



Ministry of
Transportation
and Infrastructure

Application of Proposed Boundary Adjustment for Nahatlatch Provincial Park

DRAFT Stage 2 Detailed Proposal

Applicant/Proponent Information and Contact Details

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Purpose of the Proposal

The Ministry of Transportation and Infrastructure (“MOTI”) is proposing an adjustment to the boundaries of Nahatlatch Provincial Park (the “Park”), which would result in the removal of approximately 1.5 hectares of land from the Park.

The Park is located approximately 25 km north west of Boston Bar. The only road access to the Park is by way of the Cog Harrington Bridge (the “Bridge”), which spans the Fraser River between Boston Bar and North Bend. On the west side of the river Chaumox Road passes through Boston Bar First Nation’s Kopchitchin Indian Reserve No. 2 (the “Reserve”). In short, it is not possible to drive to the Park, without passing through the Reserve.

MOTI maintains Chaumox Road through the Reserve to Chaumox, a former stop on the rail line about 10 km beyond North Bend. After Chaumox, the road becomes Nahatlatch Forest Service Road (“FSR”), which is administered by the Ministry of Forests, Lands and Natural Resource Operations.

MOTI is negotiating with Boston Bar First Nation (“BBFN”) to acquire land in the Reserve by way of a federal transfer of Canada’s entire interest. MOTI is proposing to include the subject land of this application in an offer to BBFN as part of a negotiated agreement.

1. Alternatives to avoid the protected area have been considered

MOTI has been in negotiations with BBFN since 2008 to identify land that BBFN would accept as part of an agreement. BBFN stated that it wants to acquire waterfront land on Nahatlatch Lakes, before it would agree to giving up land in the Reserve for Chaumox Road. Almost all the waterfront land on Nahatlatch Lakes is in the Park. Therefore, land in the Park will almost certainly be required to conclude a negotiated agreement with BBFN.

2. Overall economic benefits to the Province have been documented

A number of industrial and commercial users rely on Chaumox Road through the Reserve for their day to day business operations. Key users are CNR, CPR, Fraser Valley Regional District, which operates a regional landfill, and a commercial recreation operator that provides rafting adventures on Nahatlatch River.

By successfully concluding a negotiated agreement with BBFN, resulting in a federal transfer of land in the Reserve for Chaumox Road, all users will have certainty of road access to the west side of the Fraser River, including Park users.

3. Social and environmental impacts have been documented

The area of the subject lands of this application is approximately 1.5 ha, comprised of two discrete areas – one on each side of the Nahatlatch Subdivision on Hannah Lake. The west tract is undeveloped forested land with low bank waterfront on Hannah Lake. The east tract is a narrow strip of land between Nahatlatch FSR and Hannah Lake. A footpath from the FSR provides access to a small swimming area adjacent to private land. This is the only evidence of recreational use in either of the parcels.

MOTI commissioned Golder Associates Ltd. to conduct and report on an overview environmental assessment (the “OEA Report”) of the subject land of this application. In the OEA Report the subject land is described as follows:

Within the valley of the Nahatlatch River, the majority of the Parks lands are on the south side of the river and its associated lakes, however, a

number of smaller, disconnected portions of the Park are on the north side of the valley. The land parcels being considered for the transfer of ownership are among the smaller sections of the Park on the north side of the river. (Golder Associates Ltd., 2014)

The OEA Report concluded that the effects to aquatic and terrestrial habitat will be minimal. The overview was based on the understanding that BBFN will continue to use the land in a manner consistent with park purposes. The report concluded that “should the Boston Bar First Nation choose to use the land for a purpose other than the referenced park uses, an assessment of potential additional effects not addressed in this report should be completed,” (Golder Associates Ltd., 2014).

The Management Direction Statement for the Nahatlatch Provincial Park and Protected Area (MWLAP, 2002) is available online at:

<http://www.env.gov.bc.ca/bcparks/planning/mgmtplns/nahatlatch/nahatlatch%20final%20mds.pdf>.

In 2010, an Archaeological Impact Assessment (“AIA”) was conducted on behalf of BC Parks - Thompson Region and Boothroyd Indian Band. Infrastructure improvements proposed for the Park included the relocation of three pit toilets, one at the Frances Lake campsite and two at separate locations at the Squakum Creek campground. The AIA identified a single archeological site with low-medium scientific significance at the Frances Lake campsite. No surface or subsurface archeological materials were identified at the Squakum Creek campground sites.

The Archaeology Branch, Ministry of Forests, Lands and Natural Resource Operations, has confirmed that there are no known archaeological sites in the vicinity of the subject lands, but the subject lands are in an area of high potential for the presence of sites. Any alterations to the lands should be preceded by an archaeological review.

4. Mitigation and restoration measures have been identified

The OEA Report states that:

Potential effects of the proposed land ownership transfer on terrestrial and aquatic ecosystems can be avoided and mitigated by managing the two parcels in a manner consistent with the stated purposes of the Park. If new use or increased usage is proposed, a site-specific approach should be developed and implemented to mitigate negative effects. (Golder Associates Ltd., 2014)

The OEA Report identifies possible mitigation options for sediment and erosion control, spill prevention and emergency response, waste management, and potential effects on vegetation and wildlife.

MOTI and BC Parks will be discussing compensation for the proposed boundary adjustment. Providing land for addition to park would be one option, but in discussions with BC Parks staff, funding for improvements to the Park would provide greater benefits to Park users than the addition of land to the Park. Possible Park improvements include:

- Rehabilitation or upgrades to the access road to the main Park campground
- Upgraded pit toilets to meet BC Parks standards
- Upgraded picnic tables to meet BC Parks standards

5. First Nations have been adequately consulted

The Province has acknowledged the asserted claims of a number of First Nations whose traditional territories overlap the subject land of the application. In addition to BBFN, the following First Nations are listed in British Columbia's Consultative Areas Database, which the Province uses to determine which First Nation to consult:

- Boston Bar First Nation
- Coldwater Indian Band
- Cook's Ferry Indian Band
- Lower Nicola Indian Band
- Lytton First Nation
- Nicola Tribal Association
- Nlaka'pamux Nation Tribal Council
- Nooaitch Indian Band
- Oregon Jack Creek Band
- Siska Indian Band
- Spuzzum First Nation

MOTI mailed three consultation letters to each of the above First Nations. The initial consultation letters, dated March 28, 2014, identified the location of the subject lands, set out the purpose of the application, described the lands proposed for the boundary adjustment, and invited input into the how the proposed boundary adjustment and transfer may impact the First Nation's aboriginal interests.

MOTI received just one response to all of the March 28 letters. In its response letter dated April 7, 2014, the Nicola Tribal Association expressly stated that “this response has been prepared and submitted ‘without prejudice’ to Aboriginal Title or Rights issues.” The letter also expressly stated that it “is not to be considered consultation”.

MOTI replied to Nicola Tribal Association on April 11, 2014. In its letter, the ministry stated that it is under a duty to consult with First Nations as and where required by law, and that any such consultation must be on the record in order for the ministry to demonstrate that it has fulfilled its duty to consult. The ministry asked Nicola Tribal Association to confirm that the consultation undertaken by the ministry is with prejudice and on the record. Nicola Tribal Association did not respond.

The second consultation letters, dated May 14, 2014, mailed to each of the same First Nations, provided an update that Archaeology Branch had confirmed there are no known archaeological sites in the subject lands, and that MOTI had commissioned an overview environmental assessment, which would hopefully be completed within two weeks. The letters again invited input on how the proposed boundary adjustment and transfer may impact the First Nation’s aboriginal interests.

The third consultation letters, dated June 13, 2014, informed the First Nations that the overview environmental assessment had been completed. MOTI offered to provide a copy of the report to the First Nation. The letters again invited input on how the proposed boundary adjustment and transfer may impact the First Nation’s aboriginal interests.

There have been no responses to the second and third consultation letters.

6. Local communities and stakeholders (including local governments) have been consulted

Boothroyd Indian Band

Boothroyd Indian Band’s asserted traditional territory, as shown in British Columbia’s Consultative Areas Database, does not extend to the subject lands. The Management Statement Direction for the Park, under the heading “First Nations Interests”, includes the following statement:

- Future involvement of the Boothroyd Band on behalf of the Nlaka’pamux Nation regarding direction and management of the park and protected area.

MOTI understands that Boothroyd Indian Band has held the Park maintenance contract for a number of years. As such, Boothroyd Indian Band is considered a key stakeholder.

MOTI mailed an initial letter to Boothroyd Indian Band on April 7, 2014, addressed to the Park Manager. In this letter, MOTI described the subject lands of the application and invited Boothroyd Indian Band's input on the proposed boundary adjustment.

MOTI mailed a second letter on May 14, 2014, again addressed to the Park Manager, Boothroyd Indian Band, at the same address. This second letter was returned to MOTI and marked "Moved/Unknown".

Boothroyd Indian Band mailed a letter to MOTI dated May 27, 2014. The letter stated that Boothroyd Indian Band believes in land being exchanged, but the Park land in question does not lie within the Traditional Territory of the Boston Bar First Nation. The letter also stated that the Nahatlatch Valley is a major portion of the Traditional Territory of the Boothroyd Indian Band, and that the choice of land within the Nahatlatch Valley is not an acceptable choice to exchange with the Boston Bar First Nation. In addition, the letter stated "that if there is to be a land exchange or adjustment to any land base, that portion of the land should fall within Boston Bar First Nation Traditional Territory." The letter concluded by stating that, "the Boothroyd Indian Band Chief and Council on behalf of our Nlaka'pamux people have to disagee the proposed agreement between Boston Bar First Nation and the Ministry of Transportation and Infrastructure."

MOTI wrote to Boothroyd Indian Band on July 9, 2014 to confirm that the band's asserted traditional territory as shown in the Consultative Areas Database does not include the subject lands. MOTI invited the band to provide additional information to the Ministry of Aboriginal Relations and Reconciliation about its asserted traditional territories.

Fraser Valley Regional District

On May 5, 2014, MOTI sent a notification letter to the Fraser Valley Regional District ("FVRD"). FVRD responded on July 3, 2014, that as the proposed changes represent no change in use, the FVRD has no objection.

Public Open House and Comment Period

MOTI is hosting an Open House on Friday, July 11, 2014. The Open House will provide an opportunity for park users, other stakeholders and local community members to

review the proposed boundary adjustment, ask questions of MOTI staff, and provide comments and feedback. The Open House will be held at the Anderson Creek Campground, which is administered by BBFN. It is located on BBFN's reserve at the south end of the Anderson River Bridge on Highway 1.

Any comments that MOTI receives during the public comment period, which runs from July 10 to August 29, 2014, will be used to finalize the Stage 2 Detailed Proposal. MOTI anticipates submitting the Final Stage 2 Proposal to BC Parks in the Fall. In addition, all comments will be forwarded to BC Parks for its assessment of MOTI's Stage 2 Detailed Proposal.

Information related to MOTI's boundary adjustment application, including maps and a draft copy of the Detailed Proposal, is available online at:

www.th.gov.bc.ca/Nahatlatch

7. Provincial and Federal Agencies have been consulted.

Provincial Government Agencies

On May 1, 2014, MOTI sent consultation letters to the following Provincial Government agencies:

- Manager, Crown Lands and Resources, Regional Operations Division - Coast Area, FLNRO
- Resource Stewardship Manager, Coast Area, FLNRO
- Director, Archaeology Branch, Integrated Resource Operations Division, FLNRO
- Manager, FN Consultation, Regional Operations Division - Coast Area, FLNRO
- District Manager, Regional Operations Division - Coast Area, FLRNO
- Manager, South Coast, Negotiations and Regional Operations Division, MARR
- Recreation Officer, Recreation Sites and Trails Branch
- Section Head, Fish and Wildlife, Regional Operations Division - Coast Area, FLNRO

MOTI received a response from the Director, Archeology Branch, FLNRO, on May 6, 2014 confirming that their records indicated that there are no known archaeological sites in the subject lands, but the subject lands are in an area of high potential for the presence of sites.

MOTI also received a response from the A/Director of Resource Authorizations - South Coast Region, FLNRO, on May 21, 2014, wanting to ensure the Nahatlatch FSR has enough right-of-way (R/W) excluded to ensure present and future management needs are met.

Federal Government Agencies

On May 2, 2014, MOTI sent a consultation letter to Transport Canada – Navigable Waters. MOTI received a response from Transport Canada on May 20, 2014, stating that Transport Canada has no interest or comment with regard to the proposed park adjustment.

On June 10, 2014, MOTI sent a consultation letter to Department of Fisheries and Oceans (“DFO”). MOTI received a response from DFO on July 4, 2014, stating that DFO does not have a regulatory role related to the review of the boundary adjustment because the application does not directly propose works, undertakings or activities that will result in serious harm to fish