



SPUZZUM FIRST NATION

Our Land. Our Future. Our Success. Forward Focused Nation Building.

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January 25, 2021

Qingcen Cai RPF
Planning Forester
British Columbia Timber Sales
Chinook Business Area
Chilliwack B.C.
Tel: 778-704-7063

Re: BC Timber Sales Proposed Operations under Operating Plan #643-6

Mr. Qingcen Cai,

Our Nation's Capital acknowledges your email correspondence sent on December 16, 2020 (copy below) which we find does not at all meaningfully address the serious matter at hand.

“Dear Chief and Council, Please see attached referral letter from BCTS Chilliwack, and kindly provide your comments by Feb 19, 2021. Should you have any question, please feel free to contact me. Thank you, Qingcen Cai RPF, Planning Forester British Columbia Timber Sales, Chinook Business Area, Chilliwack B.C., Tel: 778-704-7063”.

Relationships – the way in which two or more people or groups regard and behave toward each other. One must ponder another's intent when such a modern collaborative relationship is said to be held between BCTS and Spô'zêm First Nation. What are the unspoken or unexamined assumptions of BCTS' motivation? The BCTS recruitment motto is "we put people first." But which people? Further, as a self-financing program, there appears an inherent conflict of interest that undermines BCTS' ability either to form and maintain a collaborative relationship or to maintain neutrality in adhering to the principle of "best interest" in sustainable forestry practices.

In your attached cover letter, you state this form of engagement and information sharing process is consistent with BCTS' Forest Stewardship Plan (FSP) Cultural Heritage Results and/or Strategy. However, it is not consistent with our Nation's Guiding Principles. As perhaps you are unfamiliar with our process, we refer you to our Guiding Principles sent to Kevin Chisholm on

October 28, 2020. You should have received a copy from his office since you are a direct part of the Ministry of Forests, the provincial agency responsible for management of forests, consultation and cooperation with other government ministries, and the private sector.

Furthermore, your cover letter states that “all blocks planned for harvesting in 2021 are fully engineered and will be sold in 2021”, which indicates that the additional logging is a foregone conclusion. Such an approach appears to insult the required consultations as a mere *pro forma* exercise. BCTS has thereby shown no intention to talk together to gain mutual understanding. This approach is inconsistent with not only BCTS’ stated commitment to reconciliation but also the Crown’s Constitutional obligations as set out in section 35 of the Constitution Act, 1982 and confirmed by the Supreme Court of Canada. Moreover, the proposed timeline for response is unacceptable given the complexities of this issue.

In reading your cover letter, there is no mention of additional cutblocks: this information was found obscured within the attachments, thereby demonstrating a lack of transparency. There is unacceptably little mention of Spô’zêm’s efforts to address logging since our Nation became aware that the last known breeding pair of Spotted Owl in the country is located in our territory in the Spô’zêm Valley, where logging is proposed – only a mere mention of concerns regarding “Spotted Owl Management”, demonstrating a lack of acknowledgement, accountability and effort. Our Nation was informed of the Spotted Owls and our Ancestral Old Growths’ critical state and lack of provincial management by our allies, the Wilderness Committee. It was our Nation who initiated engagement regarding consultation, collaboration and sustainable practices moving forward from one governance to another.

The Province of British Columbia is responsible for the recovery of the British Columbia Spotted Owl population under the Federal Species at Risk Act (2003) and retains the ‘ownership’ and legal responsibility for all Spotted Owls and their progeny in British Columbia under the British Columbia Wildlife Act (1980).

The British Columbia Ministry of Environment is the provincial agency responsible for the welfare, management and recovery of Spotted Owls, including inventory and monitoring initiatives.

The Ministry of Forests is the provincial agency responsible for management of forests in consultation and cooperation with other ministries and agencies of the government and with the private sector.

Now that we have established roles and responsibilities of the British Columbia provincial government and their Ministers for the Northern Spotted Owl, further acknowledgements, principles and legislation include: The United Nations vote on the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP” or the “Declaration”) on September 13, 2007.

The provincial government's passing of legislation in November 2019 to implement the UN Declaration, which the Truth and Reconciliation Commission confirmed as the framework for reconciliation.

December 3, 2020, when the federal government tabled Bill C-15, the federal government's response to calls to implement UNDRIP as a framework for reconciliation in Canada, covering all facets of human rights of Indigenous peoples such as:

- culture
- identity
- religion
- language
- health
- education
- community

Mandating government to bring provincial laws into harmony with the UN Declaration by providing full transparency and accountability, requiring regular reporting to the Legislature to monitor progress and provide a framework for decision-making between Indigenous governments and the Province on matters that impact their citizens.

In the Nl̓eʔkepmxcin language, there are no words that distinguish the different rights and freedoms between humans, skelúleʔ, kʷátłp or any other living entity or spiritual entity that is found within our Nation's Capital since time immemorial. However, in the sémeʔ language, a "citizen" is acknowledged as a native or naturalized member of a state or nation and is entitled to its protection, as well as entitlement to the rights and privileges of a freeman. An inhabitant. In our Spô'zêm worldview, our owls, our skelúleʔ, are our messengers. They are one with the land, the skies, our spirit world and messengers of our reality that are indicative of the health of an environment. Skelúleʔ rights and freedoms are no different from that of our kʷátłp. They are both equally our relatives, our citizens.

Spô'zêm First Nation is a proud sovereign Nation, a nation that assisted in the creation of the new legislation. Legislation and all its intent are clear in their spirit that my Leadership must be rightfully acknowledged in a Government-to-Government relationship with the Province and Canada after 153years. BCTS is a government agency, the biggest tenure holder in B.C., with a disturbing yet correctable reputation for ignoring best practices and violating the principles of old-growth management plans. Therefore, my intention is to assist your Ministry in locating the level of bureaucracy where the insubordination is occurring.

To ignore the legislation is to ignore the promise made by Canada to work together to build trust, to build equity, to build a relationship of inclusion and collaborative practices. To ignore these values is to ignore your very own leader, Prime Minister of Canada, Mr. Justin Trudeau.

To ignore Premier John Horgan who in his mandate letters states: “I expect you – and the work of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles: Lasting and meaningful reconciliation: Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the Declaration on the Rights of Indigenous Peoples Act was a significant step forward in this journey. True reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.” Expectations directed to Honourable Katrine Conroy Minister of Forests, Lands, Honourable Nathan Cullen Minister of State for Lands and Natural Resource Operations and Roly Russell, MLA Parliamentary Secretary for Rural Development.

We remind you of your own Ministry’s mandate: “To manage the quality and distribution of wildlife habitats and contribute to the conservation of biological diversity by developing and implementing stand-and landscape-level measures that promote a diversity of types of habitat and successional stages, and the conservation of forest plants and animals, including aquatic species, as well as threatened and endangered species, Forests with Exceptional Conservation Value, old-growth forests and ecologically important sites.”

To ignore Spô’zêm Nations previous responses to our position on our skelúle? and our k’wátłp is to ignore BCTS’ stated commitment to reconciliation, to ignore your Ministry’s mandate, to ignore Prime Minister Justin Trudeau, to ignore Premier John Horgan, to ignore the Declaration, to ignore the Truth and Reconciliation Commission, to ignore Canada’s promise, and moreover to ignore our Guiding Principles that outline our Indigenous Laws: Spô’zêm First Nation is an independent sovereign First Nation. All proponents, consultants, government agencies and attendant bodies are expected to abide by the terms and conditions of our Guiding Principles. As a sovereign Indigenous people, the Spô’zêm First Nation recognizes the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which delineates and defines the individual and collective rights of all indigenous peoples, including but not limited to indigenous ownership rights to cultural and ceremonial expression, identity, language, employment, health, education.

Our Nation has no intention of backing down or discussing a plan to manage the logging while protecting our skelúle? and our k’wátłp. Our sacred relatives, our citizens, are already facing insurmountable odds to acclimatise to climate change, invasive species and human impacts. Any movement in the forest could fatally interfere with their ability to survive at the hands of government agents who have managed the owls, from a time when over 1000 filled our skies, to a reduced species of 3 known elders in the wild.

I urge you to take this matter seriously. Our Nation's intent is to send a clear message to your entire ministry that Spô'zêm Nation is no longer on the map for resource extraction and/or exploration. The only respectful path forward in the spirit of Truth and Reconciliation is to abide by our previous responses addressed to Kevin Chisholm First Nation Relations Manager Regional Operations Division – South Coast Region Ministry of Forests, Lands and Natural Resource Operations (October 28, 2020), Mr. Ian Parnell Canadian Wildlife Service Pacific Wildlife Research Centre (November 26, 2020), and Ministers Conroy, Heyman, and Cullen (December 18, 2020) whereby we stated and affirmed that Spô'zêm Nation will not accept complacency.

In asserting our Title & Rights, any and all further action, including but not limited to auction awards, cutblocks and road infrastructure, either in or potentially affecting the entire Spô'zêm Creek Watershed and its tributaries, completely cease and be held in abeyance until such time our Nation has explicitly stated in our due process, that we are satisfied we have received full and complete consultation and inclusion regarding our beloved Spô'zêm citizens.

Húmel

Hromtik'en kwakosen, Chief James Hobart

Copied to:

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Honourable George Heyman, Minister of Environment and Climate Change Strategy
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