

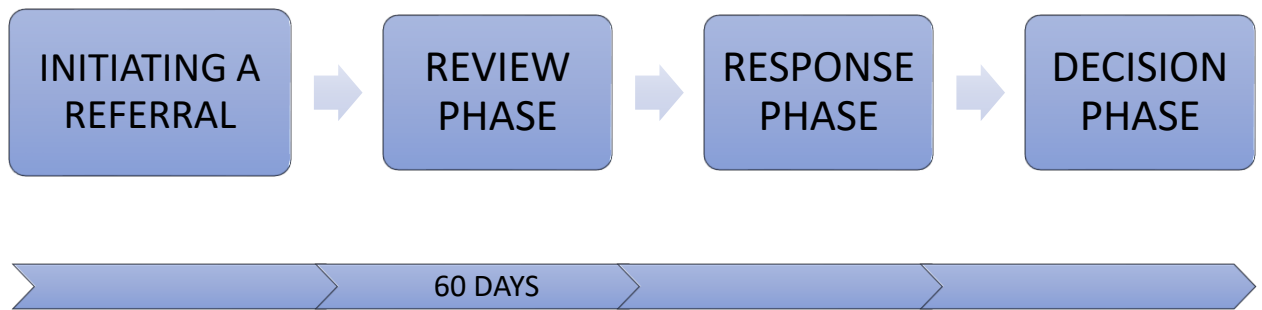


# Snuneymuxw

First Nation

www.snuneymuxw.ca

## SFN Referral Management Policy



### Consent-based Process

- The provincial government uses the concept of "consultation" with First Nations. However, in the context of implementation of the Treaty of 1854 Snuneymuxw enters a consent-based approach.
- SFN encourages the proponent to engage with Snuneymuxw as early as possible to build relationships and for information sharing purposes.
- Any referrals for land or resource use including developments and tenured activities of any kind are to be initiated by contacting the SFN Lands Clerk.
- The SFN Lands Clerk will guide the Referring Agent through the referral process.

### **Role of Lands Clerk in the Referral process**

- Provide initial access to the SFN referral process.
- Serve as the ongoing point of contact for the referring agent/proponent.
- Determine if further info is needed regarding the referral.

### Initiating a Referral

- Referral package is sent to SFN via [landsclerk@snuneymuxw.ca](mailto:landsclerk@snuneymuxw.ca). Referral package must include a written submission with sufficient documentation for SFN to fully review the referral, which at a minimum contains:

- The name, telephone number, address, and/or email address of the referring Agent/Proponent.
  - An overview map and a site map (site map should include the entire proposed project)
  - A complete description of the activity including a description of the land and resources involved.
  - All reports, studies, assessments, and background information relating to the referral including any with respect to archaeology.
  - Where a third-party has made a referral to the Crown to carry out an activity, a copy of that referral must be submitted to the SFN Lands Clerk
  - Other information that may be requested by Snuneymuxw First Nation.
- Once the referral package has been received by the SFN Lands Clerk, with the initial processing fee of \$250 a preliminary review will be conducted.
  - If the referral is deemed to proceed to the next phase, then a formal SFN Receipt Letter and checklist will be sent to the referring agent/proponent.
  - \$500 is due once the Receipt Letter is received.
  - The Review Phase will begin once the completed Checklist has been returned to SFN Lands Clerk.

### **Review Phase**

- Once the SFN Lands Clerk has determined that the Referral package is complete and the checklist has been returned, the Lands Clerk will contact the Referring Agent/ Proponent to set up an initial meeting to discuss and review the package. SFN welcomes anyone to this initial meeting that may provide more context, such as, the applicant, engineers, archaeologist, and any other professional consultant.
- The Negotiations Team will review and provide decisions/comments on referrals.
- The Negotiations Team may determine that a referral must go to Chief and Council for decisions related to Impact Benefit Agreements, or other reasons of a political or legal (i.e., culturally sensitive, or historical) nature.

### **Response Phase**

- If the referral has been deemed low risk, then it moves directly into the Decision Phase evidenced by a letter signed by the Chief.
- High Risk Referrals: a written response letter will outline the legal, political, economic, environmental, cultural and social position of SFN
- SFN Negotiations Team may engage bilaterally and trilaterally with common tables, and/or with the proponent, to address the referral.
- Technical Team may formally engage with the Referring Agent/Proponent/applicant
- Based on internal referral administration process, referrals issued to SFN will move from the Review Phase into the Response Phase concurrently shifting from engagement to consent based decision making.

### **Decision Phase**

#### **Approval to Referral:**

- A formal letter signed by the Chief will be sent to the Referring Agent confirming that Snuneymuxw Approves or supports the project/application. The letter will detail any outcomes of consultation/engagement/consent process.

#### **Conditional Approval to Referral:**

- A formal letter signed by the Chief will be sent to the Referring Agent confirming that Snuneymuxw Approves or supports the project/application in principle with conditions. The letter will detail any outcomes of consultation/engagement/consent process, the set of conditions, and next steps to address the conditions provided by SFN.

#### **Non-Approval to Referral:**

- A formal letter signed by the Chief will be sent to the referring Agent outlining the rationale for the non-approval. Any barriers to an approval will be communicated in the Response Phase but if there is no mutual agreement to the conditions, then that will be communicated in the non-approval letter.

\*timelines may be extended due to complexity of referral.

### **Snuneymuxw First Nation Referral Management Fee Structure**

Over time, as the parties develop experience and a more systematized approach to issues requiring regular consultation, costs will regularize. SFN hopes to set up a structure where fees are set depending on the type of referral. Until then, SFN is attempting to cover standard administrative management activities, as well as, a fee that covers staff time, if the referral is deemed to proceed through the referrals process.

1. Referral set up fee \$ 250.00.
  - Must accompany the Referral Package during the initiating a referral phase.
  - Covers costs of diarizing, distribution, and initial screening by the SFN Lands Clerk
2. Referral processing fee \$500.00
  - Covers costs of the Negotiations Team, technical Team, travel (If required.), administration and coordination.
  - Due once SFN Receipt Letter is issued.