

WITHOUT PREJUDICE

Schedule A

Provincial Legislation Associated with Provincial Land and Resource Decisions¹:

Forest Act
Forest and Range Practices Act
Land Act
Lands Parks and Housing Act
Integrated Pest Management Act
Environmental Management Act
Park Act
Protected Areas of BC Act
Water Act
Wildlife Act
Heritage Conservation Act, Archaeology permits
Mines Act
Coal Act
Mineral Tenure Act
Fisheries Act

¹ This Schedule applies to permits issued pursuant to the Heritage Conservation Act that are in relation to archaeological sites only.

Schedule B – “Engagement Framework”

1. Definitions

1.1. **Definitions.** For the purpose of this Schedule, the following definitions apply. For definitions that are listed here and are already in the main body of the agreement, the definition here applies:

“**Aboriginal Interests**” means the asserted Aboriginal rights and Aboriginal titles of each of the First Nations;

“**Applicable First Nation**” means a First Nation that may be affected by a Land and Resource Decision;

“**Applicant**” means a person, corporation, or entity, or their agent that intends to submit or has submitted an Application requiring a Land and Resource Decision;

“**Application**” means a request, proposal or plan that will be submitted by an Applicant to a Provincial Agency for a Land and Resource Decision or a proposed authorization by a Provincial Agency;

“**Confidential Information**” means any information provided by a Provincial Agency or Applicable First Nation under this Agreement which is identified in writing as “Confidential”;

“**Decision Maker**” means an official or designate of a Provincial Agency that has authority to make a Land and Resource Decision in accordance with its legislated mandate; or an official or designate of a First Nation that has authority, in accordance with the First Nations’ laws and customs, to make a decision within their respective authorities on the same matters;

“**Engagement**” has the same meaning as given in the Reconciliation Protocol Agreement, 2009;

“**Engagement Information Package**” or “**EIP**” means the information package described in section 4.2 of this Schedule;

“**Governance Forum Working Group**” or “**Working Group**” means the working group established under section 5.2 (b) of the Reconciliation Protocol;

“**Governance Forum Technical Team**” or “**Technical Team**” means the technical team established under section 5.2 (c) of the Reconciliation Protocol;

“**Government to Government Mines Working Group**” or “**G2G Mines Working Group**” means formal bilateral discussions between the Parties or their designated Representatives for the purposes identified in section 8.3;

“**Information Sharing**” means Applicant or tenure holder engagement with Applicable First Nations that includes efforts to reasonably: communicate, share information and engage in dialogue; identify and resolve issues; provide and

consider information about potential impacts on Aboriginal Interests; and develop working relationships;

“Land and Resource Decision” or “Decision” means an authorization, administrative decision, operational decision, approval or renewal of a permit, tenure made by a Decision Maker that pertains to land and marine use and/or natural resources;

“Provincial Agency” means a Provincial ministry, organization or agency that has authority to make Land and Resource Decisions in respect of the Provincial legislation identified in Schedule A, but does not include the Oil and Gas Commission;

“Representative” means a representative appointed by a Provincial Agency or a First Nation for the purposes of an Engagement; and,

“Senior Representative” means a representative of the Provincial Agency or First Nation that is identified by each Provincial Agency and First Nation; is more senior than the Representative; and may or may not be the Statutory Decision Maker, as appropriate. The Provincial Agency Senior Representative would not normally be higher than the regional director or executive director level.

2. Purpose

2.1. **Purpose of Agreement.** This Engagement Framework establishes a defined process through which Provincial Agency and First Nation Representatives are to share information, communicate and have discussions with the goal of developing consensus recommendations in relation to Applications for Land and Resource Decisions. It is recognized as a step toward shared decision making that is intended to:

- a) Establish a more collaborative, coordinated and efficient approach to First Nation and Provincial Agency consideration and administration of Applications for Land and Resource Decisions;
- b) Enable Provincial Agencies and First Nations, through improved communications, to avoid or reduce the number of land and resource disputes and minimize the need for litigation or other formal dispute resolution procedures;
- c) Clarify the role of Applicants and proponents in the Engagement process, recognizing that Applicants and project proponents are often well positioned to provide information and avoid or mitigate impacts or otherwise address and resolve issues; and,
- d) As per the definition of “Engagement” in section 1 of the Coastal First Nations / British Columbia Reconciliation Protocol Agreement, provide a process through which Provincial Agencies and First Nations can meet their legal consultation obligations as described by the Supreme Court of Canada in *Haida Nation v. British Columbia* (Ministry of Forests) and as

discussed in subsequent court decisions including *Tsilhqot'in Nation v. British Columbia*.

3. Engagement Process

- 3.1. **Engagement Processes.** This Engagement Framework includes four Engagement Processes (each an “Engagement Process”) that the Parties will follow to conduct Engagement: Category 1, Category 2, Category 3, and Special Engagement.
- 3.2. **Engagement Steps.** For Applications requiring Category 1, Category 2 and Category 3 Engagement, Provincial Agencies and First Nations will follow the steps set out in Table 1.
- 3.3. **Engagement Timelines.** The number of working days allotted for each Engagement process is as follows:
 - a) For Category 1 Engagement, a total of 20 working days, as set out in Table 1;
 - b) For Category 2 Engagement, a total of 40 working days (or 50 working days if the Engagement Dispute Process (section 7.4) is used), as set out in Table 1;
 - c) For Category 3 Engagement, a total of 65 working days (or 75 working days if the Engagement Dispute Process (section 7.4) is used) as set out in Table 1; and,
 - d) For Special Engagement (“Special Engagement”) up to 45 working days is available to develop a terms or reference for the Engagement as may be agreed to by the Provincial Agency and the Applicable First Nation in accordance with section 8.4.
- 3.4. **Selection of Engagement Process.** A guide for selecting the appropriate Engagement Process is provided in the following sections of this Engagement Framework:
 - a) Category 1, Category 2 and Category 3 as set out in Table 2; and,
 - b) Special Engagement as set out in section 8.1 and in Table 2.
- 3.5. **Multiple Interrelated Authorizations.** Provincial Agency Representatives may propose that a single, coordinated Engagement Process be followed for Applications that require multiple interrelated Decisions. In such circumstances, the Provincial Agency Representative should propose an appropriate timeframe for the coordinated Engagement Process based on the guidance in Table 2.

- 3.6. **Shared Engagement Record.** Provincial Agencies and First Nations will document their information exchanges and communications via a jointly developed Shared Engagement Record (“Shared Engagement Record” or “SER”), the purpose of which is to document and summarize the process and outcomes of an Engagement, including descriptions of:
- a) Information related to the proposed Decision;
 - b) Potential impacts on Aboriginal Interests;
 - c) Engagement Process selection;
 - d) First Nation issues and concerns; and,
 - e) Consensus or non-consensus recommendations, as appropriate.
- 3.7. **Importance of Timelines.** The Parties recognize that respect for the timelines outlined in Table 1 demonstrates their commitment to implement the agreement in good faith, and that timeliness contributes to the goal of effective collaboration and decision making.
- 3.8. **Timeline Extensions.** Engagement timelines may be extended by mutual agreement at any time if required due to unexpected circumstances or where additional time is needed for effective review of the Application or to resolve outstanding issues. An extension request must be submitted in writing to the other Party with a rationale, and the Party receiving the request will not unreasonably refuse to consent to the extension request.
- 3.9. **Disagreement on Engagement Process.** If a First Nation Representative disagrees with the Engagement Process proposed by the Provincial Agency pursuant to section 4.2 (b) (v) of this Engagement Framework, the First Nation Representative may propose in writing a different Engagement Process with supporting rationale for the proposed change. The Representatives will discuss the supporting rationale and attempt to reach agreement on an Engagement Process within the Step 1 Initiation step, as set out in Table 1. Provincial Agency representatives will not unreasonably refuse to consent to proposed changes.
- 3.10. **No Confirmation of Receipt.** In cases where the First Nation does not confirm receipt of the EIP in accordance with section 5.1, the Provincial Agency will reasonably attempt to contact the First Nation Representative for confirmation.
- 3.11. **No Response to Engagement Process Proposal.** If a First Nation Representative does not respond to an Engagement Process proposal within 10 working days of electronic transmission by the Provincial Agency, the Engagement Process proposed by the Provincial Agency will apply, and ‘Application Review and Recommendations’ period (Step 2) will commence.

- 3.12. **No Response to Engagement Request.** If a First Nation Representative does not provide input to an Engagement Process within specified timelines, the Provincial Agency may proceed to finalize a SER and make a Land and Resource Decision without further Engagement and upon doing so will provide in writing to the First Nation notification of the decision taken and an explanation of how the known interests of the First Nation were taken into account.
- 3.13. **Engagement not Required.** A First Nation Representative or First Nation Decision Maker may at any time in Engagement process provide to the Provincial Agency written notification that no further Engagement is required. However, where a First Nation provides such notification subject to certain conditions being met by the Province or the Applicant, further Engagement pursuant to this Engagement Framework is required unless the First Nation's conditions are adopted into the final authorizations.

4. Provincial Agency Responsibilities

- 4.1. **Proponent Engagement.** At the earliest opportunity, the Provincial Agency Representative will inform Applicants of this Engagement Framework and as appropriate, direct or strongly encourage them to undertake Information Sharing prior to submitting an Application.
- 4.2. **Engagement Information Package.** The Provincial Agency Representative will ensure Application information is provided to Applicable First Nation(s) in a timely manner as an Engagement Information Package (EIP) that includes:
- a) A cover letter or cover email;
 - b) A first draft of a Shared Engagement Record (SER) that contains:
 - i. A description of the type and characteristics of the potential Land and Resource Decision, including a brief history, if applicable, and context;
 - ii. The identity and contact information of the Applicant;
 - iii. A description of the location or geographic area that will potentially be affected by the Application if approved;
 - iv. A preliminary scoping of any potential impacts that may stem from the Application;
 - v. The proposed Engagement Process and a supporting rationale for that proposal in accordance with section 3.4; and,
 - vi. A package of relevant supporting information and material required by the Provincial Agency to be submitted by the Applicant.

- 4.3. **Confirmation of Receipt.** In cases where the First Nation does not confirm receipt of the EIP or pre-engagement notification package, the Provincial Agency Representative will reasonably attempt to contact the First Nation Representative for confirmation.
- 4.4. **Joint Engagement Responsibilities.** The Provincial Agency Representative will communicate and work with First Nation Representatives to jointly:
 - a) Describe and assess potential impacts associated with the Application, including potential impacts of the proposed activity on Aboriginal Interests;
 - b) Document in the SER First Nations concerns and issues related to the proposed activity; and,
 - c) In consideration of sections (a) and (b), attempt to develop consensus recommendations for consideration by Decision Makers.
- 4.5. **Interagency Coordination.** For coordinated Engagements referenced in section 3.5, a designated Provincial Agency Representative will coordinate communications and act as lead Representative when the Engagement Process involves more than one Provincial Agency.
- 4.6. **Sharing of Application Information.** On request, the Provincial Agency Representative will reasonably ensure that all relevant information that is necessary for the applicable First Nation to review potential impacts on the Nation's Aboriginal Interests is provided to the First Nation by the Applicant or the Provincial Agency;
- 4.7. **SER Documentation.** Following each Engagement discussion or meeting, the Provincial Agency Representative will develop a draft update or proposed final draft of the SER and circulate the draft to the First Nation Representative for review and input;
- 4.8. **SER to Decision Maker.** The Provincial Agency Representative will present to the appropriate Provincial Agency Decision Maker the final SER including the joint recommendations and, if applicable, any non-consensus recommendations.
- 4.9. **Decision Notification.** Should an Application be approved by the Province, the Provincial Agency Representative will provide a notice of decision and a digital copy of the authorization to the Applicable First Nation, including reasons for decision in circumstances where the Decision varies from consensus recommendations or the non-consensus recommendations provided by the First Nation.

5. **First Nation Responsibilities**

- 5.1. **Confirmation of Receipt.** The Applicable First Nation Representative will confirm receipt of the EIP or the pre-engagement notification package in a timely manner, ideally within 2 working days following electronic transmission of the EIP.
- 5.2. **Provide Information.** As early as reasonably possible in the Engagement Process, the Applicable First Nation Representative will identify to the Provincial Agency:
- a) Any concerns or issues associated with the Application taking into account the considerations in section 6.1;
 - b) A preliminary summary of any potential impacts upon Aboriginal Interests that may stem from the proposed Decision; and,
 - c) Any additional information that is necessary for review of potential impacts on the First Nation's Aboriginal Interests.
- 5.3. **Joint Engagement Responsibilities.** Communicate and work with Provincial Agency Representatives to jointly:
- a) Describe and assess issues with the Application including the potential impact of the proposed Decision on Aboriginal Interests; and,
 - b) Document in the SER First Nations concerns and issues related to the proposed activity; and,
 - c) In consideration of the sections (a) and (b), attempt to resolve issues and develop consensus recommendations for consideration by Decision Makers.
- 5.4. **SER Documentation.** The Applicable First Nation Representative will review and contribute to the SER to ensure information, key discussion points and any recommended actions are accurately recorded in working and final drafts of the SER.
- 5.5. **SER to Decision Maker.** The Applicable First Nation Representative will present the final SER including the joint recommendations and, if applicable, any non-consensus recommendations, to their Decision Maker.

6. **Engagement Recommendations**

- 6.1. **Recommendation Considerations.** When reviewing an Application and making recommendations, Provincial Agency and First Nation Representatives will consider the following, as required:

- a) Any applicable respective laws, policies or customs of the Province and the First Nation;
- b) Consistency, as appropriate, with any enabled land use plan, marine use plan, forest stewardship plan or protected area management plan;
- c) Compatibility with any economic development strategy or plan that has been agreed to by the Parties;
- d) The potential positive and negative environmental, cultural, social and economic effects of the proposed Decision;
- e) Any potential adverse effects and impacts on Aboriginal Interests stemming from the proposed activity and any measures that may be developed to avoid, mitigate or otherwise address those effects and impacts; and,
- f) The acceptability of such accommodation measures to the First Nation.

6.2. **Content of Recommendations.** The recommendations developed by Provincial Agency and First Nation Representatives may include some or all of the following:

- a) Whether the Application should be approved or rejected;
- b) Any recommended conditions or measures that would avoid, mitigate or otherwise address adverse environmental or economic effects; and,
- c) Any recommended conditions or measures that would avoid, mitigate or otherwise address potential impacts upon Aboriginal Interests.

6.3. **Consensus.** First Nation and Provincial Agency Representatives, or the Forum Working Group when required, will work to achieve consensus in their recommendations, and will respect principles of natural justice and procedural fairness. Where consensus recommendations cannot be achieved within the time frame the Parties may either agree to extend the timeline, initiate the Engagement dispute resolution process or conclude engagement with non-consensus recommendations.

7. **Dispute Resolution**

7.1. **Interpretation Dispute Process.** In the event that a dispute between Engagement Representatives is due to a difference of interpretation of this Engagement Framework ("Interpretation Dispute"), the Representatives will at the earliest opportunity forward a description of the issue and a request for guidance to the Technical Team. The Technical Team will make all reasonable efforts to review and provide direction in respect of interpretation disputes in a timely and effective manner.

- 7.2. **Policy Dispute Process.** Issues arising from review of an Application may relate to policy or administrative issues that extend beyond the scope of the particular Application (“Policy Dispute”). A Policy Dispute will be fully described in the SER, and, upon request of either Representative, will be forwarded to the Governance Forum Working Group for discussion with applicable Provincial Agency Representatives. The Engagement timelines for the Application will not be extended solely for resolution of the Policy Dispute.
- 7.3. **Interim Solutions.** The Governance Forum Working Group will make all reasonable efforts to coordinate resolution of Policy Disputes, including the development of any interim solutions in a timely and effective manner.
- 7.4. **Engagement Dispute Process.** If the Representatives are unable to reach agreement on a particular Engagement issue or recommendation (“Engagement Dispute”), the Representatives will as early as possible during Step 2 of the Engagement Process:
- a) Exchange in writing a full description of the Engagement Dispute, together with any respective concerns and interests and the proposed specific actions that could be taken to address the issues; and,
 - b) Discuss the written descriptions via meetings or conference calls and attempt to reach agreement on proposed specific actions.
- 7.5. **No Consensus in Engagement Disputes.** If after following the steps set out in 7.4, the Representatives are unable to reach consensus on an Engagement Dispute, they will forward the written descriptions of the issue to Senior Representatives of the applicable Provincial Agency and the Applicable First Nation for direction and assistance. Senior Representatives will discuss and make all reasonable efforts to attempt to resolve the issue(s) and produce a written summary in the SER within 10 working days for Category 2 and Category 3 Engagement.
- 7.6. **Unresolved Disputes.** If a dispute remains unresolved after completing steps 7.4 and 7.5, the remaining points of dispute must be documented in the SER and the Provincial or First Nation Decision Makers may proceed to make a decision and upon doing so will provide in writing to the other Party notification of the decision taken and how the views of the other Party were addressed.

8. Major Projects and Special Engagement

- 8.1. **Applicability.** Development of a Special Engagement process is required when:
- a) The Application is associated with a major project that requires multiple interrelated Decisions;

- b) Review of the Application is associated with a higher level Land and Resource Decision that will require collaborative planning and consideration and development of extensive existing and new information; or,
- c) Engagement requires a customized process that, as appropriate, is either more streamlined or more comprehensive than is provided for under standard types of Engagement.

8.2. **Use of Table 2.** A list of Decisions typically requiring a Special Engagement process are listed in Table 2.

8.3. **Mines Process.** Where a major project is associated with a large mining and mineral project, the following will apply:

- a) Applicable First Nations will reasonably participate in any Mine Development Review Committees (MDRC) and any associated subcommittees, and any Mine-specific Review Committees (MRC). Should there be any issues to discuss beyond the scope of the MDRC or MRC, these will be discussed at the appropriate project-specific G2G Mines Working Group as described in 8.3 (b) (ii).
- b) The scope of work for a MDRC will be guided by the following principles:
 - i. All permits and authorizations under consideration by Provincial Agencies required to support the proposed activity will be addressed through one overarching Engagement process;
 - ii. When issues arise that are beyond the scope of the MDRC or MRC technical review, such issues will be considered by a project-specific G2G Mines Working Group. Such issues may include:
 - Cumulative effects;
 - Revenue sharing;
 - Impacts to Aboriginal Interests that may require accommodation beyond that which can be achieved at the technical level; and,
 - Interests of Applicable First Nations.
- c) Where no committee or structure exists for the purposes of technical review, the G2G Mines Working Group will undertake Engagement at both a technical and non-technical level;
- d) For clarity, where a proposed activity is subject to an environmental assessment as provided for under the *Environmental Assessment Act*:

- i. The purpose of a MDRC or MRC is to enable Engagement on an authorization other than the environmental assessment certificate and to deal with issues that are beyond the scope of the environmental assessment process; and,
 - ii. The MDRC or MRC will typically be formed prior to the issuance of an *Environmental Assessment Act* section 10 order, which initiates the environmental assessment process, unless otherwise agreed to by the Parties.
- 8.4. **Investigative Use Permits Exempt.** For clarity, Investigative Use Permits are not part of a major project and do not require a Special Engagement process.
- 8.5. **Documentation of Special Engagement Process.** Where a special Engagement process is applied in accordance with section 8.1 , the Parties will work to jointly develop, within 45 working days, a separate terms of reference through which relevant Provincial Agencies and Applicable First Nations will conduct Engagement.
- 8.6. **If No Process is Established.** If the relevant Provincial Agencies and the Applicable First Nations cannot agree to an Engagement process and Terms of Reference within 45 days of initiating discussions, the Provincial Agencies or Applicable First Nations may request use of the Engagement Dispute Process described in 7.4 and 7.5. If the dispute cannot be resolved and an agreed to process cannot be established within 10 working days, the Provincial Agency will consult with Applicable First Nations on the basis of British Columbia's consultation procedures in effect at the time and the applicable case law respecting consultation obligations.

9. Annual Pre-Engagement Notification (Replacements)

- 9.1. **Initiation of Process.** To support Engagement workload planning and with the goal of achieving process efficiencies, the Provincial Agency may prepare and send advance notice to the Applicable First Nation of tenure and permit replacements that are likely to be upcoming in the next 6 months or year. The notification package will include:
 - a) A cover letter explaining the purpose of the package and requesting a response from the First Nation Engagement Representative; and,
 - b) A table or spreadsheet, organized chronologically by the date of expected Land and Resource Decision, listing expected tenure and permit replacements for the upcoming calendar year. The table or spreadsheet may identify for each tenure, permit or authorization:
 - i. File numbers;
 - ii. Tenure, permit or authorization type and sub-type;

- iii. Total tenure area;
- iv. Purpose and sub-purpose;
- v. Expiry date and expected new issuance date
- vi. Proposed length of term; and,
- vii. A map of the First Nation's territory showing the location of the potential Land and Resource Decisions.

9.2. **First Nation Response.** Within 30 working days following the date that the notification package is received by the First Nation, the First Nation will review the list of expected authorizations and provide to the Provincial agency a response identifying which items on the list will require Engagement along with a preliminary selection of Engagement Process and supporting rationale. Final selection of Engagement Process will occur following submission of the EIP for the replacement.

10. **Engagement Communications**

10.1. **Electronic Communications.** Provincial Agencies and First Nations will exchange information using digital and electronic methods whenever possible and appropriate. Electronic transfer of information via email and File Transfer Protocol (FTP) are the preferred method for exchanging information.

10.2. **Points of Contact.** Provincial Agencies and First Nations will identify primary and alternate email points of contact for Engagement communications.

10.3. **Paper Copies.** Despite section 10.1, if a First Nation requests specific information in hard copy to effectively review an Application, Provincial Agencies will either:

- a) Provide the required information; or,
- b) Where appropriate, direct Applicants to provide the requested information in hard copy directly to the Applicable First Nation.

11. **Information and Confidentiality**

11.1. **Information.** The Parties will support Engagement by sharing relevant information and knowledge and will, at the time of disclosure:

- a) Assist the other Party in interpreting the information, determining the current and future use of the information and the terms under which it may be reproduced or shared, in whole or in part, with any other party; and,

- b) Make all reasonable efforts to maintain the confidentiality of the information provided by the other Party and prevent its disclosure to the public, in particular information identified as Confidential Information.

11.2. **First Nation Confidential Information.** British Columbia acknowledges that First Nations are custodians of cultural and other information that may be:

- i. Confidential or sensitive in nature; or,
- ii. Owned by individuals and must be managed according to the owner's wishes.

11.3. **Disclosure of First Nation Confidential Information.** British Columbia acknowledges that the disclosure of information referenced in 11.2 to any other party requesting such information under the *Freedom of Information and Protection of Privacy Act* could:

- a) Be reasonably expected to harm the relations between British Columbia and the Applicable First Nation as an aboriginal government; or,
- b) Result in damage to or interfere with the conservation of:
 - i. Fossil sites, natural sites or sites that have an anthropological or heritage value;
 - ii. An endangered, threatened or vulnerable species, subspecies or race of plants, vertebrates or invertebrates; or,
 - iii. Any other rare or endangered living resources.

11.4. **Freedom of Information.** If British Columbia receives a request under the *Freedom of Information and Protection of Privacy Act* or is otherwise required by law to disclose the information received from the First Nation, British Columbia will provide the First Nation with notice of the request and the opportunity to discuss and work to resolve any issues associated the proposed disclosure.

11.5. **Additional Conditions.** The Parties acknowledge that:

- a) Section 11.1 does not apply to information that is already in the public domain, including the Remote Access to Archaeological Data (RAAD) database and on other public websites; and,
- b) The disclosure of Confidential Information may be restricted under provincial law or subject to additional conditions on disclosure.

12. **General**

- 12.1. **Legislated Timelines Prevail.** If the process and timelines of an Engagement Process conflict with a process or timeline specified in legislation, the legislative process or timeline will prevail to the extent of the conflict.
- 12.2. **Park Permits.** Where a member First Nation also has a Collaborative Management Agreement with BC Parks, the Parties agree that the engagement process for park use permit authorizations will be in accordance with this schedule.
- 12.3. **No Fettering.** Nothing in this Agreement will be interpreted in a way that would affect or unlawfully interfere with any legislative authority of British Columbia or fetter the discretion given to any decision-making authority.
- 12.4. **Annual Review.** The Parties will review implementation of the Engagement Framework on an annual basis and undertake discussions with the goal of improving the efficiency and effectiveness of the Engagement Framework.
- 12.5. **Emergency Provisions.** Nothing in this agreement affects the ability of the Parties to respond to any emergency circumstances.

Table 1: Category 1, 2 and 3 Engagement Steps, Activities and Timelines

Process Step	Activities	Working Days		
		C1	C2	C3
Pre-Engagement by Applicant (where applicable)	The Provincial Agency Representative will, as appropriate, direct or strongly encourage Applicants to undertake Information Sharing in accordance with section 4.1. If a letter of support accompanies the Application as per section 3.13, Engagement is not required. Otherwise, the Provincial Agency Representative will prepare an Engagement Information Package (EIP) per section 4.2.	Not Applicable		
Step 1 Initiation	The Provincial Agency Representative will send the EIP to the Applicable First Nation in accordance with section 4.2. The proposed Engagement Process should be determined using the guide provided in Table 2. The First Nation Representative will confirm receipt of the EIP in accordance with section 5.1. Next, the First Nation Representative will respond to the Engagement Process proposal in accordance with 5.2. See sections 3.9 - 3.12 and 4.3 for further clarification on concluding this step.	5	10	10
Step 2 Application Review and Recommendation	The Representatives will continue to share information and engage via discussions, meetings and other communications to: <ul style="list-style-type: none"> Fulfill their joint and respective Engagement responsibilities in accordance with sections 4.4 - 4.7 and sections 5.3 and 5.4; Develop Recommendations, as described in section 6; If required, initiate any Dispute Resolution processes in accordance with section 7.1 - 7.4. 	10	25	50
Step 3 Conclusion	The Representatives will jointly finalize the SER in accordance with 3.5. If required, the Representatives will conclude any Engagement Dispute Resolution steps in section 7.1 - 7.4. Unless there are outstanding steps required as per section 7.5, the Representatives will submit the final SER to their respective Decision Makers in accordance with sections 4.8 and 5.5.	5	5	5
Step 4 Dispute Resolution (where applicable)	If required, the Representatives and any applicable Senior Representatives will undertake Engagement Dispute Resolution steps in accordance with section 7.5. The Representatives will submit the final SER to their respective Decision Makers in accordance with sections 4.8 and 5.5.	0	10	10
	Total Number of Working Days	20	40-50	65-75

Table 2: Engagement Process Selection Guide for Category 1, 2 and 3, and Major Projects

Category 1 applications are straightforward to administer and do not require review and consideration of impact assessment information and reports. This applies in cases where reasonable Information Sharing has occurred prior to submission of an Application, (i.e., the Applicant has already provided information necessary for the First Nation to review of potential impacts to Aboriginal Interests), there has been a reasonable amount of time for review of such information, and concerns related to Aboriginal interests stemming from the Application have been resolved. Applications which typically fall within Category 1 are as follows:

Forests – Forest and Range Practices Act

Forestry Road and Cutting Permits where Information Sharing has occurred
Forestry Licence to cut (Maximum 2000 m3)

Archaeology – Heritage Conservation Act

Section 14 investigation and inspection permits

Lands, Parks – Lands Act & Parks Act

Licence of Occupation associated with forestry operations or forestry tenures where reasonable Information Sharing has occurred
Investigative use permits with negligible physical impact
Replacements of tenure, permits or certificates where requested as per section 9
Park Use Permit Replacements with no changes

Mines – Mines Act, Mineral Tenure Act and Coal Act

Extending the term of a permit by up to 2 years
Conducting induced polarization (IP) surveys where an exploration permit is already held
IP surveys and exploration drilling in the area permitted for disturbance of an operating, producing mine, including all associated authorizations to support those activities (e.g., SUP, Cutting Permits, Water Licence).
Activities with small new ground disturbance or effect on the uses, including: exploration activities – temporary work camps, helicopter supported drilling
Mineral exploration, placer or construction aggregate on private land unless effects extend onto Crown Land
Date Extension of Notice of Work (NoW) permits
Date Extension of leases (mineral, placer, coal)
Deemed Authorizations are excluded from all Categories

Environmental Management Act & Integrated Pest Management Act

Hazardous waste facility approval on private land
Waste discharge regulation schedule 2 activities – all sizes on private land, and small on Crown Land
Waste discharge regulation schedule 1 activities – small
Operational certificates if NO outstanding concerns with the plan

Water – Water Act

New Water licences; domestic >1234m³/yr, power purposes (residential) and agriculture less than 5 acre feet - unless works constitute a 'change in and about a stream.
Water licence amendment; change in base flow requirements.
Permit over Crown Land – sect. 26.
Section 8 Short term use of water when FN hold a water licence downstream of application site.

Fish & Wildlife – Wildlife Act

Changes to hunting regulations that apply to First Nation hunters (e.g., public health and safety)
Wildlife transporter licences and management plans

Marine Plant Harvesting – Fisheries Act

Marine plant harvesting licences

Category 2 applications decisions are also relatively straightforward to administer but do require review and consideration of new or detailed impact assessment information and reports. Decisions that typically fall within Category 2 are as follows

Forests – Forest Act and FRPA

Forestry Road and Cutting Permits where reasonable efforts to conduct Information Sharing have not occurred
Replacements or extensions of Forestry tenures/licences, special use permits, FSPs
Amendments to licences
Recreation sites & trails decisions

Archaeology – Heritage Conservation Act

Section 12 site alteration permits

Mines – Mines Act, Mineral Tenures Act and Coal Act

Activities with small new ground disturbance or effect on the uses, including: exploration activities – temporary work camps, drilling, trenching or test pitting with or without explosives, including all associated authorizations to support those activities (e.g., SUP, Cutting Permits, Water Licence, etc.) and excluding temporary work camps and helicopter-supported drilling
Reopening of existing roads or trails within or to the mineral property
Underground exploration with no new surface dumps or with small area dumps
Mineral exploration, placer or construction aggregate on Crown land
New dimension stone quarries
Existing and new under 200,000 tonnes of paydirt per year placer mining operations
Helicopter support drilling requiring 50 m3 of timber cutting
Coal licence and lease applications
Mining and placer lease applications
Bulk sample less than 1,000 tonnes of mineralized rock. Or 5,000 tonnes of coal

Lands, Parks – Land Act & Park Act

Investigative Use Permits where there is ground or water disturbance
Agriculture decisions
Interpretive sites, recreation sites and recreation trails
Land Act and Park Act authorizations for small site permits - campsites, storage sites, helipads
New Adventure Tourism tenures
Park Use Permits that are compatible with applicable Park Management Plans

Environmental Protection – Integrated Pest Management Act & Environmental Management Act

Five year Forest Pest Management plans (vegetation management / insect outbreaks)
Vegetation Management of Rights-of-Ways with public access
Hazardous Waste facility approval on Crown Land under EA threshold
Waste Discharge Regulation Schedule 2 activities² – large on Crown Land
Waste Discharge Regulation Schedule 1 activities – large
Operational certificates if outstanding First Nations concerns with the plan

Water – Water Act & Dike Maintenance Act

Any contemplated decision/proposal that would result in a 'change in and about a stream'³.
New Dikes, major dike repairs/reconstruction (*Dike Maintenance Act*).

² Refers to the Waste Discharge Regulation of the Environmental Management Act. Can be viewed online at: http://www.bclaws.ca/Recon/document/id/freeside/50_320_2004

³ Refers to the Water Act: http://www.bclaws.ca/civix/document/id/complete/statreg/96483_01

WITHOUT PREJUDICE

New Water licences – agriculture greater than 5 acre feet (6,167 m³), industrial & commercial less than 5 acre feet and land improvement.

Section 9 Approval - Changes in & about a stream

Fish & Wildlife - Wildlife Act & Fisheries Act

Possession of life wildlife – new long term care facilities (e.g., zoo, rehabilitation center)

High disturbance fish and wildlife projects (e.g., collaring, wildlife transplants)

Disposition of new guide territory certificate

Category 3 decisions are those that, compared to Category 2 applications, require additional time for review and administration, require consideration of complex or new information about potential impacts and issues, and are expected to require more than 30 working days for Representatives to reach consensus recommendations due to the scope and complexity of the potential Decision. Decisions that typically fall within Category 3 are as follows:

Forestry – Forest Act and FRPA

New and Major Amendments to Forest Stewardship Plans

New Forestry Special Use Permits

Forestry Licence to cut (major)

Mines – Mines Act

Activities with potential for significant new ground disturbance or effects on other uses, including : new permanent or long term access development associated with advanced exploration with over 10 km in length including all associated authorizations to support those activities (e.g., SUP, Cutting Permits, Water Licence, etc.

Bulk samples greater than 1,000 tonnes of mineralized rock or 5,000 tonnes of coal

New placer operations with production of 200,000 tonnes to 5000,000 tonnes of paydirt per year

Lands & Parks – Land Act & Park Act

New Tourism Resorts (including fishing lodges), or major expansion of existing resorts

Crown Land Sales

New permanent infrastructure

New Protected Area Management Plans (for First Nations not in a CMA)

New Aquaculture Tenures

Environmental Protection – Environmental Management Act

Hazardous Waste facility approvals on Crown Land exceeding the major projects threshold under the EA

Solid and Liquid Waste Management Plans

Water – Water Act & Dike Maintenance Act

New Water licences for mine operations; water works (local community drinking water); storage (dams); power purposes (commercial and general (sect. 12.2), all other industrial and commercial greater than 5 acre feet.

Special Engagement: refer to section 8.1 regarding applicability of a special engagement process.

Decisions typically requiring a special engagement process include:

- Timber Supply Analysis and Allowable Annual Cut Determinations
- New Land Use Orders and Major Amendments
- Life of major mines – amendments, closure plans as well as the development phase will be through the MDRC/MRC processes