



BRITISH
COLUMBIA



Ktunaxa Kinbasket Treaty Council

Canada

Ktunaxa Kinbasket Treaty Council Treaty Negotiations

FOREST RESOURCES SUB-AGREEMENT

Interim Negotiating Framework

Public Information Draft

APRIL 10, 2002

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FOREST RESOURCES SUBAGREEMENT

Interim Negotiating Framework

BACKGROUND

Canada, British Columbia and the Ktunaxa Kinbasket Treaty Council are engaged in treaty negotiations in the British Columbia Treaty Commission process. Our treaty negotiations include public consultation and internal review of documents jointly drafted by the three Parties.

The preparation of this Interim Negotiating Framework is one step in the negotiation process leading to the completion of a chapter that will be included in the Agreement-in-Principle.

The Parties are releasing this document for public information.

For further information on the negotiations, please contact any of the following people:

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Forest Resources Sub-agreement Interim Negotiating Framework Public Information Draft

PREAMBLE

The British Columbia Government will be holding a referendum this year to guide its approach to treaty negotiations. The province has requested that some topics under negotiation be temporarily set aside until the provincial referendum on treaties is completed.

At the July meeting of the Chief Negotiators, the Side Table was asked to develop a mechanism to monitor the ongoing progress of negotiations during the period prior to the referendum. To address this request, BC proposed that the Parties develop and agree upon an Interim Negotiating Framework for each chapter.

The Interim Negotiating Framework for Forest Resources sets out an agreed upon list of topics on which all Parties believe progress can be made during this interim period.

DEFINITIONS

Forest Resources
Forestry-related Activities
[Ktunaxa Lands]
Traditional Territory
Transition Period

OWNERSHIP OF FOREST RESOURCES ON [KTUNAXA LANDS]

1. Ownership of Forest Resources on [Ktunaxa Lands].
2. Authority to determine, collect and administer fees in respect of Forest Resources on [Ktunaxa Lands].

Drafting conventions:

All Parties; *KKTC*; **British Columbia**; **Canada**; [not yet agreed]; (elaboration); additions; ~~deletions~~

APPLICATION OF PROVINCIAL AND FEDERAL LAWS TO FORESTRY RESOURCES ON [KTUNAXA LANDS]

3. The application of provincial, federal and [Ktunaxa laws] on [Ktunaxa Lands] including laws respecting:
 - a) provincial access to forests for the purpose of carrying out pest control, fire protection and suppression, and management of damaging agents, including noxious weeds, where they threaten surrounding Crown lands;
 - b) timber marks and scaling of Forest Resources;
 - c) export of Forest Resources;
 - d) forest practices; and
 - e) the manufacture of products from Forest Resources.
4. The enforcement of provincial and federal laws on [Ktunaxa Lands].

B.C.'s interim negotiating instructions do not provide for discussions related to Ktunaxa authority to make laws.

KKTC is willing to proceed with these discussions but is concerned about the practicality of doing so without discussing Ktunaxa authority to make laws at the same time.

FOREST MANAGEMENT AND PLANNING PROCESSES

5. The role of the [Ktunaxa Government] in management and planning processes related to Forest Resources and Forestry-related Activities within the Traditional Territory, including provisions regarding:
 - a) Ktunaxa participation in provincial land use planning processes;
 - b) complementary management regimes for Forest Resources across [Ktunaxa Lands] and Crown lands throughout the region; and
 - c) forestry research.

Drafting conventions:

All Parties; *KKTC*; **British Columbia**; **Canada**; [not yet agreed]; (elaboration); additions; ~~deletions~~

FOREST FIRE SUPPRESSION, CONTROL AND ASSOCIATED COSTS

6. Responsibility and authority for forest fire suppression and control on [Ktunaxa Lands] in accordance with:
 - a) provincial priorities (protection of human lives and equal protection for Ktunaxa and non-Ktunaxa communities);
 - b) available financial resources;
 - c) reasonable notice; and
 - d) co-operative administrative arrangements for forest fire suppression and forest fire control.

FOREST HEALTH PROBLEMS

7. Responsibilities of the [Ktunaxa Government] for the management and control of forest health problems on [Ktunaxa Lands].
8. Integrated and co-operative action to minimize the impacts of forest health problems on Crown and [Ktunaxa Lands].

TRANSITIONAL PROVISIONS FOR FOREST RESOURCES AND FOREST ACTIVITIES

9. Minimize the risk of unanticipated disruptions to existing licensed operations, including:
 - a) management of existing licenses and leases; and
 - b) responsibilities for reforestation and road deactivation on lands acquired by Ktunaxa.
10. Orderly and efficient transition to the [Ktunaxa Government] of the authority to manage Forest Resources on [Ktunaxa Lands].

Drafting conventions:

All Parties; *KKTC*; **British Columbia**; **Canada**; [not yet agreed]; (elaboration); additions; ~~deletions~~

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11. Transition Period during which prescribed transitional measures will apply.
 12. Address matters related to the [Ktunaxa Nation's] economic access to Forest Resources. (BC's interim negotiation mandate provides for this matter to be addressed through treaty related measures outside the treaty.)
 13. Address matters related to the [Ktunaxa Nation's] domestic use of Forest Resources.

Drafting conventions:

All Parties; *KKTC*; **British Columbia; Canada**; [not yet agreed]; (elaboration); additions; ~~deletions~~