



Referral Review & Engagement Policy

Grounded in Kwakiutl law (p'asa), the 1851 Douglas Treaty, and Section 35 of the Constitution Act, 1982

Updates as needed.			
Version	Date Issued	Status	Description of Changes
1.0	April 22, 2026	In Force	Initial version adopted by Chief and Council following engagement with and input from Hereditary leadership, and the Kwakiutl community, establishing the Protocol as the governing framework for referrals.

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Foundational Statement: Kwakiutl Law, Treaty, and Jurisdiction

Kwakiutl jurisdiction is grounded first and foremost in **Kwakiutl law (p'asa)**, which sets out our responsibilities to the land, waters, and future generations. These responsibilities pre-date the Crown and continue to guide how Kwakiutl relates to, governs, and stewards the territory.

Awi'nakola (All Realms of Stewardship)

Kwakiutl governance is informed by Awi'nakola, which recognizes the interconnected relationship between land, water, air, and the supernatural world. This understanding reflects Kwakiutl responsibilities to steward all aspects of the territory as a unified whole.

All referrals are therefore assessed not only for site-specific impacts, but for their broader effects on ecological integrity, cultural continuity, and the relationships that sustain Kwakiutl law (p'asa) and way of life.

This Policy is intended to guide engagement and support lawful consultation; it does not replace or limit the Crown's legal duty to consult and accommodate Kwakiutl.

Kwakiutl is a Treaty Nation under the pre-confederation **1851 Douglas Treaty**. While this Treaty remains largely **unimplemented by the Crown**, it has never been extinguished. The Treaty affirms ongoing Kwakiutl rights to village sites, enclosed fields, hunting areas, fisheries, and the broader landbase required to sustain Kwakiutl governance, culture, and economy. Crown failure to implement the Treaty does not diminish Kwakiutl responsibilities or authority.

The courts have affirmed that Kwakiutl Treaty and Aboriginal rights apply across the **entire landbase** where Kwakiutl is connected to the lands as a people, as former and yet it is not frozen in time. In **Chartrand v. British Columbia**, the BC Supreme Court confirmed the strength of Kwakiutl claims and the requirement for deep consultation and that despite repeated denial, Kwakiutl never surrendered their land. These rights are not confined to narrow site-specific footprints or Crown-defined boundaries.

Self-Determination, UNDRIP, and Reconciliation Commitments

Kwakiutl exercises its jurisdiction and stewardship responsibilities in alignment with the principles of Indigenous self-determination, including those reflected in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action.

These frameworks affirm Indigenous Peoples' rights to self-determination, governance, decision-making, and the protection of lands, waters, resources, and cultural heritage. For

Kwakiutl, reconciliation is not symbolic; it is expressed through lawful processes, accountable relationships, and the practical exercise of jurisdiction grounded in Kwakiutl law (p'asa), Treaty, and Title.

This Policy operationalizes those principles by setting clear expectations for engagement, stewardship, and decision-making that respect Kwakiutl authority and responsibilities.

Fee Simple Lands and Aboriginal Title

The existence of fee simple land tenure does not extinguish Kwakiutl Aboriginal Title or pre-confederation Treaty rights. While fee simple lands represent a form of Crown alienation, they remain subject to unextinguished Aboriginal and Treaty rights, including rights affirmed under the 1851 Douglas Treaty and Section 35 of the Constitution Act, 1982.

Kwakiutl jurisdiction, stewardship responsibilities, and consultation requirements therefore continue to apply on fee simple lands within the broader Kwakiutl territory. Fee simple tenure does not remove the obligation to engage with Kwakiutl where proposed activities may affect Kwakiutl rights or interests.

Land Use Planning and Moratorium

Kwakiutl's stewardship expectations are further informed by the evolving **Kwakiutl Land Use Plan (2018)** and by Community/Council-directed **intact forest and old growth moratorium (2018/2025) or restrictions** established to address cumulative effects, ecosystem degradation, and protection of culturally and ecologically significant areas.

Where a moratorium or planning direction is in place, it reflects an exercise of Kwakiutl governance and stewardship responsibilities. Referrals that conflict with these directions may be opposed or deferred pending further Nation-to-Nation discussion, planning updates, or Council direction.

Fisheries and Marine Stewardship

Kwakiutl governance extends to marine waters, fisheries, and aquatic resources, which are central to Kwakiutl culture, sustenance, and stewardship responsibilities. These include rights to harvest fish and aquatic resources for food, social, and ceremonial purposes, and to protect the health and functioning of marine and freshwater ecosystems.

All referrals with the potential to affect fish, fish habitat, marine areas, estuaries, intertidal zones, or water quality are subject to this Policy. Proponents must clearly identify and assess potential impacts to fisheries, aquatic systems, and associated Kwakiutl rights and stewardship responsibilities.

Purpose

Statement on Capacity, Partnerships, and Governance

Kwakiutl First Nation approaches referrals as an exercise of governance and stewardship, not as a transactional or technical review. Our capacity to review referrals is finite and must be aligned with activities that meaningfully respect Kwakiutl law (p'asa), Title, Treaty rights, and long-term community interests.

Kwakiutl prioritizes **partnership-based approaches** to development and stewardship. Proponents who seek to move beyond minimum engagement and toward genuine partnership may engage directly with Kwakiutl Lands & Resources to discuss **partnership or framework agreements**. Enhanced coordination and efficiency may occur where capacity is supported; however, this does not affect the substance, rigor, or outcome of review.

All partnership discussions are **facilitated directly with Kwakiutl through Lands & Resources**. lands-resources@kwakiutl.bc.ca Technical staff do not negotiate governance, partnership, or decision-making frameworks with Chief and Council.

Where proponents request meetings with **Chief and Council**, attendance must be at an equivalent level of authority. Meetings with Chief and Council are reserved for **CEO-, CFO-, or ownership-level representatives** with decision-making authority. Requests for such meetings must be coordinated through Lands & Resources. Technical or operational staff are not appropriate delegates for Nation-to-Nation or governance-level discussions.

This structure protects Kwakiutl capacity, ensures respect for leadership roles, and supports productive, accountable engagement.

Kwakiutl does not authorize any activities within its territory unless and until this Protocol has been followed and a decision has been issued by Chief and Council.

Data Sharing and Information Governance

Where a referral involves the **collection, use, analysis, or sharing of data** relating to Kwakiutl lands, waters, cultural heritage, species, or other resources—including data arising from **shared or overlapping territories**—Kwakiutl may require a **Data Sharing Agreement** prior to or alongside referral review.

Data sharing agreements will address, as appropriate:

- data ownership, custodianship, and control;
- access, storage, security, and retention;

- limits on secondary use or onward sharing;
- cultural sensitivity and confidentiality; and
- requirements for return or destruction of data.

Data collection or sharing without an agreed framework may result in review delays, additional conditions, or opposition.

Nation-to-Nation Discussions

Kwakiutl may, at its discretion, engage in **Nation-to-Nation discussions with the Crown** related to a referral, broader landbase issues, or cumulative effects. Where such discussions are underway or required, **referral engagement and consultation processes may be paused**.

A pause associated with Nation-to-Nation discussions does not constitute delay, acquiescence, or non-opposition. It reflects the primacy of government-to-government dialogue where jurisdictional, Treaty, or systemic issues must be addressed.

Statement on Capacity and Timelines

Due to capacity, or lack thereof, **Kwakiutl reserves the right to alter engagement timelines** beyond those proposed by proponents. Proposed timelines are not binding on Kwakiutl and may be adjusted to reflect workload, complexity, cumulative effects considerations, leadership availability, or the need for internal or community-based review.

During the preliminary technical review phase, proponents should expect **iterative, back-and-forth communication** with Lands & Resources. This exchange is a necessary part of ensuring sufficient information, clarity, and alignment with Kwakiutl stewardship expectations and does not indicate support or consent.

Where there is no documented record of meaningful two-way engagement with Kwakiutl, and a referral is submitted or re-submitted more than **12 months** after initial initiation, **proponent re-engagement with Kwakiutl is required** prior to further review.

Free, Prior, and Informed Consent (FPIC)

Kwakiutl defines Free, Prior, and Informed Consent (FPIC) as a **governance outcome**, not a procedural checkbox. FPIC may be achieved through:

- genuine partnership and shared decision-making;
- avoidance or meaningful mitigation of impacts to Title, Treaty rights, cultural values, and stewardship responsibilities;
- capacity building and employment or training opportunities;
- economic participation and revenue sharing where appropriate; and

- full, timely, and culturally appropriate disclosure of information.

FPIC is assessed cumulatively and contextually. It cannot be presumed, implied, or inferred from engagement alone.

Where FPIC and acceptable mitigation **are not achieved**, Kwakiutl will advise the proponent that the proposal **should be submitted to the Crown for consultation**. This indication is provided by Kwakiutl and reflects a governance determination that the matter must be addressed at the Crown consultation level.

This step is not determined by proponents. Proponents must not bypass or shortcut engagement with Kwakiutl by unilaterally advancing proposals to the Crown. Engagement with Kwakiutl Lands & Resources is a required prerequisite and remains mandatory regardless of Crown timelines or processes.

This document sets out the step-by-step workflow for how Kwakiutl receives, reviews, escalates, and decides on referrals. It is intended to:

- Support consistent internal practice
- Provide transparency to Crown and proponents
- Uphold Kwakiutl law (p'asa), the 1851 Douglas Treaty, and Section 35 rights

High-Level Workflow (Text Version)

This workflow applies to all referrals and engagement files, including forestry, fisheries, aquaculture, marine and freshwater habitat, research, monitoring, restoration, and infrastructure activities.

Referral Received → Preliminary Response → Fee Applied → Technical Review → Initial Response → Proponent Engagement → Escalation (if needed) → Council Decision → Crown Consultation → Additional Government to Government to Government Communication → Council Decision → Crown Decision → Post-Decision Engagement

Step-by-Step Workflow

1. Referral Intake

Trailmark – Register for Access: <https://trailmark.cloud/kwakiutl/account-request>

Proponents are responsible for maintaining an active Trailmark account to receive communications and submit referral materials.

Trigger: Referral submitted via Trailmark.

- Proponent must have an approved Trailmark account.
- Informal emails or incomplete submissions do not start the review clock.

Decision Point: Is the referral complete?

- **No:** Request missing information. Review does not begin.
- **Yes:** Proceed to preliminary response.

2. Preliminary Referral Response (≈ 5–10 Business Days)

Action: Issue *Preliminary Referral Response*.

The preliminary response may be provided:

- as a formal response within **Trailmark** (via link or system notification), or
- by **email directly to the proponent**, at Kwakiutl's discretion.

Purpose:

- Acknowledge receipt
- Assert Kwakiutl jurisdiction and legal foundations
- Confirm or revise review timelines
- Clearly state that this response does **not** constitute a determination of **opposition or non-opposition**, which will be assessed through subsequent review

Preliminary Referral Response – Proponent Impact Table Requirement

Kwakiutl requires proponents to complete and submit a Proponent Impact Explanation Table (**Schedule A**) as part of a complete referral submission.

The purpose of this table is to require proponents to clearly explain how the proposed activity may affect Kwakiutl Aboriginal and Treaty rights, including those affirmed under the 1851 Douglas Treaty, as well as Kwakiutl law (p'asa) and ongoing cultural and stewardship practices.

Until this table is completed and submitted, Kwakiutl is unable to meaningfully assess potential impacts, and review timelines do not commence. Incomplete submissions should be noted as such in the Crown's consultation record.

Failure to complete Schedule A will be understood as an inability to demonstrate that impacts to Kwakiutl rights can be avoided or ruled out, and may result in requests for deeper consultation or opposition to the proposed activity.

This step establishes the legal frame early and preserves rights.

3. Capacity, Relationship, and Referral Fees

Applicability: This step applies to proponents **who do not have an existing relationship or partnership agreement with Kwakiutl**, or who are **not providing capacity funding** to support meaningful engagement.

Kwakiutl's ability to review referrals is directly tied to available capacity. Where proponents are unwilling to support capacity, this increases **legal and procedural risk** for both the proponent and the Crown by undermining the ability to conduct meaningful consultation and accommodation.

Action: Apply the Kwakiutl Referral Fee Policy.

- \$500 base administrative fee (minimum but may be waived for other First Nations)
- Tiered complexity assessment (Tier 1–4)
- Identification of expedited review or iterative submissions

Decision Point: Is the proponent prepared to resource engagement and consultation?

- **No:** Review may pause, timelines may be extended, or the file may be escalated.
- **Yes:** Invoice issued and review proceeds.

Referral review timelines begin once referral fees have been invoiced and payment arrangements have been confirmed.

4. Research, Archaeology, and Assessment Projects

Research, archaeology, monitoring, mapping, academic studies, and other assessment activities are **not impact-neutral** and are subject to this Policy where they have the potential to affect Kwakiutl lands, waters, cultural heritage, species, governance interests, or data.

This includes, but is not limited to:

- archaeological investigations;
- ecological, hydrological, or biodiversity studies;
- LiDAR, remote sensing, and mapping;
- monitoring programs;
- baseline or pre-development studies; and
- academic or consultant-led research.

Requirements for research and assessment projects include:

- early engagement with Kwakiutl Lands & Resources;
- referral review prior to field work;
- **Kwakiutl Guardian review and participation as required under Section 4 (Technical & Stewardship Review);**

- **Data Sharing Agreements** governing ownership, control, use, and protection of information; and
- written confirmation of **non-opposition** prior to work commencing, where appropriate.

Research and assessment projects may be paused or deferred where Nation-to-Nation discussions, cumulative effects considerations, or governance issues require resolution.

5. Technical & Stewardship Review

Led by: Lands & Resources

Kwakiutl Guardian Review and Participation

All referrals are subject to Kwakiutl Guardian review. Guardian review forms part of Kwakiutl's stewardship, cumulative effects assessment, and cultural oversight responsibilities.

Guardian field presence is mandatory for all activities that may impact land, water, marine areas, cultural sites, species, or Kwakiutl Treaty Rights and resources, including forestry, mining, energy, archaeology, research, monitoring, and infrastructure activities.

The level of Guardian involvement (desktop review, field presence, monitoring, or follow-up) will be determined by Kwakiutl Lands & Resources based on risk, scale, location, cumulative effects, and cultural considerations.

All Guardian review and participation costs are borne by the proponent and form part of referral billing. Guardian costs are not discretionary, are separate from Crown requirements, and apply regardless of whether similar oversight is required by the Province or other regulators.

Reviews are informed by:

- Kwakiutl Stewardship Standards (living)
- Forestry, marine, and archaeological protocols
- Cultural heritage standards
- Cumulative effects considerations (Yahey)
- Land Use Plan (2018) and any Council-directed moratorium or deferrals
- Marine Plan, fisheries and aquatic systems (including marine, estuarine, and freshwater habitats)

Output: Written Red / Yellow / Green Flag Summary

- **Red Flags:** Serious unresolved impacts to Title, Treaty rights, cultural values, or cumulative effects.
- **Yellow Flags:** Uncertainty, missing data, or issues requiring conditions or negotiation.
- **Green Flags:** Alignment with Kwakiutl law, values, or stewardship standards.

6. Initial Referral Response

Action: Issue *Initial Referral Response Letter* before the review deadline.

- Sets out red and yellow flags explicitly
- States whether Kwakiutl is opposed at this stage
- Provides clear direction for next steps

This is a lawful pause and direction-setting step, not a final decision.

7. Proponent Response, Engagement, and Consultation Record

Requirements:

- Written response to each red and yellow flag
- Clear explanation of avoidance, mitigation, or accommodation
- Identification of opportunities supporting FPIC as defined by Kwakiutl:
 - partnership
 - capacity building
 - economic development
 - revenue sharing
 - culturally appropriate information
- Kwakiutl may verify project activities through the Kwakiutl Guardian Program. Proponents must provide reasonable notice of operational activities, including harvesting, road construction, site preparation, archaeological work, or other land-disturbing activities to enable Guardian observation where appropriate. Guardian observations may form part of the consultation and compliance record for the activity.

Proponents are expected not to advance applications, permits, or approvals to the Crown while material Kwakiutl concerns remain unanswered. Advancing a file without responding to written questions, red flags, or requests for clarification may be documented as a failure of engagement and may result in escalation to Crown consultation, formal opposition, or additional review requirements.

All meetings and calls must be documented and retained as part of the consultation record.

Kwakiutl maintains its own consultation record. Where discrepancies arise between Kwakiutl records and those of the Crown or proponents, Kwakiutl's written record will be relied upon by Kwakiutl as the authoritative record of engagement, requests for information, and responses.

The consultation record maintained by Kwakiutl may be relied upon in regulatory, certification, professional, or legal proceedings where engagement and consultation adequacy is at issue.

Engagement must occur in good faith. Strategic delay, non-response, or advancement of applications without addressing Kwakiutl concerns may be considered evidence that meaningful engagement has not occurred.

8. Internal Escalation (If Required)

- **Green / Yellow Files:** May be resolved at staff level with conditions.
- **Red Flag Files:** Escalated to Chief & Council.

Escalation may include:

- Hereditary Chief input
- Elders and Knowledge Keepers
- Broader community engagement (case-by-case)

9. Final Decision

Authority: Chief & Council

Possible outcomes include:

- **Letter of Non-Opposition**
- **Letter of Non-Opposition with Conditions** (including agreements, monitoring, or capacity commitments)
- **Letter of Opposition**

Additional directions may include:

- Direction for further engagement **prior to any Crown consultation or Crown decision**

10. Prohibition on Advancing Files to Crown Without Addressing Concerns

- Kwakiutl requires that proponents may not advance applications, permits, cutting permits, or other authorizations to the Crown while material Kwakiutl concerns remain unanswered.
- Advancing a file without responding to written Kwakiutl questions, red flags, or requests for clarification will be documented as a failure of engagement and may result in escalation to Crown consultation, formal opposition, or regulatory concerns where applicable.

Where applications proceed to Crown decision-makers despite unresolved Kwakiutl concerns, Kwakiutl may advise the Crown that consultation remains incomplete and that consideration of the application may be premature in light of the Crown's duty to consult and accommodate.

All outcomes are without prejudice and preserve Kwakiutl rights and jurisdiction.

11. Post-Decision Engagement, Monitoring, and Audit

The issuance of a Crown decision, authorization, or permit does not resolve or extinguish impacts to Kwakiutl Treaty rights, Aboriginal interests, or stewardship responsibilities.

Where a decision is issued despite outstanding concerns, Kwakiutl may respond to the decision and seek clarification of, or require further discussion on, accommodation, mitigation, monitoring, or adaptive management measures. **Revenue sharing arrangements do not, on their own, constitute accommodation**, as accommodation must meaningfully avoid, reduce, or address impacts to Kwakiutl rights and interests.

Kwakiutl may undertake or require **post-activity monitoring, compliance review, or audit** to assess whether activities were carried out in accordance with representations made, conditions applied, stewardship expectations, and mitigation commitments.

Where monitoring or audit identifies non-compliance, unmitigated impacts, or unforeseen cumulative effects, Kwakiutl may seek corrective measures, additional accommodation, adaptive management, or further engagement.

Post-decision monitoring and audit activities may occur during or after authorized activities and may be undertaken by Kwakiutl Guardians or designated representatives. **Costs associated with monitoring, audit, or compliance review may be borne by the proponent.**

Where the Crown issues authorizations despite unresolved Kwakiutl concerns, the Nation reserves the right to pursue additional engagement, regulatory review, public

communication, or legal remedies that include the proponent (see *Chartrand v British Columbia*).

Additional Clarifications and Common Referral Issues

The following clarifications address recurring questions and issues raised by proponents across forestry, mining, energy, land and water, archaeology, research, and infrastructure projects. These provisions are intended to reduce uncertainty, improve efficiency, and lower legal risk for all parties while preserving Kwakiutl jurisdiction and stewardship responsibilities.

Where a proponent proceeds with regulatory applications, permits, or authorizations while material Kwakiutl concerns remain unresolved, Kwakiutl may advise the Crown that meaningful engagement has not occurred and that the consultation record is incomplete. In such circumstances, Kwakiutl may request that decision-makers defer consideration of the application until engagement requirements are satisfied and may communicate these concerns to relevant regulators, professional bodies, certification systems, or other oversight authorities with jurisdiction over the activity. Nothing in this policy limits Kwakiutl's ability to challenge or otherwise respond to decisions where consultation obligations have not been met. This Policy does not replace or diminish the Crown's legal duty to consult and accommodate Kwakiutl. Rather, it establishes expectations for proponent engagement and information sharing necessary to support meaningful consultation.

Activities undertaken without alignment to this Protocol may be considered unauthorized and may result in regulatory escalation, professional complaints, or legal action.

Completeness and Scope of Applications

- Engagement with Kwakiutl is not replaced by Crown-led consultation. **Proponent engagement with Kwakiutl is a required prerequisite to Crown consultation.** Where proponents advance applications to the Crown without completing engagement with Kwakiutl, the Nation may advise the Crown that consultation is procedurally incomplete and not meaningful.
- A complete application must include sufficient **spatial, temporal, and operational detail** to assess impacts, including access, roads, methods, timing, and foreseeable future phases.
- Strategically incomplete, piecemeal, or phased submissions that obscure the full scope of a proposal will not be accepted.

- Where a proposal requires significant technical review, field verification, community engagement, or participation in meetings beyond routine referral review, Kwakiutl may request capacity support from the proponent to enable meaningful engagement. Engagement timelines may be adjusted where adequate capacity support has not been provided.

Advisory Language and Presumed Approval

- Kwakiutl does not provide advisory sign-off, “management recommendations,” or implied approvals.
- Silence, participation, meetings, or information sharing must not be interpreted as non-opposition.

Professional Accountability Clause

- Where regulated professionals (e.g., RPF, RPBio, P.Geo, Archaeologists, Agrologists) are responsible for preparing technical submissions, they are expected to respond to technical questions related to their work.
- Consultants acting on behalf of proponents are considered representatives of the proponent for the purposes of engagement obligations under this Policy.
- Persistent failure to respond to professional correspondence may be documented and referred to the appropriate professional regulator.

Cumulative Effects

- Cumulative effects are a central consideration in all referrals.
- Assessment must include landscape-level impacts on hydrology, watershed integrity, forest structure, and affirmed Treaty Rights.
- Young forest replacement does not constitute mitigation for loss of mature forest ecosystems where cultural, ecological, or hydrological functions are affected.
- Where cumulative effects information is absent or inadequate, Kwakiutl may be unable to proceed with review regardless of individual project scale.
- Where cumulative effects across a watershed, ecosystem, or cultural landscape approach or exceed levels that threaten the continued exercise of Kwakiutl rights, the Nation may determine that additional authorizations should not proceed until those impacts are addressed at a landscape scale.

Guardians, Archaeology, and Field Activities

- Guardian participation and adherence to Kwakiutl archaeological and cultural heritage protocols are requirements of Kwakiutl law.

- Field-based work undertaken without Kwakiutl Guardian participation or contrary to Kwakiutl protocols may be considered non-compliant and may result in opposition.
- Archaeological assessments must be properly executed, signed, and shared with Kwakiutl.

Capacity, Fees, and Legal Risk

- Referral fees and capacity funding support the process required for lawful consultation and do not influence outcomes.
- Failure to support capacity increases legal and procedural risk for both the proponent and the Crown.

Governance Pathways

- All engagement must be coordinated through Lands & Resources.
- Direct outreach to leadership outside this process does not advance review and may delay engagement.

Timelines

- Proponent-created urgency does not obligate Kwakiutl to accelerate review.
- Review timelines may be adjusted to reflect capacity, complexity, cumulative effects, or governance needs.
- The absence of a response, delays associated with capacity, or ongoing internal review must not be interpreted as agreement, non-opposition, or acquiescence.

Re-Submissions

- Proposals re-submitted without materially addressing prior concerns may be subject to additional fees, escalation, or opposition.

Proponent Questions and Answers (Q&A)

Q1. Does this Policy apply if we are already engaging with the Crown?

Yes. Engagement with Kwakiutl is not optional and is not replaced by Crown-led consultation. Proponent engagement with Kwakiutl is a required prerequisite to Crown consultation.

Q2. What counts as a “complete” application?

A complete application provides sufficient detail to assess impacts, including location, methods, access, roads, timing, and foreseeable future phases. Incomplete or piecemeal submissions will not be reviewed.

Q3. Does paying referral fees influence the outcome?

No. Referral fees support the process required for lawful consultation. They do not influence outcomes, positions, or decisions.

Q4. What does “elevated service” mean?

Elevated service refers to improved coordination, predictability, and efficiency resulting from relationship agreements and capacity support. It does not imply approval, reduced scrutiny, or non-opposition.

Q5. Is FPIC a veto?

FPIC is a governance outcome assessed by Kwakiutl in context and over time. It cannot be presumed, implied, or reduced to a single meeting or agreement.

Q6. Why are full stewardship standards not provided?

Kwakiutl stewardship standards are living, place-based, and informed by ongoing cumulative effects. Providing a static checklist would misrepresent their intent and application.

Q7. Are Guardians or monitors required even if the Province does not require them?

Yes. Guardian participation and cultural monitoring are requirements of Kwakiutl law and protocol and are distinct from provincial regulatory requirements. Costs are borne by the proponent.

Q8. What happens if we disagree with Kwakiutl’s assessment?

Disagreement does not entitle a proponent to bypass engagement or unilaterally advance to Crown consultation. Engagement must continue through Lands & Resources.

Q9. How do Nation-to-Nation discussions affect our project?

Nation-to-Nation discussions address jurisdictional or systemic issues and may pause referral engagement. Proponents will be advised when such discussions affect timelines.

Q10. Does this Policy apply to research, archaeology, or low-impact work?

Yes. This Policy applies to all activities with the potential to affect Kwakiutl lands, waters, cultural heritage, species, or data, including research and assessment work.

Forestry-Specific Requirements

For forestry-related referrals:

- **Annual Operational Plans (AOPs) are required.**
- Proposed **cutblocks and roads must be submitted together** as part of a single, integrated operational plan.
- Fragmented submissions (e.g., blocks without roads, or roads without blocks) will not be reviewed. Preliminary block/shapes shapes are acceptable.
- If a log handling facility (dump) or other infrastructure permit is associated with an application please advise and include the Lands Act Ministry contact.

This requirement reflects cumulative effects considerations, access planning impacts, and stewardship responsibilities across the broader landscape.

Current Referral Fee Structure* (2026)

Base Administrative Fee

- \$500 per referral

Complexity Tiers

- Tier 1 (Low complexity): +\$500
- Tier 2 (Moderate complexity): +\$1,500
- Tier 3 (High complexity): +\$3,000–\$5,000+
- Tier 4 (Reiterative or multi-phase files): +50% of original fee per additional review

Additional Services (if applicable)

- Follow-up meetings or consultations: \$150/hour per staff
- Field visits: \$1,700/day per field team
- Cultural monitoring or protocol coordination: \$800/day per Guardian or the currently hourly rate.
- Legal or technical review: billed at actual cost

*Fee structure is subject to change based on Council direction, capacity requirements, and evolving stewardship responsibilities. Due on Receipt. 2% monthly interest on overdue amounts.

Schedule A: Proponent Impact Explanation Table

(to be completed by the proponent)

Impact Area	Description of Potential Effect	Area / Feature Affected	Duration & Intensity	Cumulative Context	Avoidance / Mitigation / Alternatives
Treaty & Aboriginal Rights (1851)	Explain how the activity may affect hunting, fishing, gathering, cultural gardens, marine use, or access rights as former				
Cultural Materials & Old Growth	Explain potential impacts to old growth and materials used for canoes, big houses, carving, masks, poles, etc.				
Cultural Sites & Access	Explain effects on village sites, travel routes, seasonal camps, teaching areas				
Fish & Aquatic Systems	Explain effects on fish, shellfish, estuaries, streams, wetlands, and water quality				
Wildlife & Habitat	Explain effects on wildlife relied upon for food, cultural use, and stewardship				
Hydrology & Watersheds	Explain changes to drainage, peak flows,				

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Impact Area	Description of Potential Effect	Area / Feature Affected	Duration & Intensity	Cumulative Context	Avoidance / Mitigation / Alternatives
	sedimentation, or watershed function				
Cumulative Effects	Explain how this activity adds to past and ongoing disturbance in Kwakiutl territory				
Alternatives Considered	Explain alternatives explored, including not proceeding				

Certification by Proponent:

I confirm that the information provided above reflects a good-faith assessment of potential impacts to Kwakiutl rights and stewardship responsibilities.

Name:

Title / Role:

Company:

Signature:

Date: