

# Title & Rights Alliance

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December 8, 2003

Dear Chief and Council:

As the recently appointed coordinator of the Steering Committee of the *Title & Rights Alliance*, I am writing to draw your attention to an important matter that could impact on your Title and Rights. And to propose a strategy that may assist you in gaining greater control over your lands and resources. The proposed Canfor-Slocan merger provides significant opportunities to advance your Title & Rights and protect your territory against future infringements.

Recently, Canadian Forest Products Ltd. (Canfor) announced a friendly takeover of Slocan Forest Products (Slocan). If this goes through—and all indications are that both levels of government will approve it—all of Slocan's tenures will be transferred to Canfor or to other companies.

Until recently—before the government unilaterally amended the *Forest Act* without consulting First Nations—the Minister of Forests was required to give written consent before the any such tenure transfers could be finalized. Previously, the Minister's consent to the tenure transfer would have also triggered an automatic 5% reduction in the Allowable Annual Cut (AAC) of Slocan's tenures, which could have been redistributed to First Nations.

In the past few years, First Nations have won significant legal victories challenging the transfers of specific tenures. Given these court rulings—in the *Haida* and *Yal (Skeena)* decisions—it is clear that before forest tenures like Slocan's can be transferred there is a duty to consult and accommodate on the part of the provincial Crown. Depending on the circumstances, such a duty may also arise for the particular company involved. Therefore, if Canfor or Slocan is operating in your traditional territory, the provincial government and potentially Canfor or Slocan must conduct meaningful consultations with you and accommodate your interests before the deal is finalized.

However, the provincial Crown has recently attempted to undermine these court victories by amending the *Forest Act* to reduce its role in tenure decisions. This attempt to avoid its duties cannot go unchallenged.

I therefore urge you to seriously consider asserting your legal rights by writing immediately to Canfor, Slocan and to the provincial Crown to make them aware that your Title and Rights will be infringed by the proposed tenure transfer and request consultation and accommodation of your interests.

This is a significant opportunity, but you must act now. Due to the speed at which the Canfor-Slocan deal is proceeding – tentative approval is expected from the provincial and federal Crowns in the next few months – I am sending this letter to Chiefs and Tribal Councils in whose territories Slocan and Canfor hold tenures. The *Title & Rights Alliance* has developed a draft template letter that may help you put the various parties on-notice (*see enclosed*). Feel free to revise it to suit your needs and the specifics of your situation. Please cc: me on all correspondence.

The *Title & Rights Alliance* will be coordinating a conference call in the coming weeks for all interested nations affected by the transfers. In the meantime, I recommend you seek legal advice about the specifics of your situation or contact me so I can put you in touch with our technical team. We urge you to act quickly, as the deal is moving rapidly.

Mussi,

A handwritten signature in black ink that reads "Justa Monk". The signature is written in a cursive, flowing style.

Justa Monk  
Coordinator, Steering Committee, *Title & Rights Alliance*

cc: Steering Committee, *Title & Right Alliance*