



McLeod Lake Indian Band

Land Stewardship Resource Engagement Policy and Procedures

Approved by Chief and Council February 28, 2020.

Land Stewardship Resource Engagement Policy and Procedures

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1 Definitions

“Aboriginal Rights” are the Practices, customs or traditions integral to the distinctive culture of the First Nation claiming the right prior to European contact. Examples may include hunting, fishing and gathering.

“Aboriginal Title” is a subcategory of Aboriginal Rights that is a unique interest in land that includes a right to exclusive use and occupation of that land.

“Activity” is defined as, but not limited to, a proposed use of land or resources, authorization, tenure, application, transfer, transaction, plan, amendment, research, exploration, construction, operation, decommission, restoration, closure or other activity associated with Land and Resource Development or its use in the McLeod Lake Indian Band’s Traditional Territory and Treaty 8 Area.

“Assessment” is the process of gathering and discussing information from multiple and diverse sources in order to develop a deep understanding of what the positive and negative outcomes of a project will be.

“Accommodation” refers to avoiding, mitigating or otherwise addressing an impact of a proposed project on Aboriginal Interests. Accommodation is determined through the consultation process and is used by the Crown to balance the potential impacts to Aboriginal Interests with other societal interests.

“Band Administrator” is the senior manager of the McLeod Lake Indian Band and is in charge of all departments including Land Stewardship. The Band Administrator is appointed by and reports to Chief and Council.

“Capacity Funding” are funds provided by government or a proponent to help MLIB to consult, review and recommend.

“Chief and Council” is a group elected by members of McLeod Lake Indian Band and has authority to commit the Band to Land Stewardship capacity funding and other agreements.

“Community” means the McLeod Lake Indian Band membership and, depending on the level of consultation, may include grouping of members meeting in McLeod Lake, Prince George, Vancouver and other locations, as warranted.

“Consultation Process” is the way in which applications for the use or alienation of land are followed in British Columbia and how this policy defines MLIB’s response. Refer to Government of British Columbia’s *Guide to Involving Proponents when Consulting First Nations (appendix #1)*.

“Crown” consists of Government Agencies of Canada or British Columbia, its Departments, Ministries, Agencies, Corporations, Delegates, Representatives, Appointees, Employees or other representatives.

“Government to Government Committee” is a committee established to resolve issues between MLIB and the Government of British Columbia. It has an Administrative Committee composed of employees appointed by MLIB Chief and Council and BC Ministries; and an Executive Committee composed of members of MLIB Chief and Council and Government of British Columbia Deputy Ministers.

“Ground Truthing” is a term used to refer to information provided by direct observation as opposed to information provided by inference or hearsay.

“Impact Benefit Agreement” or Economic Benefit Agreement is an agreement between the Band and a proponent and typically addresses the benefits for First Nations, such as employment opportunities and targets, skills training, capacity building, specific business opportunities, financial incentives and revenue sharing, and how the project will consider the environment, cultural and social needs.

“Land Monitors” are employees or contractors appointed by the Land Stewardship Department of the McLeod Lake Indian Band to monitor sites, collect data, report and document activities as required.

“Land Stewardship Office” is a branch of MLIB’s Land Stewardship Department which is located in Chetwynd, British Columbia and is responsible for the oversight of treaty rights and title issues affecting McLeod Lake Indian Band and its members within their Traditional Territory. It is responsible for land use activities off MLIB reserves. Employees may be assigned to work from McLeod Lake or Chetwynd offices.

“Lands Management Office” is a branch of the Land Stewardship Department which is located on MLIB Indian Reserve #1 and is responsible for the protection and management of Indian Reserves owned by McLeod Lake Indian Band. It operates under the MLIB Lands Management Code and has an elected Land Management Committee.

“Land Stewardship Department” is a department of the McLeod Lake Indian Band with responsibility for the management of resources and activities on MLIB Indian Reserves and the oversight of Activities, within MLIB Traditional Territory.

“Levels of Activity” refers to the importance of the activity within the review process:

- **“Notification”** is defined as a simple advisement of an Activity in writing. Also known as **“Level 1”**.
- **“Standard”** is defined as an Activity which requires a 10 to 30-day *Notice for Comment* to government, depending on the industry. Also known as **“moderate”** or **“Level 2”**.
- **“Complex”** is defined as an Activity which is deemed to be of First Nations’ cultural significance and does require Community input from the McLeod Lake Tse’khene Peoples and Chief and Council. Time for response varies and requires confirmation from government with input from McLeod Lake Indian Band. Also known as **“Level 3”**.

“McLeod Lake Indian Band” is defined as the McLeod Lake Indian Band as defined by *the McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement*, as approved by members March 27,

2000 and assented to by Government June 12, 2000, and as represented by a duly elected Chief and Council, and recognized by the governments of Canada and British Columbia.

“MLIB” means McLeod Lake Indian Band.

“Policy” is defined as this MLIB Resource Engagement Policy and Procedures as adopted by MLIB Chief and Council.

“Proponent” is any Third Party considering or proposing an Activity within the McLeod Lake Indian Band Traditional Territory.

“Third Party” is any non-governmental agency, industry, company, corporation, firm, association, society or other, proposing or conducting an Activity within the McLeod Lake Indian Band’s Traditional Territory.

“Traditional Territory” of McLeod Lake Tse’khene is defined by the *McLeod Lake Indian Band Treaty No. 8 Adhesion and Settlement Agreement [SBC 2000] CHAPTER 8* and approved by members March 27, 2000 and assented to by Government June 12, 2000. The Treaty provides approximately 108,000 square kilometres of traditional lands and is bounded as follows:

- To the south, the height of land separating the Arctic and Pacific watersheds near Summit Lake;
- To the east, following that height of land to the border of British Columbia and Alberta;
- To the north, following the border to the Peace River, west, following the southern bank of the Peace River to Williston Lake, south, following the western bank of Williston Lake to the western bank of Manson Arm, south, along the west bank of Manson Arm, southwest and west, along the height of land between Manson River and Eklund Creek and Jackfish Creek, southwest; and,
- To the west, along the height of land between the Nation River watershed and the Omineca River watershed, south and east along the height of land separating the Arctic and Pacific watersheds to the commencement point.



Map of MLIB Traditional Territory

“Treaty 8” is an agreement between Canada and the First Nations and covers 840,000 square kilometres and includes northern Alberta, northeastern British Columbia, northwestern Saskatchewan and a southernmost portion of the Northwest Territories. Signing of Treaty 8 occurred primarily between 1899 and 1903; MLIB adhered to Treaty 8 in 2000.

“Treaty 8 Adhesion Agreement” is the Agreement with the Government of Canada that provided MLIB with 22 Indian Reserves and defined its Traditional Territory.

2 Land Stewardship Resource Engagement Policy and Procedures

2.1 Purpose

The purpose of this Policy is to provide guidance to MLIB management and employees in reviewing notices from the Governments of British Columbia and Canada, and information on the workings of Lands Stewardship for Chief and Council and Members of McLeod Lake Indian Band.

2.2 Scope

This Policy applies to the interaction of Land Stewardship with any Proponent or Government Agency Activity related to Land and Resource Development or its use within the MLIB Traditional Territory within Treaty 8. This Policy sets out minimum standards with regards to the engagement of MLIB and the Tse'khene Peoples by Proponents and Government Agencies who are contemplating an Activity associated with Land and Resource Development or its use in MLIB Traditional Territory and Treaty 8 Area in British Columbia.

***Note:** This Policy does not apply to MLIB Indian Reserves which are overseen by the Land Management Committee and are Federal rather than Provincial jurisdiction.*

2.3 Policy Goal

The goal of this policy is to facilitate mutually beneficial relationships between MLIB, the Proponents, Government Agencies and industry that contribute to a local growing economy.

2.4 Objectives

The objectives of this policy are:

- 1 To respect and protect Treaty 8 and Section 35 rights by ensuring that, through this Consultation Process and its subsequent decisions, negative impacts on these Rights and uses are avoided, minimized or mitigated and that these Rights are accommodated, as appropriate;
- 2 To advance the process of reconciliation between Aboriginal and non-Aboriginal peoples and their respective claims, interests and ambitions; and,
- 3 To promote certainty, predictability and a stable, secure investment climate for the residents of British Columbia, including all First Nation communities.

2.5 Guiding Principles

Consultations with the McLeod Lake Indian Band will be undertaken in a spirit of mutual respect and trust. Proponents and Government Agencies are expected to approach consultations with an open mind, proceed with integrity during consultation processes and deal in good faith with the McLeod Lake Indian Band and the Tse'khene peoples.

Proponents and Government Agencies are expected to listen and respond to concerns of the McLeod Lake Indian Band, respect potential impacts on Treaty 8 or Section 35 of the Constitution Act affirming Section 35 rights and consider these rights when making decisions.

2.6 Caveat

This Policy shall not be seen or read as McLeod Lake Indian Band's approval or consent to any past, existing or proposed Activities associated with Land and Resource Development or its use in MLIB Traditional Territory. This Policy does not define limits nor derogates to the standard for free, prior and informed consent by the McLeod Lake Indian Band and Tse'khene peoples for Land and Resource Development or its use.

This Policy shall not be interpreted in a manner which constitutes endorsement by the McLeod Lake Indian Band of current legislation, regulation, policy, procedure or practice of the Crown, or of Third Parties in the Traditional Territory and Treaty 8 Area of the McLeod Lake Indian Band.

This Policy shall not detract from any legal or other position of the McLeod Lake Indian Band that may be taken against the Crown, or Third Parties, in any court, tribunal, administrative proceeding, arrangement, Treaty negotiation, or other process.

2.7 MLIB Rights and Title

McLeod Lake Indian Band and the Tse'khene Peoples' Treaty Rights are within the meaning of Sections 25 and 35 of the Constitution Act, 1982. This Policy shall not be interpreted in a manner to justify infringement of McLeod Lake Indian Band's Treaty rights or limit the McLeod Lake Indian Band's ability to exercise such rights.

2.8 Effect

This Policy shall remain in effect until further notice and is subject to periodic review by the Chief and Council of the McLeod Lake Indian Band.

3 **Duty to Consult and Accommodate**

3.1 The Crown (British Columbia and Canada) possesses various minimum obligations to consult and, where necessary, to accommodate. The Crown possesses the constitutional obligation to:

- Inform itself of the impact of a proposed project on the Aboriginal rights holders in question, and communicate its findings;
- Provide notice and information regarding potential adverse impacts on Aboriginal rights holders;

- Consult with the Aboriginal rights holders regarding what studies need to be done to assess adverse impacts;
- Engage in meaningful consultation, which requires taking into account the Aboriginal rights holders' perspectives, creating a clear and transparent process, and being responsive;
- Not act unilaterally;
- Consult and provide Aboriginal rights holders with information concerning a proposed project, decision, or action at each phase before decisions or actions are taken;
- Engage directly with the potentially affected Aboriginal rights holders;
- Consult and accommodate in good faith;
- Solicit, listen to, and attempt to respond to the concerns of the Aboriginal rights holders;
- Attempt to minimize or mitigate adverse impacts on the Aboriginal rights holders;
- Demonstrate a willingness to make changes based on information that emerges during the consultation and accommodation process;
- Not rule out accommodation.

The governments of Canada and British Columbia recognize the legal requirement to consult with First Nations when there are activities which may infringe on the treaty obligations.

1.1 Land Stewardship Policy Statement

Proponents and Government Agencies will accommodate, as appropriate, McLeod Lake Indian Band's inherent rights within their recognized Traditional Territory within the Treaty 8 area, in advance of decisions or actions which may adversely impact Treaty 8 and Aboriginal rights.

4 Engagement Principles

4.1 Principles

The McLeod Lake Indian Band must be consulted by the Crown and be engaged by the Proponent at all stages of the Activity;

4.2 Crown

- a. The Crown has ultimate responsibility to consult with and accommodate the McLeod Lake Indian Band in regards to the Activity. McLeod Lake Indian Band may require a more comprehensive engagement process by the Proponent of an Activity that requires an Environmental Assessment by the Crown.
- b. The Proponent will benefit from engaging the McLeod Lake Indian Band when contemplating an Activity, before proposing an Activity to the Crown for regulatory approval; and

4.3 The Information

The Proponent must provide the McLeod Lake Indian Band with all relevant information concerning the Activity and any reasonably foreseeable potential impact from the proposed Activity, including but not limited to:

- a. Information about the Proponent, including a single person of reference with respect to the proposed Activity;
- b. A complete description of the nature, scope and location of the proposed Activity;
- c. A complete description of the Land and Resource or its use proposed for development or use, and the current and/or anticipated value of the proposed Activity;
- d. All documentation including kml and/or shape files, digital maps, studies, assessments, research, inventories and applications;
- e. Details of any anticipated impact on the Land and Resource or its use contemplated by the Activity;
- f. Anticipated time lines, deadlines and relevant dates for the proposed Activity;
- g. Details regarding capacity funding for the McLeod Lake Indian Band's Land Stewardship Department to conduct a review and make a recommendation;
- h. Proposed measures to avoid, lessen or mitigate impact to interests of the McLeod Lake Indian Band and information regarding anticipated economic benefits for the McLeod Lake Indian Band;
- i. Any information deemed relevant to facilitating the engagement process;
- j. The Proponent will provide information in a timely manner without cost to the McLeod Lake Indian Band, in both hard copy and digital format, to be understandable to the McLeod Lake Indian Band and the Land Stewardship Department;
- k. All information will be dated and signed by the appropriate authority, or will be returned and deemed incomplete;

- l. The Proponent will make available any further information related to the Activity, as deemed necessary and requested by the McLeod Lake Indian Band and the Land Stewardship Department; and,
- m. A summary of all information received will be provided.

5 Funding

5.1 Work Plan

The McLeod Lake Indian Band will provide the Proponent with a Work Plan and a budget for capacity funding to engage with the Proponent for the Activity.

5.2 Funding

The Proponent will provide the McLeod Lake Indian Band with capacity funding to ensure the McLeod Lake Indian Band can meaningfully engage with the Proponent for the Activity.

5.3 Use of Funds

Capacity Funding may be used by the McLeod Lake Indian Band for the following engagement expenses:

- a. Honouraria, wages, travel costs, equipment, software, materials, and other expenses for the McLeod Lake Indian Band and the Land Stewardship Office;
- b. Resources for research, studies, assessment, legal fees, plans and other activities as required by the McLeod Lake Indian Band and Land Stewardship Office;
- c. Community meetings, work groups, and other forums of discussion as required by the McLeod Lake Indian Band and Land Stewardship Office;
- d. Education and training to build capacity for the McLeod Lake Indian Band;
- e. Engage professional advisors as required by the McLeod Lake Indian Band and Land Stewardship Office; and,
- f. Any other costs and fees associated with facilitating meaningful engagement with the Proponent.

5.4 Reporting

MLIB will provide a report to the proponent of activities including accounting for the Capacity Funding provided.

5.5 Not Compensation

Capacity funding provided by the Proponent is not to be considered compensation for infringement of rights or title.

6 Specific Duties

6.1 The Proponent and the McLeod Lake Indian Band's Land Stewardship Office will:

- a. Identify a single person of reference for corresponding and coordinating;
- b. Provide timely and detailed responses to correspondence;
- c. Ensure adequate time for meeting and capacity building;
- d. Approach engagement with flexible mandates;
- e. Analyze and consider the Activity in relation to broader cumulative impact in the context of ongoing, multiple and pre-existing impacts;
- f. Consider that alternative options may include a "no activity" option;
- g. Accommodate measures that may include but are not limited to:
 - i. Undertaking conservation and mitigation measures;
 - ii. Limiting the scope and pace of material or resource extraction;
 - iii. Co-managing, joint land use planning and joint decision making;
 - iv. Environmental protection, monitoring and mitigation;
 - v. Education, economic development, revenue sharing, employment, training, business contracting, and other economic and education agreements and measures;
 - vi. Social and cultural protection and enhancement;
 - vii. Modifying or cancelling an Activity;
 - viii. Compensation; and/or
 - ix. Any other impact benefits.

6.2 The Land Stewardship Office will, subject to capacity funding:

- a. Appoint a Land Stewardship Officer as the ongoing administrative person of reference with respect to the Activity;
- b. Assess the sufficiency of information provided by the Proponent;
- c. Guide each Proponent through the engagement process;
- d. Determine the Work Plan and budget for capacity funding as required by the Proponent to properly assess the information regarding the proposed Activity;
- e. Ensure funds provided for the participation of the McLeod Lake Indian Band are properly managed in accordance with this Policy;
- f. Facilitate information gathering, land monitoring and other research activities necessary to effectively and efficiently assess and respond to each Activity;
- g. Assess the information provided by the Proponent and provide a report to the Land Stewardship Department Director;
- h. Advise the Proponent of all decisions made by the McLeod lake Indian Band and the Land Stewardship Department with respect to the proposed Activity;
- i. Provide the Proponent with detailed reasons for any objection to a proposed Activity; and,
- j. Ensure all activities by the Land Stewardship Department are in line with the McLeod Lake Indian Band's communications strategy.

6.3 The Proponent will;

- a. Recognize that the McLeod Lake Indian Band has a special relationship with the Crown;
- b. Acknowledge that the Proponent needs to engage the McLeod Lake Indian Band with meaningful consultation regarding their Activity, based on this Policy;
- c. Ensure the McLeod Lake Indian Band has sufficient capacity funding to properly engage with the Proponent;
- d. Engage in cooperative planning prior to submitting plans of an Activity to the McLeod Lake Indian Band and to the Crown for approval;
- e. Address the substance of any concerns the McLeod Lake Indian Band has, including avoiding, lessening or mitigating impact of an Activity;
- f. Accommodate the McLeod Lake Indian Band's interests;
- g. Provide benefits from the Activity, as agreed to, by the McLeod Lake Indian Band and the Proponent;
- h. Make prior arrangements for meetings, following due process and protocol in timely fashion; and,
- i. Have knowledge of Treaty 8 rights.

6.4 Responsiveness

Engagement does not end when an Activity begins. Information sharing, benefits, mitigation and monitoring measures will continue for the duration of the Activity, and afterwards:

- a. The Proponent will advise the Land Stewardship Office when any new information regarding the Activity arises, adhering to due process and procedures;
- b. Accommodation, mitigation and monitoring measures will be periodically reviewed and amended as a result of monitoring and as new cultural, technical and scientific information becomes available to the McLeod Lake Indian Band, the Land Stewardships Department and to the Proponent; and
- c. Proponents will demonstrate that the implementation of their Activity meets or exceeds accommodation, mitigation and monitoring measures as agreed to between the McLeod Lake Indian Band and the proponent.

7 Engagement Process

7.1 Procedure

The following engagement process may vary as circumstances require, but should generally be as follows:

- a. The Land Stewardships Office of the McLeod Lake Indian Band receives information from the Government Agency or Proponent digitally, online via our website Portal, by mail, or by e-mail;

- b. The Land Stewardship Officer will acknowledge receipt of information from the Government Agency or Proponent and notify them of the level of engagement required (Notification, Standard or Complex) online with a digital reference number;
- c. The Land Stewardships Officer will provide a summary of the information to the Director of Land Stewardship Department for the McLeod Lake Indian Band;
- d. The Land Stewardship Director will review the information and make a recommendation to the Band Administrator of the McLeod Lake Indian Band, or to the Land Stewardship Officer, depending upon the level of engagement of the proposed Activity;
- e. The Band Administrator will provide a summary of the information to Chief and Council, depending upon the level of engagement of the proposed Activity;
- f. Based on information received from the Band Administrator, Chief and Council will make a recommendation to Land Stewardship or motion on the information received;
- g. The Land Stewardship Officer will then respond to the Proponent with any recommendations as received from the Director of Lands Stewardship, the Band Administrator and/or Chief and Council.

7.2 Initial Contact

As soon as a Proponent contemplates an Activity within the Traditional Territory of the McLeod Lake Indian Band and Treaty 8 Area, the Proponent will provide notice of the Activity, along with any relevant documentation and information pertaining to the proposed Activity to the McLeod Lake Indian Band's Land Stewardship Department.

7.3 Initial Assessment

Upon receiving information, as outlined in Section 4.1, the Land Stewardship Officer will:

- a. Provide an initial response to the Proponent or Government Agency, acknowledging the receipt of information, inform the Proponent of the McLeod Lake Indian Band's Land Stewardship Department Engagement Process that the proponent or Government Agent will be expected to follow, and confirm that the Activity is within the McLeod Lake Indian Band Traditional Territory and Treaty 8 Area;
- b. The Land Stewardship Officer will confirm that the information provided by the Proponent has met the base requirements for McLeod Lake Indian Band's review. The Land Stewardship Officer will contact the Proponent or Government Agency to request more information, if required, and indicate that a time sequence of events has started, depending upon the level of engagement of the proposed Activity;
- c. Respond as follows:
 - i. Notification Applications will be responded to as deemed necessary;
 - ii. Standard Applications will be responded to within 10 to 30 days, depending on the industry; and,
 - iii. Complex Applications will be responded to within 20 business days, or as specified by Government and MLIB. (See Levels of Engagement in the Definitions section of this Policy.)

- d. Conduct an initial assessment of the Activity, determine the capacity funding required and provide a list of impacts and recommendations. Factors influencing the initial assessment include:
 - i. Implications of the Activity;
 - ii. Disturbances the Activity may cause;
 - iii. Period of time the Activity will affect the land;
 - iv. Social, Economic and Cultural implications of the Activity;
 - v. Proximity of the Activity to cultural and heritage sites including but not limited to hunting, harvesting, fishing, gathering, sacred, cultural, dwelling and other sites;
 - vi. Extent of physical space and habitat that may be impacted by the Activity;
 - vii. Environmental sensitivity of the area surrounding the Activity including proximity to water, wildlife and habitat, fish and habitat, and other environmental concerns;
 - viii. Consistency with the McLeod Lake Indian Band's Mission Statement, Land Use Plans, objectives, goals, cultural resources, values, and other interests;
 - ix. Cumulative effects; and,
 - x. Any other relative concerns deemed to be of interest.

7.4 Response for Initial Assessment

The Land Stewardship Office will inform the Proponent of the results of the initial Assessment and may:

- a. Request capacity funding to implement the Work Plan and to prepare a budget for the services of the Land Stewardship Office;
- b. Propose meetings with the Proponent or Government Agency to further discuss the Activity;
- c. Request additional information from the Proponent or Government Agency, including studies, assessments, or site visits, to be able to make informed recommendations about the proposed Activity;
- d. Outline concerns or objections with respect to the proposed Activity;
- e. Propose a modification of the Activity;
- f. Recommend access management;
- g. Indicate a Level of Engagement expected by the McLeod Lake Indian Band and the Land Stewardship Office;
- h. Advise how the McLeod Lake Indian Band or the Land Stewardship Department's concerns or objections may be accommodated; and,
- i. Provide timeframes for further engagement.

7.5 Initial Assessment Report

Based on the initial Assessment, the Land Stewardship Office will prepare a report including;

- a. An overview of the Activity and potential future expansions;
- b. Potential for adverse impacts of the activity on the McLeod Lake Indian Band and its People;
- c. Mitigation and procedures to avoid or minimize impacts of the Activity;

- d. Potential Economic, Social, Cultural or other benefits for the McLeod Lake Indian Band; and,
- e. Recommended steps to be taken in regard to the activity with the Proponent or Government Agency.

The Initial Assessment Report, with attachments as required, will be forwarded to the Director of Land Stewardship who will, if appropriate, forward to the Land Stewardship Review Committee.

7.6 Community Consultation

The Land Stewardship Office may seek input from the McLeod Lake Indian Band and its people through an internal community meeting of members, or through external community meetings between the local community and the Proponent or government Agency. The objectives of arranging meetings with the Proponent or Government Agency are to:

- a. Enable the Proponent or Government Agency to present information to the Land Stewardship Office and any appointed committee;
- b. Enable members of the McLeod Lake Indian Band to ask questions of the proponent or Government Agency;
- c. Ensure the Proponent or Government Agency has provided all relevant information and or documentation;
- d. Discuss options to mitigate the potential impacts of the Activity;
- e. Explore benefits to the McLeod Lake Indian Band; and,
- f. Determine the compatibility of the Activity with the McLeod Lake Indian Band's Mission Statement, Land Use Plans, objectives, goals, cultural resources, values, and other interests.

7.7 Proponent or Government Agency's Response

The Proponent or Government Agency will consider the McLeod Lake Indian Band's initial response, and may, if requested, the Proponent or Government Agency will:

- a. Provide additional information to the Land Stewardship Office;
- b. Arrange for one or more site visits with a Land Stewardship Office Representative, Elder and/or Land Monitor;
- c. Provide capacity funding to enable the McLeod Lake Indian Band to make an informed decision about the Activity;
- d. Attend meetings to answer questions about the Activity;
- e. Consider any concerns, objections or proposed accommodation, mitigation or monitoring measures identified by the Land Stewardship Office and inform whether the proposed measures can be implemented or whether alternative measures can be implemented to address the impacts of the Activity; and,
- f. If the Proponent or Government Agency cannot fully implement the Land Stewardship Office's request for accommodation, mitigation or monitoring measures requests, the Proponent or Government Agency will seek a meeting with the Land Stewardship Office to discuss the matter.

7.8 Decision Making

The process for decision making is as follows:

- a. Once the Land Stewardship Officer has done an assessment, the Officer will make a presentation including recommendations to the Director of the Lands Stewardship Department.
- b. The Director of the Lands Stewardship Department will review the assessment. If more work is required, the Initial Assessment Report will be returned to the officer with Director's suggestions; if in agreement, the Director will make a presentation to the Land Stewardship Review Committee and Band Administrator, with recommendations as required, based on the level of engagement.
- c. For some Level 2 and all Level 3 assessments, the Band Administrator will review the assessment and, if in agreement, present it to the Chief and Council, with recommendations as required.
- d. The Chief and Council of the McLeod Lake Indian Band will review the complete report from the Land Stewardship Office.
- e. The Chief and Council may make a decision which could include the following:
 - i. Propose mitigation and/or economic measures for impacts of the Activity;
 - ii. Support the Activity with or without conditions;
 - iii. Deny support for the Activity in its current form; or,
 - iv. Deny support for the Activity in any form.
- f. The decision of the McLeod Lake Indian Band's Chief and Council will be returned to the Land Stewardship Office, with recommendations as required. The Land Stewardship Office will inform the proponent of the Chief and Council's decision regarding the proposed Activity.

8 Negotiation

- 8.1 The McLeod Lake Indian Band's Land Stewardship Office and the Proponent or Government Agency will meet to negotiate an Engagement Agreement regarding the Activity. The purpose of the Engagement Agreement is to outline the relationship with regard to the proposed Activity or project.

The Engagement Agreement may include the following capacity funding requirements:

- a) Traditional Land Use study;
- b) First Nation Independent Technical Review;
- c) Site Suitability Assessment;
- d) Social, Cultural and/or Cultural Impacts Assessment;
- e) An appointed committee's technical review and participation;
- f) Meetings;
- g) Travel;
- h) Negotiations;
- i) Land Monitoring and/or Ground Truthing;
- j) Administration; and,
- k) Other engagement activities as required.

8.2 Funding Agreement – Environmental Assessment

The purpose of the Environmental Assessment Capacity Funding Agreement is to outline the relationship between the McLeod Lake Indian Band and the Proponent or Government Agency during the Environmental Assessment Process. The Environmental Assessment Capacity Funding Agreement may include the following:

- a) Capacity funding;
- b) Mitigation measures;
- c) Timelines;
- d) Cumulative impacts;
- e) A Permits approach that meets the McLeod Lake Indian Band's needs;
- f) A Consultation approach;
- g) Recognition of the Treaty 8 Area and the McLeod Lake Indian Band Traditional Territory; and/or,
- h) Community scoping of the parameters of the base line studies.

Capacity Funding Agreements for moderate assessment projects will follow a standard agreement format prepared by legal counsel and approved by the Band Administrator and Finance Director. Capacity Funding Agreements for moderately sensitive projects and for intense impact projects will be reviewed by legal counsel and forwarded to Chief and Council for consideration.

8.3 Impact Benefit Agreement

MLIB's Economic Development entity, Tse'khene Community Development Corporation, or a special committee of Chief and Council, may negotiate an impact benefit agreement with the Proponent or Government Agency to accommodate the interests of the McLeod Lake Indian Band that may include the following;

- a) Capacity funding;
- b) Community benefits;
- c) Employment, education and/or training opportunities;
- d) Mitigation measures;
- e) Equity Ownership;
- f) Royalties or cash payment;
- g) Education Bursaries;
- h) Business Contracts;
- i) Civil earthworks contracts including the construction of roads, dams, and work sites, and reclamation;
- j) Land Monitoring program;
- k) Traditional Land Use studies;
- l) Social and cultural studies; and,
- m) Any other benefits the parties agree to, as required.

8.4 Agreement Approval

If Chief and Council is in agreement, the document will be signed.

If not, Council may request that negotiators meet again with the proponents. Council may direct their negotiators to:

- a) Propose further mitigation measures and economic measures for impacts of the Activity;
- b) Support the Activity with conditions;
- c) Tentatively support the Activity, subject to the Proponent or Government Agency agreeing to adjust the Activity;
- d) Deny support for the Activity in its current form; and,
- e) Deny support for the Activity in any form.

8.5 Dispute Resolution

Where negotiations result in a failure to reach an Agreement, MLIB and the Proponent or Government Agency may enter into a dispute resolution process.

McLeod Lake Indian Band and the Proponent or Government Agency will meet to discuss the dispute in a constructive and honourable manner and will strive to reach a mutually acceptable agreement.

If an agreement cannot be reached, Activities of the project will be held in abeyance.

MLIB and the Proponent may choose to engage a mutually agreed upon Mediator to assist with reaching an agreement or refer to existing committees.

If the issue is with a Government of British Columbia Ministry or Agency, the issue may be referred to the McLeod Lake Indian Band – British Columbia Government-to-Government Committee. Representatives on this committee are members of Chief and Council and senior officials of the BC government.

8.6 Ongoing Obligation

Matters which are set aside pursuant to this section will neither reduce nor restrict the obligations of the McLeod Lake Indian Band Land Stewardship Office and the Proponent or Government Agency's representatives to continue to negotiate in good faith and move to achieve agreement in accommodation related to other Activities contemplated by the proponent or Government Agency.

8.7 Technical Dispute

In the case of disputes over scientific or technical matters, the parties may each appoint qualified members to a scientific panel which may review and make recommendations to the MLIB and the Proponent or Government Agency.

8.8 Costs

All costs of the dispute resolution process will be borne by the Proponent or Government Agency.

9 Implementation

Where a proposed Activity proceeds, either as initially planned or with modifications pursuant to the engagement process, the Proponent or Government Agency will implement mitigation, accommodation and monitoring measures as agreed upon with MLIB, in a timely manner.

Implementation will include a Land Steward to be appointed by the McLeod Lake Indian Band Land Stewardship office. All costs associated with the Land Monitoring will be borne by the Proponent or Government Agent.

Appendix 1: Policy and Resource Engagement Procedures Summary

All required templates are in the Shared Drive Office Templates folder for Land Referral.

1. Acknowledge Receipt of Stewardship

- a. Email template response Data Received to Proponent, cc appropriate department team members;
- b. Copy of email in PDF format to be documented in Proponent's assigned folder; and,
- c. Fill out Stewardship Tracking spreadsheet for future reference.

2. Create a Folder in Shared Drive

- a. Date received;
- b. Proponent Name;
- c. Proponent Contact information;
- d. Permit Application number;
- e. Stewardship Notification pdf letter;
- f. Stewardship *kml/kmz* data set(s);
- g. Stewardship *shp* file data set(s);
- h. Email template response Request for Data if any information missing from Stewardship; and,
- i. Copy of all data and information to be documented in Proponent's assigned folder.

3. Desktop Review

- a. Traditional Land Use Coordinator reviews to determine any impacts to documented band member activities;
- b. Screen save Google Earth image of potential impact;
- c. Copy of image saved to template Impact Proponent Name File No Year Month, converted to pdf; and,
- d. Copy of converted pdf Desktop Review to be documented in Proponent's assigned folder.

4. Band Member Consultation

- a. Any conflict with Band members' activities must be reported to the Land Stewardship Director or other representative for initial consultation and review, all correspondence material to be documented in Proponent's assigned folder; and,
- b. The Land Stewardship Director will consult with the Band Administrator and/or Chief and Council on any elevated matters concerning the Stewardship, all correspondence material to be documented in Proponent's assigned folder.

5. Land Stewardship Review Committee

- a. The Land Stewardship Officer forwards a summary of the proponent's project with a recommendation to the Committee;
- b. The Committee review the information within the prescribed time period, agrees with the recommendation or seeks more information;
- c. If more information is required, an extension may be requested from British Columbia to complete the review;
- d. A summary of Committee decisions is to be forwarded to Chief and Council for information; and,
- e. Any and all legally sensitive Stewardships must be forwarded to legal department, cc to Lands Director or other appointed representative and documented in Proponent's assigned folder.

6. Response Letter

- a. Template Email Letterhead Response Completed Internal Review as attachment pdf copy; and,
- b. Copy of response letter to be saved in Proponent's assigned folder.

7. Land Stewardship Reports and Forms

- a. Land Stewardship Officer landscape assessment;
- b. Site visits reports, images and subsequent documents to be documented in Proponent's assigned folder;
- c. Travel claims, receipts and completed travel meeting reports to be documented in Proponent's assigned folder;
- d. Land Monitor Projects if assigned to same permit application;
- e. Refer to Land Monitor Requirements 2018 WCB Compliant outline
- f. Chief and Council, Directors Correspondence; and,
- g. All email and phone correspondence to be documented in Proponent's assigned folder.

8. Statutory Decision Letters

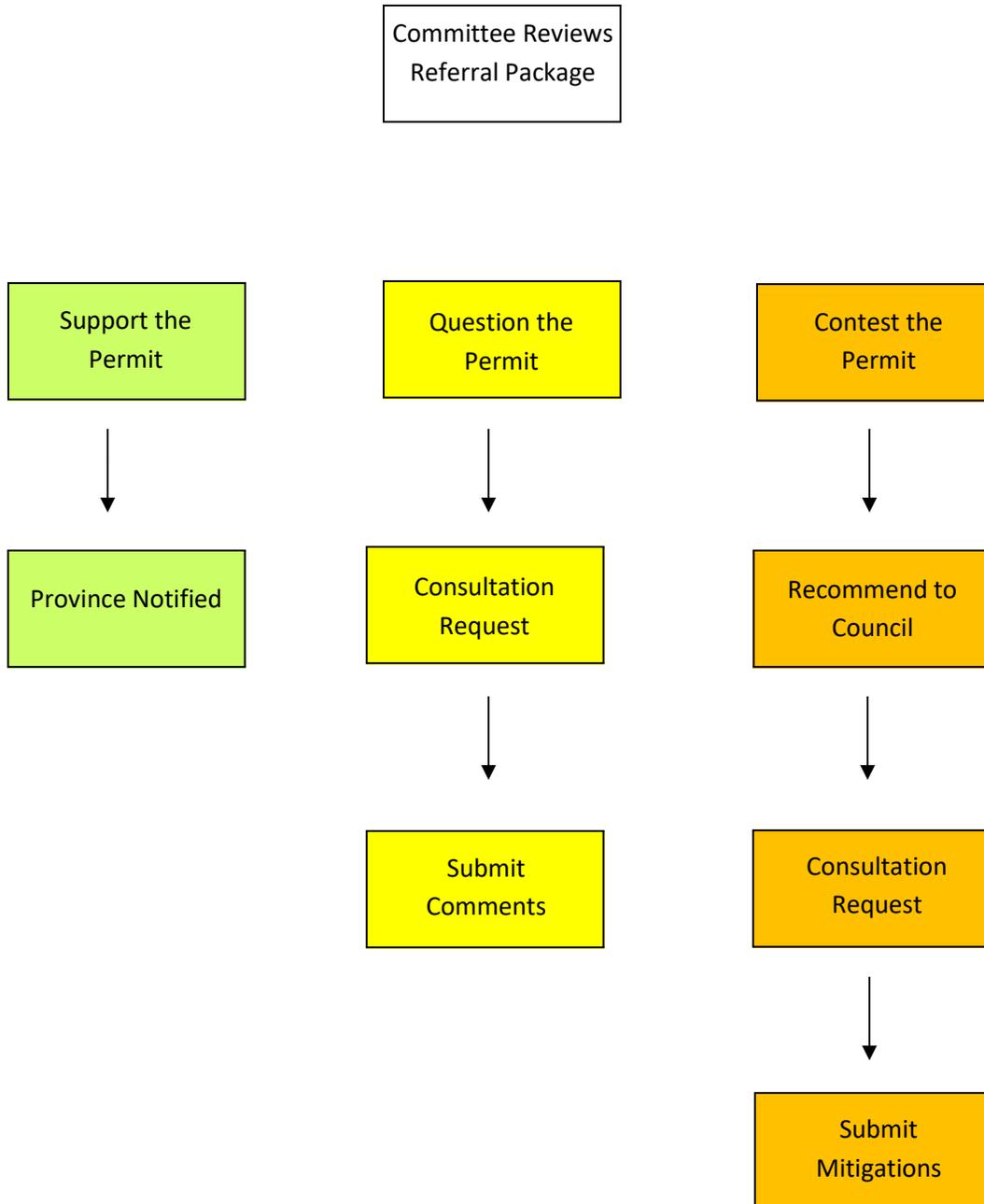
- a. Copy of email Decision Letter to be documented in Proponent's assigned folder;
- b. Copy of email Dispute Resolution Letter to be documented in Proponent's assigned folder; and,
- c. In case of elevated matters, copies of decision or dispute resolution letters to be made available to Land Director or other appointed representative to follow up with Band Administrator and/or Chief and Council as required.

9. For Future Reference

- a. All times spent in correspondence, meetings, travel and internal review must be documented in the Stewardships Tracking List spreadsheet;
- b. Completed Stewardship reports, photos, images and subsequent documents must be placed into appropriate Shared Drive Proponents Project folder for future reference; and,

- c. Current Stewardships Tracking List must be made available to the Director or appointed representative and Finance clerk upon request.

Appendix 2: Work Flow Chart



Appendix 3: Land Stewardship Review Committee

A *Land Stewardship Review Committee* has been formed to review referrals and make recommendations to Land Stewardship regarding the use of land within the Traditional Territory of McLeod Lake Indian Band.

The committee is comprised of 4 or more members:

- Minimum one member of Chief and Council
- Minimum one Elder
- Band Administrator
- Minimum of one Band Member

Members of the committee will receive an honourarium or compensation for participation, based on the policy for honouraria as approved by Chief and Council.

The minimum quorum is three committee members. The Director of Land Stewardship will attend each meeting. Guests may be invited by the Committee. The Land Stewardship Director and staff will provide initial pre-assessment reports on each referral.

The Committee will meet regularly every week on a fixed day, time and place of their choosing. The committee will make its recommendation within prescribed timelines of ten days for Oil and Gas Commission referrals and twenty days for other referrals, depending on the time allotted by government.

Failure to respond within approved time limits may be perceived by the Government of British Columbia as disinterest in or acceptance of the activity. Should a Committee meeting fail to have quorum, the Director of Land Stewardship will decide if a referral response should be sent to the government without committee input or if more time should be requested.

Note: *The clock starts with the date when government issues the referral. Depending upon method of transmittal, for example email, courier, or Canada Post, Land Stewardship may effectively have less time to respond than the time specified.*



Land Stewardship Committee

General Delivery, McLeod Lake, BC V0J 2G0

Main Office (250) 750-4415 Fax: (250) 750-4420

BRIEFING NOTE

FILE:

DATE:

LAND STEWARDSHIP OFFICER:

SUBJECT:

INDUSTRY:

CORPORATE NAME:

REFERRAL DUE DATE:

ACTIVITY OVERVIEW/BACKGROUND:

LAND STEWARDSHIP COMMENTS/ RECOMMENDATION:

COMMITTEE COMMENTS/RECOMMENDATION

Appendix 4: Safety Guide for Field Work

The safety recommendations in this procedure are general guidelines to working safely and are not meant to encompass every possible situation that *may* arise in your day-to-day duties. When a situation arises that is not considered a routine task, staff members are responsible to risk assess the task and develop control measures. Consult your Supervisor if in doubt.

If you get lost in the field, don't panic. Continue trying to contact co-workers while thinking of large geographical features to pinpoint your location. If you cannot contact co-workers, stay where you are and wait for help.

Before leaving for the job:

- Ensure you have adequate clothing, footwear, and appropriate personal protection equipment (PPE) for the tasks you will be performing.
- Ensure you have an adequate supply of **food** and **water** for the day.
- Ensure you have a clear understanding of the tasks to be performed for the day. If you are unsure ask questions.

When you get to the Worksite:

- Ensure you know the designated muster point in the area where you are working;
- Know the emergency response procedures contained in the Emergency Response and Preparedness Plan (ERPP);
- Conduct a **Risk Assessment** for assigned duties for the day;
- When working in extreme weather conditions take the appropriate precautions as outlined in the MLIB inclement weather directive;
- Judge the time it takes you to walk out of an area accurately and never leave yourself short of time so that you have to hurry out;
- Be aware of potential eye hazards at all times when walking through the bush. A general guideline is if an employee is walking through the bush and has to push brush and branches away from their face, eye protection is recommended;
- When walking in front of co-workers in areas with vegetation near eye level, avoid causing branches to swing back towards co-workers as you walk;
- When walking behind co-workers in areas with vegetation near eye level, stay a sufficient distance behind them (e.g. a minimum of five meters) to avoid swinging branches. Allowing the faster person to lead helps the rear person to maintain their distance;
- Avoid jumping off of obstacles - step down instead. If you have to jump, land with both feet together and bend your knees so that your muscles take most of the impact rather than your joints;
- Be careful around blow down trees - they may be under tension and unstable in their current position;
- Be cautious with your footing when walking or climbing on bare rock;
- Do not dislodge rocks when climbing hills. If you accidentally do, warn people below;
- When walking on logs, watch for logs that may roll or logs with unfinished cuts;

- Watch footing when walking on rotten logs or logs with loose bark;
- Watch footing on fresh and potentially loose road materials;
- Walk off the road to the high side when a loaded truck or equipment passes by;
- Always be aware of your surroundings and the potential for wild animal encounters;
- Do not sit or walk below fresh cut slopes as banks or rocks may come loose;
- On rainy days, be aware of slippery ground; be ready for any slips or falls;
- On snowy days, be aware of your footing when walking in snow-covered areas and use extreme care walking on snow-covered slopes; and,
- In icy conditions, avoid walking on felled logs and in windfall areas.

Working in Areas with Unstable Slopes:

- Look for potential hazards prior to walking on or near an area with potentially unstable slopes;
- Be on the alert for unstable debris, rocks, and logs that may become dislodged and roll downhill towards the area you are working;
- Be on the alert for unstable ground that may have been impacted by equipment, especially on fresh site prep or fresh road banks where the soil may not have settled;
- Be aware of where you step. Ensure the ground is stable enough to get solid footing, and if not, find an alternate route;
- Be aware of fellow co-workers working downhill from you when walking on unstable or steep slopes; and,
- Avoid working in areas at risk of a large landslide (i.e. steep slopes with large, fresh earth cracks or recent landslides/slumps) and report the area to your supervisor.

Walking Across Streams:

- Determine the strength of flow, water temperature, width, and depth of the stream before crossing, and do not cross if you are unsure or you feel the crossing is unsafe;
- Before crossing a stream, consider any downstream hazards (i.e. waterfalls);
- Be aware of changing weather conditions, the possibility of water rising throughout the day and make sure you are going to be able to return at the end of the day;
- Make sure of your footing when crossing on logs or rock boulders; and,
- If in winter, be careful of walking on ice by ascertaining if the ice is sufficiently thick and stable enough to walk on.

Using Hand Tools

- Always wear appropriate Personal Protective Equipment (PPE) for the task, and ensure your clothing has no loose ends that may get caught by a hand tool;
- Be aware of your surroundings at all times;
- Keep bystanders at a safe distance;
- Never use a piece of equipment you are unfamiliar with until you have had proper training and practice;
- Use the correct tool for the job;

- Inspect tools for defects prior to each use, and report defective tools to your supervisor;
- Be aware of slippery handles;
- Never carry a hatchet with the cover off;
- Monitor your swing distance and practice proper ergonomics;
- Where possible, carry all hand tools below your waist and in your downhill hand; and,
- If you fall with equipment in hand, try to throw it away from you.

Questions and Concerns

If you have any questions or concerns, please contact the Land Referral Office at 250 788 2227 and speak to a Land Stewardship Officer.

Appendix 5: Government of British Columbia

The Government of British Columbia has produced a “*Guide to Involving Proponents When Consulting First Nations*”. This guide is located on the World Wide Web at the following address:

 [www2.gov.bc.ca > gov > environment > natural-resource-stewardship](http://www2.gov.bc.ca/gov/environment/natural-resource-stewardship)

As the Province of British Columbia may amend the Guide from time to time, it is recommended that a search on the web be done to receive the current copy.