments. Clearly licensees would like to see the consultation process expedited and often are called upon to participate in information sharing activities with First Nations.

A prime objective of both the government and the licensees operating under government harvest authorities is to avoid or minimize infringement of a potential aboriginal right or title resulting from harvesting or other forest management activities. At the same time, Licensees want to continue their business activities and government has an interest in maintaining employment levels. These pressures have left licensee and government employees in the unenviable position of having to hound First Nations representatives for information sharing and consultation meetings. This situation is disliked by everyone involved including First Nations, licensees, and government employees alike. In some cases a First Nation may not be inclined to participate, perhaps perceiving that their involvement may undermine their land claim or that delay may be a negotiating advantage, because they don't have the time or resources, or because they don't feel that they can influence the outcome.

As these distractions have manifested themselves over time, the real purpose of meetings involving First Nations, the Ministry of Forests, and the licensees operating within traditional territories can be lost, with the unintended consequence that the probability of effective consultation and information sharing is much diminished.

In this pilot, the licensees propose to shift the nature of our "information sharing" with First Nations away from land claim positions, government-to-government politics, and short term operational crunches. Broadly, we wish to change our consultations with all stakeholders so that consultation:

- Builds on existing relationships
- Reduces the burden on both parties
- Occurs early
- Improves the quality and detail of information exchanged
- Focuses on specific resource features
- Eliminates year-after-year repetition

Who to Consult?

Many potential stakeholders may be affected to varying degrees by the harvesting and forest management activities occurring within a licensee's tenures. Many local stakeholders and those who have previously commented on operational plans are well known. New stakeholders may be arriving and previously identified stakeholders may have left. Some stakeholders may live far away. Different stakeholders may have different levels of interest in, and may be affected to a lesser or greater extent by, a licensee's activities.

Below are listed the kinds of stakeholders the licensees believe exist. Through FSP review and comment efforts, the licensees are confident that we will be able to notify the persons or groups with the greatest interest in forest management activities and those that may be most affected. Confidence that all of the less interested and/or less affected stakeholders will receive notification is lower, but most of these secondary stakeholders will become aware of the plan through various alternate channels. The percentage of secondary stakeholders aware of the FSP is also expected to increase as more stakeholders become aware of Internet access to forest development planning.

The following types of local stakeholders may be identified for developing direct contact lists for FSP review and comment:

Governments

- First Nations Councils and/or hereditary chiefs
- Town Councils
- Regional Districts

Organizations

- Rod and Gun Clubs
- Environmental Groups

Businesses

- Chamber of Commerce
- Lodge owners
- Guide Outfitters
- Non-timber forest product harvesters

Individuals

- Hunters and fishermen
- Hikers and campers
- Recreation site users
- Photographers
- Mushroom pickers
- Firewood permit holders
- Christmas tree permit holders
- Licensee employees

Transitory and external stakeholders temporarily travelling to or through the area may not have as direct an interest in the FSP or in consultation. These stakeholders may be more difficult to identify and contact and could include:

- Travelling business people
- Holidaying recreationists, fishermen, and hunters
- Guides and outdoor adventure businesses based well outside the community
- Travelling government employees
- Guests of community residents

Removed stakeholders might include people or organizations from urban or rural areas elsewhere in British Columbia, from other parts of Canada, or of international origin. These people may have visited or resided in the plan area only long ago or perhaps never at all.

A number of mechanisms may be used to try to contact stakeholders including direct contact through letters, email, and phone calls of readily-identifiable local stakeholders and previous comment providers. Other methods could include local newspaper advertising, bulletin board postings, cable TV advertisements, and the Internet. Clearly different mechanisms are tailored for different situations and stakeholder types. The Internet for example may appeal to the entire spectrum of interested parties and be the best mechanism to reach remote stakeholders, whereas local advertising is only likely to reach area residents.

Government agencies including the Federal Department of Fisheries and Oceans, and the Provincial Ministries of Water, Land and Air Protection; Sustainable Resource Management; Tourism; Heritage Conservation; and others do not normally have an approval role in the operational planning and FSP processes. They do however have an important support role for Licensees in providing expert consultation and interpretations around non-timber resources including biodiversity, wildlife, fish, water, heritage values, and others and in interpretations of higher level objectives set out in legislation and land use plans. For example, the Ministry of Forests can provide valuable insights pertaining to visual quality, forest health, and timber supply and has an important role to play in coordination across tenure boundaries. Licensee professionals will consult with these experts as needed.

Where to Consult?

With respect to the Forest Stewardship Plan, it will be available for viewing at the Licensees' operation offices during regular working hours. It will be available both while in draft form and after it is approved through the term that it is in effect. While personnel that can explain the plan may not be available at all times, other personnel are to be instructed to take names and contact information of reviewers so that forestry or engineering personnel can follow-up where requested.

During the public review period only, copies of the FSP would be available for review at the appropriate Forest District office and at the municipal offices of communities within or adjacent to the plan area. As there will be no one familiar with the plan at these locations, reception staff are to be provided with phone and email addresses of the appropriate Licensee personnel for reviewers to contact to discuss the plan further.

The FSP is also to be made available on the Internet during the review and comment phase and after it is approved for the duration of the time that it is in effect. For example, refer to <http://www.westernforest.com/fstew/fplanning.html>.

Site Plans will be available for viewing at Licensee operations offices during working hours. As the number of site plans is unwieldy, it is not feasible to post these on the Internet. As well, the site plan is a controlled document under some Licensee's Environmental Management Systems, and as revisions are made older versions are destroyed to reduce the likelihood of version inconsistencies leading to trespass or environmental mishap. For this reason, copies of site plans will not normally be released to the public or non-designated personnel.

Inventory and assessment information acquired by the Licensee is often proprietary. Previously some individuals or organizations have misused and distributed such materials inappropriately. As this is proprietary but not sensitive material, stakeholders may make arrangements to review maps and summaries at Operations offices if the material is pertinent to those resource features they have identified. However, photocopying and other transcription of proprietary data may not be permitted.

When to Consult?

A key to effective consultation is to start early.

Under the current consultation regime, typically Licensees invest a lot of time, effort, and money into locating harvest blocks, doing inventories, and finalizing layout before site-specific consultation gets started. While this allows the Licensee to provide a reasonably complete package for the reviewer, it also makes substantive changes difficult. Even where changes are feasible, given delays in the consultation process the block may move well along the harvest queue to the point where further approval delay may disrupt operations and trigger financial and socio-economic consequences.

In many respects this process has it backwards. To build an effective harvest block, professional foresters and layout personnel need to know what resources are present and where they are. In theory inventories need to come first², and plans follow. In practice, they often occur concurrently.

Consultation could be thought of as another form of inventory or assessment. In much the same way as a terrain specialist, hydrologist, or biologist would provide information to assist cutblock planning and layout, with consultation local "experts" report on resource features they are familiar with and that are important to them. If this information is available before or at about the same time as other inventory information then professional foresters can give it the consideration it deserves and include it in the balancing act. The draft road and/or harvest boundaries may be reconfigured or the projected block may be relocated to protect important features and attain the balancing of objectives required by public policy.

² these functions aren't always easily separable. Sometimes blocks are shifted to accommodate inventory information or road location constraints, necessitating re-inventory where the original inventory doesn't completely overlap the shifted harvest area.

The idea of consulting before you get started is nothing new to First Nations and others. They have long suggested this approach. Licensees believe that the FSP presents an opportunity to initiate a fresh approach where consultation does indeed occur early.

While there are advantages for licensees, there are also significant advantages for First Nations and other stakeholders. First and foremost, the probability of successfully protecting resource features of importance to the stakeholder is much increased. With sometimes competing objectives, it won't always be possible to provide satisfactory protection or mitigation, but it should occur much more often. Overall, satisfaction levels would improve for both the licensee and the stakeholder. Open and ongoing communication lines will build trust and respect. With time, licensees will learn and anticipate stakeholder concerns and plan accordingly; stakeholders will better understand the operational realities faced by licensees. With ongoing consultation opportunities, stakeholders can adjust their level of involvement to suit their level of concern, their availability and ability to consult, and their trust in licensee professionals.

The success of this fresh start depends on the ability of licensees and professional foresters to make a cultural shift to where they welcome the information arising through consultation as they would any inventory information. Resource features identified through consultations must be seen as building blocks for planning forest development, not as post-layout constraints triggering costly delays and adjustments.

A precursor to success is for stakeholders to respond to requests for information with specific and comprehensive information that licensees and professional foresters can use to shape their plans. Of utmost importance is timely communication of this valuable information. If planners don't receive this information early, they are much less likely to achieve the best outcome. Both parties will be dissatisfied.

In this respect the responsibility for achieving success is shifted, at least in part, away from the consulting licensee and back to the stakeholder. To improve the likelihood of successful accommodation of their concerns, it is incumbent upon the stakeholder to provide – as quickly as practicable - comprehensive, site-specific information about resource features that they may be aware of. Licensees on the other hand must be diligent in providing mechanisms to facilitate prompt communication, must allow sufficient time for stakeholder responses, and must genuinely incorporate and integrate timely responses into the planning process.

With respect to the FSP, formal consultation is normally a 60-day review and comment period beginning with the placement of a notice in a local newspaper. The Licensee is legally obligated to consider any written comments relevant to the plan if they are received during this period. This well defined period for formal review and comment is needed because a licensee will not be able to continue normal operations for very long if the FSP process is not expedited. Without an approved FSP, no new cutting or road permits could be issued.

Licensees are not required to consider comments directed at existing development or previously approved development. This makes sense as the focus of the FSP review and comment process needs to be shifted to concentrate on the future. Comments directed at existing layout and development still may provide the Licensee with useful insights, but in practical terms licensees will not be able to implement any more than minor adjustments, if at all, to block and road configurations without incurring significant costs and operational disruption. Focusing forward is an opportunity to improve the entire process.

As the term of an FSP is normally five years, there is obviously a long gap between formal opportunities to provide comment. The Licensees recognize that important new or previously unreported information may become available in the ensuing five years and needs to be incorporated into current operational planning and the next FSP. With regard to the latter, consultation during the term of an approved FSP can be thought of as a multi-year, front-end extension of the review and comment period for the next FSP. There is no benefit to delaying comments until the next FSP review and comment period, but a lot to be gained by having the information available earlier. To this end WFP and perhaps other licensees intend to maintain an “open door” with opportunity for ongoing consultation with any stakeholder becoming an ongoing corporate responsibility. This will be supported by an Internet site to receive information about specific resource features, designated people at the Forest Operation available indefinitely to conduct consultations and information sharing, and annual reminder notices of these consultation channels in local newspapers (Appendix I).

How to Consult?

There can be no set formula for how to consult effectively. Different methods and approaches may be more or less effective for different circumstances or different stakeholders. Professional foresters acting for a licensee need to consider these variables carefully and use their imagination.

Consultation efforts need to be tailored to the interest level of the expected stakeholder or stakeholder group. To be meaningful, consultation needs to accommodate the educational and cultural background of the persons being consulted.

Dialogue needs to be open and genuine, and it needs to be two-way. Good dialogue builds mutual respect and better relationships. This leads to easier adjustments and a higher level of satisfaction for both parties. Dialogue doesn't need to be continuous, but it does need to be periodic and ongoing if satisfaction levels are to be maintained.

For consultation to be effective, it is imperative that the information collected from stakeholders is thorough, accurate, and easily verifiable. Resource features identified must be spatially-referenced so that they can be identified in the field. Where resource features are identified via Internet input, a GIS tool would be useful to assist stakeholders to locate their feature(s) on a map of appropriate scale. Of course not all, perhaps few, stakeholders are competent at using maps and it will frequently be necessary to follow up

with them. Where stakeholders are able to visit the licensee's office, they can be asked to mark or pin their features on paper maps and Engineering or Forestry personnel will be able to verify through conversation that they have placed their markings in the correct locations. The database information is equally important and a paper form (Appendices E & F) – similar in format to the Internet input page - could be provided to accompany each marking on a paper map. This will facilitate consistency and allow the licensee to enter data accurately with a minimum of effort.

Perhaps the most important data to be collected is the stakeholder's contact information to allow follow-up and the initiation of ongoing dialogue where necessary. For the majority of registered resources or features there will be no overlap with planned operations in the short term so consultation would not be necessary for many years. Regardless the licensee would send out a request periodically, perhaps biennially, to indicate that we have the feature registered and to ask the stakeholder to confirm their interest in the feature, to update the information if necessary, and to ensure that their contact information is up to date.

Of course for privacy reasons, some stakeholders may not wish to provide contact information. If this is the case, then they need to be advised that we won't be able to consult with them directly in the future. In such cases the onus would be on the anonymous stakeholder to re-confirm and update their registered resource feature(s) periodically, as after a number of years of no expressed interest a feature would be flagged as inactive.

A second privacy issue relates to the confidentiality of the resource feature information provided. Some stakeholders may not wish to have the information that they provide freely available to the general public. Examples might include a favourite fishing spot or a location of spiritual significance to a First Nations family. In these instances, the registry database would include a flag to indicate that the information is confidential and is not to be released. At the highest security level, the information would be confined to selected Licensee employees on a need-to-know basis, and they would be required to maintain that confidentiality as a condition of employment (Appendix G). In most cases even the falling and yarding crews would not need to be aware of the specific details surrounding a resource feature.

The most effective consultations are usually face-to-face and happen when all parties want to engage. Licensees want to hear the opinions and concerns of their stakeholders. Many stakeholders are neighbours. Stakeholders that respond to advertising or other notices are well motivated and don't need to be reminded to get a dialogue and information exchange underway. Other stakeholders may be busy (e.g. local businesses) or even forgetful and may need to be contacted directly. Where a letter has been sent out, follow-up phone calls or emails should be used to ensure that it was received and understood. If direct contact is not made by telephone, consider sending a second letter.

In some cases, people or organizations may not have information, may not be interested in sharing information, or may not want to consult with a licensee. When doing follow-

ups people or organizations should be asked if they don't want to be reminded again and an apology offered where that is the case. Where they do indicate that they don't wish to share information, document this to the file to avoid future impositions and ask them to send a note or an email to re-iterate.

If they do indicate that they have potentially important and accurate information, and they do want to share it with us, then advise them of any FSP consultation deadlines for written submissions and explain that the sooner they share their information, the better the probability that we can use it effectively. If feasible, offer to visit stakeholders at their location to help them convey their information accurately, comprehensively, and spatially and with a minimum of inconvenience to them.

Meetings can be an effective way to exchange information with stakeholders, but can be less effective if there are many participants vying for time. Often discussions tend to be high level and it may be difficult to glean site specific information useful for site level planning. In this case, for follow up try to identify individuals that may have more site level information or that can direct you to others that may have it.

At a minimum, meetings are recommended with elected representatives of First Nations and communities residing within the area of your FSP or tenure holdings. If there are many individual stakeholders interested in sharing information, a group meeting reviewing existing inventories and followed by a map-marking exercise to register specific resource features may be worthwhile.

If licensee representatives have met previously with a stakeholder group try to review past meeting minutes and summaries to avoid covering the same items. If helpful, remind the stakeholders of what was covered previously and what information is already on record.

Before visiting a particular stakeholder group, try to determine where and what the group's interests are and bring along supporting information such as overview maps, inventory maps, and the like. For example, First Nations might be interested in stream inventories, inventory volume summaries for cedar, or archaeological information.

Some groups may request a licensee's digital data. Much of this data has cost a lot to acquire and manage and is proprietary. In the past some groups have used it incorrectly or inappropriately and/or have passed it on to others without permission. Licensee employees should not agree to provide digital data without first checking with their Geographic Information System unit. Selected data may be provided to persons or organizations if it is known and agreed what it is going to be used for, and they are willing to sign confidentiality agreements. More likely, a licensee will agree to run a requested analysis on their behalf and provide a summary report.

At the meeting try to communicate the benefits of a new approach focussed on specific resource features. Explain the benefits of narrowing focus versus the old way of talking about broad generalities. In the case of FSP consultations, explain that we are trying to

build an inventory of resource features and that we want this information to drive our cutblock planning process. Explain that if stakeholders specify the locations where they have concerns and provide contact information, then licensees can avoid that location, or where avoidance is not feasible the licensee will contact them to see if a mutually acceptable solution is possible. Because only the players directly affected need to be engaged, in many instances meetings might be reduced to a very small number of people.

To this point, Internet or paper forms for inputting the specific locations of stakeholder-identified resource features into an inventory database registry have been mentioned several times. Draft versions of these forms are provided in Appendices E and F. Although a simple concept, this GIS-linked database is key to success. The expectation is that over time more and more entries will be accumulated and eventually there will be a high probability of capturing the vast majority, if not all, specific resource features within an operating area. Stakeholders would need to provide the information only once and would not need to repeat the information sharing exercise with every new plan that is proposed and/or put out for review and comment. If contact information is provided, every second year the stakeholder would be provided a list of resource features registered under his ID, and be asked to ensure that the information is up to date.

As the Licensee develops harvesting or other plans and overlays them with the spatial feature registry, the Licensee may develop plans that avoid certain features altogether. Where that approach is not feasible or desirable, the licensee will contact stakeholders affected by the site level planning and try to re-engage them in site-specific consultation.

Once contacted the stakeholder would be expected to interact with planning and layout personnel to try to reach a solution acceptable to both parties and within the realm of current public policy and higher level plan directions. On the occasion when a mutually acceptable solution is not possible, licensee professionals will have to devise and move forward with a plan that attempts to accommodate the stakeholder interests.

Consultation needs to include follow-up. Stakeholders are more apt to be satisfied if they receive a phone call after an activity is completed explaining how any concerns they may have had were dealt with. Even if the results weren't what was expected or hoped for, it confirms genuine concern and more importantly provides an opportunity for further dialogue to get it right next time. In some instances, site visits may be worthwhile after and while activities occur.

What Should Consultation Be About?

It's never a good idea to tell people what they can and cannot say. However from a licensee perspective, it is worthwhile to try to guide conversations so that stakeholders understand:

- the information that we already have
- that we genuinely want to integrate their interests
- that timely, site-specific information is what we need

With respect to Forest Stewardship Plan consultation, comments on specific results/strategies are always sought. In many cases results/strategies are localized methods to achieve objectives set out under legislation or other higher level policy; the higher level direction should not be the focus of FSP comments. Comments should suggest how to improve proposed results/strategies so that objectives, including multi-faceted and even contradictory ones, are best achieved in the context of local circumstances. For many local stakeholders the focus is more likely to be on specific resource features, and it is this information that is crucial for licensees doing site level planning once the FSP is approved.

As touched on above, under an FSP there are a number of things that are not subject to review and in fact some may not even be included or mentioned in an FSP. Among these are:

- Government designated land use (Higher Level Plans)
- Government forest policy (Ministerial Orders, FRPA)
- Legislated default practice requirements (FPPR)
- Protecting archaeological features covered by the Heritage Conservation Act
- “Grandparented” existing or approved roads and cutblocks

Nevertheless FSP results/strategies do need to be consistent with public policy as set out in legislation, higher level plans, and orders so stakeholders should be encouraged to point out where they believe this not to be the case. In many cases objectives, and their supporting results/strategies and/or default practice requirements overlap and are complementary to one and other. Where a result/strategy viewed in isolation may appear inadequate on its own, when considered with other provisions the stakeholder may find that their concern is alleviated. For example, a riparian strategy to reduce post-harvest windthrow may seem inadequate for biodiversity reasons but when considered in the context of parallel strategies for wildlife habitat, old growth management, patch size, tree retention and mixed species regeneration, biodiversity values may be well protected.

Licensees are required by legislation to have site plans available to the public for review at their Operation office. As the last planning document in the harvesting sequence, typically site plans are finalized and signed off quite late in the planning process. In this respect reviewing them at this point is not a good venue for identifying new resource features that may require significant plan revisions. Stakeholder review of site plans could be better classified as consultation follow-up. The site plan is an opportunity for the stakeholder to verify that the planning professionals carried through with mutual understandings achieved during early-stage discussions. These discussions are most likely to have centred around resource features that had been registered perhaps years before.

Conclusion

At least with respect to the Zeballos FSP area, current provisions for public review and consultation have seldom provided licensees with timely, specific, spatial, site-level information that can be used to improve operational planning. Likewise stakeholders have not, for any number of reasons, been inclined to participate wholeheartedly. With this FSP, licensees propose to try a new approach where the focus of public consultation and comment shifts to on-the-ground features. To this end Western Forest Products will experiment with a GIS-based stakeholder features registry for providing advance warning of planning conflicts. It is hoped that as the registry grows, the approach will provide more time to explore alternatives and reach solutions, and thus provide higher satisfaction levels for stakeholders and licensees alike.

Appendix A. Heritage Conservation Act Features – Current Operational Protocol

Culturally Modified Tree: (CMT) a tree that has been altered by native people as part of their traditional use of the forest.

PROCESSES

Archaeological Overview Assessment: (AOA) these studies compile the known archaeological information within a study area and develop a model of archaeological potential. This has been completed for Gold River and the information is compiled in 1:20,000 overview maps.

Preliminary Field Reconnaissance: (PFR) a cursory field inspection to locate potential features. This should be conducted by all engineers during field reconnaissance.

Culturally Modified Tree Inventory: (CMTI) field reconnaissance conducted to determine whether an Archaeological Impact Assessment is required. This is done in areas identified as having potential for CMTs, but where there is low potential for other archaeological findings. A CMTI may be conducted by an archaeologist, a First Nations representative, or a forest engineer trained in CMT inventory survey and reporting.

Archaeological Impact Assessment: (AIA) a field study conducted by an archaeologist to locate and classify features of significance where CMTs or other features are identified in a PFR or CMTI.

Procedures:

Archaeological issues must be factored into all phases of the development process, from pre-planning to production.

During FDP planning:

- 1:20,000 proposal maps should be checked against **GIS Modeling Archaeological Potential Maps** to determine the General Archaeological Potential, as well as any recommendations received from bands or archaeological review.
- Any areas within or adjacent to moderate or high potential should be flagged on the development plan as “Archaeological Impact Assessment Required” until otherwise proven.
- Check Aboriginal Areas of Interest Map to identify which First Nations may have an interest in the area.
- Archaeologists should be involved at the Development Planning stage to identify areas of significance or other archaeological issues, and First Nations issues identified

through the FDP process should be reviewed. In most cases, the AOA replaces the need to involve an archaeologist in further review of plans at the mapping stage.

- *Information regarding the location of archaeological sites and the results of AIAs should not be made available to the public.*

During initial field recce/layout:

- Stand age and composition should be assessed to determine whether or not the stand predates 1846 and conforms to stand types typical of heritage sites.
- Field crews should be familiar with the CMT Handbook and should attempt to identify culturally significant features in the field during PFR, even in areas assessed as low potential. These should be flagged in the field for future reference. Potential features must be brought to the attention of the Field Engineer at the earliest opportunity.
- In the event that a block is deferred at the recce stage in areas where features or potential features have been located, a production file note and a cover page in the work file should be filed in case the area is included in a future development, and this information should be registered in the 1:5000 map base for future reference.
- If operations will not impact on an archaeological site or feature, an AIA is not specifically required. If operations will impact a site or feature, an AIA must be conducted with an archaeologist, a member of the relevant Band, and a representative of GRFO. This process must be closely documented and included in the filing system.
- During an AIA, trees should be numbered in the field with yellow paint, flagged with yellow “CMT” ribbon, and located properly on a map during or immediately after evaluation.

Administration and Permits:

- Once the AIA is complete, it should be reviewed with the Resident engineer to establish possible management prescriptions for identified features. The report and the prescriptions will be submitted to the relevant band for evaluation and comment. A copy of the AIA should be provided to Aboriginal Liaisons CRFD. Where there are findings, there is a need to identify cultural significance of the CMTs to First Nations. This must be documented.
- Proposed management practices will be guided by information on the significance provided in the AIA report and through consultation with First Nations.
- An application for site alteration permit under the Heritage Conservation Act must be submitted and approved by the Archaeology Branch. The management prescription provided by the Archaeology Branch must be incorporated into all operations plans. A copy of the Archaeology Branch management prescription will be provided to MoF.

Pre-Work Conference

- Operational plans must ensure that all recommendations are included and an approved Site Alteration Permit must be included in relevant production packages.
- Pre-work conferences must ensure that location of features and their prescriptions are known and followed.
- If the prescription calls for disc sampling, engineering staff should coordinate directly with the fallers to ensure that the appropriate samples are taken:
 - a. The disc should be taken from the stump or butt end of the log;
 - b. The disc should be at least 1 inch thick and of equal thickness;
 - c. In cases where the tree is too large for disc sampling, a wedge sample should be taken at the edge of the scar crust;
 - d. Discs should be labeled:
 - i. Which direction was up;
 - ii. Block and tree number;
 - iii. Date Cut.
 - e. Samples are delicate and should be duct-taped together to maintain their integrity.
 - f. All samples should be logged into the WFP Gold River Engineering CMT Log, which is maintained by the Engineering Clerk. Samples should be placed into safe storage and catalogued.
- g. Any time discs are sent out for evaluation by an archaeologist or outside group, the date and information (who, where, which samples) should be entered into the CMT Log to maintain control of the samples. Dates, comments or other information from dendrochronological assessment or First Nations evaluation should be included in the CMT Log as well.

Appendix B. Draft First Nations Consultation Process for FSPs

Draft for Discussion Purposes Only
Arrowsmith TSA Forest Stewardship Group
July 9, 2004

First Nations Consultation Process for Forest Stewardship Plan

Overview

I. Introduction

The objective of this document is to promote a common understanding of, and to create consistency in, the approach to consultation with First Nations. It consists of an overview and a set of tasks associated with the review and comment requirements of FRPA and the consultation process more generally.

This draft document is based on the premise that the legal obligations associated with consultation in respect of aboriginal rights rest with the Crown. However, in fulfilling its consultation obligations, the Crown may rely upon “third party” consultation *activities* of which it has knowledge. This document is intended to be consistent with statutory obligations that tenure holders have within the *Forest and Range Practices Act* (FRPA). It is also intended to cover the more Crown’s obligations arising from the Constitution and case law.

While this document focuses on the roles of licencees and the Ministry, it is clear that participation of Aboriginal groups is critical in providing information about aboriginal interests, treaty rights and proven aboriginal rights, and how government decisions may affect them.

II. Background

Consultation with First Nations is intended to appropriately reflect provisions in the *Canadian Constitution Act 1982* that state in Section 35:

- (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- (2) In this Act “aboriginal peoples of Canada” includes the Indian, Inuit and Métis peoples of Canada.

Case law on the proper interpretation and application of these provisions is evolving. At this time, the following principles and definitions have been affirmed:

- a) **Aboriginal Rights:** Aboriginal rights are “cultural” activities that have been described by court decisions to involve the following:
 - A right which may be a non-exclusive right to carry out a practice, tradition or custom that was integral to the distinctive culture of an aboriginal society

prior to European contact and continues to be integral to the aboriginal society in the present.

- Aboriginal rights may be exercised in a modern form.
- The existence of an aboriginal right is fact and site specific based on the culture, customs and traditions of each aboriginal society.
- Aboriginal rights are held communally but may be exercised individually.

b) Aboriginal Title: Aboriginal title is a form of aboriginal right that has been defined and described through court decisions to involve the following:

- The exclusive use and occupation of the land, which use existed at the time of sovereignty (1846) and continues to current times.
- The right to choose to what uses the land will be put so long as the uses are not inconsistent with the activities that gave rise to the title in the first place.
- Title has an inescapable economic component that is held communally and can only be alienated to the Crown.

c) Aboriginal Interests: A term used by the Ministry of Forests in its Aboriginal Rights and Title Policy “to refer to potentially existing but unproven aboriginal rights and/or title.” This term is used in the same manner for the purposes of this Bulletin.

d) Infringement: Court rulings have confirmed that rights protected under Section 35 of the Constitution, including title, are not absolute. They may be infringed by the federal or provincial Crown if the infringement is justified.

e) Justification: The test for justifying an infringement of an aboriginal right has been established by the courts and includes the following considerations:

- Has the First Nation been consulted; has the honour of the Crown been maintained?
- Is the activity that causes the infringement further to a valid legislated objective? (The Supreme Court of Canada has said that forestry, mining, agriculture, etc., are valid legislative objectives.)
- Has the infringement been limited as much as possible to what is necessary for the activity to proceed?
- Have reasonable steps been taken to seek to address the First Nation’s aboriginal rights through some form of accommodation, including efforts to mitigate the impact on the First Nation’s interests or efforts to provide economic benefits to the First Nation?

f) Purpose of Consultation: The purpose of Consultation is to determine:

1. Whether there are aboriginal or treaty rights protected under Section 35 of the *Constitution Act 1982* in the geographic area that is the subject of the decision. If such rights are asserted but not proved, they may be referred to by the province as “aboriginal interests.”
2. (If the answer to 1. is “yes”) Whether the decision would potentially infringe the aboriginal or treaty rights.
3. (If the answer to 2 is “yes”) Whether the infringement can be avoided through plan adjustments or through accommodation of the aboriginal interest.

4. (if the answer to 3 is “no”) Whether the infringement can be justified.

III. Administrative and Operational Decisions

The consultation process may vary depending upon whether the forest or range decision being consulted on with a First Nation is considered an administrative or operational decision.

An administrative decision is one made by a statutory decision-maker related to forest or range resource requirements under the *Forest Act*. Administrative decisions do not result in immediate on-the-ground activities: rather they support the administrative regime supporting the forest and range tenure system in British Columbia. Such decisions would include, but not be limited to, decisions that set or vary AAC, the issuance of a new forest or range tenure, the replacement of a forest or range tenure, and the transfer or change of control of a forest or range tenure.

An operational decision is considered to be a decision made by a statutory decision maker with respect to the statutory approval of a Forest Development Plan, Forest Stewardship Plan, Range Use Plan, or Range Stewardship Plan, including forest and range activities that are carried out pursuant to the plan.

IV. Forest and Range Agreements (FRA)

The Ministry of Forests is implementing an initiative that can affect the First Nation consultation process. As part of the Forestry Revitalization Plan and in consideration of the provincial objective to create stability on Crown lands and promote economic development by addressing asserted aboriginal rights and title, the ministry is providing access to timber and revenue sharing through negotiated agreements. The agreements are known as “Forest and Range Agreements” (FRAs) and are a component of the ministry’s First Nations Forest Strategy.

The agreements provide opportunities for First Nations to share in the economic benefits from the forest and range sector as well as provide stability for operations on the land base. As part of the FRA, the signatory First Nation is required to participate in a consultation process and to recognize the government’s efforts to accommodate the First Nation’s aboriginal interests. In addition, FRAs provide for a consultation process to address operational plans as well as administrative decisions. This consultation process is consistent with court decisions, provincial policy and legislation.

V. Consultation Related to Treaty Rights

The existence of a treaty does not eliminate the need for consultation with First Nations, but it will likely affect the consultation process in the following ways:

- If a treaty includes provisions for a consultation process, then that process will take precedence over any general consultation policies or processes (i.e. Nisga’a);
- If a treaty is in place, the focus of consultation will be the rights that are set out in the treaty and how those rights may be affected by the forestry decision being addressed. In most cases, the treaty rights will be clearly described in the treaty agreement and therefore identification of those rights will not depend on the criteria used for identification of asserted aboriginal rights.

- The legal analysis for “infringement” and “justification” applies to treaty rights in the same manner as asserted aboriginal rights.
- In the case of treaty rights, the issue of title should not have to be a consideration during the consultation process.

VI. Forest Stewardship Plan Task List

The following is a list of tasks associated with the Forest Stewardship Plan preparation and approval process. The list contains a mix of steps that are driven either by policy or statutory requirement. The list also includes some voluntary steps and suggestions compiled from experiences in similar situations that maybe useful, and are likely to contribute to an effective and timely consultation and approval process.

Plan Preparation and Submission:

Task	Source of Direction	Responsible
<p>Information Maintenance and Storage</p> <p>Maintain available and relevant information for use by ministry staff and FSP proponents:</p> <ul style="list-style-type: none"> • a map & list of First Nations with aboriginal interests in the management unit including the appropriate contact people, and agreements signed with government, • information on cultural heritage resources that have been identified by the Minister as “resource features”, • known information on traditional use and archaeology – relevant information provided to FSP proponents, (this information may be available through Traditional Use Studies and Archaeological Assessments. In some cases First Nations consent may be required in order to access this information) 	<p>Policy requirement</p> <p>In (GAR3 (1)(f)) Policy requirement</p>	<p>MoF</p> <p>MoF</p> <p>MoF</p>
<p>Development of Results or Strategies</p> <p>Develop results or strategies to meet objectives set by government consistent with the FRPA & FPPR including objectives flowing from Land Use Planning processes.</p> <p>Suggestions:</p> <ul style="list-style-type: none"> • The FSP proponent should consider acquiring information relevant to the FSP preparation from the District regarding First Nations with interests in the FSP area, the contact people, and agreements signed with government. District staff have constant interaction with local First Nations and also have access to information regarding broader government initiatives including those of other provincial agencies and the federal government. The proponent may find this information useful and that it contributes to the development of specific results and strategies. <p>The FSP proponent should consider involving the First Nations in the FSP area in planning process as early as possible. This practice builds relationships and enables early planning considerations that may avoid costly delays later in the process. To this end, consider asking First Nations in the FSP area for information on cultural heritage resources prior to writing results or strategies for these resources.</p> <ul style="list-style-type: none"> • Consider any guidelines for cultural resource management such 	<p>In FRPA & FPPR</p> <p>Voluntary</p> <p>Voluntary</p>	<p>FSP Proponent</p> <p>FSP proponent MoF</p> <p>FSP proponent</p>

as the <i>Guidelines for Managing Cedar for Cultural Purposes</i> .		
<p>Providing Notice</p> <p>Publish a notice in a newspaper as required</p>	In FPPR	FSP proponent
<p>Review and Comment</p> <p>Make “reasonable efforts” to meet with affected First Nations to review the plan. Meet the test of “reasonableness”. Document efforts made to meet.</p> <p>Suggestions:</p> <ol style="list-style-type: none"> 1. the FSP proponent may want to consider: <ol style="list-style-type: none"> a. Sending a letter and the draft plan to the affected First Nation explaining the FSP review and comment process and inviting them to participate in a review of the plan. Items worth communicating to the FN in the letter include: <ol style="list-style-type: none"> i. The time frame for the review & comment period ii. Where and how the FN can review the plan iii. Recommending to the FN that they submit their comments on the FSP in writing, as the FSP proponent must consider all written comments. b. Focus efforts proportional to the nature and scope of the First Nation interests being affected by the plan and the degree to which these interests may be impacted by the FSP. c. Allowing an appropriate time for response from the First Nations d. Having a system to confirm that communication was received by the First Nations e. Maintaining communication with the Ministry regarding the results of communications efforts with First Nations f. There is no formula (i.e. how many letters or phone calls) to determine what constitutes a reasonable effort. g. Reasonable is generally considered to be fair, proper, just and suitable under the circumstances. 2. If a meeting is arranged with First Nations affected by the plan, consider the following: <ol style="list-style-type: none"> a. Inviting MoF District staff to the meeting to promote continuity. b. Explaining the content of the FSP, particularly aspects of the FSP that may be important to the First Nations such as results or strategies for cultural heritage resources (ideally developed with the First Nation’s input, as per the previous section). c. Collecting specific information from the First Nation on their aboriginal interests relevant to the plan and how these interests may be impacted. 	<p>In FPPR 21(1)c</p> <p>Voluntary</p>	FSP proponent

Plan Consideration and Approval:

Task	Source of Direction	Responsible
<p>Plan Received and First Nations Informed</p> <p>Write a letter to all affected First Nations indicating the review and comment period has ended and the FSP has been received and offering to send a copy. The letter should also:</p> <ul style="list-style-type: none"> • Outline the post-submission process and advise that a determination is pending • Note the date by which the DDM expects to make a decision • Include a summary of the information sharing to date and the changes made to accommodate/plan alterations • Include a summary of any research information that will be used (e.g. traditional use studies, cultural heritage overviews, strength of claim assessments) • Request immediate feedback if the First Nation believes cultural heritage or other aboriginal interest information is incomplete or inaccurate, if new information is available, or if results or strategies, or commitments made in the FSP will not address concerns • Advise that the DDM will notify the First Nation of the final determination by copying the determination letter to them 	<p>Policy requirement</p>	<p>MoF</p>
<p>Consideration in the approval process:</p> <p>1. FSP process:</p> <ul style="list-style-type: none"> • Consider the content and quality of the FSP, particularly the Results or Strategies for the Cultural Heritage Resources Objective • Consider degree to which aboriginal interests have been addressed through the FSP: <ul style="list-style-type: none"> • Degree to which First Nations have been provided with all relevant and reasonably available information regarding the FSP • Specificity of information requested from and provided by the First Nation on aboriginal interests. <p>2. Consultation Process:</p> <ul style="list-style-type: none"> • Consider the nature, scope & strength of the identified aboriginal interests and whether potential & unjustifiable infringement is likely as a result of implementing the FSP • Consider other known & relevant information (e.g. previous consultations, traditional use studies, and cultural heritage information) • Consider whether the consultation process has been adequate including the information-sharing process and any further consultation efforts 	<p>FRPA 16; FPPR 10, 21, 22, 70; GAR 3</p> <p>Policy requirement</p> <p>Policy requirement</p>	<p>MoF</p> <p>MoF</p> <p>MoF</p>

Task	Source of Direction	Responsible
<p>3. Accommodation</p> <ul style="list-style-type: none"> • Consider the terms and conditions of existing government to government agreements, including Forest & Range Agreements (FRAs) that include consultation requirements as they apply to the forest stewardship planning process. • Consider degree to which aboriginal interests are accommodated outside of the FSP (e.g. through an agreement) 	<p>Consultation Protocols, Interim Measures Agreements, Forest & Range Agreements, etc.</p> <p>Policy requirement</p>	<p>MoF</p> <p>MoF</p>
<p>Determine if further consultation is necessary and when (for example: when a sub-drainage is used intensively for hunting and gathering, a First Nation may request further information on layout of blocks and roads in order to determine impacts on aboriginal interests).</p> <p>If no further consultation is required, follow the FRPA Sec 16 determination process.</p>	<p>Policy Requirement</p>	<p>MoF</p>

Requiring Additional Information:

<p>If further consultation or additional information is required possible actions are:</p> <ol style="list-style-type: none"> 1. Ask the proponent for clarification of relevant sections of the FSP. 2. Consult with the First Nation and take any appropriate action outside the FSP approval process, prior to the completing the determination process. 3. If the FSP is approved, advise the FSP proponent of identified outstanding concerns or issues that may require future consultation prior to CP/RP approval. 	<p>Voluntary</p>	<p>MoF</p>
<p>Make the determination as per FRPA Section 16 & MoF consultation policy</p>	<p>FRPA s.16</p>	<p>MoF</p>
<p>Advise the licensee of determination and copy the letter to the First Nation</p>	<p>FRPA s.16</p>	<p>MoF</p>

Appendix C. Consultation Checklist (First Nations)

Overview

The checklist acts as a monitor in how the information was shared and to ensure that the information-sharing efforts are consistent with the *Aboriginal Rights and Title Policy*. It is also based on information at the disposal of respective licensees.

Forest Stewardship Plan – First Nations Checklist		YES	NO	N/A	Date/ Comments
LETTERS	Appropriate First Nations have received the cover letter and plan (including maps)? Ensure proof is included.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
	Has the letter: Explained the process, timing of proposed FSP, how FSP differs from the FDP, and the timeframe for review & comment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
	Requested information about specific aboriginal activities in the area and offered to meet with the FN to explain the plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____
	Been copied and forwarded to the CRFD Tenures Forester in charge of plan area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____
MOF Consultation	Forest Stewardship Plan (FSP) notification letter, has been sent by the MOF to the FN(s) to formally initiate the “consultation” process.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____

MEETINGS	Meetings with appropriate First Nations? If not, follow-up with additional request letter(s) and phone calls. Document each contact attempt, list below and/or attach. <hr/> <hr/> <hr/> <hr/>	<input type="checkbox"/>	<input type="checkbox"/>		Meeting date(s): <hr/> <hr/> <hr/> If no meeting go to next section
	Notice and invitation to the District Manager for meeting with the First Nations was sent. List attendees:	<hr/>	<hr/>	<hr/>	Date letter was sent: <hr/> <hr/>
	Was the Forest Stewardship Plan explained in detail to the FN including the timeframe for review & comment? <i>Provide DM with written notes outlining the information presented, the questions asked and the FN's responses to these questions.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> <hr/> <hr/> <hr/>
	Was existing known information reviewed with First Nations (examples include AOA's, TUS's, AIA's, Operational donations)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	All letters, minutes and correspondence should be attached to this checklist as well as a list of issues or concerns and how they were addressed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Was specific information requested from the FN concerning history, location, kind and importance of their aboriginal interests? The FN may possess this information in the form of a traditional use study.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> <hr/> <hr/>

First Nations Interests	Where the FN has identified a specific aboriginal interest in a specific area within a FDU during meetings or otherwise. Has the FN (& ALO) been given an opportunity to participate in a field visit? (specify date of field trip)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> <hr/> <hr/> <hr/>
	Have the aboriginal interests been summarized in a letter to the FN and forwarded to the CRFD? (Please list in point form & attach). <hr/> <hr/> <hr/> <hr/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<hr/> <hr/> <hr/> <hr/>

<p>Were the Results and Strategies modified to accommodate issues that FNs identified? Please specify. _____.</p> <p>_____.</p> <p>_____.</p> <p>_____.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>Has the FN been informed in writing of any changes made to plans to accommodate their concerns? The DM has been provided with documentation of all actions taken to address the FNs' issues.</p> <p>Does the FN agree with the changes proposed? If not, provide documentation describing their view.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>Has the FN requested archaeological field assessments be done in specific locations that were not already required as per CRFD policy (i.e. those areas identified as low potential on an existing Archaeological Overview Assessment (AOA))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>Provide documentation that identifies locations where archaeological assessment work would need to be done as part of site planning and prior to CP or RP submission?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p>

Strength of interests	<p>With respect to the specific asserted territory of the subject FN, does any FDU overlap within a moderate or high zone of archaeological potential according to an existing AOA?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p> <p>_____</p>
	<p>Is the land subject to a specific claim or known treaty selection area?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p>
	<p>Is there any overlap with other FNs in the area the plan covers?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p>
	<p>Do any of the FDU's overlap an Indian Reserve, former settlement or Village site?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p>
	<p>Is the land close to known fishing, hunting, trapping, gathering, or cultural sites?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>_____</p> <p>_____</p>

	Is there any other information that may have bearing on the proposal? <i>The Licensee must disclose any additional information it has regarding FN interests provided during previous discussions, information-sharing process, or cultural heritage studies commissioned by the Licensee (including archaeological assessments).</i>	<input type="checkbox"/>	<input type="checkbox"/>		_____ _____ _____ _____ _____
DOCUMENTING	Are there any outstanding concerns that the FN has with the proposed FSP? If so, please include in attached documentation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____ _____ _____
	Provide the DM with a copy of all related correspondence and documentation, including phone calls and contact attempts. List below all information sources used to help determine the presence and type of aboriginal interests (e.g. AIA, AOA, TUS, FN Elders, etc.) : :	<input type="checkbox"/>	<input type="checkbox"/>		_____ _____ _____ _____ _____ _____

_____ Licensee Representative Signature	_____ Date Signed
--	----------------------

Documentation Attachments:

Appendix D. Provincial First Nations Consultation Policy

<http://srmwww.gov.bc.ca/clrg/alrb/cabinet/ConsultationPolicyFN.pdf>

Appendix E. WFP Feature Registry Input Form

SECTION 1 – contact information (this info may be used to contact you for further information about your feature or to notify you should activities be proposed nearby.)

Author's ID code*: _____

(Use this unique code to reference back to contact info previously entered rather than re-entering the same contact info each time. Email addresses are preferred.)

email: _____ phone: _____
(if different than ID code)

Surname: _____ Given Name: _____

Box/Street Address: _____

City: _____ Province/State: _____

Postal Code / ZIP*: _____ Country*: _____

SECTION 2 – Location and Characteristics

If the information you wish to provide is not about a specific location within the plan area or is general in nature, please go directly to Section 3 below.

Enter nearest grid cell number*: _____ (ensure letters are in correct case corresponding to FDU)

Radius = _____ m (if feature or resource encompasses more than one grid cell, enter radius from grid center to entirely capture feature. Current cells are 500 X 500m with a radius of 354 m)

Do you consider the feature or resource at this location to be an aboriginal interest, right, or title? Yes No

If yes, to what First Nation do you belong? Ehattesaht none
 Ka:'yu:'k't'h'/Che:k'tles7et'h'
 Nuchatlaht other

The location of this feature or resource may be disclosed to:

select Licensee personnel only government agencies general public

Please choose one or more of the following that best describes the feature or resource's importance to you:

fishing: salmon: chinook coho pink chum
 trout: cutthroat rainbow dolly varden
 other sockeye steelhead

hunting: elk deer bear grouse small mammals
 trapping: other

gathering:
 berries
 mushrooms
 medicine
 bark
 roots
 other plants
 minerals
 cultural wood:
 canoe log
 pole
 house log
 spawn log
 plank
 carving block

viewpoint
 campsite
 swimming
 hiking
 nature study
 rock climbing
 spelunking

spiritual
 ceremonial
 burial

other (specify in Section 3)

Additional information that would assist Licensee personnel to identify or locate the feature or resource in the field:

Which of the following best describes the resource or feature:

unique
 rare
 uncommon
 common
 abundant

How did you become aware of this feature or resource at this location?

When did you first become aware of this feature? _____
(date or year)

What was the approximate date of your last visit to this location? _____
(date)

In total how many times have you visited or used this resource or feature? _____

Please provide more detail in Section 3 below about the resource or feature including, additional notes on how to recognize and locate it, its personal importance to you, any other information that would assist us to protect, maintain, avoid, enhance, or minimize impact to it.

SECTION 3 – General Comments

Appendix G. WFP Confidentiality Policy for Resource Features

Where:

- a stakeholder registers a resource feature and provides map coordinates or other information that could be used by others to locate the feature on the ground, and
- indicates that the information provided is for “select Licensee personnel only”

WFP commits to:

- Not release or show the information provided to any non-WFP personnel except where required by law to do so,
- Provide the information regarding the feature only to forest professionals and selected employees on a “need to know” basis. Employees made aware of the feature, are to be provided a copy of this policy, are to understand that maintaining confidentiality around the feature is a condition of their employment, and are to understand that if they need to pass information on to another employee they must review this policy with the other employee as well, and

except where the feature has been identified by another person and that person has not specified that it is for “select Licensee personnel only”, will:

- Avoid indicating the feature’s location on an operational map unless necessary to protect the feature,
- If indicating the feature on an operational map, label the feature with a generic label such as “see file” with a file # cross-reference to a confidential file,
- Word the field prescription for the feature so as not to reveal the nature of the feature, or where this is not practical, house the written field prescription in the confidential file above.

Appendix H. Proposed Wording for Newspaper FSP Review and Comment Notice

[Corporate name(s)]
[Operation name(s)]

The Licensee[s] above will make available for public review and comment, a proposed 2004 - 2009 Forest Stewardship Plan (FSP). This Draft Forest Stewardship Plan includes [portions of] *[tenure list]* in the vicinity of *[town or other well known geographic location]*.

This draft FSP has been prepared under the new Forest and Range Practices Act. Unlike FDPs prepared under the Forest Practices Code, FSPs do not show specific locations of proposed harvest areas and roads. Instead, the draft FSP identifies larger Forest Development Units (FDUs) within which harvesting and road construction may occur over a five-year period. Forestry activities conducted within FDUs must be consistent with results and strategies specified in the FSP. These results and strategies in turn must be consistent with FRPA and government approved objectives for the management of forest resources in the planning area. Stakeholders are invited to comment on the proposed results and strategies, and to provide information about specific resource features that may be unknown to the licensee so that this information can be incorporated into planning. The FSP will be available for review and comment for 60 days as per section 20 of the Forest Planning and Practices Regulation before the Ministry of Forest considers approval.

This FSP is available for review from *[date]* to *[date]* at the addresses noted below during regular business hours (8:00 am to 4:30 pm). To view outside of regular business hours, please contact the appropriate person(s) listed below. The plan is also available for viewing on the Internet at <http://www.westernforest.com/fstew/fplanning.html>

Written comments may be submitted in person or sent by mail to the appropriate Licensee contact(s) listed below. To ensure consideration, comments must be received by *[date]*.

[contact name, title, mailing address, telephone]

Appendix I. Newspaper Annual Reminder Notice of Internet Feature Registry and Local Consultation Contacts.

[Corporate name(s)]

[Operation name(s)]

The Licensee[s] above invites the public and all interested stakeholders to provide information about resource features of importance to them, particularly those features that may be unknown to our engineering and forestry departments. If this information is received well in advance of proposed forest development we will be better able to mitigate or avoid impacts to specific resource features. Should our plans propose harvesting or other forest management activities that may overlap or directly affect a registered feature, we will consult those individuals providing contact information and confirming an ongoing and genuine interest in the feature. Our goal is to involve interested members of the public early on in our planning activities.

If you wish to provide information about specific resource features or learn more about our local forest operations, to make arrangements please contact:

[name]

[Resident Engineer/Forester]

[street address]

[mailing address]

[telephone]

[email]

Or alternately, you may register a limited number of resource features or provide other comments via the Internet at *[URL to comment registry]*. However, if you have many resource features you wish to inform us of, please contact the person above to arrange an appointment so that we can ensure that your information is captured efficiently and accurately.

Our currently approved Forest Stewardship Plan shows our operating area and provides results and strategies to protect many forest resources. You can view this plan at our office at the address above, or at <http://www.westernforest.com/fstew/fplanning.html>.

To learn more about the Licensee[s], please visit our website[s] at www.westernforest.com, *[URL for Licensee2, URL for Licensee3, etc.]*

Appendix J. Zeballos Stakeholder List

The following are the stakeholders and potential stakeholders identified for the Zeballos Forest Stewardship Plan. With respect to review and comment of the Zeballos FSP, we will try to directly contact these stakeholders via the method indicated.

Under the category of local governments, the following will be sent a letter advising of the proposed FSP and inviting their input:

First Nations

- Ehattesaht First Nation
- Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nation
- Nuchatlaht First Nation

Village Councils

- Zeballos
- Tahsis (outside FSP area)
- Oclugie – see Nuchatlaht First Nation

Other local stakeholders are indicated in the Table below.

<i>User class</i>	<i>Organization or activity type</i>	<i>Primary contact mode</i>
Sportsmen	Zeballos Fish and Game Club	Letter or email
	Hunters	newspaper
	River fishermen	newspaper
	Lake fishermen	newspaper
Outdoorsmen	Recreation site users	post newspaper advertisement at sites
	hikers	newspaper
	Rock climbers	newspaper
Commercial Recreation	Lodge owners	Letter or email
	Guides	Letter or email
	Outfitters	Letter of email
	Climbing	
Accommodation	Zeballos Hotel	Letter or email
	Mason's Motor Lodge	Letter or email
	Zeballos Mini-Motel	Letter or email
	Iris Lodge	Letter or email
	Zeballos Inlet Lodge	Letter or email
	Bed & breakfast?	Letter or email
Non-Timber commercial	Trappers	? via WLAP registry

	Mushroom harvester	newspaper
	florals	newspaper
	beekeepers	newspaper
Others	Licensee employees	word of mouth, paycheque mailouts
	citizens	Newspaper, bulletin board posting, Cable TV

Newspaper notices (see Appendix H for content) are to be published for two consecutive weeks in the following newspapers published in and around the FSP area:

- Zeballos Privateer
- North Island Gazette
- Campbell River Mirror