

KWAKIUTL BAND COUNCIL
PO Box 1440 Port Hardy BC
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February 5, 2007

Att: Mr. Rich Coleman,

**RE: GOVERNMENT APPROVAL FOR WESTERN FOREST PRODUCTS
LAND TRANSFER AND INFRINGEMENT OF THE KWAKIUTL FIRST
NATION DOUGLAS TREATIES AND TRADITIONAL TERRITORY**

We learned of the BC Government's approval of Western Forest Product's application to remove private lands from its Tree Farm License via news broadcasts. Our relationship, or lack of it, with Western Forest Products and the Ministry of Forests and Range is indicative of the refusal to openly discuss the application and especially when the Kwakiutl First Nation Council met with them on October 4th and 18th of 2006 (contrary to what we stated at these two meetings that this was not consultation nor accommodation).

Western Forest Products historically has been blatantly allowed to disregard their obligations by your "watchdogs" to notify First Nation communities of their harvesting plans. These plans have, and always will have, the end result of infringement on our Treaty and Aboriginal rights and title as it exists for our traditional territory. This situation is further exacerbated by non-notification from your office of the recommendation to approve Western Forest Product's application. It should be obvious to your ministry that there is the obligation to meaningfully consult and accommodate with First Nations and that message should have been strongly stressed to Western Forest Products. Western Forest Products has touted that it has good relationships with First Nations communities on its website but when we look at our relationship with them, the Kwakiutl First Nation must protest that Western Forest Products and Ministry of Forests and Range do not entirely follow legislated protocol.

The refusal of your ministry and Western Forest Products to openly discuss the application throughout its process has left the Kwakiutl First Nation no time to act upon the implications of this approval. Your office has not officially notified the Kwakiutl First Nation of the 31 January 2007 decision. This results in the Kwakiutl First Nation Council questioning both the lack of legal information as well as accommodation. You must notify the Kwakiutl First Nation and discuss openly - details that should have taken place prior to the recommendation stage on how this approval will affect our Treaties and our Aboriginal rights and title. We can only surmise that the Kwakiutl First Nation's rights and title have effectively been removed from the tracts of land that are now Western Forest Products' private lands.

Whether your government authored the legislation on consultation and accommodation is not relevant, but what is important is the fact that this protective legislation has largely been ignored and we are continually forced to react to situations. The ability to be proactive has largely been removed by a ministry refusing to adhere to its own legislation.

Your perceived “partnership” with Western Forest Products has allowed the company to largely ignore their obligations to the Kwakiutl First Nation community, thus disrespecting our treaties and Aboriginal rights and title as Western Forest Products’ are lawfully required to do so. We will do whatever is necessary to have our rights recognized by your government and by any industry that is given the authority and approval to do whatever is necessary to forward their agenda. Our first action is to legally and effectively hold your approval in abeyance. We will seek an injunction to have your government and Western Forest Products obey the protocol that is in place for meaningful consultation and accommodation. The Kwakiutl First Nation is planning a community session, of which we are certain that we will receive further direction from our members as to how we can effectively address this noncompliance.

Your news release to Global BCTV had expressed that the approval for this application was done by your support staff when you were challenged on the rejection of a similar application from another company three years ago. We are giving back that responsibility to where it officially belongs and that is your office and not your support staff. Furthermore, your news release states that this is a benefit to the tax-payers of BC; obviously you were careful to not state that what might benefit others is a cost to the Kwakiutl First Nation community.

Sincerely,
Kwakiutl First Nation Band Council

NOTE: ALL COMMUNICATIONS MUST GO THROUGH ALBERT ROBINSON,
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Cc'ed:
Kwakiutl District Council
Campbell River First Nation
Cape Mudge Nation
Gwa'sala Nation
Nakwaxda'xw Nation
Quatsino Nation
Tlatlasikwala Nation
Tlowitsis Nation
Namgis Nation
Haisla Nation
Heiltsuk Nation
Kitasoo Nation
Nuxalk Nation
Oweekeno Nation
Reynold Hert, CEO & President, Western Forest Products
Steven Point, Chief Commissioner, BC Treaty Commission
Mike Harcourt, Treaty Commissioner, BC Treaty Commission