

CIMS, nothing specific CIMS. It points back at ERA:

[C & E Portal](#) >> [Home](#) >> [Client Search](#) >> Client Compliance and Enforcement History Report

CIMS 624 - Client Compliance and Enforcement History Report							Show History	Close
Start Date		1998-04-06		End Date		2018-04-06		
Name		MICKEY WERSTUIK			Number		s.22	Print
Address		s.22			Location Code			
CIMS								
Inspection ID	Site	Article	Action Taken			Action Taken Date		
No Compliance Actions Found								
ERA								
Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date		
DPE-2000-0037	No Site Specified In ERA 2.1	FPC of BC Act 96 (1)	Deferred	Determined	Stop Work Order	1999-09-18		
							Show History	Close

[C & E Portal](#) >> [Home](#) >> [Client Search](#) >> Client Compliance and Enforcement History Report

CIMS 624 - Client Compliance and Enforcement History Report							Show History	Close
Start Date		1998-04-06		End Date		2018-04-06		
Name		RONALD DERRICKSON			Number		s.22	Print
Address		s.22			Location Code			
CIMS								
Inspection ID	Site	Article	Action Taken			Action Taken Date		
No Compliance Actions Found								
ERA								
Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date		
DPE-2000-0037	No Site Specified In ERA 2.1	FPC of BC Act 96 (1)	Deferred	Determined	Stop Work Order	1999-09-18		
							Show History	Close

CIMS 624 - Client Compliance and Enforcement History Report

[Show History](#)[Close](#)

Start Date 1998-04-06 End Date 2001-04-06

Name	WESTBANK FIRST NATION	Number	00098230	Print
Address	3522A RED CLOUD WAY WESTBANK BC V4T2G9	Location Code	00	

CIMS

Inspection ID	Site	Article	Action Taken	Action Taken Date
No Compliance Actions Found				

ERA

Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date
No Contraventions Found						

Name	WESTBANK FIRST NATION	Number	00098230	Print
Address	SUITE 301 515 HIGHWAY 97 SOUTH KELOWNA BC V1Z3J2	Location Code	01	

CIMS

Inspection ID	Site	Article	Action Taken	Action Taken Date
No Compliance Actions Found				

ERA

Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date
DFE-2000-0037	No Site Specified In ERA 2.1	FPC of BC Act 96 (1)	Deferred	Determined	Stop Work Order	1999-09-18

Name	WESTBANK FIRST NATION	Number	00098230	Print
Address	ADMIN-ACCOUNTING OFFICE 3522A RED CLOUD WAY WESTBANK BC V4T2G9	Location Code	03	

CIMS

Inspection ID	Site	Article	Action Taken	Action Taken Date
No Compliance Actions Found				

ERA

Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date
No Contraventions Found						

Name	WESTBANK FIRST NATION	Number	00098230	Print
Address	JV WITH TREEGROUP DEVELOPMENTS CORP. 265-21320 GORDON WAY RICHMOND BC V6W1J8	Location Code	04	

CIMS

Inspection ID	Site	Article	Action Taken	Action Taken Date
No Compliance Actions Found				

ERA

Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date
No Contraventions Found						

Name		WESTBANK FIRST NATION		Number		00098230		Print
Address		201 - 515 HIGHWAY 97 SOUTH KELOWNA BC V1Z3J2		Location Code		05		
CIMS								
Inspection ID	Site	Article	Action Taken				Action Taken Date	
No Compliance Actions Found								
ERA								
Case ID	Site	Article	Contravention Status	Outcome Status	Action Taken	Action Taken Date		
No Contraventions Found								
								Show History Close

From: Siempelkamp, Rick FLNR:EX
Sent: Friday, April 6, 2018 3:08 PM
To: Faucett, D. Brad FLNR:EX; Brown, Ian S FLNR:EX; Criddle, Danielle FLNR:EX
Subject: RE: New FOI Request FNR-2018-82507, Estimate Due Apr 11

ERA case file DPE-2000-0037:
 (and more within the electronic file itself)

Case Summary Contraventions (3) Determinations (3) Appeals (0) Seizures (0) Investigation				
Details Clients (3) Sites (1) Letters (0) Attachments (0) Notes (0) Invoiced Items (0)				
Name	Address	Client Number	Location Code	Joint Clients
MICKEY WERSTUIK	s.22			
RONALD DERRICKSON				
WESTBANK FIRST NATION	SUITE 301 515 HIGHWAY 97 SOUTH KELOWNA BC V1Z3J2	00098230	01	

Case Summary		Contraventions (3)		Determinations (3)		Appeals (0)		Seizures (0)		Investigation	
Details		Clients (3)		Sites (1)		Letters (0)		Attachments (0)		Notes (0)	
								Invoiced Items (0)			
Print Preview Reopen											
Case ID:	DPE-2000-0037					Opened Date:	1999-09-14				
Type:	Incident					Discovery Date:	1999-09-07				
Status:	Closed					Closed Date:	2003-01-29				
Opened By:	EXPIRED USER BLEWIS					Admin Org Unit:	Okanagan Shuswap Natural Resource District				
Lead Investigator/Owner:	Murray Henry					Geo Org Unit:	Okanagan Shuswap Natural Resource District				
FPB File #:						Source:	BC Forest Service				
Inspection ID:						Source Ref. #:					
Regional Review of Prosecution Test?:	No					Other Source Agency:					
Date of Prosecution Test Review:											
Case Description:	CUTTING, DAMAGING OR DESTROYING CROWN TIMBER W/O AUTHORITY. CUTTING,DAMAGING OR DESTROYING CROWN TIMBER W/O AUTHORITY										
Contraventions											
Contravention 1. FPC of BC Act 96 (1) DAMAGE CROWN TIMBER											
Contravention Status:	Deferred					Determination Numbers:	1				
Estimated Incident Date:	1999-09-07					Appeal Numbers:					
Site:	No Site Specified In ERA 2.1					CIMS Inspection ID:					
Client:	WESTBANK FIRST NATION; 00098230; 01					Client Address:	SUITE 301 515 HIGHWAY 97 SOUTH KELOWNA BC V1Z3J2				
Joint Clients:											
Investigation Cost:	\$0.00					Date Sent for Opportunity to be Heard:					
Search Warrant Obtained?:	No					DDM:					
Date Transferred:						OTBH Binder No:					
Transferred To:						Prosecution Agency:					
Transfer Office Address:						Prosecution Contact:					
Transfer Contact:						Prosecution Phone:					
Transfer Phone:						Date Sent to Prosecution Agency:					
						Prosecution Date:					
						Prosecution Successful?:					
Enforcement Actions											
1	Type:	Stop Work Order				EA Status:	Valid				Show/Hide
Contravention 2. FPC of BC Act 96 (1) DAMAGE CROWN TIMBER											
Contravention Status:	Deferred					Determination Numbers:	2				
Estimated Incident Date:	1999-09-07					Appeal Numbers:					
Site:	No Site Specified In ERA 2.1					CIMS Inspection ID:					
Client:	MICKEY WERSTUIK s.22					Client Address:	s.22				
Joint Clients:											
Investigation Cost:	\$0.00					Date Sent for Opportunity to be Heard:					
Search Warrant Obtained?:	No					DDM:					
Date Transferred:						OTBH Binder No:					
Transferred To:						Prosecution Agency:					
Transfer Office Address:						Prosecution Contact:					
Transfer Contact:						Prosecution Phone:					
Transfer Phone:						Date Sent to Prosecution Agency:					
						Prosecution Date:					
						Prosecution Successful?:					

Enforcement Actions			Show/Hide
2	Type: Stop Work Order	EA Status: Valid	Print Preview
Contravention 3. FPC of BC Act 96 (1) DAMAGE CROWN TIMBER			
Contravention Status: Deferred		Determination Numbers:3	
Estimated Incident Date: 1999-09-07		Appeal Numbers:	
Site: No Site Specified In ERA 2.1		CIMS Inspection ID:	
Client: RONALD DERRICKSON: s.22		Client Address: s.22	
Joint Clients:			
Investigation Cost: \$0.00		Date Sent for Opportunity to be Heard:	
Search Warrant Obtained?: No		DDM:	
		OTBH Binder No:	
Date Transferred:		Prosecution Agency:	
Transferred To:		Prosecution Contact:	
Transfer Office Address:		Prosecution Phone:	
Transfer Contact:		Date Sent to Prosecution Agency:	
Transfer Phone:		Prosecution Date:	
		Prosecution Successful?:	
Enforcement Actions			Show/Hide
3	Type: Stop Work Order	EA Status: Valid	Print Preview

Rose, Sandra S FOR:EX

10450-20/westbank

From: Balogh, Al G FOR:EX
Sent: Friday, September 10, 1999 7:39 AM
To: Carlson, Mike A FOR:EX; Jenkins, Barry FOR:EX
Subject: FW: Unauthorized Harvest by First Nations (Westbank)

FYI. I think this is a good idea, however I don't believe we need to get into a panic mode and spend a lot of time developing a contingency plan. I have already raised the awareness of DM's (last RMT conference call). I have asked Mark to closely monitor Westbank situation.

Comments?

Allan Balogh
RSM Planning and Inventory
Cariboo Forest Region
250-398-4247 fax:398-4674

From: Pedersen, Mike C FOR:EX
Sent: Thursday, September 09, 1999 4:12 PM
To: Blom, Ken; Brahniuk, Ken; deWynter, Norm; Kendall, Mitch; Moi, Alan; Tucker, Donald; Cleaver, Mike; Grant, Gerry; Jenkins, Barry; Miklas, Frank; Sutherland, Jim; Young, William
Cc: Hamm, Mark FOR:EX; Balogh, Al G FOR:EX; Jenkins, Barry FOR:EX; Smith, Brian T FOR:EX
Subject: Unauthorized Harvest by First Nations (Westbank)

As you are all aware of the situation with the WFN harvesting Crown Land without authority based on the premise that the land is under their title and falls within their traditional territory. They are indicating that it is their right to harvest the trees and sell the logs from this site.

The Pentiction staff have handled this as any other trespass by notifying the Band that they are suspected of a non-compliance of the Code (based on the inspection that the MOF staff member did) and that would they stop their activity now voluntarily (this allows that band some time to reflect on their activities and possibly stop), if they decide not to stop there will be a follow-up of a stop work order to cease and desist the harvest activity. If the Band still refuses to stop the harvest activity and ignores the SWO then the Minister under section 147 may apply to the Supreme Court for either or both of the following:

- ☐ an order to direct the person to comply with the order or restraining the person from violating the order:
- ☐ an order directing the directors and officers of the person to cause the person to comply with or to cease violating the order.

If it goes beyond this then the RCMP will get involved in enforcing the Court Order/Injunction.

We still have the issue of the harvesting without authority - unauthorized harvest (Section 96) and our staff will still have to investigate and build a case file detailing the contravention. Once this is complete it can go prosecution (and pass the test) and/or administrative.

It is plain that we as MOF will have to deal with these non-compliances as is contemplated in the Code.

My suggestion to Al Balogh was to discuss this scenario at the next RMT conference call and work through how you see yourselves dealing with it.



Rose, Sandra S FOR:EX

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 12:28 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 9 - noon update Ashnola and Westbank

Media Monitoring

Ashnola Road:

Sidebar to Westbank story - CHBC TV Evening News, Kelowna - Sept. 8/99 - 5:04:

Copyright

Westbank:

BCTV noon news, Sept. 9 - synopsis - WFN says it will continue to log cut down trees; 500 trees cut down since logging began, without licence. WFN claim right under Delgamuukw decision. Derrickson says WFN will deal with enforcement when that occurs; says Westbank is conservative band and "we had to be pushed hard to take this position." Minister Zirnvelt says if WFN won't lay down chainsaws, then govt. will obtain stop work order.

Copyright



westbank - radio and
TV updates.doc

Westbank radio/TV transcripts -

—Original Message—

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 10:57 AM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 9

Media Monitoring

Westbank

more radio transcripts -

<< File: westbank - radio Sept. 9(sept. 8 regional).doc >>

—Original Message—

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 10:28 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 9

Media Monitoring and Requests

Westbank logging:

Note - due to the length of some of the radio transcripts, those reports are attached below.

Copyright

Issues and Management

Westbank:

Update from MoF, district office in Penticton (current as of 8 p.m., Sept. 8)

The compliance staff completed their inspection with out incident and with cooperation from representatives of WFN. Some details include;

- ☐ In the Forest Officer's opinion, a contravention has occurred. Evidence was gathered and the responsible party was identified.
- ☐ The alleged unauthorized harvest occurred on a SBFEP block (#101) in the Hidden Creek area.
- ☐ About 1 HA felled at time of the inspection, know heavy equipment, just fallers with chain saws. Operations continued.
- ☐ Lots of media on site. Our Operations Manager responded.
- ☐ RCMP present, though not in uniform and in an unmarked car.
- ☐ Forest Officer outlined the appropriate information to WFN's rep. and provided a verbal order to cease operations. WFN's rep. stated that he will advise the Chief and Council, in terms of compliance. He was asked to advise us tomorrow AM.
- ☐ The inspection was conducted per normal routine and concluded respectfully.
- ☐ The Forest Officer has some further investigative/process related work to do tomorrow AM (September 9th) and, unless WFN stops operations, intends on providing WFN's rep. with a Stop Work Order per Section 123 of the FPC of BC Act. He will be consulting with the District Enforcement Supervisor, and I anticipate legal counsel in terms of process advice.
- ☐ District staff anticipate that, unless operations cease, a Stop Work Order (STWO) could be issued some time late AM or early afternoon (Sept. 9). District will liaise with the RCMP and will ask for assistance ONLY if deemed essential. The RCMP support this approach and would prefer to maintain their neutrality.
- ☐ RCMP Staff Sargent indicated that, in his dealings, WFN do not want confrontation and would prefer negotiations.

Messages

Westbank messages (MoF):

- ☐ Forests ministry staff are conducting on-site investigations to get an accurate assessment of the situation. We will not act in any way to escalate the situation or place any ministry staff or anyone else at risk.
- ☐ I am disappointed in this action considering the province has been working hard in the past few months to find specific opportunities to address the economic needs of the band.
- ☐ WFN was recently awarded a salvage timber sale licence, and staff are willing to discuss other opportunities with WFN, within the limits that the legislation provides.
- ☐ Enforcement staff are assessing on site what logging may or may not have taken place. Their responsibilities include assessing any environmental impact.
- ☐ Once we have all the necessary information, staff will review options, which may include:
 - ☐ If illegal logging has occurred:
 - ☐ MoF will request the party to stop.
 - ☐ If there is evidence that the work has not ceased, the next possible step is the issuance of a SWO.

- ☐ If the SWO is ignored, it is possible under the FPC for me (the minister) to apply for an injunction.
- ☐ Having said this, ministry staff are conducting an investigation under their statutory authority and as minister, it is inappropriate for me to intervene in that process. Therefore, I am waiting to review the finalized report.
- ☐ MOF has been working with the WFN to find economic opportunities for the Band.
- ☐ I am sure that WFN are not interested in confrontation over this issue.
- ☐ The Thomas Peter Paul case in New Brunswick does not apply here at all. That case pertains to a treaty that has no equivalence in B.C.

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank - radio transcripts:

<< File: westbank - radio AM1040.doc >> << File: Westbank - radio clips Sept. 8.doc >> << File: westbank - radio clips Sept. 8 #2.doc >>

-30-

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Subject: MAA Issues Update - Sept. 9

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- ☐ WFN was recently awarded a salvage timber sale licence, and staff are willing to discuss other opportunities with WFN, within the limits that the legislation provides.

- ☐ Enforcement staff are assessing on site what loading may or may not have taken place. Their responsibilities include assessing any environmental impact.
- ☐ Once we have all the necessary information, staff will review options, which may include:
 - ☐ If illegal loading has occurred:
 - ☐ MoF will request the party to stop.
 - ☐ If there is evidence that the work has not ceased, the next possible step is the issuance of a SWO.
 - ☐ If the SWO is ignored, it is possible under the FPC for me (the minister) to apply for an injunction.
- ☐ Having said this, ministry staff are conducting an investigation under their statutory authority and as minister, it is inappropriate for me to intervene in that process. Therefore, I am waiting to review the finalized report.
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westbank - radio
AM1040.doc


Westbank - radio clips
Sept. 8.doc


westbank - radio clips
Sept. 8 #2.doc

-30-

Rose, Sandra S FOR:EX

10450-20/WESTBANK

From: Balogh, Al G FOR:EX
Sent: Friday, September 10, 1999 7:54 AM
To: Rose, Sandra S FOR:EX
Subject: FW: MAA Issues Update - Sept. 9 Westbank

For Mikes reading pile. When you open each attachment you will find some additional attachments nested within.

Allan Balogh
RSM Planning and Inventory
Cariboo Forest Region
250-398-4247 fax:398-4674

From: Hamm, Mark FOR:EX
Sent: Thursday, September 09, 1999 1:35 PM
To: FOR RCA District Mgrs
Cc: Trigg, Dirk FOR:EX; Balogh, Al G FOR:EX; Jenkins, Barry FOR:EX; Smith, Brian T FOR:EX
Subject: FW: MAA Issues Update - Sept. 9 Westbank

Lots of media attention to the Westbank situation in this message and the attached notes.



RE: MAA Issues
Update - Sept. 9 - no...



MAA Issues Update -
Sept. 9

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Westbank

more radio transcripts -



westbank - radio Sept.
9(sept. 8 regions)

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Subject: MAA Issues Update - Sept. 9

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 - If the SWO is ignored, it is possible under the FPC for me (the minister) to apply for an injunction.
- Having said this, ministry staff are conducting an investigation under their statutory authority and as minister, it is inappropriate for me to intervene in that process. Therefore, I am waiting to review the finalized report.
- MOF has been working with the WFN to find economic opportunities for the Band.
- I am sure that WFN are not interested in confrontation over this issue.
- The Thomas Peter Paul case in New Brunswick does not apply here at all. That case pertains to a treaty that has no equivalence in B.C.

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank - radio transcripts:

<< File: westbank - radio AM1040.doc >> << File: Westbank - radio clips Sept. 8.doc >> << File: westbank - radio clips Sept. 8 #2.doc >>

-30-

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Balogh, AI G FOR:EX
Sent: Friday, September 10, 1999 7:55 AM
To: Rose, Sandra S FOR:EX
Subject: FW: MAA Issues Update - Sept. 9 - 4:30 p.m. update Westbank

More of same.
Allan Balogh
RSM Planning and Inventory
Cariboo Forest Region
250-398-4247 fax:398-4674

From: Hamm, Mark FOR:EX
Sent: Thursday, September 09, 1999 4:32 PM
To: FOR RCA District Mgrs
Cc: Trigg, Dirk FOR:EX; Balogh, AI G FOR:EX; Jenkins, Barry FOR:EX; Smith, Brian T FOR:EX; Pedersen, Mike C FOR:EX
Subject: FW: MAA Issues Update - Sept. 9 - 4:30 p.m. update Westbank

fyi

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 4:21 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 9 - 4:30 p.m. update Westbank

Media Monitoring



westbank - BCTV, Bill
Good, CKOV radio.d

Issues and Management

Update from MoF, district office in Penticton (current as of 2:30 p.m. Sept. 9):

- WFN is continuing operations in the Hidden Creek area. They considered the request to voluntary stop but will be continuing
- WFN advised of MoF intentions to serve a Stop Work Order which is a routine step in this situation.
- MoF emphasized that it is NOT the intention to actually physically stop operations.
- WFN will be advised of MoF intentions, i.e. when the STWO will be issued

In terms of the status of the Stop Work Order:

- Details in terms of wording and process have been worked out with the AG's office.
- MoF anticipated delivering the STWO about 1600 hours.
- MoF in contact with the RCMP (normal liaison) but do not anticipate the use of their services.

—Original Message—

From: Smith, Peter J AAF:EX

Sent: Thursday, September 09, 1999 1:51 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 9 - 2 p.m. update Westbank

Media Monitoring

Westbank

Rafe Mair and Ron Derrickson

<< File: westbank - mair and derrickson.doc >>

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 12:29 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 9 - noon update Ashnola and Westbank

Media Monitoring

Ashnola Road:

Sidebar to Westbank story - CHBC TV Evening News, Kelowna - Sept. 8/99 - 5:04:

Copyright

Westbank:

BCTV noon news, Sept. 9 - **synopsis** - WFN says it will continue to log cut down trees; 500 trees cut down since logging began, without licence. WFN claim right under Delgamuukw decision. Derrickson says WFN will deal with enforcement when that occurs; says Westbank is conservative band and "we had to be pushed hard to take this position." Minister Zirnheilt says if WFN won't lay down chainsaws, then govt. will obtain stop work order.

Copyright

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 10:57 AM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nicholas AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 9

Media Monitoring

Westbank

more radio transcripts -

<< File: westbank - radio Sept. 9(sept. 8 regional).doc >>

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Thursday, September 09, 1999 10:28 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 9

Media Monitoring and Requests

Westbank logging:

Note - due to the length of some of the radio transcripts, those reports are attached below.

Copyright

Issues and Management

Westbank:

Update from MoF, district office in Penticton (current as of 8 p.m., Sept. 8)

The compliance staff completed their inspection with out incident and with cooperation from representatives of WFN. Some details include;

- In the Forest Officer's opinion, a contravention has occurred. Evidence was gathered and the responsible party was identified.
- The alleged unauthorized harvest occurred on a SBFEP block (#101) in the Hidden Creek area.
- About 1 HA felled at time of the inspection, know heavy equipment, just fallers with chain saws. Operations continued.
- Lots of media on site. Our Operations Manager responded.
- RCMP present, though not in uniform and in an unmarked car.
- Forest Officer outlined the appropriate information to WFN's rep. and provided a verbal order to cease operations. WFN's rep. stated that he will advise the Chief and Council, in terms of compliance. He was asked to advise us tomorrow AM.
- The inspection was conducted per normal routine and concluded respectfully.
- The Forest Officer has some further investigative/process related work to do tomorrow AM (September 9th) and, unless WFN stops operations, intends on providing WFN's rep. with a Stop Work Order per Section 123 of the FPC of BC Act. He will be consulting with the District Enforcement Supervisor, and I anticipate legal counsel in terms of process advice.
- District staff anticipate that, unless operations cease, a Stop Work Order (STWO) could be issued some time late AM or early afternoon (Sept. 9). District will liaise with the RCMP and will ask for assistance ONLY if deemed essential. The RCMP support this approach and would prefer to maintain their neutrality.
- RCMP Staff Sargent indicated that, in his dealings, WFN do not want confrontation and would prefer negotiations.

Messages

Westbank messages (MoF):

- Forests ministry staff are conducting on-site investigations to get an accurate assessment of the situation. We will not act in any way to escalate the situation or place any ministry staff or anyone else at risk.
- I am disappointed in this action considering the province has been working hard in the past few months to find specific opportunities to address the economic needs of the band.
- WFN was recently awarded a salvage timber sale licence, and staff are willing to discuss other opportunities with WFN, within the limits that the legislation provides.
- Enforcement staff are assessing on site what logging may or may not have taken place. Their responsibilities include assessing any environmental impact.
- Once we have all the necessary information, staff will review options, which may include:
 - If illegal logging has occurred:
 - MoF will request the party to stop.
 - If there is evidence that the work has not ceased, the next possible step is the issuance of a SWO.
 - If the SWO is ignored, it is possible under the FPC for me (the minister) to apply for an injunction.
- Having said this, ministry staff are conducting an investigation under their statutory authority and as minister, it is inappropriate for me to intervene in that process. Therefore, I am waiting to review the finalized report.
- MOF has been working with the WFN to find economic opportunities for the Band.
- I am sure that WFN are not interested in confrontation over this issue.
- The Thomas Peter Paul case in New Brunswick does not apply here at all. That case pertains to a treaty that has no equivalence in B.C.

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank - radio transcripts:

<< File: westbank - radio AM1040.doc >> << File: Westbank - radio clips Sept. 8.doc >>
>> << File: westbank - radio clips Sept. 8 #2.doc >>

-30-

BCTV NOON NEWS, Thursday, September 9, 1999

Copyright

CKNW RADIO - BILL GOOD Thursday, September 9, 1999

Copyright

Page 026 to/à Page 033

Withheld pursuant to/removed as

Copyright

Rose, Sandra S FOR:EX

10450 - Westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 10, 1999 12:54 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Sept. 10 - Westbank logging update

fyi

From: Grant, Krista L FOR:EX
Sent: Friday, September 10, 1999 12:18 PM
To: Baxter, Fred FOR:EX; Brown, Brian F FOR:EX; Yelovatz, Maureen FOR:EX; Hogan, Mike FOR:EX; Smith, Peter J AAF:EX; Anderson, Don G CPCS:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Albertson, Curtis AG:EX; Loughran, Elizabeth CPCS:EX; Sheldan, Tim FOR:EX; Williams, Gloria O AAF:EX; Pleasants, Jacque AAF:EX; Patrick, Lyana AAF:EX; McLeod, Nancy AAF:EX; Wilkin, Nancy AAF:EX; O'Rourke, Patrick AAF:EX; Lidgate, Paul LASS:EX; Steenkamp, Philip AAF:EX; Inglis, Richard AAF:EX
Cc: Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Hall, David FRBC:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Ricketts, Glenn FOR:EX; Argall, Elizabeth AG:EU; Elder, Jeff FOR:EX; Smithson, Kate A FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX
Subject: Sept. 10 - Westbank logging update
Importance: High

Good day everyone. As of 11:30 am, the stop work order was delivered to the Westbank First Nations office. It was received by their communications person and legal counsel. District staff are on their way to deliver the SWO onsite as well.

Krista Grant
Issues Management
Communications Branch
ph: (250)387-8546 FAX: (250)387-8485
email to: Krista.Grant@gems4.gov.bc.ca

-----Original Message-----

From: Grant, Krista L FOR:EX
Sent: Friday, September 10, 1999 9:42 AM
To: Smith, Peter J AAF:EX; Anderson, Don G CPCS:EX; Kirkaldy, Anne AAF:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Peart, Bob AAF:EX; Price, Brian L AAF:EX; Albertson, Curtis AG:EX; Robertson, David TH:EX; HOLD-990621-Walker, Denise AAF:EX; Kelk, Doug AAF:EX; Loughran, Elizabeth CPCS:EX; Leatherdale, Gail AAF:EX; DELETED-990826 - Lemon, Gery AAF:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; James, Ingrid AAF:EX; Pleasants, Jacque AAF:EX; Dragushan, Jean AAF:EX; Heaney, John LASS:EX; Villalace, Jose AAF:EX; Berkhout, Juanita AAF:EX; Huff, Judy AAF:EX; Jackson, Julie LASS:EX; Marshall, Kathy R FIN:EX; Kennedy, Kristeen FIN:EX; Patrick, Lyana AAF:EX; Viereck, Lyle AAF:EX; Langford, Lynn AAF:EX; Budgeon, Marg AAF:EX; Price, Mark A AETT:EX; McLeod, Nancy AAF:EX; Thompson, Nancy F CPCS:EX; Wilkin, Nancy AAF:EX; O'Rourke, Patrick AAF:EX; Lidgate, Paul LASS:EX; Steenkamp, Philip AAF:EX; Hansen, Regan AAF:EX; Inglis, Richard AAF:EX; Gardner, Rob AAF:EX; Simon, Rob AAF:EX
Cc: Terpsma, Betsy ELP:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; McDonald, Dan ENV:MS; Hall, David FRBC:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: Daily Media Issues, Sept. 10 - Westbank logging update
Importance: High

Please note per the MoF messages, staff were NOT successful issuing the SWO yesterday. Positioning will be revised today and re-distributed.

Sorry if this has caused any confusion.

Krista Grant
Issues Management
Communications Branch
ph: (250)387-8546 FAX: (250)387-8485
email to: Krista.Grant@gems4.gov.bc.ca

—Original Message—

From: Smith, Peter J AAF:EX
Sent: Friday, September 10, 1999 9:05 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gery Lemon; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick O'Rourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon
Cc: Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 10 - Westbank logging update

Note - MoF messages are revised

<< File: September 10 - 99.doc >>

Rose, Sandra S FOR:EX

From: Hamm, Mark FOR:EX
Sent: Friday, September 10, 1999 1:27 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 10 - 1 p.m. Westbank update

From: Smith, Peter J AAF:EX
Sent: Friday, September 10, 1999 1:22 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FRBC:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 10 - 1 p.m. Westbank update

Media Monitoring

Westbank:

Note - due to the length of some of the radio transcripts, those reports are attached.

BCTV noon news - **synopsis** - Natives say they will continue logging, despite the issuance of a stop work order. Derrickson says logs are needed for economic security. Logging will continue, until govt. agrees to negotiate formal timber deal.



westbank - radio clips
Sept. 10-9.doc

Westbank radio transcripts -

Yekooche:

Prince George Free Press, Sept. 9 - **YEKOOCH ELECTIONS GO AHEAD DESPITE PROTESTS** - Despite the efforts of the Yekooche's traditional tribal chief to derail them, council elections will go ahead today. William Joseph and small group of supporters put up a roadblock across the Cunningham Forest Road roughly one month ago in protest of today's election. (See **Issues** section for unofficial results.)

CJCI RADIO NEWS Thursday September 9, 1999, 10:00 a.m. In a bid to end an internal governance dispute the Yekooche First Nation is holding an election today. A majority of band members voted last month to hold a formal election to choose a Chief and Council that the Federal Government would recognize. A small group of supporters of traditional leadership blockaded a forest service road north of Fort St. James in protest last month. Treaty talks are now on hold until the band has elected a government. Today's election will name a Chief and two Band Councilors.

Issues and Management

Westbank:

MoF (Penticton forest district office) advised at 1 p.m. today:

- Both Stop Work Orders have been served to WFN today.

- The first was served at about 1130 hrs at the WFN office and was given to representative of the Chief, in the presence of their legal counsel.
- The second was served at about 1230 hrs on the site of unauthorized harvest and was given to WFNs on-site rep.
- Both servings went without incident; the serving of the STWO is now complete.

Yekooche:

Unofficial results from elections Thursday for Chief and Council of Yekooche:

FOR CHIEF,

Allan Joseph - 23 - elected chief

Henry Joseph - 13

David Joseph - 1

FOR COUNCIL (two positions)

Andrew Joseph - 23 - elected

Melissa Joseph - 13 - elected

Shannon Joseph - 12

Curtis Joseph - 11

Arthur Joseph - 6

Chris Joseph - 2

-----Original Message-----

From: Smith, Peter J AAF:EX

Sent: Friday, September 10, 1999 9:21 AM

To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson

Subject: MAA Issues Update - Sept. 10

Media Monitoring and Requests

Westbank logging:

Note - due to the length of some of the radio transcripts, those reports are attached below.

Copyright

Westbank/Land claims:

Copyright

Issues and Management

Westbank:

MoF (Penticton) update as of 8 p.m. Thursday, Sept. 9:

Issuance of the Stop Work Order and follow-up

- District officials were unable to deliver orders to either parties named.
- Orders were ready late in the day and WFN reps could not be reached.
- No signs of WFN of resistance or confrontation but rather some "avoidance" on the part of the recipients.
- Orders will be served tomorrow at some time. It will not be a "planned event" but rather a low key, routine task.
- More detailed investigation and evidence gathering will commence.
- Unless there is a stop of operations, on-site monitoring will continue throughout the weekend.
- Information will be prepared and packaged for possible use under FPC Section 147.

Current site details of alleged unauthorized harvest area;

- MoF officials visit the site approximately 1800 hours September 9th.
- No one on the site at the time of inspection.
- Trees felled over approximately 2.5 HA (eye ball estimate 18 loads, 600 m3).
- No equipment on site, trees on the ground and not skidded or decked.

District approach and media messages;

- Days events were routine and non-confrontational. While difficult to get a hold of (busy in meetings), WFN reps continue to be cordial and respectful.
- Stop Work Order will be served tomorrow and WFN reps are aware.
- MoF is hopeful that WFN will immediately stop the current unauthorized harvesting on Crown land.
- MoF officials will continue to monitor the area and will continue to gather evidence.
- We are unable to public discuss details of the current incident and it would be inappropriate to discuss any future outcome beyond the Stop Work Order.

Messages

Westbank MoF messages - revised as of Sept. 9:

Positioning General:

- Westbank First Nation are harvesting trees without authority on Crown land in the vicinity of Hidden Creek.
- Representatives on site were asked to voluntarily stop operations.
- The ministry is attempting to maintain communications with the WFN.
- The Penticton Forests District is following standard procedures, in a non-confrontational manner.
- At 4 p.m. today (Sept. 9) a stop work order was issued as is required under section 123 of the Forest Act.

Delgamuukw - Aboriginal Rights to Harvest

- The appropriate avenue for the resolution of aboriginal rights and title is negotiation through the BC treaty process
- Through the treaty process we can discuss economic opportunities within the treaty itself, or through interim measures while treaty discussions are underway
- We cannot legally commit large blocks of timber supply as desired by the WFN and we cannot negotiate if the Band is engaged in illegal activities.
- I understand the WFNs desire to employ its people and we have tried to help provide opportunities within the limits of existing Forest Service programs.
- We have provided 2000 m3 of salvage wood and offered another opportunity to salvage about 13,000m3
- All the timber in the South Okanagan is fully allocated with the exception of the Small Business Enterprise Program. But the whole program is only 600,000m3 and that is what I understand the Band wants on an annual basis.
- A lot of people want access to timber and the forest resource we have a competitive process and we have encouraged, and continue to encourage the Band to participate in this process along with other interested parties.
- I understand the WFN would like timber sales offered in their traditional territory. We are willing to consider this request, and we also must take into consideration other FNs interests in the region as well.
- The Delgamuukw decision does not remove the Crown's jurisdiction to manage land and resources in British Columbia.

- Delgamuukw did not grant title to any First Nation in British Columbia or give any First Nation the right to log timber on Crown land without proper authorization, it established principles around aboriginal title

If needed:

- The Supreme Court of Canada made it clear that the onus is on First Nations to prove aboriginal title.

Stop Work Order

- Our compliance staff completed their inspection without incident on September 8 and with cooperation from representatives of WFN. Some details include;
 - Evidence was gathered and the responsible party was identified.
 - The alleged unauthorized harvest occurred on a SBFEP block (#101) in the vicinity of Hidden Creek.
 - About one ha was felled at the time of the inspection, no heavy equipment, just fallers with chain saws. Operations continued.
 - The forest officer on site issued a verbal request to voluntarily cease operations. The WFN representative advised the officer that the ministry would be advised today whether they would cease logging or not.
 - The Penticton Forest District tried several times to contact the WFN today to discuss the issue

After Stop Work Order has been issued:

- Penticton Forest District staff requested WFN to voluntarily stop work on September 8 as they are in trespass under the *Forest Practices Code*. WFN did not comply.
- MoF compliance and enforcement staff issued a stop work order this afternoon under section 123 of the *Forest Practices Code*.
- The stop work order is subject to the administrative review and appeal process, and may be rescinded by a review panel. However, until a decision is made the order remains in effect.
- The MoF remains committed to continue to work cooperatively with the WFN and other members of the Okanagan Nation Alliance

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank - radio transcripts:

<< File: westbank - CKOV and Barry Clark.doc >>

Rose, Sandra S FOR:EX

10450-20 / Westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 10, 1999 1:27 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 10 - 1 p.m. Westbank update

From: Smith, Peter J AAF:EX
Sent: Friday, September 10, 1999 1:22 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; McKinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FRBC:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 10 - 1 p.m. Westbank update

Media Monitoring

Westbank:

Note - due to the length of some of the radio transcripts, those reports are attached.

BCTV noon news - **synopsis** - Natives say they will continue logging, despite the issuance of a stop work order. Derrickson says logs are needed for economic security. Logging will continue, until govt. agrees to negotiate formal timber deal.



westbank - radio clips
Sept. 10-9.doc

Westbank radio transcripts -

Yekooche:

Prince George Free Press, Sept. 9 - **YEKOOCHÉ ELECTIONS GO AHEAD DESPITE PROTESTS** - Despite the efforts of the Yekooche's traditional tribal chief to derail them, council elections will go ahead today. William Joseph and small group of supporters put up a roadblock across the Cunningham Forest Road roughly one month ago in protest of today's election. (See **Issues** section for unofficial results.)

CJCI RADIO NEWS Thursday September 9, 1999, 10:00 a.m. In a bid to end an internal governance dispute the Yekooche First Nation is holding an election today. A majority of band members voted last month to hold a formal election to choose a Chief and Council that the Federal Government would recognize. A small group of supporters of traditional leadership blockaded a forest service road north of Fort St. James in protest last month. Treaty talks are now on hold until the band has elected a government. Today's election will name a Chief and two Band Councillors.

Issues and Management

Westbank:

MoF (Penticton forest district office) advised at 1 p.m. today:

- Both Stop Work Orders have been served to WFN today.

- The first was served at about 1130 hrs at the WFN office and was given to representative of the Chief, in the presence of their legal counsel.
- The second was served at about 1230 hrs on the site of unauthorized harvest and was given to WFNs on-site rep.
- Both servings went without incident; the serving of the STWO is now complete.

Yekooche:

Unofficial results from elections Thursday for Chief and Council of Yekooche:

FOR CHIEF,

Allan Joseph - 23 - elected chief

Henry Joseph - 13

David Joseph - 1

FOR COUNCIL (two positions)

Andrew Joseph - 23 - elected

Melissa Joseph - 13 - elected

Shannon Joseph - 12

Curtis Joseph - 11

Arthur Joseph - 6

Chris Joseph - 2

—Original Message—

From: Smith, Peter J AAF:EX

Sent: Friday, September 10, 1999 9:21 AM

To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson

Subject: MAA Issues Update - Sept. 10

Media Monitoring and Requests

Westbank logging:

Note - due to the length of some of the radio transcripts, those reports are attached below.

Copyright

Westbank/Land claims:

Copyright

Issues and Management

Westbank:

MoF (Penticton) update as of 8 p.m. Thursday, Sept. 9:

Issuance of the Stop Work Order and follow-up

- District officials were unable to deliver orders to either parties named.
- Orders were ready late in the day and WFN reps could not be reached.
- No signs of WFN of resistance or confrontation but rather some "avoidance" on the part of the recipients.
- Orders will be served tomorrow at some time. It will not be a "planned event" but rather a low key, routine task.
- More detailed investigation and evidence gathering will commence.
- Unless there is a stop of operations, on-site monitoring will continue throughout the weekend.
- Information will be prepared and packaged for possible use under FPC Section 147.

Current site details of alleged unauthorized harvest area;

- MoF officials visit the site approximately 1800 hours September 9th.
- No one on the site at the time of inspection.
- Trees felled over approximately 2.5 HA (eye ball estimate 18 loads, 600 m3)
- No equipment on site, trees on the ground and not skidded or decked.

District approach and media messages;

- Days events were routine and non-confrontational. While difficult to get a hold of (busy in meetings), WFN reps continue to be cordial and respectful.
- Stop Work Order will be served tomorrow and WFN reps are aware.
- MoF is hopeful that WFN will immediately stop the current unauthorized harvesting on Crown land.
- MoF officials will continue to monitor the area and will continue to gather evidence.
- We are unable to public discuss details of the current incident and it would be inappropriate to discuss any future outcome beyond the Stop Work Order.

Messages

Westbank MoF messages - revised as of Sept. 9:

Positioning General:

- Westbank First Nation are harvesting trees without authority on Crown land in the vicinity of Hidden Creek.
- Representatives on site were asked to voluntarily stop operations.
- The ministry is attempting to maintain communications with the WFN.
- The Penticton Forests District is following standard procedures, in a non-confrontational manner.
- At 4 p.m. today (Sept. 9) a stop work order was issued as is required under section 123 of the Forest Act.

Delgamuukw - Aboriginal Rights to Harvest

- The appropriate avenue for the resolution of aboriginal rights and title is negotiation through the BC treaty process
- Through the treaty process we can discuss economic opportunities within the treaty itself, or through interim measures while treaty discussions are underway
- We cannot legally commit large blocks of timber supply as desired by the WFN and we cannot negotiate if the Band is engaged in illegal activities.
- I understand the WFNs desire to employ its people and we have tried to help provide opportunities within the limits of existing Forest Service programs.
- We have provided 2000 m3 of salvage wood and offered another opportunity to salvage about 13,000m3
- All the timber in the South Okanagan is fully allocated with the exception of the Small Business Enterprise Program. But the whole program is only 600,000m3 and that is what I understand the Band wants on an annual basis.
- A lot of people want access to timber and the forest resource we have a competitive process and we have encouraged, and continue to encourage the Band to participate in this process along with other interested parties.
- I understand the WFN would like timber sales offered in their traditional territory. We are willing to consider this request, and we also must take into consideration other FNs interests in the region as well.
- The Delgamuukw decision does not remove the Crown's jurisdiction to manage land and resources in British Columbia.

- Delgamuukw did not grant title to any First Nation in British Columbia or give any First Nation the right to log timber on Crown land without proper authorization, it established principles around aboriginal title

If needed:

- The Supreme Court of Canada made it clear that the onus is on First Nations to prove aboriginal title.

Stop Work Order

- Our compliance staff completed their inspection without incident on September 8 and with cooperation from representatives of WFN. Some details include;
 - Evidence was gathered and the responsible party was identified.
 - The alleged unauthorized harvest occurred on a SBFEP block (#101) in the vicinity of Hidden Creek.
 - About one ha was felled at the time of the inspection, no heavy equipment, just fallers with chain saws. Operations continued.
 - The forest officer on site issued a verbal request to voluntarily cease operations. The WFN representative advised the officer that the ministry would be advised today whether they would cease logging or not.
 - The Penticton Forest District tried several times to contact the WFN today to discuss the issue

After Stop Work Order has been issued:

- Penticton Forest District staff requested WFN to voluntarily stop work on September 8 as they are in trespass under the *Forest Practices Code*. WFN did not comply.
- MoF compliance and enforcement staff issued a stop work order this afternoon under section 123 of the *Forest Practices Code*.
- The stop work order is subject to the administrative review and appeal process, and may be rescinded by a review panel. However, until a decision is made the order remains in effect.
- The MoF remains committed to continue to work cooperatively with the WFN and other members of the Okanagan Nation Alliance

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank - radio transcripts:

<< File: westbank - CKOV and Barry Clark.doc >>

-30-

Rose, Sandra S FOR:EX

10450-20/westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 10, 1999 3:46 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Sept. 10 - Westbank logging update
Importance: High

A good summary.

From: Grant, Krista L FOR:EX
Sent: Friday, September 10, 1999 3:36 PM
To: Grant, Krista L FOR:EX; Baxter, Fred FOR:EX; Brown, Brian F FOR:EX; Yelovatz, Maureen FOR:EX; Hogan, Mike FOR:EX; Smith, Peter J AAF:EX; Anderson, Don G CPCS:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Albertson, Curtis AG:EX; Loughran, Elizabeth CPCS:EX; Sheldon, Tim FOR:EX; Williams, Gloria O AAF:EX; Pleasants, Jacque AAF:EX; Patrick, Lyana AAF:EX; McLeod, Nancy AAF:EX; Wilkin, Nancy AAF:EX; O'Rourke, Patrick AAF:EX; Lidgate, Paul LASS:EX; Steenkamp, Philip AAF:EX; Inglis, Richard AAF:EX
Cc: Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Hall, David FRBC:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Ricketts, Glenn FOR:EX; Argall, Elizabeth AG:EU; Elder, Jeff FOR:EX; Smithson, Kate A FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX
Subject: RE: Sept. 10 - Westbank logging update
Importance: High

Hello. Here is the most recent positioning:



Westbank
09-10-99.doc

Krista Grant
Issues Management
Communications Branch
ph: (250)387-8546 FAX: (250)387-8485
email to: Krista.Grant@gems4.gov.bc.ca

[Handwritten signature]

Westbank illegal harvesting

Background: The WFN are harvesting illegally. Penticton Forest District staff issued a stop work order at approximately 11:30 a.m. to the Band's office and to an on-site representative.

Positioning General:

- At 11:30 a.m. today a stop work order was issued as is required under section 123 of the Forest Act to the Band's office and onsite to a representative of Westbank First Nations.
- Westbank First Nation have been harvesting without authority on Crown land in the vicinity of Hidden Creek.
- The Penticton Forest District staff are continuing to monitor the situation.
- The ministry is attempting to maintain communications with the WFN.
- The Penticton Forests District is following standard procedures, in a non-confrontational manner.

Next steps:

- I hope the Band will respect the stop work order.
- If WFN continue harvesting illegally we will decide what steps to take under the Forest Practices Code Act of B.C.
- Government has a number of options ranging from seeking a court order to administrative penalties.
- However, it's premature to speculate since we don't know if any illegal harvesting will continue.
- I am still hopeful that WFN will abide by the stop work order.

- The MoF remains committed to continue to work cooperatively with the WFN and other First Nations.

Delgamuukw - Aboriginal Rights to Harvest

- The appropriate avenue for the resolution of aboriginal rights and title is negotiation through the BC treaty process
 - Through the treaty process we can discuss economic opportunities within the treaty itself, or through interim measures while treaty discussions are underway
 - We cannot legally commit large blocks of timber supply as desired by the WFN and we cannot negotiate if the Band is engaged in illegal activities.
- I understand the WFNs desire to employ its people and we have tried to help provide opportunities within the limits of existing Forest Service programs.
 - We have provided 2000 cubic metres of salvage wood and offered another opportunity to salvage about 13,000 cubic metres.
 - All the timber in the South Okanagan is fully allocated with the exception of the small business enterprise program. But, the whole program is only 600,000 cubic metres and from what I understand the Band has requested that on an annual basis.
 - A lot of people want access to timber and the forest resource, which is why we have a competitive process and have encouraged the Band to participate in this process along with other interested parties.
- I understand the WFN would like timber sales offered in their traditional territory. We are willing to consider this request,

and we also must take into consideration other FNs interests in the region as well.

- The Delgamuukw decision does not remove the Crown's jurisdiction to manage land and resources in British Columbia.
- Delgamuukw did not grant title to any First Nation in British Columbia or give any First Nation the right to log timber on Crown land without proper authorization, it established principles around aboriginal title

If needed:

- The Supreme Court of Canada made it clear that the onus is on First Nations to prove aboriginal title.

Stop Work Order

- The alleged unauthorized harvest occurred on a SBFEP block (#101) in the vicinity of Hidden Creek.
- About one ha was felled at the time of the inspection, no heavy equipment, just fallers with chain saws. Operations continued.

Approved by: Tim Sheldan
Date: September 10

Contact: Tim Sheldan, 356-1307

Prepared by: Krista Grant, 387-8546
Date: September 10, 1999

Updated: _____ Time: _____

Rose, Sandra S FOR:EX

10450 - 20/Westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 10, 1999 4:21 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 10 - 4 p.m. Westbank update

Some Carrier coverage here too.

From: Smith, Peter J AAF:EX
Sent: Friday, September 10, 1999 4:06 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; McKinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FRBC:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 10 - 4 p.m. Westbank update

Media Monitoring



westbank - radio Sept.
10 clips #2.doc

Westbank radio transcripts -

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Friday, September 10, 1999 1:23 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; McKinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FRBC:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Pyper, John AAF:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 10 - 1 p.m. Westbank update

Media Monitoring

Westbank:

Note - due to the length of some of the radio transcripts, those reports are attached.

BCTV noon news - **synopsis** - Natives say they will continue logging, despite the issuance of a stop work order. Derrickson says logs are needed for economic security. Logging will continue, until govt. agrees to negotiate formal timber deal.

Westbank radio transcripts - << File: westbank - radio clips Sept. 10-9.doc >>

Yekooche:

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Issues and Management

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- The first was served at about 1130 hrs at the WFN office and was given to representative of the Chief, in the presence of their legal counsel.
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Sent: Friday, September 10, 1999 9:21 AM

To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson

Subject: MAA Issues Update - Sept. 10

Media Monitoring and Requests

Westbank logging:

Note - due to the length of some of the radio transcripts, those reports are attached below.

Copyright

Copyright

Westbank/Land claims:

Copyright

Issues and Management

Westbank:

MoF (Penticton) update as of 8 p.m. Thursday, Sept. 9:

Issuance of the Stop Work Order and follow-up

- District officials were unable to deliver orders to either parties named.
- Orders were ready late in the day and WFN reps could not be reached.
- No signs of WFN of resistance or confrontation but rather some "avoidance" on the part of the recipients.
- Orders will be served tomorrow at some time. It will not be a "planned event" but rather a low key, routine task.
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- Representatives on site were asked to voluntarily stop operations.
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If needed:

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Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank - radio transcripts:

<< File: westbank - CKOV and Barry Clark.doc >>

-30-

10450-20/Westbank
cc: Barry, Brian, AC B.

Rose, Sandra S FOR:EX

From: Kumi, Janna W FOR:EX
Sent: Monday, September 13, 1999 8:51 PM
To: Collingwood, Ken FOR:EX; Carlson, Mike A FOR:EX
Subject: FW: media briefings today/WFN

Please note. Let us know immediately if you get some intelligence on this matter.

From: Lackhoff, Paul T FOR:EX
Sent: Monday, September 13, 1999 4:41 PM
To: Doney, Lee FOR:EX; Caul, Doug D FOR:EX; Sheldan, Tim FOR:EX; Kumi, Janna W FOR:EX
Cc: Hunter, Jerry FOR:EX; Mallett, John FOR:EX
Subject: FW: media briefings today/WFN

Our latest information.

-----Original Message-----

From: Smithson, Kate A FOR:EX
Sent: Monday, September 13, 1999 4:21 PM
To: Hogan, Mike FOR:EX; Lackhoff, Paul T FOR:EX
Subject: media briefings today/WFN

Our media briefing went as expected at 1:30 this afternoon, with the following media present:

CILK FM
CBC Radio
SUN FM
Kelowna Courier
Capital News
CHBC TV
VTV

Messaging focused on the fact the ministry will be going for a compliance order. As we were wrapping up, reporters were getting calls on their cell phones to attend a news conference at the Interior Alliance office in Westbank at 2:30. The results of that news conference have not hit the air yet, but one reporter tells me that Stewart Phillip made the following points:

- As of this afternoon the Okanagan First Nation is assuming control of the harvesting at the site
- The Okanagan First Nation is issuing itself a cutting permit (or to WFN, not clear at this point)
- The Alliance will issue a stop work permit for all cutting on traditional lands

I also got a call from a reporter who had spoken with Ron Derrickson, who told him:

- A camp will be built for elders
- The wood will be used to build houses for elders.

Dave Hall just got off the phone with a reporter who says Ron Derrickson has also told him that the Bella Coola and the Chilcotin bands will begin logging tomorrow.

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Monday, September 13, 1999 10:50 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 13 - Westbank logging update

fyi -- note Tsilhqot'in connection

From: Smith, Peter J AAF:EX
Sent: Monday, September 13, 1999 10:02 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gery Lemon; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick ORourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon
Cc: Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 13 - Westbank logging update



September 13 - 99.doc

mac

Ministry of Aboriginal Affairs

September 13, 1999

SUBJECT : Westbank logging

TNG/Westbank:

CJCI RADIO NEWS (Prince George) Friday, September 10, 1999 5:00 p.m. An outspoken
Copyright

Page 060

Withheld pursuant to/removed as

Copyright

Advice and Recommended Response:

Note – revised MoF messages (current as of Sept. 12)

Positioning General:

- Ministry compliance and enforcement staff are following the procedural steps required under the Forest Practices Code.
- The Act is clear that district forest staff have the authority to determine how best to enforce the act.
- Westbank First Nation have been harvesting without authority on Crown land in the vicinity of Hidden Creek.
- Following legislated procedure, Penticton Forest District staff posted seizure notices on the felled timber on Sunday, Sept. 12.
- The ministry is attempting to maintain communications with the WFN and we hope they will comply with the Stop Work Order.
- The Penticton Forest District staff will go to the site on Monday to monitor the situation in a non-confrontational manner.

Next steps:

- I hope the Band will respect the stop work order.
- It's irresponsible to speculate on what could happen next.
- I am still hopeful that WFN will abide by the stop work order.
- The MoF remains committed to continue to work co-operatively with the WFN and other First Nations within the law.
- We cannot legally commit large blocks of timber supply as desired by the WFN and we cannot negotiate if the Band is engaged in illegal activities.

Delgamuukw - Aboriginal Rights to Harvest

- The appropriate avenue for the resolution of aboriginal rights and title is negotiation through the BC treaty process
 - Through the treaty process we can discuss economic opportunities within the treaty itself, or through interim measures while treaty discussions are underway
 - If the WFN disagree with the law, they have the right to appeal to the courts.
- I understand the WFN's desire to employ its people and we have tried to help provide opportunities within the limits of existing Forest Service programs.
 - We have provided 2000 cubic metres of salvage wood and offered another opportunity to salvage about 13,000 cubic metres.
 - All the timber in the South Okanagan is fully allocated with the exception of the small business enterprise program. But, the whole program is only 600,000 cubic metres and from what I understand the Band has requested that on an annual basis.
 - A lot of people want access to timber and the forest resource, which is why we have a competitive process and have encouraged the Band to participate in this process along with other interested parties.
- I understand the WFN would like timber sales offered in their traditional territory. We are willing to consider this request, and we also must take into consideration other FN's interests in the region as well.
- The Delgamuukw decision does not remove the Crown's jurisdiction to manage land and resources in British Columbia.
- Delgamuukw did not grant title to any First Nation in British Columbia or give any First Nation the right to log timber on Crown land without proper authorisation, it established principles around aboriginal title

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Wednesday, September 15, 1999 8:35 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 14

fyi, yesterday's news

From: Smith, Peter J AAF:EX
Sent: Tuesday, September 14, 1999 9:00 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 14

Media Monitoring and Requests

Westbank:



Note - please see Attachments for Westbank-related news releases.
Copyright

Page 064 to/à Page 065

Withheld pursuant to/removed as

Copyright

University of Victoria

September 9, 1999

STORY LEADS FROM THE UNIVERSITY OF VICTORIA

Copyright

~~Rose, Sandra S FOR:EX~~

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Wednesday, September 15, 1999 4:45 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: Westbank media reports and key messages
Sensitivity: Confidential



Daily Media Issues,
Sept. 15 - Westb...



Approved positioning
re: Fontaine me...

Mark Hamm, R.P.F.
Aboriginal Affairs Manager
Cariboo Forest Region
telephone 250-398-4794
telecopy 250-398-4759
Mark.Hamm@gems9.gov.bc.ca

Ministry of Aboriginal Affairs

September 16, 1999

SUBJECT : Westbank logging

Copyright

BCTV, Sept. 14 - NATIVE LOGGING. As the Westbank Indian band continues to defy the authority of the Forests ministry, two more bands are planning to begin logging on Crown land.

Advice and Recommended Response:

MoF messages – current as of Sept. 15 (7:45 a.m.)

- We are pleased with reports that the Westbank First Nation has chosen to halt illegal harvesting.
- This is a significant step forward and we are looking to the discussions with Chief Derrickson.
- The Minister first heard of Chief Derrickson's intention to join a scheduled meeting with Grand Chief Phil Fontaine late yesterday.

Negotiations

- We have always maintained our willingness to meet with the Westbank First Nations once illegal activity had ceased.
- Now that the illegal harvesting has stopped, there is room for discussion with the Westbank First Nation.
- B.C. is ready to return to the treaty table at any time. District MOF staff will continue to work with the Westbank First Nation to identify legal sources of timber.

Enforcement

- Ministry of Forests staff will continue to monitor the situation at the Hidden Creek site.
- The ministry will proceed with its investigation of the unauthorized harvesting.

Ministry of Aboriginal Affairs

September 16, 1999

SUBJECT : Treaty process

Copyright

Advice and Recommended Response:

Note – see below for current status

☐The process has made good progress in the five years that B.C., Canada and First Nations have been negotiating treaties.

☐The first agreement-in-principle (Sechelt) was signed in April, and we hope to conclude a final

Media issues for September 16, 1999

Page 1

agreement this year.

- ☐ The parties are making significant progress at a number of tables and hope to conclude a number of agreements-in-principle within the next six to 18 months.
- ☐ The treaty process does not create instant solutions. It is a complex process that involves the negotiation of a range of very difficult issues, from taxation and fiscal issues to governance and justice, culture and social issues and lands and resources matters.
- ☐ We agree with the BC Treaty Commission that the parties are facing tough negotiations necessary to conclude fair treaties. As chief Commissioner Miles Richardson has stated, "*If there is friction in the negotiations, it is a sure sign the parties are fully engaged in the process.*"
- ☐ We appreciate efforts of all parties, including the Treaty Commission, to continue looking for ways of encouraging more efficient and effective negotiations.
- ☐ We remain committed to working with all of the parties on initiatives to re-invigorate and expedite negotiations.

Compensation:

- ☐ We are willing to discuss this issue with Canada and First Nations.
- ☐ The province acknowledges that the treaty process is in part intended to settle past claims, however, we do not believe that the negotiation of compensation for specific past events would benefit our efforts to achieve treaties, which the province views as forward-looking agreements.

Funding:

- ☐ The province recognizes the debt load incurred by First Nations. This is why we want to continue working with all parties on revitalizing the process and expediting negotiations. We believe it would be fiscally irresponsible to commit additional public funds to the process, especially when we are still actively working with Canada and First Nations on measures to reinvigorate the process.

Interim measures:

- ☐ The province has always been willing to discuss interim measures at the appropriate stage of negotiations. (See below under Tripartite Treaty Review Process for additional messages.)

Tripartite Treaty Review Process:

- ☐ BC remains committed to resolving land claims through negotiations. We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations.
- ☐ We believe it is in the public interest to accelerate the treaty process.
- ☐ We have worked with Canada and First Nations on an action plan for revitalizing the treaty process. That work culminated this past spring in a tripartite (BC, Canada, First Nations Summit) report that reviewed the BC Treaty Process.
- ☐ The report includes a Statement on Aboriginal and Crown Title, which facilitates the negotiation of treaties by recognizing that aboriginal and Crown interests are best reconciled through "*honourable, respectful and good faith negotiations.*" The province formally endorsed this statement in the summer.

- B.C. is encouraging the other parties to support efforts to revitalize the treaty process. In the interim, we are making significant progress at a number of tables and hope to conclude a number of agreements-in-principle within the next six to 18 months.
- In the meantime, we recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context - called treaty-related measures.

Current Status

- The first Agreement-in-Principle under the BC Treaty Commission process was signed by representatives of BC, Canada and the Sechelt Indian Band on April 16, 1999. The parties hope to conclude the Sechelt final agreement within the next six months.
- The parties hope to reach a number of other agreements-in-principle within the next six to 18 month period.
- Breakdown on tables:

Number of First Nations organizations in the BCTC process	51
AiPs	1
Negotiating AiPs	37
Stage 3	11
Stage 2	2

Media messaging for the Fontaine meeting

Announcement of stoppage of illegal logging

- ☐ We are pleased with reports that the Westbank First Nation has chosen to halt illegal harvesting.
- ☐ This is a significant step forward and we are looking forward to the discussions with Chief Derrickson.
- ☐ The Minister first heard of Chief Derrickson's intention to join a scheduled meeting with Grand Chief Phil Fontaine late yesterday.

Negotiations

- ☐ We have always maintained our willingness to meet with the Westbank First Nations once illegal activity had ceased.
- ☐ Now that the illegal harvesting has stopped, there is room for discussion with the Westbank First Nation.
- ☐ B.C. is ready to return to the treaty table at any time. District MOF staff will continue to work with the Westbank First Nation to identify legal sources of timber.

Enforcement

- ☐ Ministry of Forests staff will continue to monitor the situation at the Hidden Creek site.
- ☐ The ministry will proceed with its investigation of the unauthorized harvesting.

Messaging for the September 15, 1999 meeting between Phil Fontaine, Grand Chief, Assembly of First Nations, and Minister Zirnheld.

Also expected to attend:

Chief Ron Derrickson, Westbank First Nation
Miles Richardson, Chief Commissioner, B.C. Treaty Commission
Debbie Reid, Assistant to Phil Fontaine
Herb George, B.C. Vice-Chief, AFN
Glenn McInnes, Minister Lovick's MA
Patrick O'Rourke, Ministry of Aboriginal Affairs

General strategy:

- ☐ Listen, keep doors open, positive messaging without offering or committing anything.
- ☐ Be aware that Phil Fontaine is expected to address the First Nations Summit after meeting with Minister Zirnheld.
- ☐ Focus discussions as much as possible on the treaty process, interim measures and ways in which to address the concerns of First Nations not in the treaty process.
- ☐ Recognize that P. Fontaine is an advocate for the Westbank, even though he may position himself as a facilitator.
- ☐ Be consistent with public messages. Do not negotiate with WFN, in this forum, while unauthorized harvesting is ongoing.
- ☐ Exercise caution given that the province and Westbank may be soon involved in litigation.

Messages:

***Delgamuukw* – Interior Alliance**

- ☐ Nothing in *Delgamuukw* removes the Crown's jurisdiction to manage lands and resources.
- ☐ The province is willing to continue working with the Interior Alliance, on broader issues involving First Nations in the Interior.
- ☐ We have received a proposal from the Interior Alliance and we are having preliminary staff-level meetings with the Alliance to discuss the proposal.
- ☐ The government recognizes its responsibilities to consult with First Nations on Crown land activities that may infringe aboriginal rights and interests.

- ☐ In response to *Delgamuukw* court rulings, we established a policy framework in 1995 and operational guidelines in 1998, to assist provincial staff in their consultations with First Nations.
- ☐ The guidelines represent a fair and balanced approach that ensures we have an effective process in place for consulting with First Nations and making land and resource use decisions that will benefit the B.C. economy.
- ☐ Following the release of the *Delgamuukw* decision in 1997, First Nation leaders stated they wanted to participate in the economy and had no intention of disrupting the economy of the province.

Tripartite Treaty Review Process

- ☐ B.C. remains committed to resolving land claims through negotiations. We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations.
- ☐ We believe it is in the public interest to accelerate the treaty process.
- ☐ We have worked with Canada and First Nations on an action plan for revitalizing the treaty process. That work culminated this past spring in a tripartite (B.C., Canada, First Nations Summit) report that reviewed the B.C. Treaty Process.
- ☐ The report includes a Statement on Aboriginal and Crown Title, which facilitates the negotiation of treaties by recognizing that aboriginal and Crown interests are best reconciled through "*honourable, respectful and good faith negotiations*." The province formally endorsed this statement in the summer.
- ☐ B.C. is encouraging the other parties to support efforts to revitalize the treaty process. In the interim, we are making significant progress at a number of tables and hope to conclude a number of agreements-in-principle within the next six to 18 months.
- ☐ In the meantime, we recognize that treaty negotiations are complex and take time. The province and federal governments have been working on ways to further interim measures in a treaty context -- these are called treaty related measures.
- ☐ Tony Penikett, the Deputy Minister representing the province in this review, and John Watson, DIAND are meeting with the First Nations Summit today (Sept 15) to discuss treaty related measures.

First Nations and Forestry - General:

- ☐ The province has a legal responsibility to consult with First Nations in B.C. The Ministry of Forests has implemented an updated consultation policy that meets the *Delgamuukw* requirements.
- ☐ In addition to legal responsibilities, the ministry also has a policy to increase First Nation involvement in B.C.'s forest economy.

- ☐ We have had success on this front with almost 100 tenures (woodlots, forest licences, timber sale licences, tree farm licences) being held either solely by First Nations, or partnerships involving First Nations.
- ☐ The 100 tenures account for about 13,000,000 m³ of timber held by First Nations or partnerships involving First Nations in B.C.

Forest Policy Review

- ☐ I have asked Gary Wouters, Jobs Advocate, to consider ways to consult with First Nations.
- ☐ Gary Wouters has contacted the First Nations Summit, Interior Alliance and Union of B.C. Indian Chiefs with regard to the Forest Policy Review.

Westbank and Forestry:

- ☐ Westbank has competed under our small business program and has won several competitive sales.
- ☐ WFN has received more than a dozen direct award silviculture contracts in the last five years, worth more than \$140,000.
- ☐ WFN has received road construction and maintenance work through our small business program.
- ☐ WFN has had a woodlot since 1987.
- ☐ WFN is made aware of all small business and forest licence opportunities, including a recent 45,000 m³ non-replaceable forest license (NRFL). WFN did not bid on this NRFL.
- ☐ WFN did accept a 2,000 m³ direct award one week ago.

Westbank illegal harvesting:

- ☐ We are encouraged that WFN has agreed to stop the illegal harvesting at Hidden Creek.
- ☐ Now that the illegal harvesting has stopped, there is room for discussions between the province and WFN.
- ☐ B.C. is ready to return to the treaty table at any time.
- ☐ We have [had] no choice but to treat this as a compliance and enforcement issue.
- ☐ I am aware that there have been previous discussions between the province and Westbank and that we have different opinions of the outcomes of those meetings, but we need to move forward by finding practical and legal solutions.
- ☐ District MOF staff will continue to work with the WFN to identify legal sources of timber.

- ☐ *Delgamuukw* was clear that the Crown has responsibility to manage lands and resources.

If P. Fontaine offers to facilitate:

- ☐ The province is interested in any ideas that could lead to resolution of the situation.
- ☐ Unfortunately, the letter requesting this meeting included an AFN resolution that supported the Westbank. This clearly rules out a role as a facilitator, or mediator, but we have no objection to Mr. Fontaine's role as an advocate in any meetings.

If Miles Richardson offers to facilitate:

- ☐ The province would welcome any efforts by the Chief Treaty Commissioner that could assist in resolving the situation.

Baker, Rick FOR:EX

From: Nash, Laurel J FOR:EX
Sent: Thursday, September 16, 1999 4:42 PM
To: Griffin, John R FOR:EX; Baker, Rick FOR:EX; Wenger, John FOR:EX
Subject: FW: ashnola

FYI

From: Koyl, Mary TH:EX
Sent: Thursday, September 16, 1999 4:25 PM
To: May, Nick TH:EX; Buckle, Jon TH:EX; Bedford, Bill TH:EX; Jones, Jim TH:EX
Cc: Nash, Laurel J FOR:EX; Coward, Garth TH:EX; McKinnon, Bruce AG:EU
Subject: FW: ashnola

just fyi.

-----Original Message-----

From: Wright, Milt AAF:EX
Sent: Thursday, September 16, 1999 4:18 PM
To: Koyl, Mary TH:EX
Cc: Wade, Nichola AAF:EX; Scott, Katie P AAF:EX
Subject: RE: ashnola

Thanks for your thoughts on this Mary,

Katie is back in the office tomorrow (Friday AM) - we have a number of things to discuss, including the consultation protocol.

Will get back to you.

-----Original Message-----

From: Koyl, Mary TH:EX
Sent: Thursday, September 16, 1999 3:32 PM
To: Scott, Katie P AAF:EX; Wright, Milt AAF:EX
Cc: McKinnon, Bruce AG:EU; Fyfe, Richard AG:EU; Fenny, Bud AG:EU; Bedford, Bill TH:EX; Davidson, Jim TH:EX; Buckle, Jon TH:EX; May, Nick TH:EX; Nash, Laurel J FOR:EX
Subject: ashnola

hi there milt and katie. the comments by the lower similkameen band in the press, see below, regarding this so called "road use agreement" by september 7th continue to worry me. it is not something that we in moth have agreed to with them or are working on at all, and i guess that it is wrapped up with this whole issue around their consultation policy? or is it something that forests has in their work with the band laurel? really not sure. could you folks please tell me the status of this? my concern is that we could face some action on ashnola road, and as well, gorman brothers is really being hung out to dry here. as the newsarticle indicates, if correct, they are having to do road repair work while they wait for some resolution. my question would be though, what is the resolution do you think? i can't think, or don't know of anything at the moment. have they totally rejected maa's last offer still please? or is it still "cooking" out there? any information you can provide us with would help - thanks!

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Thursday, September 16, 1999 1:40 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; McKinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John LASS:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 16 1:30 Westbank update

Media Monitoring

Westbank radio clips - << File: westbank - radio and TV Sept. 15-16.doc >>

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Thursday, September 16, 1999 9:31 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce McKinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson

TENURES AWARDED TO FIRST NATIONS
Kamloops Forest Region

FIRST NATIONS - FULLY OWNED

TENURE	BAND	VOLUME
WL313	Little Shuswap Band	1880 m3
WL315	Adams Lake Indian Band Council	2627 m3
WL380	North Thompson Indian Band	1197 m3
WL338	Spallumcheen Indian Band Council	1480 m3
WL346	Westbank Indian Band	1227 m3
WL1500	Osoyoos Indian Band	1144 m3
WL351	Lower Similkameen Band	1477 m3
WL354	Lower Nicola Indian Band	897 m3
WL355	Coldwater Indian Band	663 m3
WL359	Nooaitch Indian Band	421 m3
WL1444	Upper Similkameen Band	1508 m3
WL1477	Cook's Ferry Band	840 m3
WL1600	Skeetchest Indian Band	1000 m3
WL1604	Bonaparte Indian Band Council	700 m3
WL1636	Shakan Indian Band (Bonaparte Indian Band)	1040 m3
WL1637	Upper Nicola Indian Band	*1120
WL1737	Nicomen Indian Band	* 575
WL1823	Neskonlith Indian Band	* 250

*Awaiting submission and approval of final Management Plan prior to issuance of Woodlot Licence.

TSL A18703 (section 24)	N'Quatqua Logging Co. Ltd. DBA Vanderhoof Specialty Wood Products Ltd.	7,278 m3/ 10 year replaceable
A58854 Non- repl	SIMPCW Development Co. Ltd. (owned in trust by the councillors of North Thompson Indian Band)	35,000 m3 - 10 year effective Jan. 1/99
A59449 Non- repl	SIMPCW Development Co. Ltd. (owned in trust by the councillors of North Thompson Indian Band) *once issued expected consolidation with A58854	18,000 m3 - 10 year - not yet issued*
Section 23	The regional manager has issued a number of Section 23 (2) timber sales (approximately 6) to First Nations for the band's purposes (volumes up to 2000 m3)	12,000

FIRST NATIONS - JOINT VENTURES OR SHAREHOLDERS OF COMPANY

A55525 Non-REPL	Qwa'eet Forest Products Ltd.(shareholders are Aspen Planners Ltd. and the Cooks Ferry, Siska, Nooaitch and Coldwater Indian Bands)	60,000 m3 - 15 year - Jan. 1/97
A55527 Non-REPL	Hu'kwa Resources Inc. and Princeton Wood Preservers Ltd. (Upper Similkameen Indian Band changed to a company name)	30,000 m3 - 15 year
A47384 Non-repl	Peyah Forest Products Ltd. - Siska and Cooks Ferry Band) and Lytton Lumber Ltd. 1/3 each)	15,000 m3 - 15 year - Oct. 1/96
A55524 Non-repl	Nicola-Pacific Forest Products Ltd. (Ardew Wood Products Ltd. and the Upper Nicola Indian Band)	67,500 m3 15 year issued - effective Jan. 1/97
A49782 Non-repl	Weyerhaeuser Canada Ltd. Canwood Furniture Factory Inc. Osoyoos Indian Band Spallumcheen Indian Band (JV formed 3 companies - FL A49782 Holdings Ltd., in joint venture with Quilakwa Investments Ltd. and Inkameep Forestry Corporation)	15,000 m3 10 year - Aug. 1/96



Lewis, Marguerite E FOR:EX




5-450-20/Westbank.

From: Hamm, Mark FOR:EX
Sent: Friday, September 17, 1999 11:46 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 17 Westbank and Treaty Process

fyi

From: Smith, Peter J AAF:EX
Sent: Friday, September 17, 1999 11:18 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gery Lemon; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villaarce; Juanita Berkhout; Judy Huff; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick O'Rourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon
Cc: Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 17 Westbank and Treaty Process

Westbank -  September 17 - 99 westbank.doc...  WFN MESSAGE5 Sept. 16.doc

Treaty Process -  September 17 - 99 treaty proce...  Treaty Process - Sept. 15.doc  Treaty Process 2 - Sept. 15.do...

mal

55/5407-132

DAILY MEDIA ISSUES

Ministry of Aboriginal Affairs

September 17, 1999

SUBJECT : Westbank logging

Copyright

WESTBANK ILLEGAL LOGGING Messages

KEY MESSAGES

Fontaine Meeting

- We agreed to Wednesday's meeting with Grand Chief Fontaine in the interest of seeking legal and peaceful answers to the Westbank First Nation's concerns.
- Out of respect for the Grand Chief and in hopes of finding practical solutions, we agreed to Chief Derickson joining the meeting. When over 50 people showed up to the meeting it became a political demonstration, not a chance for negotiations.
- This kind of approach does not indicate an intention to find workable solutions.
- We remain willing to meet and work constructively with the Westbank First Nations on these issues so long as no illegal harvesting occurs.

General

- The provincial government will continue to act to enforce the law and end illegal harvesting by members of the Westbank First Nation.
- Aboriginal title has not been established by the Westbank or Okanagan First Nations on the lands that are being illegally harvested.
- The provincial government will not negotiate with any First Nation while they or their members continue to engage in illegal activity.
- We remain ready to return to the treaty table or negotiate these issues, but only after the illegal harvest ends.

SECONDARY MESSAGES

Enforcement Activities

- District staff from the Ministry of Forests have issued a Stop Work Order under the *Forest Practices Code* against individuals harvesting timber on Crown land without authority.
- On September 12, Forest officials posted seizure notices on felled timber making clear that the timber is crown property and that it would be unlawful for anyone to take possession or transport the timber.
- When harvesting resumed on September 13, the Minister of Forests decided to seek a Compliance Order from the Supreme Court of British Columbia against individuals who have continued to harvest trees despite the Stop Work Order.

DAILY MEDIA ISSUES

Ministry of Aboriginal Affairs

September 17, 1999

SUBJECT : Treaty Process

Copyright

Advice and Recommended Response:

Note - MAA messages are attached.

-30-

Treaty Process

Note – see below for current status

- The process has made good progress in the five years that B.C., Canada and First Nations have been negotiating treaties.
- The first agreement-in-principle (Sechelt) was signed in April, and we hope to conclude a final agreement this year.
- The parties are making significant progress at a number of tables and hope to conclude a number of agreements-in-principle within the next six to 18 months.
- The treaty process does not create instant solutions. It is a complex process that involves the negotiation of a range of very difficult issues, from taxation and fiscal issues to governance and justice, culture and social issues and lands and resources matters.
- We agree with the BC Treaty Commission that the parties are facing tough negotiations necessary to conclude fair treaties. As chief Commissioner Miles Richardson has stated, *"If there is friction in the negotiations, it is a sure sign the parties are fully engaged in the process."*
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- We are willing to discuss this issue with Canada and First Nations.
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Interim measures:

- The province has always been willing to discuss interim measures at the appropriate stage of negotiations. (See below under Tripartite Treaty Review Process for additional messages.)

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- B.C. remains committed to resolving land claims through negotiations. We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations.
- We believe it is in the public interest to accelerate the treaty process.
- We have worked with Canada and First Nations on an action plan for revitalizing the treaty process. That work culminated this past spring in a tripartite (B.C., Canada, First Nations Summit) report that reviewed the BC Treaty Process.

Treaty Process – Messages in Brief

- B.C. remains committed to resolving land claims through negotiations. The courts have said consistently and repeatedly these issues need to be negotiated.
- The process has made good progress in the five years that B.C., Canada and First Nations have been negotiating treaties. The parties are making significant progress at a number of tables and hope to conclude a number of agreements-in-principle within the next six to 18 months.
- We appreciate efforts of all parties, including the Treaty Commission, to continue looking for ways of encouraging more efficient and effective negotiations. We remain committed to working with all of the parties on initiatives to re-invigorate and expedite negotiations.
- We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations. We believe it is in the public interest to accelerate the treaty process.
- We have worked with Canada and First Nations on an action plan for revitalizing the treaty process. That work culminated this past spring in a tripartite (B.C., Canada, First Nations Summit) report that reviewed the BC Treaty Process.
- The report includes a Statement on Aboriginal and Crown Title, which facilitates the negotiation of treaties by recognizing that aboriginal and Crown interests are best reconciled through "*honourable, respectful and good faith negotiations*." The province formally endorsed this statement in the summer.
- B.C. is encouraging the other parties to support efforts to revitalize the treaty process. In the interim, we are making significant progress at a number of tables and hope to conclude a number of agreements-in-principle within the next six to 18 months.
- In the meantime, we recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context - called treaty-related measures.

Smith, Brian T FOR:EX

10450-20/ westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 17, 1999 4:28 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 17 - 4:30 p.m. Westbank update

fyi...

From: Smith, Peter J AAF:EX
Sent: Friday, September 17, 1999 4:22 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John LASS:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 17 - 4:30 p.m. Westbank update

Media Monitoring

CBC RADIO REGIONAL NEWS Friday, September 17, 1999

Copyright



Page 089

Withheld pursuant to/removed as

Copyright

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Friday, September 17, 1999 12:13 PM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 17

Media Monitoring and Requests

Westbank

Note - due to the length of some of the radio transcripts, those reports are attached

<< File: westbank - radio Sept. 17.doc >>

The Province. A3 Copyright
Copyright

VTV, Sept. 16 - WESTBANK LOGGING. BC natives are calling for an international boycott of BC forest products.

Times-Colonist, E6 - VANCOUVER (CP) -- Copyright
Copyright

Issues and Management

Westbank:

A. MoF (Penticton district) update as of 11 a.m. Sept. 17

Today, as a result of field inspection to the Hidden Creek site, forest officials have advised that:

- WFN conducted felling today between 0700 and 0830 hours and are leaving the site for the day. MoF officials have met with the WFN on site and this is verified.
- WFN continues to be in control of the operation as stated by WFN rep. on site.
- WFN does not intend on operating on the site this weekend.
- WFN intends on recommencing their operations on site on Monday.

B. MoF (Penticton office) update as of 8 p.m., Thursday, September 16:

1. Hidden Creek unauthorized harvest site:

- The WFN rep. stated that they harvested for 1 hour today; MoF staff did not observe this.
- MoF staff collected more information/evidence at the site.
- Additional seizure notices have been placed and logs have been stamped "FS".
- Estimated area felled; 4.5 HA (ocular estimate)
- Estimated volume; 1200 m3 or 35 truck loads
- Estimated value to Crown; \$85,000 (anticipated stumpage revenue based on \$70/m3)

2. Intentions:

- Continue inspections on a daily basis; MoF will be on site at 8:30 a.m. Sept. 17
- Continue to gather intelligence as to potential for removal from the site.
- Maintain communications with the RCMP
- Maintain a readiness for further similar incidents.
- Maintain focus on collating evidence for subsequent legislative action.

Messages

Westbank

- MoF messages - attached

Treaty Process:

- MAA messages - attached.

Stakeholder/Public/FN Relations

Lewis, Marguerite E FOR:EX

C/0450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 17, 1999 11:47 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Latest Westbank positioning
Importance: High

fyi

From: Dargie, Cathy M FOR:EX
Sent: Friday, September 17, 1999 10:55 AM
To: Betty Nicholson; Bill Armstrong; Brian Brown; Catherine Panter; Chris Beresford; Curtis Albertson; David Hall; Diane Goode; Don Anderson; Don Zadravec; Doug Caul; Edna Philippides; Elizabeth Argall; Elizabeth Loughran; Fred Baxter; Gillian Wallace; Glenn Ricketts; Gloria Williams; Jacque Pleasants; Jeff Knight; Jim Durham; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Laurel Nash; Linda Robertson; Mark Hamm; Mary Ann Leach; Mary Koyl; Maureen Yelovatz; Mike Hogan; Nancy McLeod; Nancy Wilkin; Patrick O'Rourke; Paul Lackhoff; Paul Lidgate; Peter Smith; Philip Steenkamp; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Tim Sheldan
Subject: Latest Westbank positioning
Importance: High

Hi everybody:

Here is the latest positioning re: the Westbank situation. Please call me if you have any questions or concerns.



Daily WFN positioning
#5 (99-0...

Cathy Dargie
Communications Officer
Ministry of Forests
Communications Branch
3rd Floor, 595 Pandora Avenue
Victoria BC V8W 9C3
Phone: (250) 953-3142 Fax: (250) 387-8485

ms

WESTBANK ILLEGAL LOGGING Messages

KEY MESSAGES

Fontaine Meeting

- We agreed to Wednesday's meeting with Grand Chief Fontaine in the interest of seeking legal and peaceful answers to the Westbank First Nation's concerns.
- Out of respect for the Grand Chief and in hopes of finding practical solutions, we agreed to Chief Derickson joining the meeting. When over 50 people showed up to the meeting it became a political demonstration, not a chance for negotiations.
- This kind of approach does not indicate an intention to find workable solutions.
- We remain willing to meet and work constructively with the Westbank First Nations on these issues so long as no illegal harvesting occurs.

General

- The provincial government will continue to act to enforce the law and end illegal harvesting by members of the Westbank First Nation.
- Aboriginal title has not been established by the Westbank or Okanagan First Nations on the lands that are being illegally harvested.
- The provincial government will not negotiate with any First Nation while they or their members continue to engage in illegal activity.
- We remain ready to return to the treaty table or negotiate these issues, but only after the illegal harvest ends.

SECONDARY MESSAGES

Enforcement Activities

- District staff from the Ministry of Forests have issued a Stop Work Order under the *Forest Practices Code* against individuals harvesting timber on Crown land without authority.
- On September 12, Forest officials posted seizure notices on felled timber making clear that the timber is crown property and that it would be unlawful for anyone to take possession or transport the timber.
- When harvesting resumed on September 13, the Minister of Forests decided to seek a Compliance Order from the Supreme Court of British Columbia against individuals who have continued to harvest trees despite the Stop Work Order.

- The decision does say that, where a First Nation proves aboriginal title to lands – through a specific set of criteria based on historical exclusive use and occupancy – that First Nation has an interest in those lands and their resources.
- The Supreme Court very clearly encouraged negotiation, not litigation. But the Band, of course, has the right to take their issues to the courts as a second peaceful and legal alternative.
- We are prepared to resume good faith negotiations, but we will not do so while illegal acts are being committed.
- We will take appropriate steps to enforce the law.

B.C. remains committed to resolving land claims through negotiations. We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations.

- We believe it is in the public interest, as well as the interests of First Nations, to accelerate the treaty process.
- An early conclusion will help all British Columbians overcome the economic uncertainty that is costing BC investment and jobs.
- We have proposed steps to BC First Nations and the Government of Canada to accelerate that process.
- We know that the process has been slow, but BC has shown we can achieve a treaty with the Nisga'a and we have finalized agreements-in-principle with the Sechelt and hope to conclude a number of agreements-in-principle with several other First Nations over the next six to 18 months.
- Instead of negotiating for years on complex social and governance issues with no economic benefits, BC is working on a proposed straightforward agreements, where the provincial and federal governments exchange specific lands and cash for certainty.
- B.C. is encouraging the other parties to support these efforts to revitalize the treaty process.
- In the meantime, we recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context - called treaty-related measures.

Smith, Brian T FOR:EX

10450-20/ WESTBANK

From: Hamm, Mark FOR:EX
Sent: Monday, September 20, 1999 9:33 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 20 Westbank and Williams Lake

fyi

From: Smith, Peter J AAF:EX
Sent: Monday, September 20, 1999 9:25 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villaaarce; Juanita Berkhout; Judy Huff; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick ORourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon
Cc: Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 20 Westbank and Williams Lake



September 20 - 99
westbank.doc

Westbank -



WFN MESSAGES
Sept. 16.doc



September 20 - 99
Williams Lake.doc

Williams Lake -

mac

[illegible]

SUBJECT : Westbank logging

The Globe, Sept. 19 - Kelowna - B.C. native leaders are turning up the pressure in their battle with the provincial government over logging on Crown land. They say other bands are considering joining the Westbank Nation in logging, and they will press for an international boycott of B.C. lumber.

The Vancouver Sun, A9, Sept. 18 - The Westbank Tribal Nation, already embroiled in a dispute with the provincial government over logging without permits on Crown land, set up a camp Friday as part of their occupation of what they claim is traditional aboriginal territory. "We've talked to the RCMP and they consider this an aboriginal issue. They'll only keep a presence to ensure nothing is wrong," said Chief Ron Derrickson. He said the RCMP were invited to visit the camp and that the 50 people expected to be living in it won't prevent ministry of forest staff going into the area "unless they do something to harass us." The Westbank Tribal Nation began logging Sept. 7 in Hidden Creek without seeking provincial approvals and has ignored a stop-work order by the ministry of forests. Ministry official Paul Lackhoff said Friday forestry staff is monitoring the situation and have placed seizure notices on the fallen trees but have no plans at this time to remove them. Instead, he noted, the government will be in B.C. Supreme Court in Kelowna next Thursday seeking a compliance order that would confirm the stop-work order was lawfully given. Kelowna RCMP are also monitoring the situation on a daily basis to ensure public safety, said Corporal Dan Seibel.

The Province, A26, Sept. 19 - The war of the woods turns into a courtroom battle this week in Kelowna. Lawyers for the ministry of forests will seek a compliance order in B.C. Supreme Court on Thursday in an attempt to stop illegal logging by the Westbank Indian band. Members of the band have been cutting trees in the Hidden Creek area west of Kelowna without a permit from the forests ministry since Sept. 7. Ministry officials have already issued the native logging crews with a stop-work order, which they have ignored. The court will have to decide if a compliance order should be granted. That would give forests officials the full weight of the B.C. Supreme Court behind them. If the natives still refuse to stop cutting, the court could impose penalties. Westbank Chief Ron Derrickson said his people will oppose the forests ministry application in court. "We're preparing our response right now -- we have two law firms working for us on this," said Derrickson. "We'll fight them every way we can."

Advice and Recommended Response:

Note – MoF messages are attached.

The provincial government will not negotiate with any First Nation while they or their members continue to engage in illegal activity.

We remain ready to return to the treaty table or negotiate these issues, but only after the illegal harvest ends.

SECONDARY MESSAGES

Enforcement Activities

District staff from the Ministry of Forests have issued a Stop Work Order under the Forest Practices Code against individuals harvesting timber on Crown land without authority.

On September 12, Forest officials posted seizure notices on felled timber making clear that the timber is crown property and that it would be unlawful for anyone to take possession or transport the timber.

When harvesting resumed on September 13, the Minister of Forests decided to seek a Compliance Order from the Supreme Court of British Columbia against individuals who have continued to harvest trees despite the Stop Work Order.

Ministry staff continue to monitor the situation and gather evidence in support of the provincial government's application for a Compliance Order and potential charges under the Forest Practices Code and/or the Criminal Code.

The Ministry, in consultation with the Attorney General's legal staff, will seek the Compliance Order from the Supreme Court of British Columbia that the RCMP require to enforce the law.

Provincial officials will continue to work closely with the local RCMP to uphold the law, while maintaining public safety and avoiding unnecessary confrontations.

If the Courts grant a Compliance Order, any further harvesting could lead to a finding of contempt of court.

Negotiations

The Westbank First Nation is involved in treaty negotiations with BC and Canada. These negotiations have been adjourned for months and will not restart until the Band sanctioned illegal activity ends.

The Ministry of Forests remains ready to continue its efforts to identify legal ways for the Westbank First Nation to gain access to crown timber once the illegal harvest is ended.

Provincial Responsibilities for Crown Lands

The Province of British Columbia has authority over all provincial Crown lands and a legal responsibility to manage them in the interests of all British Columbians.

We will continue to exercise that authority, including authority over crown timber, in keeping with our legal obligations to First Nations.

There are many British Columbians, including First Nations, with legal rights on Crown Lands and we will continue to respect all of those rights.

RESPONSE POINTS

The individuals and bands engaged in the illegal harvest are trying to use a legal decision to justify their illegal activities – the Supreme Court of Canada's decision in Delgamuukw does not give the Westbank or any other First Nation ownership of the timber that is being harvested.

The December 1997 Supreme Court decision makes no determination that aboriginal title exists anywhere in British Columbia, including lands claimed by the Westbank or Okanagan First Nations.

The decision does say that, where a First Nation proves aboriginal title to lands – through a specific set of criteria based on historical exclusive use and occupancy – that First Nation has an interest in those lands and their resources.

The Supreme Court very clearly encouraged negotiation, not litigation. But the Band, of course, has the right to take their issues to the courts as a second peaceful and legal alternative.

We are prepared to resume good faith negotiations, but we will not do so while illegal acts are being committed.

We will take appropriate steps to enforce the law.

B.C. remains committed to resolving land claims through negotiations. We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations.

We believe it is in the public interest, as well as the interests of First Nations, to accelerate the treaty process.

An early conclusion will help all British Columbians overcome the economic uncertainty that is costing BC investment and jobs.

We have proposed steps to BC First Nations and the Government of Canada to accelerate that process.

We know that the process has been slow, but BC has shown we can achieve a treaty with the Nisga'a and we have finalized agreements-in-principle with the Sechelt and hope to to conclude a number of agreements-in-principle with several other First Nations over the next six to 18 months.

Instead of negotiating for years on complex social and governance issues with no economic benefits, BC is working on a proposed for straightforward agreements, where the provincial and federal governments exchange specific lands and cash for certainty.

B.C. is encouraging the other parties to support these efforts to revitalize the treaty process.

In the meantime, we recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context - called treaty-related measures.

While aboriginal people comprise just under five per cent of BC's population, roughly ten per cent of the forest tenures in BC are already held by First Nations directly or by First Nations in joint ventures with other enterprises.

In coming months, there will be a number of timber sales and other opportunities in this forest district that could be of benefit to First Nations, and we are ready to sit down with them to discuss these opportunities once all illegal harvesting is ended.

□PAGE □1□

PAGE 4

[illegible]

10450-20/Westbank

Smith, Brian T FOR:EX

From: Hamm, Mark FOR:EX
Sent: Monday, September 20, 1999 9:47 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 20

fyi

From: Smith, Peter J AAF:EX
Sent: Monday, September 20, 1999 9:41 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 20

Media Monitoring and Requests

Williams Lake band:

Copyright

Westbank:

Copyright

Issues and Management

Westbank:

Westbank update:

1. MoF (Penticton office) update as of 4 p.m., Sept. 17:

Today at the incident site;

- WFN conducted felling today between 0700 and 0830 hours.
- Our "on-site" relations with the WFN reps. continues to be respectful and professional.
- WFN continues to be in control of the operation.
- WFN does not intend on operating on the site this weekend but will commence again Monday.
- Additional seizure notices were established and more felled trees were stamped "FS".

2. MoF (Penticton office) update as of 3 p.m., Sept. 18:

Our forest officials have inspected the "incident site" again this morning;

- There were no active operations, no one was on site.
- The area was GPS traversed using a qualified contractor.
- Additional tree were marked.
- RCMP were present in their normal, low-key role as observer.

A "camp" has been established in the area at a location near the junction of the Bear FSR and the Hidden FSR (the access road), approximately 14 KMs from the site of unauthorized harvest. The camp is adjacent to the primary access road to the WFN incident site. At this time the "camp site" consists of;

- Two traditional tents, camping gear, stove, etc. (it looks like they will be there for awhile).
- 7-8 young adults were on site when our forest officials dropped in.
- Our forest officials visited the camp site and the atmosphere was clearly strained and our officials felt very unwelcome. We believed that the young adults present were from out of the area.
- We will not be conducting a field inspection on Sunday.

Messages

Williams Lake:

MAA messages:

- The province is committed to treaty negotiations with the Cariboo Tribal Council (rep. the Williams Lake band) and Canada.
- The province has always been willing to discuss interim measures at the appropriate stage of the negotiations.
- We recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context (called treaty-related measures).

Westbank

- MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:



WFN MESSAGE5
Sept. 16.doc

-30-

The provincial government will not negotiate with any First Nation while they or their members continue to engage in illegal activity.

We remain ready to return to the treaty table or negotiate these issues, but only after the illegal harvest ends.

SECONDARY MESSAGES

Enforcement Activities

District staff from the Ministry of Forests have issued a Stop Work Order under the Forest Practices Code against individuals harvesting timber on Crown land without authority.

On September 12, Forest officials posted seizure notices on felled timber making clear that the timber is crown property and that it would be unlawful for anyone to take possession or transport the timber.

When harvesting resumed on September 13, the Minister of Forests decided to seek a Compliance Order from the Supreme Court of British Columbia against individuals who have continued to harvest trees despite the Stop Work Order.

Ministry staff continue to monitor the situation and gather evidence in support of the provincial government's application for a Compliance Order and potential charges under the Forest Practices Code and/or the Criminal Code.

The Ministry, in consultation with the Attorney General's legal staff, will seek the Compliance Order from the Supreme Court of British Columbia that the RCMP require to enforce the law.

Provincial officials will continue to work closely with the local RCMP to uphold the law, while maintaining public safety and avoiding unnecessary confrontations.

If the Courts grant a Compliance Order, any further harvesting could lead to a finding of contempt of court.

Negotiations

The Westbank First Nation is involved in treaty negotiations with BC and Canada. These negotiations have been adjourned for months and will not restart until the Band sanctioned illegal activity ends.

The Ministry of Forests remains ready to continue its efforts to identify legal ways for the Westbank First Nation to gain access to crown timber once the illegal harvest is ended.

Provincial Responsibilities for Crown Lands

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We will continue to exercise that authority, including authority over crown timber, in keeping with our legal obligations to First Nations.

There are many British Columbians, including First Nations, with legal rights on Crown Lands and we will continue to respect all of those rights.

RESPONSE POINTS

The individuals and bands engaged in the illegal harvest are trying to use a legal decision to justify their illegal activities – the Supreme Court of Canada's decision in Delgamuukw does not give the Westbank or any other First Nation ownership of the timber that is being harvested.

The December 1997 Supreme Court decision makes no determination that aboriginal title exists anywhere in British Columbia, including lands claimed by the Westbank or Okanagan First Nations.

The decision does say that, where a First Nation proves aboriginal title to lands – through a specific set of criteria based on historical exclusive use and occupancy – that First Nation has an interest in those lands and their resources.

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Instead of negotiating for years on complex social and governance issues with no economic benefits, BC is working on a proposed for straightforward agreements, where the provincial and federal governments exchange specific lands and cash for certainty.

B.C. is encouraging the other parties to support these efforts to revitalize the treaty process.

In the meantime, we recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context - called treaty-related measures.

Chiefs.

Issues and Management

Westbank:

Westbank:

1. MoF (Penticton) update, as of 2:15, Sept. 21

- WFN did conduct further falling operations this morning.
- No change in our approach with WFN representatives on site or workings with RCMP.
- No new information or documentation provided to the forest officials.

2. MoF (Penticton) update, as of 4:30, Sept. 21

WFN's onsite representative has advised MoF forest officials that there will be a number of Chiefs attending the Hidden Creek site Wednesday to conduct some ceremonial cutting. As this is potentially being set up as a media event the forest officials will conduct their inspection early in the morning to confirm operations are continuing but will not stay to witness this cutting.

Messages

Westbank

- MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:




WFN MESSAGE6
Sept. 22.doc

10450-20/Westbank.


Rose, Sandra S FOR:EX

From: Hamm, Mark FOR:EX
Sent: Tuesday, September 21, 1999 10:56 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 21 Westbank; CSTC forestry measures; Williams Lake

From: Smith, Peter J AAF:EX
Sent: Tuesday, September 21, 1999 9:48 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Downs; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick ORourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Cc:
Subject: Daily Media Issues, Sept. 21 Westbank; CSTC forestry measures; Williams Lake

Westbank -

September 21 - 99
westbank.doc


WFN MESSAGES
Sept. 18.doc

CSTC forestry measures -

September 21 - 99
CSTC.doc

Williams Lake -

September 21 - 99
williams lake.doc



SUBJECT : Westbank logging

CP/BN - Forests Minister David Zirnelt is in Ottawa to discuss B-C native logging issues with the federal aboriginal affairs minister. When Zirnelt meets with Robert Nault today, the main agenda item is likely to be a logging standoff with the Westbank First Nation. The Kelowna-area band has been logging on Crown land for more than a week, despite a stop-work order. B-C Aboriginal Affairs Minister Dale Lovick will take part in the meeting via phone-link.

CP/BN - KELOWNA, B-C -- B-C's forests minister hopes to end a logging standoff today with some help from Ottawa. The Kelowna-based Westbank First Nation has been logging on provincial land for more than a week, despite an order to stop. Forests Minister Dave Zirnelt will discuss the standoff today with Robert Nault, the federal minister of Indian Affairs. B-C Aboriginal Affairs Minister Dale Lovick will take part in the meeting via telephone. The band began cutting trees after months of fruitless negotiations to obtain a provincial logging permit. Westbank Chief Ron Derrickson says logging will continue until B-C takes steps to satisfy demands for access to traditional land. The province will be in court Thursday to ask for a compliance order against the band to back up the injunction it obtained earlier.

The Province, A18/ Vancouver Sun, B4 - KELOWNA -- British Columbia's forests minister is set to meet the federal aboriginal affairs minister in Ottawa today in hopes of finding a way out of a logging standoff with the Westbank First Nation. The Kelowna-area band has been logging on provincial Crown land for more than a week, despite a ministry order to stop. The issue will be on the agenda when Forests Minister Dave Zirnelt meets Robert Nault, federal minister of Indian affairs and northern development. B.C. Aboriginal Affairs Minister Dale Lovick will take part in the meeting via telephone.

CBC RADIO NEWS - BRITISH COLUMBIA Monday, September 20, 1999 1:01 p.m. There may be a break soon in the dispute over logging by the Westbank Indian Band near Kelowna. Chief Ron Derrickson says the federal and provincial governments are discussing the issue in a conference call today. He suggests it may lead to a solution to the logging standoff. Derrickson says one problem is the province has refused to get serious about treaty negotiations. He says BC wants to drag things out to allow more resources to be taken out of the traditional native territory.

BCTV Sept. 20 evening news - NATIVE LOGGING. Dave Zirnelt will meet with the federal Indian Affairs Minister tomorrow to try to find a way to end the Westbank dispute. With an update on a Williams Lake native dispute.

CBC radio news - David Zirnelt is in Ottawa to discuss BC's Native logging issues with the federal Aboriginal Affairs minister. They will talk about the Westbank loggers.

Advice and Recommended Response:

MoF – messages attached

-30-

Ministry of Aboriginal Affairs

September 21, 1999

SUBJECT : CSTC – forestry measures

Copyright

Advice and Recommended Response:

- The province is looking forward to working with the CSTC on forestry issues and measures at the table. We are looking forward to the participation of Canada in this process.
- The discussions regarding the forestry measures process begin this week. The parties – including B.C., Canada, the CSTC and BC Treaty Commission – will discuss the terms of reference for a forestry measures table.
- The Mayor of Vanderhoof will participate in the discussions as a representative of local government. The province will also meet with the forest industry representatives to ensure they are kept informed.
- The province supports the participation of local industry and government in the Forestry Measures Table process.

-30-

Rose, Sandra S FOR:EX

10450-20 / Westbank

From: Hamm, Mark FOR:EX
Sent: Wednesday, September 22, 1999 10:56 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 22 - Westbank logging

Some media coverage of the Tsilhqot'in threat to carry out unauthorised harvesting.

From: Smith, Peter J AAF:EX
Sent: Wednesday, September 22, 1999 10:13 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Downs; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick ORourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Cc:
Subject: Daily Media Issues, Sept. 22 - Westbank logging



September 22 - 99
westbank.doc



WFN MESSAGE6
Sept. 22.doc

mal

Ministry of Aboriginal Affairs

September 22, 1999

SUBJECT : Westbank logging

CP/BN - VERNON -- Copyright
Copyright

Advice and Recommended Response:

MoF messages (Sept. 22) are attached.

-30-

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Wednesday, September 22, 1999 10:56 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 22

Westbank updates

From: Smith, Peter J AAF:EX
Sent: Wednesday, September 22, 1999 10:20 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nicholas Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 22

Media Monitoring and Requests

Westbank:
Copyright

Rose, Sandra S FOR:EX

10450 - 20/weekend

From: Hamm, Mark FOR:EX
Sent: Wednesday, September 22, 1999 4:57 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson;
Subject: Mike Carlson; Mike Pedersen
FW: MAA Issues Update - Sept. 22 - 2:15 p.m. Westbank update

From: Smith, Peter J AAF:EX
Sent: Wednesday, September 22, 1999 2:19 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Dargie, Cathy M FOR:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John BCCM:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 22 - 2:15 p.m. Westbank update

Media Monitoring



CBC RADIO -
zirnvelt.doc

Westbank - CBC radio interview with Min. Zirnvelt

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Wednesday, September 22, 1999 1:30 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Dargie, Cathy M FOR:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John BCCM:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 22 - 1:30 p.m. Westbank update

Media Monitoring

Westbank radio clips - << File: Westbank radio-TV Sept. 20-22.doc >>

Williams Lake -

<< File: Williams Lake radio.doc >>

ASHNOLA ROAD:

Copyright

Issues and Management

Westbank:

MoF (Penticton) update as of 11 a.m., Sept. 22

- WFN is continuing their felling (3 fallers operating).
- Forest Officials reiterated to the WFN onsite representative that we do not support skidding. Advised representative that skidding would be a further contravention of the legislative provisions, and we would consider it an escalation of activity on the site.
- WFN's onsite representative indicated he still expected there to be some chiefs conducting ceremonial cutting at the site today but had no first hand knowledge of who or how many.
- Onsite relations continue to be conducted in a professional and non confrontational manner.
- The camp is still occupied and forest officials have been advised that people at the camp have been asked to be non confrontational and to allow the RCMP and forest officials access to the unauthorised harvesting site.

- RCMP have advised us that they were informed that the people at the camp have been asked to not restrict any access up the road and Chief Derrickson apologised to the RCMP for the earlier incident when two dirt bikers were turned back.

Stakeholder/Public/FN Relations

Westbank:

Chief Ron Derrickson led a workshop at the Regional BC Business Summit in Penticton, Sept. 21. The following are MoF (Penticton) notes of the Derrickson presentation:

His topic: Aboriginal Partnerships

Participants: 25 people, mostly local business people, the mayor of Penticton and councillors from Oliver, Osoyoos and Penticton; and Chiefs Stewart Phillip and Clarence Louie, of the Penticton and Osoyoos bands.

Focus of workshop: how to build economic and business partnerships with First Nations

Derrickson's messages: First Nations, particularly Okanagan First Nations, are good business people. They pay their bills, they take care of their native and non-native residents, they are good neighbours. Local businesses may have figured this out, but government has not, according to Derrickson.

"It is not us and them," Derrickson says. "Recognize the differences that exist in the native cultures, but understand that we have to work together."

Chief Stewart Phillip said, "There is a reason for what we do, and when we seek to undertake something, like a court case or this forestry thing, it is in order to move government. We need to take actions on these issues."

Chief Clarence Louie said, "Native people are good business people. Some of the biggest reserves in Canada are in the Okanagan. Bands in the Okanagan are going to be an economic force in Canada, and this fact is going to surprise a lot of people in this province."

Also noteworthy: the administrator of the Penticton Indian Band spoke about the Apex situation:

"The only thing that settled that issue was something as simple as communication. The new owners called us up and we all sat down and talked honestly with each other. That's all it takes."

Some statistics Derrickson mentioned:

WFN pays \$36 million a year in taxes.

\$145 million in sales is generated in Westbank each year

2,800 people work in WB, 2,700 of which are non-native

WFN will spend \$20 million on new infrastructure over the next 10 years, for doubling the water system, roads, parks, ect.

-----Original Message-----

From: Smith, Peter J AAF:EX

Sent: Wednesday, September 22, 1999 10:21 AM

To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson

Subject: MAA Issues Update - Sept. 22

Media Monitoring and Requests

Westbank:
Copyright

Issues and Management

Westbank:

Westbank:

1. MoF (Penticton) update, as of 2:15, Sept. 21

- WFN did conduct further falling operations this morning.
- No change in our approach with WFN representatives on site or workings with RCMP.
- No new information or documentation provided to the forest officials.

2. MoF (Penticton) update, as of 4:30, Sept. 21

WFN's onsite representative has advised MoF forest officials that there will be a number of Chiefs attending the Hidden Creek site Wednesday to conduct some ceremonial cutting. As this is potentially being set up as a media event the forest officials will conduct their inspection early in the morning to

confirm operations are continuing but will not stay to witness this cutting.

Messages

Westbank

- MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:

<< File: WFN MESSAGE6 Sept. 22.doc >>

-30-

CBC RADIO - ALMANAC Wednesday, September 22, 1999

12:12 p.m. **"Interview with David Zirnhelt, BC's Minister of Forests"** Host Mark Forsythe

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Page 125 to/à Page 127

Withheld pursuant to/removed as

Copyright

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Wednesday, September 22, 1999 5:10 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 22 - 1:30 p.m. Westbank update

More than you ever wanted to know...

From: Smith, Peter J AAF:EX
Sent: Wednesday, September 22, 1999 1:29 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Dargie, Cathy M FOR:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John BCCM:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 22 - 1:30 p.m. Westbank update

Media Monitoring



Westbank radio-TV
Sept. 20-22.doc

Westbank radio clips -



Williams Lake
radio.doc

Williams Lake -

ASHNOLA ROAD:

Copyright

mac

Issues and Management

Westbank:

MoF (Penticton) update as of 11 a.m., Sept. 22

- ☐ WFN is continuing their felling (3 fallers operating).
- ☐ Forest Officials reiterated to the WFN onsite representative that we do not support skidding. Advised representative that skidding would be a further contravention of the legislative provisions, and we would consider it an escalation of activity on the site.
- ☐ WFN's onsite representative indicated he still expected there to be some chiefs conducting ceremonial cutting at the site today but had no first hand knowledge of who or how many.
- ☐ Onsite relations continue to be conducted in a professional and non confrontational manner.
- ☐ The camp is still occupied and forest officials have been advised that people at the camp have been asked to be non confrontational and to allow the RCMP and forest officials access to the unauthorised harvesting site.
- ☐ RCMP have advised us that they were informed that the people at the camp have been asked to not restrict any access up the road and Chief Derrickson apologised to the RCMP for the earlier incident when two dirt bikers were turned back.

Stakeholder/Public/FN Relations

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Focus of workshop: how to build economic and business partnerships with First Nations

Derrikson's messages: First Nations, particularly Okanagan First Nations, are good business people. They pay their bills, they take care of their native and non-native residents, they are good neighbours. Local businesses may have figured this out, but government has not, according to Derrikson.

"It is not us and them," Derrikson says. "Recognize the differences that exist in the native cultures, but understand that we have to work together."

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-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Wednesday, September 22, 1999 10:21 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 22

Media Monitoring and Requests

Westbank:

Copyright

Issues and Management

Westbank:

Westbank:

1. MoF (Penticton) update, as of 2:15, Sept. 21

- ☐ WFN did conduct further falling operations this morning.
- ☐ No change in our approach with WFN representatives on site or workings with RCMP.
- ☐ No new information or documentation provided to the forest officials.

2. MoF (Penticton) update, as of 4:30, Sept. 21

WFN's onsite representative has advised MoF forest officials that there will be a number of Chiefs attending the Hidden Creek site Wednesday to conduct some ceremonial cutting. As this is potentially being set up as a media event the forest officials will conduct their inspection early in the morning to confirm operations are continuing but will not stay to witness this cutting.

Messages

Westbank

- ☐ MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:

<< File: WFN MESSAGE6 Sept. 22.doc >>

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Withheld pursuant to/removed as

Copyright

Williams Lake:

CKOV AM RADIO NEWSLINE - KELOWNA Monday September 20/99

**5:40 p.m. "Interview with Cariboo Radio reporter Ron Hooker re Williams Lake
Band blockade issue"**

Copyright

Page 135 to/à Page 136

Withheld pursuant to/removed as

Copyright

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Thursday, September 23, 1999 9:39 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 23 1. Westbank and unauthorized logging 2. ALR and Musqueam

From: Smith, Peter J AAF:EX
Sent: Thursday, September 23, 1999 9:31 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Downs; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick ORourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon
Cc: Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 23 1. Westbank and unauthorized logging 2. ALR and Musqueam



September 23 - 99
westbank.doc

Westbank -



WFN MESSAGE6
Sept. 22.doc



September 23 - 99
ALR and musqueam.doc

ALR and Musqueam -

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Ministry of Aboriginal Affairs

September 23, 1999

SUBJECT: **Westbank and unauthorized logging**
Copyright

Advice and Recommended Response:

Note – MoF messages are attached.

-30-

Rose, Sandra S FOR:EX

1045020/ Westbank

From: Hamm, Mark FOR:EX
Sent: Thursday, September 23, 1999 3:22 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 23 - 2:15 update

From: Smith, Peter J AAF:EX
Sent: Thursday, September 23, 1999 2:22 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Dargie, Cathy M FOR:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John BCCM:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 23 - 2:15 update

Media Monitoring



native logging -

Issues and Management

1. MoF update as of 12:30, Sept. 23

- ☐ WFN representatives were not on site when our forest officials arrived on site, however, some cutting has occurred since yesterday.
- ☐ Although WFN have indicate that they plan to start skidding felled trees no skidder has shown up on the site as of yet.
- ☐ There was no media announcement that Chiefs conducted any ceremonial cutting yesterday so assume this did not come off.
- ☐ The camp is still occupied, however, forest officials are not stopping at the camp or being confronted by people at the camp.

Original Message

From: Smith, Peter J AAF:EX
Sent: Thursday, September 23, 1999 9:46 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 23

Media Monitoring and Requests

Westbank/Nuxalk radio clips - << File: Sept. 22 radio current affairs.doc >>

WESTBANK LOGGING

CP/BN - KELOWNA -- Copyright

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Copyright

Issues and Management

Westbank

CP/BN advisory - VANCOUVER -- B-C government and Okanagan First Nation in court for procedural hearing on province's bid for compliance order on stop-work order against Westbank First Nation logging, 10 a.m., B.C. Supreme Court

Messages

Westbank

□ MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:

<< File: WFN MESSAGE6 Sept. 22.doc >>

-30-

CKNW VANCOUVER NEWS, Thursday, September 23, 1999-09-23
Copyright

Page 144 to/à Page 146

Withheld pursuant to/removed as

Copyright

CBC RADIO - DAYBREAK NORTH Thursday, September 23, 1999

Copyright

Page 148 to/à Page 155

Withheld pursuant to/removed as

Copyright

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 24, 1999 10:38 AM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 24

From: Smith, Peter J AAF:EX
Sent: Friday, September 24, 1999 9:45 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 24

Media Monitoring and Requests



RADIO sept. 23.doc

Westbank radio transcripts -
Copyright

11/11/99

Williams Lake:

WL Tribune, Sept. 23, 1999 - GOV'T INCONSISTENCIES SPARK SPOKIN BLOCKADE - Members of the Williams Lake Indian Band will blockade the 2315 Road until an agreement can be reached on road access. At least that's the word from blockade headquarters at Sugar Cane Wednesday.The mood of protestors on site Monday was calm, even peaceful, as a handful of blockaders, including Chief Nancy Sandy, physically prevented further construction of the road leading into the Spokin Lake forest.

Issues and Management

Westbank - court case

Background information:

- The Supreme Court (Vancouver) will rule Monday on procedural issues regarding the Ministry of Forests' request for a Compliance Order against the Westbank First Nation.
- The procedural issues involve the relevance of aboriginal rights in the issuing of a Compliance Order. It is expected the court will also set a date for a hearing of the application for a Compliance Order.
- Penticton Forest district staff have investigated and documented the illegal harvesting of Crown timber in the Hidden Creek area Northwest of Westbank. A Stopwork Order was issued by the district September 10, but was ignored by the Westbank First Nations.
- The ministry is seeking a compliance order in accordance with forest regulations. This is the first time a Stopwork Order has been ignored since the Forest Practices Code was introduced.

Messages

Westbank

- MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:



Page 158 to/à Page 162

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WESTBANK ILLEGAL LOGGING Messages

KEY MESSAGES

General

- ☐ The provincial government will continue to act to enforce the law and end illegal harvesting by members of the Westbank First Nation.
- ☐ Aboriginal title has not been established by the Westbank or Okanagan First Nations on the lands that are being illegally harvested.
- ☐ The provincial government will not negotiate with any First Nation while they or their members continue to engage in illegal activity.
- ☐ We remain ready to return to the treaty table or negotiate these issues, but only after the illegal harvest ends.

SECONDARY MESSAGES

Enforcement Activities

- ☐ District staff from the Ministry of Forests have issued a Stop Work Order under the *Forest Practices Code* against individuals harvesting timber on Crown land without authority.
- ☐ On September 12, Forest officials posted seizure notices on felled timber making clear that the timber is crown property and that it would be unlawful for anyone to take possession or transport the timber.
- ☐ When harvesting resumed on September 13, the Minister of Forests decided to seek a Compliance Order from the Supreme Court of British Columbia against individuals who have continued to harvest trees despite the Stop Work Order.
- ☐ Ministry staff continue to monitor the situation and gather evidence in support of the provincial government's application for a Compliance Order and potential charges under the Forest Practices Code and/or the Criminal Code.
- ☐ The Ministry, in consultation with the Attorney General's legal staff, will seek the Compliance Order from the Supreme Court of British Columbia that the RCMP require to enforce the law.
- ☐ Provincial officials will continue to work closely with the local RCMP to uphold the law, while maintaining public safety and avoiding unnecessary confrontations.
- ☐ If the Courts grant a Compliance Order, any further harvesting could lead to a finding of contempt of court.

Negotiations

- ☐ The Westbank First Nation is involved in treaty negotiations with BC and Canada. These negotiations have been adjourned for months and will not restart until the Band sanctioned illegal activity ends.
- ☐ The Ministry of Forests remains ready to continue its efforts to identify legal ways for the Westbank First Nation to gain access to crown timber once the illegal harvest is ended.

Provincial Responsibilities for Crown Lands

- ☐ The Province of British Columbia has authority over all provincial Crown lands and a legal responsibility to manage them in the interests of all British Columbians.
- ☐ We will continue to exercise that authority, including authority over crown timber, in keeping with our legal obligations to First Nations.
- ☐ There are many British Columbians, including First Nations, with legal rights on Crown Lands and we will continue to respect all of those rights.

RESPONSE POINTS

The individuals and bands engaged in the illegal harvest are trying to use a legal decision to justify their illegal activities – the Supreme Court of Canada's decision in *Delgamuukw* does not give the Westbank or any other First Nation ownership of the timber that is being harvested.

- ☐ The December 1997 Supreme Court decision makes no determination that aboriginal title exists anywhere in British Columbia, including lands claimed by the Westbank or Okanagan First Nations.
- ☐ The decision does say that, where a First Nation proves aboriginal title to lands – through a specific set of criteria based on historical exclusive use and occupancy – that First Nation has an interest in those lands and their resources.
- ☐ The Supreme Court very clearly encouraged negotiation, not litigation. But the Band, of course, has the right to take their issues to the courts as a second peaceful and legal alternative.
- ☐ We are prepared to resume good faith negotiations, but we will not do so while illegal acts are being committed.
- ☐ We will take appropriate steps to enforce the law.

B.C. remains committed to resolving land claims through negotiations. We are committed to working with Canada and First Nations to improve the treaty process and accelerate negotiations.

- ☐ We believe it is in the public interest, as well as the interests of First Nations, to accelerate the treaty process.
- ☐ An early conclusion will help all British Columbians overcome the economic uncertainty that is costing BC investment and jobs.
- ☐ We have proposed steps to BC First Nations and the Government of Canada to accelerate that process.
- ☐ We know that the process has been slow, but BC has shown we can achieve a treaty with the Nisga'a and we have finalized agreements-in-principle with the Sechelt and hope to conclude a number of agreements-in-principle with several other First Nations over the next six to 18 months.
- ☐ Instead of negotiating for years on complex social and governance issues with no economic benefits, BC is working on a proposed for straightforward agreements, where the provincial and federal governments exchange specific lands and cash for certainty.
- ☐ B.C. is encouraging the other parties to support these efforts to revitalize the treaty process.
- ☐ In the meantime, we recognize that treaty negotiations are complex and take time. The provincial and federal governments have been working on ways to further interim measures in a treaty context - called treaty-related measures.

The Ministry of Forests has worked hard to assist First Nations, including the Westbank First Nation, participate in the forest economy.

- ☐ A number of forest tenures in BC are already held by First Nations directly or in joint ventures with other enterprises. These include a Woodlot license held by the Westbank First Nation.
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- ☐ In coming months, there will be a number of timber sales and other opportunities in this forest district that could be of benefit to First Nations, and we are ready to sit down with them to discuss these opportunities once all illegal harvesting is ended.

not the function is being delivered, not how it is delivered. As a result there is little merit in a review such as the draft referral review, promoting stand alone staff roles in the context of the review.

- Archaeology: in at least one district, statutory decision makers provided direction earlier this year that is believed to address a number of the issues raised in this report regarding archaeological assessments.
- the report appears to provide opinions on the level of risk assessment taken by the districts and whether or not that level of risk could be adjusted. The decision on level of risk should be totally up to the statutory decision maker and will be based on a number of factors. What is more important in a review of this type is that the decision makers understand whether or not they are meeting the current understanding, based on legal decisions and policy, of what is required to support the crowns' case in a legal challenge. That would then be good information for the district manager to consider the current practice around referrals and decide if the level of risk assessment is appropriate.
- given the previous bullet, and local experience, the decision maker will also be in a better position to determine whether or not the current balance of face-to-face meetings versus letters, etc. is the best solution for that district. It is unlikely that there is a one solution that works best for all districts.

This letter covers the key points to consider in finalizing this report. I have attached the comments received from district managers to provide additional background.

Regards,

Allan Balogh

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Friday, September 24, 1999 4:18 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Sept. 24 1 p.m. update

Media reports

From: Smith, Peter J AAF:EX
Sent: Friday, September 24, 1999 1:04 PM
To: Smith, Peter J AAF:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Dargie, Cathy M FOR:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John BCCM:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Nash, Laurel J FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Sept. 24 1 p.m. update

Media Monitoring



plant - VOICE OF THE
PROVINCE.doc

Westbank radio clips -

LSIB:

Penticton Herald, Sept. 22 - BAND SAYS PROVINCE SHOULD PAY FOR USE OF TURNOFF ON HIGHWAY 3A - The Lower Similkameen Indian Band is claiming a section of Highway 3A between Kaleden and Keremeos, saying the province should pay for the use of their property. The land in question is a small strip, little more than an acre in area, that crosses over the highway near the Green Mountain Road turnoff. According to band manager Dixon Terbasket, the province had expropriated some land for a highway years ago, but they later moved the highway onto land that is still part of the reserve.

Shuswap unity camp:

Kamloops Daily News, Sept. 24, pg. 2 - NATIVES PLAN 'UNITY CAMP' TO DISCUSS LAND CLAIMS ISSUES - The Neskonlith Indian Band is planning a "unity camp" this weekend at the site of a failed land claim. Band members along with other Shuswap Indian will gather Saturday and Sunday at McGillvary Lake, near Sun Peaks. ...While no road checks or other civil disobedience is planned, Manuel said the event is linked to logging by the Westbank Indian Band and is a way to assert that native title to land is being ignored while lands are logged for profit. Shuswap bands reject the province's treaty process.

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Friday, September 24, 1999 9:46 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 24

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Westbank radio transcripts -
Copyright

Media Monitoring and Requests
<< File: RADIO sept. 23.doc >>

Issues and Management

Westbank - court case

Background information:

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- The ministry is seeking a compliance order in accordance with forest regulations. This is the first time a Stopwork Order has been ignored since the Forest Practices Code was introduced.

Messages

Westbank

- MoF messages - attached

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:

<< File: WFN MESSAGE6 Sept. 22.doc >>

-30-

VOICE OF THE PROVINCE Wednesday, September 22, 1999

7:00 p.m. "Vaughn Palmer interviews Geoff Plant, Attorney
General Critic for the BC Liberal Party [Excerpts re Westbank]

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Page 172 to/à Page 173

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Stamm

Rose, Sandra S FOR:EX

10450-20/Westbank

P.S.M.'S
Dmts
SK
W. Hamm

From: Caul, Doug D FOR:EX
Sent: Tuesday, September 28, 1999 10:15 AM
To: Tozer, Ross FOR:EX; Schultz, Ray FOR:EX; Carlson, Mike A FOR:EX; Snetsinger, Jim FOR:EX; Collingwood, Ken FOR:EX; Baxter, Fred FOR:EX
Cc: Geisler, Mike B FOR:EX; Gray, John T FOR:EX; Balogh, Al G FOR:EX; Hamm, Mark FOR:EX; Robb, Darrell FOR:EX; Hadway, Sharon L FOR:EX; Blackstock, Michael FOR:EX; Baker, Rick FOR:EX; Sheldan, Tim FOR:EX; Ricketts, Glenn FOR:EX; Lee, Tom W FOR:EX; Goode, Diane M FOR:EX; Currie, Lynda FOR:EX; Robertson, Linda G FOR:EX
Subject: Westbank decision
Importance: High

Mr. Justice Davies, BC Supreme Court delivered his oral reasons yesterday afternoon. He found:

- (1) Westbank's aboriginal rights and title defence is relevant to section 147 compliance proceedings.
- (2) The Westbank Band has the onus of proving their claim to aboriginal rights and title.
- (3) It is important that the timber be preserved pending the determination of this issue and the judge asked that the Band voluntarily cease logging pending determination of the issue.
- (4) If the Band does not stop logging voluntarily, the Province is at liberty to apply for an interim injunction.
- (5) The parties are asked to work together to have the matter heard in an expedited way.

While the judge did not in effect decide for or against the compliance order the province was seeking to support our Stop Work Order, the judge did tie aboriginal rights/title questions in with our request for a compliance order. This means that in order to get our compliance order we have to get into a full blown rights and title case. This obviously takes many months (likely more than a year) to prepare for. It is important to note that the judge did NOT rule that our stop work order was illegal.

The judge did clear the way for the province to seek an interim injunction if the Band does not voluntarily stop logging. According to the media reports the band is meeting this Friday to consider the judge's request that they voluntarily stop logging.

The band also asked that the court find that the onus is on the province to dispel rights and title issues as a first step on our way to requesting the compliance order. The judge ruled that the onus is on the First Nations to make the rights and title case - i.e., the band must lead and the province responds, which is consistent with our understanding out of Delgamuukw.


Overall, I understand that the outcome was close to what was expected by the AG.

Thanks,

Doug Caul
Director
Aboriginal Affairs Branch
Ministry of Forests
Ph. 356-6083 Fax. 356-6076



Rose, Sandra S FOR:EX

10450-20 Westbank 

From: Baxter, Fred FOR:EX
Sent: Tuesday, September 28, 1999 7:21 AM
To: FOR RKA RKA Management Team; FOR Operations Division Management Team
Subject: FW: Court decision n/r - sept27-99

F.Y.I.

Fred A. Baxter
Regional Manager
Kamloops Forest Region

Phone: (250) 828-4120
FAX: (250) 371-3747

[Mailto:Fred.Baxter@gems9.gov.bc.ca](mailto:Fred.Baxter@gems9.gov.bc.ca)

-----Original Message-----

From: Hall, David FOR:EX
Sent: Monday, September 27, 1999 6:24 PM
To: Doney, Lee FOR:EX; Maloney, Maureen AG:EU; Steenkamp, Philip AAF:EX; Baxter, Fred FOR:EX; Wenger, John FOR:EX; Caul, Doug D FOR:EX; Betty Nicholson; Chris Beresford; Jim Durham; John Heaney; Kate Smithson; Mary Ann Leach; Mike Hogan; Paul Lackhoff; Peter Smith; Tim Sheldan
Subject: FW: Court decision n/r - sept27-99

This went out about 6:00 pm

Dave



Court decision
08-27.doc



For Immediate Release
September 27 1999

Ministry of Forests

COURT REQUESTS END TO WESTBANK HARVESTING WHILE COMPLIANCE ORDER CASE HEARD

PENTICTON – Justice Davies of the British Columbia Supreme Court today asked the Westbank First Nation to voluntarily halt its unauthorized logging at Hidden Creek near Kelowna.

The Justice also said that the Province could apply for an injunction if the Westbank First Nation does not cease its unauthorized harvest.

Justice Davies also ruled on two procedural issues in the Ministry of Forest's application for a Compliance Order.

The Justice rejected the Westbank First Nation's argument that the Province had to prove its authority over Crown lands and timber before presenting its case for a Compliance Order. This confirms previous court findings that First Nations must prove the existence and nature of aboriginal rights and title.

At the same time, the Justice decided that the Westbank First Nation could present arguments based on aboriginal rights as part of its opposition to the Compliance Order application.

No court date was set for the hearing on the application, but the Justice urged the lawyers to work together to set a date for the hearing.

- 30 -

For more information:

Contact: Dave Hall
(250) 851-1678

Rose, Sandra S FOR:EX

10450-20/Westbank

From: Hamm, Mark FOR:EX
Sent: Tuesday, September 28, 1999 1:55 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Press Release Westbank Court decision n/r - sept27-99

From: Baker, Rick FOR:EX
Sent: Tuesday, September 28, 1999 10:37 AM
To: John Gray; Linda Robertson; Mark Hamm; Michael Blackstock; Neil Bow; Sharon Hadway
Subject: FW: Press Release Westbank Court decision n/r - sept27-99

here is a press release on the Westbank Stop Work Order hearing.

I have not see the decision posted on the Supreme Court WebPages yet

Rick Baker
Regional Staff Manager
Kamloops Forest Region
Ministry of Forests
515 Columbia Street, Kamloops, BC
V2C 2T7
Phone (250) 828-4123
Fax (250) 371-3747
[Mailto:Rick.Baker@gems2.gov.bc.ca](mailto:Rick.Baker@gems2.gov.bc.ca)



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- 30 -

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Sent: Tuesday, September 28, 1999 1:54 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 27 - Westbank

From: Smith, Peter J AAF:EX
Sent: Tuesday, September 28, 1999 9:56 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Downs; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick ORourke; Paul Lidgate; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon
Cc: Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 27 - Westbank



September 28 - 99
westbank.doc



WFN MESSAGES
Sept. 22.doc

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Ministry of Aboriginal Affairs

September 28, 1999

SUBJECT : Westbank logging

BCTV, Sept. 27 - synopsis - THE WESTBANK FIRST NATION is happy about a court ruling today, which says the band will be able to raise constitutional arguments in its fight to log Crown land. Derrickson says the ruling was exactly what the band expected. Ruling means band will be able to raise constitutional arguments. Derrickson won't speculate on how band will respond to judge's request that band voluntarily stop logging. To date, the govt. has proceeded cautiously. But today the Aboriginal Affairs Minister issued a warning. "Our door is open. We're trying very hard to resolve these issues, but as I say and I want to be absolutely firm on this, committing illegal acts, defying the courts and defying the law of the land is not the way to negotiate and solve these problems." Derrickson says the negotiation process has been a joke from the start of it.

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Page 182 to/à Page 183

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Advice and Recommended Response:

MoF – background information:

- Justice Davies of the British Columbia Supreme Court today asked the Westbank First Nation to voluntarily halt its unauthorized logging at Hidden Creek near Kelowna.
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-30-

WESTBANK ILLEGAL LOGGING Messages

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Rose, Sandra S FOR:EX

10450-20/Westbank

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Sent: Tuesday, September 28, 1999 1:59 PM
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Subject: FW: MAA Issues Update - Sept. 28

From: Smith, Peter J AAF:EX
Sent: Tuesday, September 28, 1999 10:22 AM
To: Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Laurel Nash; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Sept. 28

Media Monitoring and Requests



Westbank radio clips
Sept. 28.doc

Westbank radio clips -



University of Victoria
Sept. 27.doc

UVic news release -

[Handwritten signature]

Westbank:

BCTV, Sept. 27 - **synopsis** - THE WESTBANK FIRST NATION is happy about a court ruling today, which says the band will be able to raise constitutional arguments in its fight to log Crown land. Derrickson says the ruling was exactly what the band expected. Ruling means band will be able to raise constitutional arguments. Derrickson won't speculate on how band will respond to judge's request that band voluntarily stop logging. To date, the govt. has proceeded cautiously. But today the Aboriginal Affairs Minister issued a warning. "Our door is open. We're trying very hard to resolve these issues, but as I say and I want to be absolutely firm on this, committing illegal acts, defying the courts and defying the law of the land is not the way to negotiate and solve these problems." Derrickson says the negotiation process has been a joke from the start of it.

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Copyright

Issues and Management

Westbank:

MoF update, as of 5 p.m. on Sept. 27:

- ☐ WFN continued to fall today. They are still only working half days at the most (our rough estimate puts the area felled to date somewhere around 7 to 8 hectares).
- ☐ Still no skidder on.
- ☐ Forest officials were advised that no ceremonial felling occurred last week as was rumoured to be planned.
- ☐ The camp is still occupied.

Williams Lake band:



MAA letter to Cariboo Tribal Council, re: treaty negotiations -

Messages

Westbank:

- ☐ MoF messages - attached

Background information/court ruling:

- Justice Davies of the British Columbia Supreme Court today asked the Westbank First Nation to voluntarily halt its unauthorized logging at Hidden Creek near Kelowna.
- The Justice also said that the Province could apply for an injunction if the Westbank First Nation does not cease its unauthorized harvest.
- Justice Davies also ruled on two procedural issues in the Ministry of Forest's application for a Compliance Order.
- The Justice rejected the Westbank First Nation's argument that the Province had to prove its authority over Crown lands and timber before presenting its case for a Compliance Order. This confirms previous court findings that First Nations must prove the existence and nature of aboriginal rights and title.
- At the same time, the Justice decided that the Westbank First Nation could present arguments based on aboriginal rights as part of its opposition to the Compliance Order application.
- No court date was set for the hearing on the application, but the Justice urged the lawyers to work together to set a date for the hearing.

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

N/A

Attachments

Westbank:



-30-

University of Victoria
September 27, 1999

STORY LEADS FROM THE UNIVERSITY OF VICTORIA

FIRST NATIONS LOGGING LIKELY TO INCREASE: The increasing number of First Nations logging in an assertion of their Aboriginal title and in defiance of provincial government directives is an indicator of future developments unless the government rethinks its position on Aboriginal relations says Dr. Frank Cassidy of the school of public administration. "The Delgamuukw decision indicated that there is a reasonable assumption that the many First Nations in B.C. have Aboriginal title," adds Cassidy, who has written extensively on the Delgamuukw judgement. "The government has to look at its policies and bring them into line with the law and rethink its approach to treaty negotiations. If the government is going to continue to be slow to change, it will just reinforce this current crisis." [PP]

Media contact: Dr. Frank Cassidy (public administration) at (250)721-8060.

Selected recent UVic media releases and other resources for journalists are available on the World Wide Web at

"http://web.uvic.ca/ucom/experts_releases/releases/releases.html".

UVIC COMMUNICATIONS SERVICES CONTACTS:

[VS] = Val Shore, 721-764

[PP] = Patty Pitts, 721-7656

[RL] = Robie Liscomb, 721-7640 [MM] = Mike McNeney, 721-7642

[BK] = Bruce Kilpatrick, 721-7638

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CBC RADIO NEWS - BRITISH COLUMBIA Monday, Sept. 27, 1999

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CKOV RADIO NEWSLINE Monday, September 27, 1999

Page 195 to/à Page 202

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Lewis, Marguerite E FOR:LA

10450-30/westbank

From: Hamm, Mark FOR:EX
Sent: Friday, October 01, 1999 3:02 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: Daily Media Issues, Sept. 30 - Westbank; CSTC; Comox

From: Smith, Peter J AAF:EX
Sent: Thursday, September 30, 1999 11:17 AM
To: Anne Kirkaldy; Betty Nicholson; Bill Armstrong; Bob Peart; Brian Price; Curtis Albertson; Dave Fern; David Robertson; Denise Walker; Doug Kelk; Elizabeth Loughran; Gail Leatherdale; Gloria Williams; Ingrid Fee; Ingrid James; Jacque Pleasants; Jean Dragushan; John Heaney; Jose Villarce; Juanita Berkhout; Judy Huff; Julie Downs; Julie Jackson; Kathy Marshall; Kristeen Kennedy; Lyana Patrick; Lyle Viereck; Lynn Langford; Marg Budgeon; Mark Price; Nancy McLeod; Nancy Thompson; Nancy Wilkin; Patrick O'Rourke; Paul Lidgate; Paula Betuzzi; Philip Steenkamp; Regan Hansen; Richard Inglis; Rob Gardner; Rob Simon; Roger Graham; Sheila Beauchemin; Trip Kennedy
Cc: Adele Parnell; Betsy Terpsma; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Dan McDonald; David Hall; Diane Goode; Doug Caul; Elizabeth Argall; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: Daily Media Issues, Sept. 30 - Westbank; CSTC; Comox

westbank -  September 30 - westbank.doc  westbank-sept29-99.doc

CSTC -  September 30 - CSTC.doc

Comox -  September 30 - comox.doc



Ministry of Aboriginal Affairs

October 1, 1999

SUBJECT : Westbank logging

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Copyright



Ministry of Aboriginal Affairs
September 29, 1999

For Immediate Release

GOVERNMENT URGES WESTBANK TO HALT ALL HARVESTING ACTIVITY

VICTORIA— Aboriginal Affairs Minister Dale Lovick is urging the Westbank First Nation to commit to an immediate and permanent halt of all unauthorized harvesting operations so that a meeting to discuss a resumption of treaty talks can proceed on Thursday, September 30.

Ministry of Forest officials reported that harvesting operations continued yesterday after Justice Davies request for a voluntary end to harvesting. Despite Chief Derrickson's public assertions that the band has ended logging out of respect for the Court's request, the Westbank First Nation has today moved skidding equipment to the site in preparation for skidding the seized timber. This is a prerequisite to loading and removing the timber and is a marked escalation of activities at the site.

These activities would constitute a further violation of the *Forest Practices Code* and would be contrary to Justice Davies request that the timber is preserved and harvesting ended. Evidence on skidding activity will be incorporated into the Ministry's application for an interim order to stop the unauthorized harvesting.

On Tuesday, Lovick wrote to Chief Ron Derrickson of the Westbank First Nation and to federal Indian Affairs Minister Robert Nault, requesting that their representatives participate in a meeting to discuss resumption in negotiations and determine the next steps in finding resolution to issues through negotiation.

In his letter, Lovick stated that B.C.'s participation in the meeting required a formal commitment from the Westbank First Nation that any unauthorized harvesting will immediately and permanently cease and no removal of timber will occur. The province's requirement is consistent with Monday's decision of B.C. Supreme Court Justice William Davies, who requested that Westbank voluntarily cease logging activities.

Lovick is urging the band to cease all operations and calling on the federal government to not participate in the Thursday meeting unless B.C.'s conditions are met.

"We are committed to the treaty process and prepared to resume negotiations at the Westbank treaty table," said Lovick. However, we will not participate in any negotiations with the Westbank First Nation and Canada while the unauthorized harvesting of Crown timber continues."

Ministry of Aboriginal Affairs

October 1, 1999

SUBJECT : CSTC forestry measures

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Advice and Recommended Response:

- B.C. is committed to the forestry measures table, which allows the province, Canada and the Carrier Sekani Tribal Council members to work together in reviewing forestry issues and operating areas for harvesting.
- The forestry measures process is proceeding. The first round of discussions (Sept. 21-23) involved a useful and productive exchange of ideas and expectations. The terms of reference for the table were established and the negotiators agreed to meet again this week (in Saikuz) to begin work planning and information gathering.
- Local government is represented in the process and the province is consulting and informing local industry.
- The province is committed to the CSTC treaty negotiations, which is supported by the

Ministry of Aboriginal Affairs

October 1, 1999

SUBJECT : Comox

The Vancouver Sun, B8 - Copyright
Copyright

Advice and Recommended Response:

- B.C. is committed to negotiations with the Comox First Nation and Canada.
- The province is committed to negotiations in good faith and will continue to negotiate on that basis throughout B.C., including in negotiations with the Comox First Nation.
- As Comox is just re-entering the treaty process, we have not had an opportunity to hear their specific interests in land.

-30-

Lewis, Marguerite E FOR:EX

10-50-20/westbank

From: Hamm, Mark FOR:EX
Sent: Friday, October 01, 1999 4:06 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Oct. 1 Westbank update

From: Smith, Peter J AAF:EX
Sent: Friday, October 01, 1999 3:57 PM
To: Smith, Peter J AAF:EX; Parnell, Adele J FOR:EX; Terpsma, Betsy ELP:EX; Nicholson, Betty BCCM:EX; Armstrong, Bill N AAF:EX; Mckinnon, Bruce AG:EU; Panter, Catherine AAF:EX; Dargie, Cathy M FOR:EX; Albertson, Curtis AG:EX; McDonald, Dan ENV:MS; Hall, David FOR:EX; Robertson, David TH:EX; Goode, Diane M FOR:EX; Caul, Doug D FOR:EX; Argall, Elizabeth AG:EU; Loughran, Elizabeth CPCS:EX; Williams, Gloria O AAF:EX; Fee, Ingrid AAF:EX; Elder, Jeff FOR:EX; Knight, Jeff TH:EX; Gray, John T FOR:EX; Griffin, John R FOR:EX; Heaney, John BCCM:EX; Pyper, John AAF:EX; Smithson, Kate A FOR:EX; Scott, Katie P AAF:EX; Logan, Kevin FOR:EX; Grant, Krista L FOR:EX; Robertson, Linda G FOR:EX; Atherton, Mark AAF:EX; Hamm, Mark FOR:EX; Leach, Mary Ann FOR:EX; Koyl, Mary TH:EX; Wade, Nichola AAF:EX; Lackhoff, Paul T FOR:EX; Fyfe, Richard AG:EU; Borthwick, Sandra AG:EU; Gallagher, Sheila AG:EU; Oliver, Thelma FOR:EX; Jonson, Trent ELP:EX
Subject: RE: MAA Issues Update - Oct. 1 Westbank update

Media Monitoring



radio clips -

Issues

MoF (Pentiction) update as of noon, Oct. 1:

Our forest official met the normal WFN onsite representative on Westside road while on route to the Hidden Creek site. The forest official was advised:

- that WFN had not been to the site today but had been at the camp.
- that there were 10 people at the camp from various bands.
- that there are no plans to block the road or restrict MoF access.
- that WFN currently have no plans to conduct further harvesting at the Hidden Creek site at this time (this included no skidding, however, as per my last email RCMP have indicated Louise Mandall has applied to the Court to allow for skidding to occur).
- that Brian Jack's equipment would be lowbedded from the site today.

Once onsite the forest official confirmed that no WFN members were onsite. He also determined that the equipment has not been removed from the site as of yet.

-----Original Message-----

From: Smith, Peter J AAF:EX
Sent: Friday, October 01, 1999 10:49 AM
To: Adele Parnell; Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Oct. 1

Media Monitoring and Requests

radio clips - << File: radio clips, Oct. 1-Sept. 30.doc >>

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N/A

Issues and Management

Messages

Westbank:

Note - MAA position regarding the Westbank treaty talks is contained in the attached news release.

Stakeholder/Public/FN Relations

N/A

Advice and Recommendations

CKOV RADIO NEWS Friday, October 1, 1999

9:00 a.m. [Preceded by repeat of earlier item re Provincial no-show at meeting]

"Derrickson is also sniping at Opposition Leader Gordon Campbell who is urging the province to prosecute natives involved with illegal logging and to seize the logs."

The Chief says it shows how little Campbell knows about the situation.

CBC RADIO - DAYBREAK NORTH - Friday, October 1, 1999

Copyright

PR.GEORGE RADIO, Thursday, September 30, 1999

CJCI 8 am - new treaty talks scheduled as BC tries to make peace with Westbank - Chief "Derrickson"

CJCI 9 am - new talks with Westbank have not put a crimp in unauthorized logging by Okanagan Band which is accelerating cutting & barring access to BC Forests Min. staff. Chief "Wilson" - pressure on govt..

CJCI 10 am - Okanagan accelerates logging and banning road access. Chief "Wilson" - in for the long haul.

CJCI 11 am - Okanagan Band accelerates logging and bars road. Govt. talking today with Westbank Band, the first and to log without permit.

CKPG 8 am - New talks between BC & Westbank 1st nation - no crimp in unauth logging by Okanagan Band where action is escalating. Chief "Wilson" says action is direct to govt. Stop Work order Tuesday.

CKPG 9 am - Treaty talks with Westbank have not stopped Okanagan Band from its actions. Chief "Dan Wilson" (similar to 8 am).

CKPG - 10 am - Cloud of pessimism over talks between Westbank & Fed & Prov. Govts.

CKPG - 10 am - Okanagan Band accelerates harvesting of timber on reserve, and are barring road access to BC Forests crews. "Wilson" says band members committed to see this through to the end.

CJCI 2 pm - planned talks between Westbank & the Province stalled before they began today. Forests Ministry Dave Hull says the talks were called off because band would not give requested guarantee not to log.

CJCI 3 pm - Test of wills over treaty talks between the province, the nation, and Westbank. Negs. From govt. shunned the talks. "Dave Hull" of Min. of Forests says talks could resume if the band gives a commitment to stop logging.

CKPG 1 pm - Province fails to show for treaty talks with the Westbank First Nation. Chief "Derrickson" speculates it's because he wouldn't give commitment not to re-commence logging.

CKPG 2 pm - Okanagan band accelerates harvesting of timber on reserve and barring road access to Forests Ministry.

CKPG 3 pm - Test of wills prevents treaty negotiations between Westbank and fed & prov. Governments. Natives won't give up unauth. logging, and governments won't come to table while it continues. "Dave Hull" says commitment to stop logging is needed before talks can resume.

N/A

Attachments

Westbank:

<< File: WFN News Release Sept. 30.doc >>

-30-

For Immediate Release
September 30, 1999

Ministry of Aboriginal Affairs

**WESTBANK'S STAND ON LOGGING FORCES CANCELLATION OF
DISCUSSIONS ON RESUMPTION OF TREATY TALKS**

Victoria – Aboriginal Affairs Minister Dale Lovick expressed disappointment today that the Westbank First Nation was unwilling to provide a formal commitment that it would cease all logging activities at Hidden Creek.

B.C. required the commitment from the band in order for a provincial negotiator to participate in a planned meeting in Westbank today to discuss the resumption of treaty talks.

The meeting involving the Westbank First Nation, Canada and B.C. did not proceed because the band was unable to provide the commitment to the provincial negotiator, who has returned to Victoria.

“We did not get an unconditional commitment from the Westbank First Nation that all unauthorized logging activity would cease, so we were unable to participate in a meeting,” said Lovick.

“I am extremely disappointed, because we are committed to the treaty process and want to resume negotiations at the treaty table. However, we will not participate in any meetings or negotiations without a commitment from the band that there will be an unconditional cessation of all logging activities.”

The Ministry of Forests continues to monitor the Hidden Creek logging site.

- 30 -

Contact: Peter Smith
Ministry of Aboriginal Affairs
(250) 480-9653

Lewis, Marguerite E FOR:EX

10450-20/Westlake

From: Hamm, Mark FOR:EX
Sent: Friday, October 01, 1999 3:05 PM
To: Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen
Subject: FW: MAA Issues Update - Oct. 1

From: Smith, Peter J AAF:EX
Sent: Friday, October 01, 1999 10:48 AM
To: Adele Parnell; Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson
Subject: MAA Issues Update - Oct. 1

Media Monitoring and Requests



radio clips, Oct. 1-Sept.
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radio clips -

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CBC RADIO - REGIONAL NEWS Friday, October 1, 1999

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CBC RADIO - REGIONAL NEWS Friday, October 1, 1999

Page 218 to/à Page 229

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Blackstock, Michael FOR:EX

From: Baxter, Fred FOR:EX
Sent: Monday, October 04, 1999 9:44 AM
To: Blackstock, Michael FOR:EX; Douglas, Ian FOR:EX
Subject: FW: Hidden Creek Incident - Update #29 (Oct 4)

F.Y.I.

Fred A. Baxter
Regional Manager
Kamloops Forest Region

Phone: (250) 828-4120
FAX: (250) 371-3747

[Mailto:Fred.Baxter@gems9.gov.bc.ca](mailto:Fred.Baxter@gems9.gov.bc.ca)

-----Original Message-----

From: Cunningham, Ken FOR:EX
Sent: Monday, October 04, 1999 9:26 AM
To: Wenger, John FOR:EX; Baxter, Fred FOR:EX
Cc: Adele Parnell; Cathy Dargie; Craig Sutherland; David Hall; Doug Caul; Gene Desnoyers; Glenn Ricketts; Gloria Williams; Jerry Hunter; John Griffin; John Mallett; Kate Smithson; Katie Scott; Ken Belik; Leo Gillich; Mary Ann Leach; Mike Hogan; Nichola Wade; Patrick O'Rourke; Paul Lackhoff; Peter Smith; Philip Steenkamp; Richard Fyfe; Rick Baker; Ron Racine; Thelma Oliver; Tim Sheldon
Subject: Hidden Creek Incident - Update #29 (Oct 4)

A forest official conducted an inspection on Saturday afternoon. He observed the skidder and excavator being lowbedded out. It appeared no further cutting has occurred on the site.

A forest official will conduct an inspection this morning to confirm no other equipment has been brought to the site and no further cutting is occurring.

During the Saturday inspection the forest official noted that Stewart Phillip was at the camp and he was dressed in camouflage gear. Not sure of the reason for his visit to the camp.

Blackstock, Michael FOR:EX

File: 10450-20 / West Bank

From: Baxter, Fred FOR:EX
Sent: Monday, October 04, 1999 3:09 PM
To: Blackstock, Michael FOR:EX; Douglas, Ian FOR:EX
Subject: FW: Hidden Creek Incident - Update #30 (Oct 4 11:00 am)

F.Y.I.

Fred A. Baxter
Regional Manager
Kamloops Forest Region

Phone: (250) 828-4120
FAX: (250) 371-3747

[Mailto:Fred.Baxter@gems9.gov.bc.ca](mailto:Fred.Baxter@gems9.gov.bc.ca)

-----Original Message-----

From: Belik, Ken FOR:EX
Sent: Monday, October 04, 1999 3:01 PM
To: Baxter, Fred FOR:EX; Birzins, Paul FOR:EX
Cc: Leach, Mary Ann FOR:EX; Sheldon, Tim FOR:EX
Subject: RE: Hidden Creek Incident - Update #30 (Oct 4 11:00 am)

No change in status...that is, no new trees cut Saturday, Sunday or today. Camp still in place and occupied by six OKIB members today.

~~~~~  
Ken Belik  
District Manager  
Vernon District Office  
Vernon, BC  
(250)558-1700  
[Mailto: Ken.Belik@gems7.gov.bc.ca](mailto:Ken.Belik@gems7.gov.bc.ca)

-----Original Message-----

From: Baxter, Fred FOR:EX  
Sent: Monday, October 04, 1999 1:20 PM  
To: Birzins, Paul FOR:EX; Belik, Ken FOR:EX  
Subject: FW: Hidden Creek Incident - Update #30 (Oct 4 11:00 am)

Any reports back from your folks?

Fred A. Baxter  
Regional Manager  
Kamloops Forest Region

Phone: (250) 828-4120  
FAX: (250) 371-3747

[Mailto:Fred.Baxter@gems9.gov.bc.ca](mailto:Fred.Baxter@gems9.gov.bc.ca)

-----Original Message-----

From: Cunningham, Ken FOR:EX  
Sent: Monday, October 04, 1999 11:10 AM  
To: Wenger, John FOR:EX; Baxter, Fred FOR:EX  
Cc: Adele Parnell; Cathy Dargie; Craig Sutherland; David Hall; Doug Caul; Gene Desnoyers; Glenn Ricketts; Gloria Williams; Jerry Hunter; John Griffin; John Mallett; Kate Smithson; Katie Scott; Ken Belik; Leo Gillich; Mary Ann Leach; Mike Hogan; Nicholas Wade; Patrick O'Rourke; Paul Lackhoff; Peter Smith; Philip Steenkamp; Richard Fyfe; Rick Baker; Ron Racine; Thelma Oliver; Tim Sheldon  
Subject: Hidden Creek Incident - Update #30 (Oct 4 11:00 am)

Our forest official just reported back that there is no activity on the site and that **the camp is gone**. The district has not been contacted by WFN or others as to why the move was made.

## Blackstock, Michael FOR:EX

---

**From:** Baxter, Fred FOR:EX  
**Sent:** Tuesday, October 05, 1999 12:57 PM  
**To:** Blackstock, Michael FOR:EX; Douglas, Ian FOR:EX  
**Subject:** FW: WFN - Hidden Creek Update For Sept 5 am Update

F.Y.I.

---

Fred A. Baxter  
Regional Manager  
Kamloops Forest Region

Phone: (250) 828-4120  
FAX: (250) 371-3747

[Mailto:Fred.Baxter@gems9.gov.bc.ca](mailto:Fred.Baxter@gems9.gov.bc.ca)

-----Original Message-----

**From:** Cunningham, Ken FOR:EX  
**Sent:** Tuesday, October 05, 1999 8:51 AM  
**To:** Sheldan, Tim FOR:EX  
**Cc:** Wenger, John FOR:EX; Baxter, Fred FOR:EX  
**Subject:** WFN - Hidden Creek Update For Sept 5 am Update

As noted yesterday the equipment (skidder and excavator) was removed over the weekend. The camp has also been taken down.

Yesterday's inspection also confirmed no recent harvesting.

WFN has indicated through the media that they have agreed to Judge Davies request to cease logging.

As a result of the above we do not plan to inspect the site today but do plan on inspecting it tomorrow.



## Blackstock, Michael FOR:EX

---

**From:** Serack, Marjorie L FOR:EX  
**Sent:** Wednesday, October 06, 1999 3:14 PM  
**To:** Blackstock, Michael FOR:EX  
**Subject:** FW: Hidden Creek Decision -Case Brief for DMT

Rules and conditions as discussed

Marjorie Serack  
Aboriginal Affairs Liaison Officer  
Ministry of Forests -  
Lillooet Forest District  
Bag Service 700, Lillooet, B.C. V0K 1V0  
Phone: (250) 256-1225 Fax: (250)-256-1290  
e-mail: Marjorie.Serack@gems.1.gov.bc.ca

-----Original Message-----

**From:** Serack, Marjorie L FOR:EX  
**Sent:** Wednesday, October 06, 1999 2:03 PM  
**To:** Harden, Dawna FOR:EX  
**Cc:** Horne, Dave FOR:EX  
**Subject:** Hidden Creek Decision -Case Brief for DMT

MOF vs. Westbank ( Hidden Creek Decision) key points:

1. The court found that Westbank had not come before the court voluntarily (ie they were forced into court by the stop work order process) and therefore were put in jeopardy (a legal rule) by the regulatory regime which could result in enforcement against the individuals rights by contempt. If the Constitutional question which would establish their right to commit harvesting acts were to be heard separately it would deny Westbank the opportunity to make use of a defense they had a right to raise to the legal enforcement proceeding.

Mr. Justice Davies found that leading decisions would support denying the crown application because:

1. The nature of an aboriginal claim must be identified precisely with regard to particular practices, customs and traditions: *Delgamuukw* (1998) and the nature of the subject matter was such that the MOF may not have been in a position to anticipate the evidence which Westbank might lead.

2. Based on *R v. Marshall* [1999](SCC) SCJ#55, McLachlin, J, The onus to prove aboriginal rights is on the claimant and that must first be determined before the onus shifts to the crown to show accommodation or that limitation is justified. *"To proceed from a right undefined in scope or modern counterpart to the question of justification would be to render treaty rights inchoate and the justification of limitations impossible. How can one meaningfully discuss accommodation or justification of a right unless one has some idea of the core of that right and its modern scope?..."*

### Practical Effects of Decision:

1. MOF is now put in a position that it can only indicate the information it has considered in issuing permits and will not be able to justify its position without a hearing on the issues. It will be necessary to complete risk assessments as opposed to justifying decisions.

2. MOF will need to be more diligent in documenting information which "may" be relevant to future decisions

3. MOF may be in the position of litigating every contentious permit.

Full decision available in the Court Decisions binder at my desk.

Marjorie Serack  
Aboriginal Affairs Liaison Officer  
Ministry of Forests -  
Lillooet Forest District  
Bag Service 700, Lillooet, B.C. V0K 1V0  
Phone: (250) 256-1225 Fax: (250)-256-1290  
e-mail: Marjorie.Serack@gems.1.gov.bc.ca

## Blackstock, Michael FOR:EX

---

**From:** Baxter, Fred FOR:EX  
**Sent:** Tuesday, October 12, 1999 4:23 PM  
**To:** Blackstock, Michael FOR:EX; Wenger, John FOR:EX; Baker, Rick FOR:EX  
**Subject:** FW: Westbank

**Importance:** High

F.Y.I.

---

Fred A. Baxter  
Regional Manager  
Kamloops Forest Region

Phone: (250) 828-4120  
FAX: (250) 371-3747

[Mailto:Fred.Baxter@gems9.gov.bc.ca](mailto:Fred.Baxter@gems9.gov.bc.ca)

-----Original Message-----

**From:** Sheldon, Tim FOR:EX  
**Sent:** Tuesday, October 12, 1999 4:12 PM  
**To:** Caul, Doug D FOR:EX; Baxter, Fred FOR:EX  
**Cc:** Hunter, Jerry FOR:EX  
**Subject:** FW: Westbank  
**Importance:** High

fyi

*Tim Sheldon*  
Executive Director-Forest Sector  
Operations Division  
Ministry of Forests  
[Tim.Sheldon@gems4.gov.bc.ca](mailto:Tim.Sheldon@gems4.gov.bc.ca)

---

**From:** O'Rourke, Patrick AAF:EX  
**Sent:** Tuesday, October 12, 1999 9:58 AM  
**To:** Sheldon, Tim FOR:EX; Wallace, Gillian AG:EU; Heaney, John BCCM:EX  
**Subject:** FW: Westbank  
**Importance:** High

FYI

-----Original Message-----

**From:** Steenkamp, Philip AAF:EX  
**Sent:** Friday, October 08, 1999 5:58 PM  
**To:** Wilkin, Nancy AAF:EX; Bond, Allison AAF:EX; O'Rourke, Patrick AAF:EX  
**Subject:** RE: Westbank  
**Importance:** High

Thanks.

-----Original Message-----

**From:** Wilkin, Nancy AAF:EX  
**Sent:** Friday, October 08, 1999 4:49 PM  
**To:** Steenkamp, Philip AAF:EX; Bond, Allison AAF:EX; O'Rourke, Patrick AAF:EX  
**Subject:** Westbank

To follow-up - I spoke with Tim Raybould, the Negotiator for Westbank. He said they were preparing a response to Mr. Lovick's letter, mind you it was difficult to tell that by the conversation. He talked about B.C. setting conditions before negotiating, and how the forest companies in the area were astounded by our actions!! He also didn't like Dave Hall's letter to the editor, etc. He said that they feel B.C. needs to put up something, because they have stopped logging - I reminded him that we had written and would not accept the suspension of forest licences, etc. in the traditional territory.

I repeated a number of times that the first sentence of Mandell's letter without any conditions would be a positive response to Mr. Lovick's letter.

They are headed to Ottawa next week, on their self government agreement.

It was difficult to tell whether they will respond, or not. He wanted a new response from Mr. Lovick and I said it was up to them to respond. Nancy

10450-20/Westhale

**Rose, Sandra S FOR:EX**

**From:** Hamm, Mark FOR:EX  
**Sent:** Wednesday, October 06, 1999 4:45 PM  
**To:** Al Balogh; Barry Jenkins; Brian Smith; Dirk Trigg; FOR RCA District Mgrs; Linda Robertson; Mike Carlson; Mike Pedersen  
**Subject:** FW: MAA Issues Update - Oct. 6

**From:** Smith, Peter J AAF:EX  
**Sent:** Wednesday, October 06, 1999 12:45 PM  
**To:** Adele Parnell; Betsy Terpsma; Betty Nicholson; Bill Armstrong; Bruce Mckinnon; Catherine Panter; Cathy Dargie; Curtis Albertson; Dan McDonald; David Hall; David Robertson; Diane Goode; Donna Cameron; Doug Caul; Elizabeth Argall; Elizabeth Loughran; Gloria Williams; Ingrid Fee; Jeff Elder; Jeff Knight; John Gray; John Griffin; John Heaney; John Pyper; Kate Smithson; Katie Scott; Kevin Logan; Krista Grant; Linda Robertson; Mark Atherton; Mark Hamm; Mary Ann Leach; Mary Koyl; Nichola Wade; Paul Lackhoff; Richard Fyfe; Sandra Borthwick; Sheila Gallagher; Thelma Oliver; Trent Jonson  
**Subject:** MAA Issues Update - Oct. 6

**Media Monitoring and Requests**



radio clips -

BCTV noon news - **synopsis** - RCMP on the way to the blockade. Loggers have been told to stop work until matter resolved. Meanwhile, the MoF will go to court to seek order stopping Okanagan band from logging.

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Page 237 to/à Page 242

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Page 243 to/à Page 244

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s.14

## Blackstock, Michael FOR:EX

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**From:** Baker, Rick FOR:EX  
**Sent:** Tuesday, November 23, 1999 10:53 AM  
**To:** Blackstock, Michael FOR:EX  
**Subject:** FW: Rumour of wood being moved off your Westbank Trespass to Merritt's Coldwater Post and Rail located on the Coldwater Reserve

Mike for your update

*Rick Baker*  
Regional Staff Manager  
Kamloops Forest Region  
Ministry of Forests  
515 Columbia Street, Kamloops, BC  
V2C 2T7  
Phone (250) 828-4123  
Fax (250) 371-3747  
[Mailto:Rick.Baker@gems2.gov.bc.ca](mailto:Rick.Baker@gems2.gov.bc.ca)

-----Original Message-----

**From:** Cunningham, Ken FOR:EX  
**Sent:** Tuesday, November 23, 1999 10:49 AM  
**To:** Baker, Rick FOR:EX  
**Subject:** FW: Rumour of wood being moved off your Westbank Trespass to Merritt's Coldwater Post and Rail located on the Coldwater Reserve

-----Original Message-----

**From:** Griffin, John R FOR:EX  
**Sent:** Monday, November 22, 1999 4:17 PM  
**To:** Wenger, John FOR:EX; Cunningham, Ken FOR:EX; Gillich, Leo FOR:EX  
**Subject:** RE: Rumour of wood being moved off your Westbank Trespass to Merritt's Coldwater Post and Rail located on the Coldwater Reserve

I'm not sure what piece size or products are produced at that facility, but if a true post and rail site, the piece size at the Hidden Creek site is too large. Which brings me to a suggestion that be alert to that site receiving the timber and/or conducting trades with other suppliers for suitable material. The supplier may or may not know the origin of the material. Keep Bill T. in the loop?

-----Original Message-----

**From:** Wenger, John FOR:EX  
**Sent:** Monday, November 22, 1999 4:03 PM  
**To:** Cunningham, Ken FOR:EX; Gillich, Leo FOR:EX; Griffin, John R FOR:EX  
**Subject:** FW: Rumour of wood being moved off your Westbank Trespass to Merritt's Coldwater Post and Rail located on the Coldwater Reserve

**John H. Wenger**  
District Manager  
Penticton Forest District  
Phone: (250) 490-2206 Fax: (250) 490-2201  
[Mailto:john.wenger@gems7.gov.bc.ca](mailto:john.wenger@gems7.gov.bc.ca)

-----Original Message-----

**From:** Wenger, John FOR:EX  
**Sent:** Monday, November 22, 1999 4:02 PM  
**To:** Grozier, Kerry FOR:EX  
**Cc:** Baxter, Fred FOR:EX  
**Subject:** RE: Rumour of wood being moved off your Westbank Trespass to Merritt's Coldwater Post and Rail located on the Coldwater Reserve

Thanks Kerry. Believe you meant my telecon with the Chief rather than the D/M's. I would be surprised if they chose to move the timber off the trespass area just because of the judges request and the fact that this issue is still before the courts. I would not be surprised however if they trespassed onto a new are and transported that wood and required us to go thru the whole process all over again. Let us know if you hear anything more.

**John H. Wenger**

District Manager  
Penticton Forest District  
Phone: (250) 490-2206 Fax: (250) 490-2201  
[Mailto:john.wenger@gems7.gov.bc.ca](mailto:john.wenger@gems7.gov.bc.ca)

-----Original Message-----

From: Grozier, Kerry FOR:EX  
Sent: Monday, November 22, 1999 3:49 PM  
To: Baxter, Fred FOR:EX  
Cc: Wenger, John FOR:EX  
Subject: Rumour of wood being moved off your Westbank Trespass to Merritt's Coldwater Post and Rail located on the Coldwater Reserve  
Importance: High

Our Scaling Supervisor has been advised that the Westbank Indian Band is planning on moving timber off the Penticton Trespass area to the Coldwater Post and Rail facility here in Merritt. That facility is located on Indian Reserve. Thats all the information we have at this time. I'm attempting to contact the individual who gave this info to Bob Trudeau, Scaling Supervisor. If I get anything more substantial I will pass onto you immediately. This would appear to be in keeping with the Deputies telecon with Derrickson.



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# FAX



## Penticton Forest District

TO: Rick BAKER

③ FILE: 10490-20/WFN.

② MIKE BLACKSTOCK

from

JOHN WENGER  
DISTRICT MANAGER

Ministry of Forests  
102 Industrial Place  
Penticton BC V2A 7C8

Tel: 250 490-2206  
or 1 800 661-4099  
Fax: 250 490-2255

PAGES: 4 (including this cover)

Message:

Here is a copy of the ltr I referred  
to in my e-mail.

99.12.14

Mike, I talked to John this morning (Dec 14/99)  
about the comments I made in the margins.  
He will follow-up with a summary of the  
consultation for our review.

Rick

**Mandell Pinder**  
Barristers & Solicitors

500 - 1080 Mainland Street, Vancouver BC V6B 2T4  
Tel: (604) 681-4146 Fax: (604) 681-0959

## FAX COVER SHEET

**DATE:** December 13, 1999

**CLIENT #:** 187-00.2

**To:** Penticton Forest District  
Attn: John Wenger

**FAX:** (250) 490-2255

**PHONE:**

**CC:** The Honourable David Zirnheilt,  
Minister of Forests

**FAX:** (250) 387-1040

**PHONE:**

**FROM:** Louise Mandell, Q.C.

**RE:** see attached

**ORIGINAL BEING SENT BY MAIL:** YES: No: xx

**NUMBER OF PAGES INCLUDING COVER SHEET:** 3

MESSAGE

THIS COVER SHEET

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**IF YOU DO NOT RECEIVE ALL THE PAGES PLEASE CALL Corinne AT (604) 681-4148  
AS SOON AS POSSIBLE.**

**Mandell Pinder**  
Barristers & Solicitors

500 - 1080 MAINLAND STREET, VANCOUVER BC V6B 2T4  
TEL: (604) 681-4148 FAX: (604) 681-0959

LOUISE MANDELL, Q.C. \*  
BRENDA GAGHTNER \*  
HEATHER L. TAYLOR

LESLIE J. PINDER \*  
CLARINE OSTROVE \*  
BERTHA JOSEPH

\* FORTS Law Corporation  
\* Attorneys at Law

December 9, 1999

Via Fax (250) 490-2255

Penticton Forest District  
British Columbia Ministry of Forests  
102 Industrial Place  
Penticton, B.C.  
V2A 7C8

Attention: John Wenger

Dear Sirs:

Re: Invitation to Tender - Mellin-Ellen Forest Service Road

Please be advised that we are lawyers representing the Westbank First Nation.

Our clients have sent to us an Invitation to Tender which was published in the Kelowna Courier, November 27, 1999 to log, harvest and haul an estimated volume of 3500m3 in the Mellin-Ellen Forest Services Road area. The deadline for receipt of tenders is December 15, 1999. By this letter, we put you on notice that should the Province allocate this volume of timber pursuant to the Invitation to Tender without accommodating the aboriginal title and rights asserted by Westbank, we have instructions to pursue legal action to stop third party logging.

The Westbank First Nation submitted a Statement of Intent with the British Columbia Treaty Commission ("BCTC") over a decade ago, and the Mellin-Ellen area is contained within the lands which have been the subject of treaty negotiations with the Province and Canada. There has been absolutely no consultation or accommodation with Westbank concerning the Invitation to Tender.

The Province is presently before the Court with Westbank on a related matter where the constitutionality of provisions of the *Forest Act* and *Code* is under review, as is the Province's title to the timber and Westbank's asserted title in the Hidden Creek area. In the Reasons for Judgment pronounced by Davies J., the Supreme Court established that evidence of the Province accommodation and justification must be part of the Province's Petition.

The Province has not accommodated Westbank's title in respect of this application. There has been no meaningful consultation whereby the District Manager or any other government official has inquired into Westbank's title, and attempted to accommodate it.

In the Westbank Petition, the Court asked Westbank to stop logging in the Hidden Creek Area, and ordered that the felled timber be preserved so as to protect the status quo. The

- Westbank asserted the Treaty process is 'dead' can't have it both ways. negotiator has to get WFN back to table... no go.

← what evidence of asking the question?

Province should equally be protecting the status quo by not authorizing further logging in the area where Westbank asserts title until the issues of the Petition are resolved.

We are instructed that when Westbank sought an allocation of timber from the Province, in the context of discussions through the BCTC, and also with the Province within the framework of the *Forest Act*, Westbank was advised by the Province that there was no timber available to be allocated. This Invitation to Tender would appear to belie that representation.

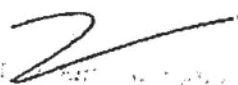
*difference between an allocation and a tenure award.*

If, contrary to the request made in this letter, your offices intend to allocate the timber, we would ask that our offices be contacted immediately and advised who has been awarded the tender. We would ask further that this letter be brought to the attention of that company/person, as third parties should not be put in a position where they may become involved in legal action without full disclosure.

If you should have any question, please do not hesitate to contact our offices.

Yours truly,

MANDELL PINDER

  
Louise Mandell, QC  
Barrister & Solicitor

LM/cjm

cc: Minister of Forests

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