

Estimates Briefing Book – 2013 Budget

TABLE OF CONTENTS

Budget and Ministry Key Documents

- ✓ 1. Minister's Office Approved Key Messages for Estimates Debate
- ✓ 2. Budget Highlights
- ✓ 3. Resource Summary & Estimates Blue Book
- 4. Budget Issues Note
- 5. Budget Questions and Answers
- 6. Statistical Analysis
- ✓ 7. Grants and Transfers Summary
- 8. Capital Budget Summary
- 9. Service Plan
- 10. Ministry Structure (Staffing and Organization Chart)

Estimates Notes

Part 2: Treaty Negotiations

- ✓ 1. Treaty Overview (including summary of negotiations, how we are committed to treaty and if resources are being taken away for non-treaty work)
- ✓ 2. Agreements in Principle Negotiations – Status
- ✓ 3. BCTC and Negotiation Support Funding
- ✓ 4. Treaty Revitalization Tables (Including how we can progress treaty)
- ✓ 5. Final Agreements – Status
- ✓ 6. Incremental Treaty Agreements - Status
- ✓ 7. Relationship with Canada – treaty issues
- ✓ 8. Third Party Cost
- ✓ 9. Treaty Related Measures
- ✓ 10. Treaty Implementation
- ✓ 11. Treaty Revenue Sharing

Part 3: Non-Treaty Negotiations

- ✓ 1. Overview of Non-Treaty Negotiations (include reference to 10 new non-treaty agreements)
- ✓ 2. Economic Benefit Agreements with Treaty 8 First Nations
- ✓ 3. Mineral Tax Economic and Community Development Agreements (ECDAs)

MINISTRY OF ABORIGINAL RELATIONS & RECONCILIATION

Estimates Briefing Book – 2013 Budget

TABLE OF CONTENTS

- ✓4. LNG Overview
- ✓✓✓5. LNG Upstream, Midstream and Downstream
- ✓6. Forest Consultation and Revenue Sharing Agreements (FCRSAs)
- ✓7. Strategic Agreements – Status

Part 4: Community and Socio-Economic Development

- ✓1. Aboriginal Business Development (including BEST)
- ✓2. Aboriginal Housing Status
- ✓3. Aboriginal Youth
- ✓4. BC Association of Aboriginal Friendship Centers (BCAAFC)
- ✓✓5. Community Development Initiatives
- ✓✓6. Aboriginal Jobs, Skills and Training
- ✓7. First Peoples' Culture Council and FN Languages
- ✓✓✓8. Métis Nation BC
- ✓9. Violence against Women and Missing and Murdered Women
- ✓10. Lands Survey Note
- ✓11. New Relationship, TCA, and Métis Nation Relationship Accord – Progress
- ✓✓12. Off Reserve Aboriginal Action Plan (discuss any funding issues)
- ✓✓✓13. Northern Nations (Stikine)
- ✓14. Aboriginal Business and Investment Council
- ✓✓✓15. First Citizens' Fund
- ✓16. First Nations Leadership Council s.13
- ✓17. Broadband Connectivity

Part 5: Other Issues

- ✓1. Aboriginal Litigation
- ✓2. BC Business Council
- ✓3. Klappan
- ✓4. Marpole Midden
- ✓5. Unistot'en
- ✓6. First Nations Clean Energy Business Fund s.13
- ✓7. Local Government Funding to Participate in Treaty and other Negotiations with FNs

MINISTRY OF ABORIGINAL RELATIONS & RECONCILIATION

Estimates Briefing Book – 2013 Budget

TABLE OF CONTENTS

- ✓ 8. New Relationship
- ✓ 9. New Relationship Trust
- ✓ 10. Prosperity Mine Project (Tsilhqot'in litigation)
- ✓ 11. Service Plan – Changes to Targets
- ✓ 12. FNCIDA
- ✓ 13. Heavy Oil
 - ✓ • Provincial Requirements
 - ✓ • Pipeline Proposals
 - ✓ • Kitimat Clean LTD
- ✓ 14. Crown Land Assets Disposal
- ✓ 15. Yale/Stó:lō Overlap
- ✓ 16. Memorandum of Understanding on Consultation

Estimates Briefing Book – 2013 Budget

TABLE OF CONTENTS

Budget and Ministry Key Documents

1. Minister's Office Approved Key Messages for Estimates Debate
2. Budget Highlights
3. Resource Summary & Estimates Blue Book
4. Budget Issues Note
5. Budget Questions and Answers
6. Statistical Analysis
7. Grants and Transfers Summary
8. Capital Budget Summary
9. Service Plan
10. Ministry Structure (Staffing and Organization Chart)

Estimates Notes

Part 2: Treaty Negotiations

1. Treaty Overview (including summary of negotiations, how we are committed to treaty and if resources are being taken away for non-treaty work)
2. Agreements in Principle Negotiations – Status
3. BCTC and Negotiation Support Funding
4. Treaty Revitalization Tables (Including how we can progress treaty)
5. Final Agreements – Status
6. Incremental Treaty Agreements - Status
7. Relationship with Canada – treaty issues
8. Third Party Cost
9. Treaty Related Measures
10. Treaty Implementation
11. Treaty Revenue Sharing

Part 3: Non-Treaty Negotiations

1. Overview of Non-Treaty Negotiations (include reference to 10 new non-treaty agreements)
2. Economic Benefit Agreements with Treaty 8 First Nations
3. Mineral Tax Economic and Community Development Agreements (ECDAs)

MINISTRY OF ABORIGINAL RELATIONS & RECONCILIATION

Estimates Briefing Book – 2013 Budget

TABLE OF CONTENTS

4. LNG Overview
5. LNG Upstream, Midstream and Downstream
6. Forest Consultation and Revenue Sharing Agreements (FCRSAs)
7. Strategic Agreements – Status

Part 4: Community and Socio-Economic Development

1. Aboriginal Business Development (including BEST)
2. Aboriginal Housing Status
3. Aboriginal Youth
4. BC Association of Aboriginal Friendship Centers (BCAAFC)
5. Community Development Initiatives
6. Aboriginal Jobs, Skills and Training
7. First Peoples' Culture Council and FN Languages
8. Métis Nation BC
9. Violence against Women and Missing and Murdered Women
10. Lands Survey Note
11. New Relationship, TCA, and Métis Nation Relationship Accord – Progress
12. Off Reserve Aboriginal Action Plan (discuss any funding issues)
13. Northern Nations (Stikine)
14. Aboriginal Business and Investment Council
15. First Citizens' Fund
16. First Nations Leadership Council s.13
s.13
17. Broadband Connectivity

Part 5: Other Issues

1. Aboriginal Litigation
2. BC Business Council
3. Klappan
4. Marpole Midden
5. Unistot'en
6. First Nations Clean Energy Business Fund s.13
7. Local Government Funding to Participate in Treaty and other Negotiations with FNs

MINISTRY OF ABORIGINAL RELATIONS & RECONCILIATION

Estimates Briefing Book – 2013 Budget

TABLE OF CONTENTS

8. New Relationship
9. New Relationship Trust
10. Prosperity Mine Project (Tsilhqot'in litigation)
11. Service Plan – Changes to Targets
12. FNCIDA
13. Heavy Oil
 - Provincial Requirements
 - Pipeline Proposals
 - Kitimat Clean LTD
14. Crown Land Assets Disposal
15. Yale/Stó:lō Overlap
16. Memorandum of Understanding on Consultation

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Minister Mandate Letter

I. ISSUE: Mandate Letter Commitments

II. TALKING POINTS

- **The Premier identified seven initiatives that are required to be completed by MARR over the coming years.**
- **MARR's budget will continue to allow MARR to effectively deliver its mandate.**
- **MARR will be looking for efficiencies through careful management of operating costs while maintaining transfer payments under existing agreements.**
- **As First Nation agreements are achieved, the ministry will seek necessary funding to be added to MARR's budget for FN benefits.**
- **All of this will occur within the fiscal plan.**

III. KEY POINTS AND BACKGROUND:

1. Balance your ministerial budget in order to control spending and ensure an overall balanced budget for the province of British Columbia.
 - **As First Nation agreements are achieved, the ministry will seek necessary funding to be added to MARR's budget for FN benefits.**
 - **All of this will occur within the fiscal plan.**
2. Continue to work with BC First Nations to secure long term treaties that provide economic benefit and security for all British Columbians.
 - **Treaties are BC's preferred form of reconciliation. Successful treaties benefit all British Columbians as First Nations establish new businesses, create jobs and participate more fully in the provincial economy.**
 - **The *PricewaterhouseCoopers 2009 Report of Financial and Economic Impacts of Treaty Settlements in BC* outlines that finalizing treaties could result in more than \$10 billion dollars in economic benefits to British Columbia over the next 15 years.**
 - **Over recent years MARR has achieved progress in treaty-making, concluding Final Agreements with: Nisga'a, Tsawwassen, Maa-nulth, Yale, and Tla'amin First Nations.**
 - **MARR will be building on this momentum with several agreements anticipated this fiscal year:**
 - **Final agreement initialing** s.13, s.16
 - **Two or more Agreements-in-Principle**
 - **Several ITAs that will facilitate economic development opportunities for First Nations**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Minister Mandate Letter

3. Work with BC First Nations that are impacted by natural gas extraction, pipelines or LNG facilities to ensure they are provided with the ability to participate in this generational opportunity.
 - **We have already signed several natural gas benefit agreements with BC First Nations, including:**
 - agreements with Treaty 8 First Nations. We expect to achieve several more, providing tens of millions of dollars in natural gas revenues;
 - s.13, s.16, s.17
 - a framework agreement with Haisla that creates certainty for LNG development in Kitimat.
 - **BC is in negotiations with other First Nations impacted by LNG, to ensure they share in the LNG opportunity.**
4. Work with BC First Nations that are in the area of a new proposed refinery to ensure they are provided with the opportunity to participate in and benefit from this economic opportunity.
 - **The refinery represents a significant economic opportunity for the province. MARR is actively engaged in negotiations with First Nations in the area regarding the refinery.**
 - **Any oil project must meet BC's 5 conditions for heavy oil pipelines, including the condition that:**
 - *Legal requirements regarding Aboriginal and treaty rights are addressed, and First Nations are provided with the opportunities, information and resources necessary to participate in and benefit from a heavy-oil project*
5. Implement our commitment in *Strong Economy, Secure Tomorrow* to secure another 10 new non-treaty benefit agreements over the next two years and showcase the economic and social results of these agreements to encourage further First Nations participation.
 - **For the BC Jobs Plan to be successful, BC understands that First Nations must benefit and participate.**
 - **In addition to the 18 non-treaty agreements that have been signed since the Jobs Plan was announced, MARR will develop 10 new non-treaty agreements by 2015 to respond to specific First Nation interests and support regional economic growth.**
6. Work with BC First Nations to ensure they participate in the Standing Offer Program by BC Hydro through the First Nations Clean Energy Business Fund.
 - **MARR will work with First Nations to ensure they participate in the Standing Offer Program by BC Hydro through the First Nations Clean Energy Business Fund (FNCEBF).**
 - **The FNCEBF has three intake periods per year that enables First Nations to apply for both Capacity Funding and Equity Funding.**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Minister Mandate Letter

- **In addition, a revenue sharing component has been implemented as a third funding stream. Numerous agreements will be finalized this year. ¹**
 - **Funding from the FNCEBF may be utilized to provide assistance to First Nations to participate in the Standing Offer Program.**
 - **MARR is working with BC Hydro to ensure its standing offer program supports First Nations participation in the clean energy sector.**
 - **To date, MARR has provided \$3.8 million to more than 70 Aboriginal communities through the Clean Energy Business Fund.**
7. Work with the Minister of Jobs, Tourism and Skills Training to increase the number of First Nations people participating in our apprenticeship and skills training programs to ensure economic prosperity includes First Nations members.
- **Based on a recent review of provincial programs and services, there are almost 200 education, training and employment programs (general and specific) available to BC's Aboriginal population.**
 - **MARR is working with other agencies to develop a more coordinated cross-government strategy that would enable ministries to work together to identify ways to more effectively and efficiently deliver these programs to Aboriginal people.**

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¹ Revenue sharing is possible on 14 IPP projects, potentially including up to 39 First Nations.

ESTIMATES KEY MESSAGES – MARR

July 2013

- I'd like to recognize that we are on the traditional territory of the Songhees and Esquimalt First Nations.
- With me today are TBC:
 - Steve Munro, Deputy Minister
 - Peter Walters, Assistant Deputy Minister
 - Peter Cunningham, Assistant Deputy Minister
 - Charles Porter, Assistant Deputy Minister
 - Neilane Mayhew, Assistant Deputy Minister, Corporate Services for the Natural Resource Sector
 - Ranbir Parmar, Chief Financial Officer, Corporate Services for the Natural Resource Sector

Background:

- Partnerships with First Nations are a vital part of the BC Jobs Plan and have the potential to create major economic benefits and new opportunities across B.C.
- Since the last Estimates discussion, we have achieved a number of significant accomplishments. Highlights include the following:
 - In April of this year, MARR signed the eighteenth non-treaty agreement achieved since the BC Jobs Plan was launched – surpassing the commitment to ten new-non treaty agreements two years ahead of schedule.
 - These agreements include 10 mine revenue-sharing agreementsⁱ with First Nations, and the first-ever revenue-sharing agreement under the First Nations Clean Energy Business Fund, which will see the Tahltan Nation benefit from the Forrest Kerr hydroelectric project.
 - These are examples of B.C.'s innovative approach to reaching non-treaty agreements that bring benefits more quickly to First Nations communities.

- In addition to success in achieving non-treaty agreements, B.C. remains committed to the treaty process and continues to make progress:
 - Since they were introduced fifteen incremental treaty agreements have been finalized. ITAs provide benefits to First Nations in advance of reaching a treaty.ⁱⁱ
 - This year, B.C. passed legislation to ratify the Tla'amin Nation Final Agreement;
 - and the Kitsumkalum and Kitselas communities recently voted in favour of their final agreement;
 - And the Senate of Canada gave Royal Assent to the Yale First Nation Final Agreement for which B.C. had previously passed its own legislation.
-
- This list represents only a few of the accomplishments that have been achieved in cooperation with First Nations in the last year.
 - In addition to the innovative work that is being accomplished which benefits First Nations people on reserves, the Province remains committed to developing an off-reserve Aboriginal action plan for the increasing number of Aboriginal people who choose to live in urban areas.
 - I am also committed to continuing the dialogue between our government and the business community to ensure industry understands its obligations and responsibilities to First Nations.
 - Through this dialogue we can provide better certainty, and increase economic development in important sectors such as mining, forestry, and tourism.
 - It's critical that we secure our LNG opportunity and the benefits that will arise from its success.
 - And my role as Minister will be to ensure First Nations are participating and benefitting from LNG's once in a lifetime opportunity.
 - ...Because this opportunity could provide B.C. and Canada with billions of dollars in new revenue, and tens of thousands of new jobs.

- We will work with B.C. First Nations that are impacted by natural gas extraction, pipelines or LNG facilities to ensure they are provided with the ability to participate in this generational opportunity.
- And work with B.C. First Nations that are in the area of a new proposed refinery to ensure they are provided with the chance to participate in, and benefit from, this economic opportunity.
- Over the course of our mandate, as Minister, I am also committed to work with B.C. First Nations to ensure they participate in the Standing Offer Program by BC Hydro through the First Nations Clean Energy Business Fund.
- I will also work with the Minister of Jobs, Tourism and Skills Training to increase the number of First Nations people participating in our apprenticeship and skills training programs to ensure economic prosperity includes First Nations members.
- Agreements with First Nations are a key part of moving B.C. forward and implementing our commitment to a strong economy and a secure tomorrow, and the ministry will continue its work to establish agreements that create certainty and economic opportunities for all British Columbians.

Budget

- This budget demonstrates government's continued commitment to achieving agreements with First Nations, and improving economic and social outcomes for Aboriginal peoples while also balancing the ministerial budget in order to control spending and ensure an overall balanced budget for the Province of BC.
- This budget will continue to allow MARR to effectively deliver its mandate. MARR's 2013/2014 budget will be \$82.479 million, an increase of \$2.114 million, or 2.6% over last year's budget of \$80.14 million.
-

s.13, s.17

- MARR continues to fund key Aboriginal partners such as the First Nations Summit, BC Association of Aboriginal Friendship Centres, and the BC Treaty Commission and Métis Nation BC.
- Given the current global market conditions, we must make tough but reasoned spending choices to ensure taxpayers' money is used prudently, and that each dollar is directed to the highest priority.

Conclusion

- We are working in partnership with First Nations to better integrate economic development agreements with social and cultural rebuilding – this more holistic focus on jobs and improved economic opportunities is one that First Nations are increasingly seeing as the more effective approach to improving social and economic outcomes in the short, as well as the long term.
- We recognize treaties may not be the preferred approach of all First Nations. So, we have developed a range of tools that allow us to be flexible in our approach, and to build in increments over time towards treaties and other forms of reconciliation agreements.

- These include Reconciliation Protocols, Incremental Treaty Agreements, Strategic Engagement Agreements, Economic Benefits Agreements, Revenue Sharing Agreements and innovative government-to-government agreements. These agreements are also creating real progress outside the treaty process – new jobs, new economic opportunities and brighter futures. And they allow First Nations that feel they are not yet ready to negotiate a treaty to begin realizing the benefits of shared economic agreements with the Province.
- The BC Treaty Commission has been supportive of our approach because it builds trust and establishes a constructive relationship, both of which are crucial to creating greater investor confidence and to reaching early resolution of issues that are a source of conflict and prevent economic benefits from reaching First Nations members. In June, the Premier committed B.C. to achieving 10 more non-treaty agreements with First Nations by 2015, in addition to the 18 non-treaty agreements we've achieved since the BC Jobs Plan was announced. I am very confident that we can meet the expectation of 10 agreements by that deadline..
- We are striving to be innovative in our approach. I believe the work we are doing in this ministry sets B.C. apart as a nationwide leader in working with our Aboriginal partners to develop solutions that can help close the socio-economic gaps that exist and help create a brighter future, for Aboriginal people across the province.

ⁱ 10 ECDAs

1. Nak'azdli
2. Ktunaxa
3. Upper Similkameen
4. Lower Similkameen
5. Williams Lake Indian Band
6. Xatsull First Nation
7. Fort Nelson (EBA)
- 8,9,10 Nlaka'pamux

15 ITAs

1. ⁱⁱ Kaska
2. Ditidaht
3. Pacheedaht
4. Tla-o-qui-aht
5. Klahoose
6. Nazko
7. Kitsumkalum
8. Kitselas
9. Snuneymuxw
10. Ktunuxa
- 11 – 15 Te'mexw X 5 February 2013

Ministry of Aboriginal Relations and Reconciliation

2013/14 Estimates
June 2013 Update

Confidential

Ministry of Aboriginal Relations & Reconciliation
June 2013 Update – 13/14 Estimates

Budget and Ministry Key Documents (Prepared by CSNR/GCPE)

Budget Highlights.....1

Resource Summary & Estimates Blue Book Mock-up 2

Grants and Transfers Summary..... 3

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

2013 Budget Update Highlights

Ministry Budget

- MARRs 2013/14 budget is **\$82.479m**. This represents a **\$2.114m**, or 2.6%, net increase from the previous year. The net budget increase is comprised of:

s.13, s.17

- This budget will continue to allow MARR to effectively deliver its mandate.
 - o The target reduction in the Ministry Operations vote will be achieved through improved efficiencies and careful management of operating costs while maintaining transfer payments under existing agreements.

o

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s.13, s.17

o

\$ millions	2012/13	2013/14	\$ Change	% Change
Vote 11 - Ministry Operations	34,977			
Vote 12 - Treaty & Other Agreements Funding	40,007			
Sub-Total	74,984		s.13, s.17	
First Citizens' Fund	3,230			
First Nations Clean Energy Business Fund	2,151			
Total	80,365	82,479	2,114	2.6%

Resource Summary

Core Business Area	2012/13 Restated Estimates ¹	2013/14 Estimates	2014/15 Plan	2015/16 Plan
Operating Expenses (\$000)				
Negotiations and Implementation	13,708	13,537	13,537	13,537
Partnerships and Community Renewal	4,054	4,003	4,003	4,003
Strategic Initiatives.....	13,316	13,150	13,150	13,150
Executive and Support Services	3,899	3,862	3,862	3,862
Treaty and Other Agreements Funding ..	40,007	43,086	42,607	44,163
First Citizen Fund Special Account	3,230	3,030	2,830	2,830
First Nations Clean Energy Business Fund	2,151	1,811	318	2,169
Total	80,365	82,479	80,307	83,714
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Executive and Support Services	391	1	1	1
Total	391	1	1	1

¹ Amounts have been restated, for comparative purposes only, to be consistent with Schedule A of the 2013/14 Estimates.

¹ Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

The mission of the Ministry of Aboriginal Relations and Reconciliation is to lead provincial efforts on reconciliation and improvement of social and economic outcomes for Aboriginal peoples on behalf of all British Columbians through negotiating reconciliation agreements and treaties, supporting the goals of the New Relationship, building relationships and raising awareness, supporting culture and language revitalization, economic initiatives, community development, and capacity building.

MINISTRY SUMMARY

(\$000)

	Estimates 2012/13 ¹	Estimates 2013/14
VOTED APPROPRIATIONS		
Vote 11 — Ministry Operations.....	34,977	
Vote 12 — Treaty and Other Agreements Funding.....	40,007	
STATUTORY APPROPRIATIONS		s.13, s.17
First Citizens Fund Special Account.....	3,230	
First Nations Clean Energy Business Fund Special Account.....	2,151	
OPERATING EXPENSES	<u>80,365</u>	<u>82,479</u>
CAPITAL EXPENDITURES ²	391	1
LOANS, INVESTMENTS AND OTHER REQUIREMENTS ³	—	—
REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES ⁴	—	—

NOTES

¹ For comparative purposes, figures shown for the 2012/13 operating expenses; capital expenditures; loans, investments and other requirements; and revenue collected for, and transferred to, other entities are restated to be consistent with the presentation of 2013/14 Estimates. Schedule A presents a detailed reconciliation of the restatement of operating expenses and capital expenditures.

² Details of capital expenditures are presented in Schedule C.

³ Details of loans, investments and other requirements are presented in Schedule D.

⁴ Details of revenue collected for, and transferred to, other entities are presented in Schedule E.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

CORE BUSINESS SUMMARY

(\$000)

	2012/13	2013/14 ESTIMATES		
OPERATING EXPENSES	Net	Gross	External Recoveries	Net
Core Business				
Negotiations and Regional Operations.....	13,708			
Partnerships and Community Renewal.....	4,054			
Strategic Initiatives.....	13,316			
Executive and Support Services.....	3,899			
Treaty and Other Agreements Funding.....	40,007		s.13, s.17	
First Citizens Fund Special Account.....	3,230			
First Nations Clean Energy Business Fund Special Account.....	2,151			
TOTAL OPERATING EXPENSES	80,365			
CAPITAL EXPENDITURES	Net	Disbursements	Receipts	Net
Core Business				
Executive and Support Services.....	391	1	—	1
TOTAL CAPITAL EXPENDITURES	391	1	—	1

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2012/13

Estimates
2013/14

VOTE 11 — MINISTRY OPERATIONS

This vote provides for ministry programs and operations described in the voted appropriations under the following four core businesses: Negotiations and Regional Operations, Partnerships and Community Renewal, Strategic Initiatives, and Executive and Support Services.

NEGOTIATIONS AND REGIONAL OPERATIONS

Voted Appropriation

Negotiations and Regional Operations.....	13,708	s.13, s.17
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Voted Appropriation Description: This sub-vote provides for the participation in the negotiation of treaties, incremental treaty agreements and other agreements with First Nations and the federal government, and negotiation and implementation of agreements with the federal government to cost-share treaties and other arrangements with First Nations. This sub-vote also provides for cross-government coordination of First Nations engagements including development of government-to-government resource management protocols, cross-government coordination of First Nations consultation and accommodation, and treaty implementation and treaty related measures. This sub-vote also provides for the operation of regional offices that provide customer assistance with supporting information such as guidelines on First Nations consultation. Costs may be recovered from ministries, other entities within government, and parties external to government for services described within this sub-vote.

PARTNERSHIPS AND COMMUNITY RENEWAL

Voted Appropriation

Partnerships and Community Renewal.....	4,054	s.13, s.17
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Voted Appropriation Description: This sub-vote provides for initiatives to close the socio-economic gaps between Aboriginal peoples and other British Columbians, including the identification of opportunities, removal of barriers, the cross-ministry coordination of resources and services provided to Aboriginal peoples, and support for data development and reporting out on progress. This sub-vote also provides for leadership in policy development, relationship building, cultural initiatives, community development, support to Aboriginal leadership and advisory bodies, and for administration of the First Citizens Fund and related transfers. Costs may be recovered from ministries, other entities within government, and parties external to government for services described within this sub-vote.

STRATEGIC INITIATIVES

Voted Appropriation

Strategic Initiatives.....	13,316	s.13, s.17
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Voted Appropriation Description: This sub-vote provides for the support and enhancement of the government's New Relationship with First Nations and Aboriginal peoples through non-treaty negotiations considered strategically important to furthering the New Relationship, including revenue sharing and shared decision making, and by liaison with key First Nation groups such as the First Nations Leadership Council. This sub-vote also supports the development of treaty related policy in the areas of consultation, accommodation, and reconciliation; produces the provincial lands resources and governance mandates and policies that represent provincial interests at the treaty tables; and facilitates engagement and negotiation among First Nations, provincial ministries, and key stakeholders with the aim of accommodating First Nation interests and promoting collaboration and coordination on Aboriginal issues across sectors and orders of government. The ministry's planning efforts, including strategic, service and business plans, and performance monitoring, measurement, and reporting, are also funded by this sub-vote. Costs may be recovered from ministries, other entities within government, and parties external to government for services described within this sub-vote.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2012/13

Estimates
2013/14

EXECUTIVE AND SUPPORT SERVICES

Voted Appropriations

Minister's Office.....	582	s.13, s.17
Corporate Services.....	3,317	
	<u>3,899</u>	

Voted Appropriations Description: This sub-vote provides for the office of the Minister of Aboriginal Relations and Reconciliation including salaries, benefits, allowances, and operating expenses for the minister and the minister's staff and executive support including the deputy minister's office and corporate administration. This sub-vote also provides for executive direction to the ministry; finance, administrative, strategic human resource, and information management services and systems; and information and privacy. Costs may be recovered from ministries, other entities within government, other levels of government, organizations, and individuals for services described within this sub-vote.

VOTE 11 — MINISTRY OPERATIONS

34,977

s.13, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates

2012/13

Estimates

2013/14

VOTE 12 — TREATY AND OTHER AGREEMENTS FUNDING

This vote provides for programs and operations described in the voted appropriation under the core business: Treaty and Other Agreements Funding.

TREATY AND OTHER AGREEMENTS FUNDING**Voted Appropriation**

Treaty and Other Agreements Funding.....	40,007
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s.13, s.17

Voted Appropriation Description: This sub-vote provides for transfers to First Nations and third parties as a result of the settlement of treaties, incremental treaty agreements, economic benefit agreements, forest consultation and revenue-sharing agreements, and other agreements with First Nations. This sub-vote also provides for transfers to First Nations of revenue received from petroleum, natural gas, and minerals extraction in accordance with the federal/provincial agreement as specified under the *Fort Nelson Indian Reserve Minerals Revenue Sharing Act* and other agreements with First Nations. Costs may be recovered from natural resource revenues for services described within this sub-vote.

VOTE 12 — TREATY AND OTHER AGREEMENTS FUNDING

40,007

s.13, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2012/13Estimates
2013/14

STATUTORY — SPECIAL ACCOUNTS

These statutory appropriations provide for programs and operations under the following special accounts: First Citizens Fund and First Nations Clean Energy Business Fund.

FIRST CITIZENS FUND

Statutory Appropriation

First Citizens Fund.....	3,230	s.13, s.17
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Statutory Appropriation Description: This statutory appropriation provides for the First Citizens Fund which is governed under the *Special Accounts Appropriation and Control Act*.

FIRST NATIONS CLEAN ENERGY BUSINESS FUND

Statutory Appropriation

First Nations Clean Energy Business Fund special account.....	2,151	s.13, s.17
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Statutory Appropriation Description: This statutory appropriation provides for the First Nations Clean Energy Business Fund special account which is governed under the *Clean Energy Act*.

MINISTRY GROUP ACCOUNT CLASSIFICATION SUMMARY

GROUP ACCOUNT CLASSIFICATION

Salaries and Benefits	19,889	
Operating Costs	6,799	
Government Transfers	51,884	s.13, s.17
Other Expenses	2,713	
Internal Recoveries	(6)	
External Recoveries	(914)	
TOTAL OPERATING EXPENSES.....	80,365	82,479

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

SPECIAL ACCOUNT¹

(\$000)

	Estimates 2012/13	Estimates 2013/14
FIRST CITIZENS FUND		
This account was originally created as a fund under the <i>Revenue Surplus Appropriation Act</i> in 1969, was continued under the <i>Funds Control Act</i> in 1979, and was changed to a special account under the <i>Special Accounts Appropriation and Control Act</i> in 1988. The account promotes the economic, educational, and cultural well-being of Aboriginal people who are normally residents of British Columbia, by providing financial assistance through loan guarantees and government transfers. Interest attributable to the account balance is credited to the account as revenue. Expenses consist of government transfers in support of cultural, educational, and economic opportunities including student bursaries; heritage, language, and culture programs; Aboriginal friendship centre program delivery; and economic development programs. The account also provides funds for the administration costs of certain social and economic development programs. No financing transactions are provided for under this account.		
SPENDING AUTHORITY AVAILABLE AT THE BEGINNING OF THE FISCAL YEAR ².....	3,894	
OPERATING TRANSACTIONS		
Revenue.....	2,800	
Expense.....	(3,230)	
Net Revenue (Expense).....	(430)	
Difference Between 2012/13 Estimates and Projected Actual Net Revenue (Expense).....	(377)	s.13, s.17
FINANCING TRANSACTIONS		
Receipts.....		
Disbursements.....		
Capital Expenditures.....	—	
Net Cash Source (Requirement).....	—	
PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR ².....	3,087	

NOTES

¹ A Special Account is an account in the General Fund where the authorization to spend money from the account is located in an Act other than the *Supply Act*.

² The Projected Spending Authority Available represents the cash and temporary investments projected to be available at the end of the fiscal year. The Spending Authority Available at the beginning of the fiscal year 2012/13 is based on the *2011/12 Public Accounts*.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

SPECIAL ACCOUNT¹

(\$000)

	Estimates 2012/13	Estimates 2013/14
FIRST NATIONS CLEAN ENERGY BUSINESS FUND SPECIAL ACCOUNT		
This account was created as a fund under the <i>Clean Energy Act</i> which came into force July 5, 2010. It provides for increased First Nations participation in clean energy power projects through sharing of revenue government receives from those projects or through facilitating the participation of First Nations in the clean energy sector, including supporting First Nation equity positions in those projects. The account also provides for administration costs of the account.		
SPENDING AUTHORITY AVAILABLE AT THE BEGINNING OF THE FISCAL YEAR ².....	3,768	
OPERATING TRANSACTIONS		
Revenue.....	345	
Expense.....	(2,151)	
Net Revenue (Expense).....	(1,806)	
Difference Between 2012/13 Estimates and Projected Actual Net Revenue (Expense).....	264	s.13, s.17
FINANCING TRANSACTIONS		
Receipts.....		
Disbursements.....		
Capital Expenditures.....	—	
Net Cash Source (Requirement).....	—	
PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR ².....	2,226	

NOTES

¹ A Special Account is an account in the General Fund where the authorization to spend money from the account is located in an Act other than the *Supply Act*.

² The Projected Spending Authority Available represents the cash and temporary investments projected to be available at the end of the fiscal year. The Spending Authority Available at the beginning of the fiscal year 2012/13 is based on the 2011/12 *Public Accounts*.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

(\$000)

VOTE 11 Ministry Operations

Description	Total 2012/13 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
Negotiations and Regional Operations	13,708	8,023	39	1,926	—	9,988	—	970	1,532	151	71	654	—	—	—
Partnerships and Community Renewal	4,054	1,758	—	422	—	2,180	—	228	45	—	—	256	—	—	—
Strategic Initiatives	13,316	5,417	—	1,300	—	6,717	—	177	765	481	3	64	—	—	—
Executive and Support Services	3,899	837	—	220	52	1,109	35	113	15	—	381	202	—	—	8
Minister's Office	582	256	—	81	52	389	—	85	—	—	—	13	—	—	—
Corporate Services	3,317	581	—	139	—	720	35	28	15	—	381	189	—	—	8
Total	34,977	16,035	39	3,868	52	19,994	35	1,488	2,357	632	455	1,176	—	—	8

VOTE 12 Treaty and Other Agreements Funding

Description	Total 2012/13 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
Treaty and Other Agreements Funding	40,007	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	40,007	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Special Account(s)

Description	Total 2012/13 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
First Citizens Fund	3,230	—	—	—	—	—	—	—	—	—	—	—	—	—	—
First Nations Clean Energy Business Fund special account	2,151	81	—	19	—	100	—	—	—	—	—	—	—	—	—
Total	5,381	81	—	19	—	100	—	—	—	—	—	—	—	—	—

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2013/14 Operating Expenses
—	—	230	1	3,609	—	—	—	—	—	—	—	—	—	(1)	(1)	(1)	(58)	(59)	13,537
—	—	—	—	529	—	—	1,297	1,297	—	—	—	—	—	(1)	(1)	(1)	(1)	(2)	4,003
—	—	—	—	1,490	—	400	4,474	4,874	—	—	472	472	—	(1)	(1)	(1)	(401)	(402)	13,150
—	—	—	—	754	—	—	—	—	—	—	2,002	2,002	—	(1)	(1)	(1)	(1)	(2)	3,862
—	—	—	—	98	—	—	—	—	—	—	95	95	—	—	—	—	—	—	582
—	—	—	—	656	—	—	—	—	—	—	1,907	1,907	—	(1)	(1)	(1)	(1)	(2)	3,280
—	—	230	1	6,382	—	400	5,771	6,171	—	—	2,474	2,474	—	(4)	(4)	(4)	(461)	(465)	34,552

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2013/14 Operating Expenses
—	—	—	—	—	—	—	45,837	45,837	—	—	—	—	—	—	—	—	(2,751)	(2,751)	43,086
—	—	—	—	—	—	—	45,837	45,837	—	—	—	—	—	—	—	—	(2,751)	(2,751)	43,086

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2013/14 Operating Expenses
—	—	—	—	—	—	—	3,030	3,030	—	—	—	—	—	—	—	—	—	—	3,030
—	—	—	—	—	—	—	1,711	1,711	—	—	—	—	—	—	—	—	—	—	1,811
—	—	—	—	—	—	—	4,741	4,741	—	—	—	—	—	—	—	—	—	—	4,841

Ministry of Aboriginal Relations & Reconciliation

Summary of Grants and Transfers

	2012/13	2013/14	2014/15 ¹	2015/16 ¹
3rd Party, McLeod Lake, Treaty Adj. (STOB 79)	400,000			
Ministry Operating (STOB 80)				
BC Assoc. of Aboriginal Friendship Centres	320,000			
First Nation Child & Family Wellness Council	-			
Knowledgeable Aboriginal Youth Association	-			
BC Treaty Commission	4,139,000			
BEST	85,000			
First Nations Summit	250,000			
First Peoples Heritage Language & Culture Crown Corp	451,000			
Imagination Library	11,000			
Métis Nation BC	430,000			
Treaty Related Measures	85,000			
	5,771,000			
Treaty & Other Agreements Funding (STOB 80)				
FCARs	34,093,000			
Treaty 8 Economic Benefits Agreement	3,336,000			
Blueberry River EBA	1,067,000			
Maa-Nulth - settlement costs (budget add)	690,000			
Nisga'a FFA ²	216,000			
Nisga'a Wildlife Management (FFA)	10,000			
Tsawwassen - Local Government Liaison	100,000			
Fort Nelson Revenue Sharing Agreement	-			
Kicking Horse	-			
Nisga'a Income Tax Sharing	-			
Nisga'a Sales Tax Sharing	494,000		s.13, s.17	
Resource Revenue Sharing (Blueberry/Doig & Fort Nelson) *	450,000			
Mount Baldy Revenue Sharing *	-			
Mt. Milligan (McLeod) Revenue Sharing *	-			
Mt. Milligan (Nakazdli) Revenue Sharing *	-			
New Afton Revenue Sharing *	-			
sub-total:	40,456,000			
* Resource Sharing Agreement Recoveries:	(450,000)			
Total:	40,006,000			
First Citizens Fund (STOB 80)				
BC Assoc. of Aboriginal Friendship Centres	600,000			
BCAAFC admin - FCF	65,000			
Business Advisory Centres	300,000			
Business Loan Program	1,491,000			
Business Support Officers	-			
Elders	25,000			
First Peoples Heritage, Language & Culture	600,000			
Student Bursaries	125,000			
	3,206,000			
First Nations Clean Energy Business Fund (STOB 80)	2,051,000			
Total Gross Grants & Transfers (including STOB 79):	51,884,000			
Total Resource Sharing Agreement Recoveries:	(450,000)			
Total Net Transfer Payments:	51,434,000			

¹ Final decisions regarding reductions in transfer allocations have yet to be finalized.

² This payment is called "Nisga'a Nation Development Support fund" and it is paid through Nisga'a Fiscal Financing Agreement (FFA). FFA flow funding from provincial and federal governments to First Nation to fund self government (it is a tri-party agreement). As part of this new FFA with Nisga'a, MARR has committed to provide additional funding of \$200,000 (this payment is inflated each year from 2008) to support the Nisga'a Nation Economic Development Support fund. Funding will begin on April 1, 2012 and each subsequent anniversary for the term of the FFA (the term is 5 years). This payment was not part of the old FFA and was added in the new FFA for Nisga'a.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

TREATY OVERVIEW

I. ISSUE: Overview of the Treaty Process in British Columbia

II. TALKING POINTS

- **BC is committed to working with Canada and First Nations to achieve treaties.**
- **Treaties help grow the economy by creating certainty for investment in the Province, reducing conflict and fostering new development opportunities for First Nations.**
- **A treaty is a negotiated agreement that sets out clearly defined rights and responsibilities of First Nations and the federal and provincial governments, including land ownership, governance, wildlife and environmental management, financial benefits and taxation.**
- **PricewaterhouseCoopers 2009 Report on Financial and Economic Impacts of Treaty Settlements in BC outlines that finalizing treaties could result in more than \$10 billion dollars in economic benefits to British Columbia over the next 15 years.ⁱ**

III. KEY POINTS AND BACKGROUND:

- Treaties are a comprehensive settlement of Aboriginal rights and title which, unlike most non-treaty agreements, include the full participation and cost-sharing of Canada. Some key benefits of treaties are they:
 - create the highest order of legal and economic certainty on Crown land;
 - include social and economic development tools to allow First Nations to become independent of government and fully participate in the economy; and
 - are cost-shared with Canada, along with related agreements. These arrangements ensure that treaties have minimal impacts on the fiscal plan. For example, from effective date to present, Tsawwassen and Maa-nulth Final Agreements had a net positive \$5M budget impact (including cost-sharing credit payments from Canada; excluding implementation costs).
- Treaties are negotiated through the British Columbia Treaty Commission (BCTC) process that was established in 1993. The three Principals to the process are BC, Canada and the First Nations Summit, which represents First Nations participating in treaty negotiations. The Treaty Commission is the independent “keeper” of the process. It is responsible for managing the process, distributing negotiation funding support to First Nations and facilitating negotiations, where possible.
- There are six stages in the BC Treaty Commission process.
 - Stage 1 – Statement of intent to negotiate
 - Stage 2 – Readiness to negotiate

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

TREATY OVERVIEW

- Stage 3 – Negotiation of a framework agreement
 - Stage 4 – Negotiation of an Agreement-in-Principle
 - Stage 5 – Negotiation to finalize a treaty
 - Stage 6 – Implementation of the treaty
-
- MARR is also pursuing a number of non-treaty agreements that establish immediate certainty for decision-making and support economic development. Significant Ministry resources are dedicated to Incremental Treaty Agreements (or economic development) and agreements outside the treaty process that support the BC Jobs Plan goals of economic development and job creation.
 - The Ministry is committed to continuing to provide negotiations resources to support treaties that are at a critical milestone in the process, as there are significant benefits that flow from the treaty process, including economic benefits and increased First Nations capacity.
 - Status of current treaty negotiations:

s.16, s.13, s.17

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ⁱ 10 Billion in gross benefits to First Nations under the assumption of all 60 treaties being settled in 15 years. Net benefit of 6.4 billion after costs of settling treaties are deducted.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Status of Agreements-in-Principle

I. ISSUE: Status of Agreement-in-Principle Negotiations

II. TALKING POINTS

- A key element in the process to finalize a treaty is completion of an Agreement-in-Principle (AiP).
- An AiP is negotiated during the fourth phase of the six-stage treaty process and outlines the topics which will form the basis of the treaty, such as: land, cash, access, fisheries, wildlife, culture and heritage, governance and certainty.
- Between reaching an AiP and Final Agreement, associated self-government, tax, and other side agreements are finalized and the legal drafting of the agreement is completed. Typically, this process takes two years or more.

III. KEY POINTS AND BACKGROUND:

- In March 2012, MARR signed an AiP with K'omoks First Nation.
Kitselas/Kitsumkalum AiP

s.13, s.16

s.13, s.16

Completed AiP Negotiations:

K'omoks First Nation (K'omoks)

*AiP Signed
(March, 2012)*

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

s.13, s.16, s.17

<i>Current Negotiations</i>	The Agreement-in-Principle was initialed by all three Chief Negotiators in February 2012. The AiP was signed in March 2012.
<i>Description of First Nation (FN):</i>	K'ómoks, with approximately 280 members, is located in the Comox Valley, on the east coast of Vancouver Island, approximately 200 kilometers north of Victoria.

Note: The contents of the offers which have not been agreed to in finalized AiPs are not public and should not be revealed during the Estimates debate.

AiP Negotiations for Approval:

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

s.13, s.16, s.17

Upcoming AiPs:

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

Wuikinuxv First Nation(Wuikinuxv)

s.13, s.17

Current Negotiations At the conclusion of AiP negotiations, several significant issues were deferred to Final Agreement negotiations. s.13, s.16, s.17

s.13, s.16, s.17

Description of FN: Wuikiniuxv territory overlaps Nuwalx, Gwa'Sala and Heiltsuk territories. Heiltsuk has signalled its disagreement with the Wuikiniuxv AiP land offer. BC and Canada continue to consult with Heiltsuk on this issue.

Wuikiniuxv comprises approximately 283 members. Wuikinuxv's main reserve has a year-round population of approximately 60 members and is located at Rivers Inlet, on the Central Coast, approximately 110 kilometers north of Port Hardy.

Land-and-Cash Offers (all land-and cash-offers are confidential):

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

s.13, s.16, s.17

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Agreements-in-Principle

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
BRITISH COLUMBIA TREATY COMMISSION FUNDING

I. ISSUE: BRITISH COLUMBIA TREATY COMMISSION FUNDING

II. TALKING POINTS

- **The British Columbia Treaty Commission (BCTC) is the independent keeper of the treaty process.**
- **The Government of Canada and the Government of British Columbia provide negotiation support funding to the BCTC to allocate to First Nations, under funding guidelines approved by the Principals. Eighty per cent of negotiation support funding is provided to First Nations in the form of loans by the Government of Canada exclusively. The remaining twenty per cent is provided as contribution funding and is cost shared by the two respective governments.**

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s.13, s.17

III. KEY POINTS AND BACKGROUND:

- The BCTC was established in 1992 by agreement among the Government of Canada, the Government of British Columbia, and the First Nations Summit, as the independent body responsible for the BC treaty process. Their responsibilities include facilitating treaty negotiations, providing First Nation negotiation support funding, and providing public information on the treaty process.
- The BCTC is fully funded by Aboriginal Affairs and Northern Development Canada (AANDC) and the Ministry of Aboriginal Relations and Reconciliation (MARR). Eighty percent of Negotiation Support Funding provided to First Nations is through repayable loans. Twenty percent of funding is provided in the form of non-repayable contributions, which is shared under the Cost- Sharing Memorandum of Understanding on a 60:40 (Canada/BC) basis.

s.13, s.17, s.16

s.13, s.16, s.17

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s.13, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
BRITISH COLUMBIA TREATY COMMISSION FUNDING

s.13, s.17

In 2012/13, MARR provided \$1.019M in operational funding and \$3.12M towards the contribution portion of the First Nations negotiations support funding to the BCTC. The funds are paid from MARR's core budget and similar amounts have been provided for the last 20 years.

- Loans are provided exclusively by the Government of Canada; however, the Government of British Columbia is liable jointly with the Government of Canada for any loan funding if a First Nation defaults. The Government of Canada has not advised of any defaults to date.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Common and Treaty Revitalization Tables

I. **ISSUE: Treaty Related Initiatives - Common Table/Treaty Revitalization Processes**

II. **TALKING POINTS:**

- **Treaty revitalization is a key concern for BC. BC continues to support the Common Table and Treaty Revitalization Table processes put in place by the treaty Principals to improve the treaty process for all parties.**
- **The Common Table is looking at six important treaty policy issues.**

III. **KEY POINTS AND BACKGROUND:**

- The Common and Treaty Revitalization Tables are tripartite processes agreed to by the Principals of the B.C. treaty process in December 2007. The purpose of the **Common Table** was to deal with six subject matters identified by First Nations as barriers to concluding treaties, while the **Treaty Revitalization Table** was to deal with treaty process issues, including funding.

Common Table/Certainty:

- On July 18, 2008, Canada, the Province and the First Nations Summit Task Force completed intensive exploratory discussion on the six subject matters of the Common Table: recognition of aboriginal rights including certainty models; governance; constitutional status of treaty settlement lands; shared decision making; fisheries; and fiscal relations.
- In October 2009, the B.C. Treaty Commission publicly released their Common Table Report of August, 2008. Canada and the Province provided their respective responses on the Common Table issues at the August 10, 2009, Principals' meeting.

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s.13, s.16

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Common and Treaty Revitalization Tables

-

s.13, s.16

-

- If endorsed by the parties, the new model would resolve a major issue at a number of treaty tables and potentially attract additional First Nations into the treaty process.

Treaty Revitalization:

- In August 2009, the Principals endorsed striking a Senior Officials Group (SOG) to work on treaty revitalization issues, supported by a tri-lateral technical working group.
- The Treaty Revitalization SOG agreed that the topics for discussion should be dealt with in the following order of priority:
 - Financing treaty negotiations, including the Closing Period
 - Interim measures / incremental treaty agreements
 - Capacity to negotiate and implement treaties
 - Streamlining
 - Process for addressing overlapping claims / shared territories
 - Role of the B.C. Treaty Commission
- The SOG has since provided reports to the Principals, including recommendations, on all but one of the identified topics. A report on the Role of the B.C. Treaty Commission remains to be completed. As a key informative piece for that work SOG conducted an Effectiveness Review of the Commission.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Final Agreements – Status

I. ISSUE: Final Agreements – Status

II. TALKING POINTS:

- **Government is building a strong relationship with First Nations founded on the principles of mutual respect, reconciliation and recognition of Aboriginal rights and title. Achieving Final Agreements with First Nations where possible is a very important element of BCs approach with First Nations.**
- **To date, final agreements have been achieved with Nisga'a (outside of the BCTC process), Tsawwassen, and five Maa-nulth First Nations. The Yale Final Agreement has been fully ratified and Tla'amin Final Agreement requires federal legislation before it is fully ratified.**
- **Successful treaties benefits all British Columbians as First Nations establish new businesses, create jobs and participate more fully in the provincial economy.**
- **Final Agreements are complex and their value goes far beyond a fixed cost.**
- **Taxpayers face far greater costs without treaties - costs of on-going litigation, costs of untapped economic potential and costs of lost investment possibilities due to the lack of certainty over land and resource ownership.**

III. KEY POINTS AND BACKGROUND:

Nisga'a Final Agreement

- took effect on May 11, 2000.
- negotiated outside of the BCTC process.

Tsawwassen First Nation Final Agreement:

- took effect on April 3, 2009.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Final Agreements – Status

- cost of this treaty was primarily recognized in fiscal 2008/09, as that is when the treaty received federal Royal Assent.

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s.13, s.16, s.17

Maa-nulth First Nations Final Agreement:

- took effect on April 1, 2011.
- cost of this treaty was primarily recognized in fiscal 2009/10, as that is when the treaty received federal Royal Assent.

○

s.13, s.16, s.17

Yale First Nation Final Agreement:

- initialled in February 2010.
- ratification by Yale First Nation occurred in March, 2011.
- the province ratified the Final Agreement through settlement legislation which received Royal Assent on June 2, 2011.
- Yale Final Agreement was signed on April 13, 2013 by all three parties.
- Yale Final Agreement received federal Royal Assent on June 19, 2013.

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s.13, s.16, s.17

Tla'amin First Nation Final Agreement:

- initialled in October 2011.
- ratification by Tla'amin First Nation occurred in July 2012.
- the province ratified the Final Agreement through settlement legislation which received Royal Assent on March 5, 2013.
- ratification by Canada requires passage of federal settlement legislation, which is expected to occur in fiscal year 2013/14.

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s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Final Agreements – Status

s.13, s.16, s.17

Value of Agreements:

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○

s.13, s.16, s.17

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Pages 48 through 49 redacted for the following reasons:

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Final Agreements – Status

Surveys

Surveying is required to define boundaries of the treaty settlement lands and also to define rights of way. All Final Agreements except Yale requires that certain surveying must be completed before effective date in order to register the lands in the Lands Title Office. The remainder of the surveying will be done over the next decade as required and as the budget permits. Yale Final Agreement requires that all surveying must be completed before effective date in order to register the lands in the Lands Title Office.

Cultural Fund

This payment was to support interests and objectives of the Tsawwassen First Nation in respect of the protection and preservation of Tsawwassen culture, heritage and language.

Revenue Sharing Payment

Maa-Nulth payments relate to British Columbia's 50 per cent share of 8.36% of stumpage revenues within the Maa-Nulth Statement of Intent Area. These payments are also subject to floors and ceilings. The floor amount is expensed in fiscal 2009/10. The difference between the actual and the floor will be expensed over time.

BC share of Tla'amin revenue sharing payments will be booked when this treaty receives federal Royal Assent since the payments are not linked to resource revenues. The payment of \$300,000 (2005\$, Q1) per year will be inflated with Canada Final Domestic Demand Implicit Price Index every year for 50 years.

Third Party Cost Payments

These costs include the removal of forestry and fisheries interests from provincial jurisdictions, as required by the Final Agreement. Third-party costs are paid out over time, but are recognized when the treaty is ratified.

BC Matched Contribution

These costs are for a one-time payment to:

- Maa-nulth for the purpose of resource development.
- Tla'amin for Toquana (Theodosia) IR #4 remediation and purchase of off TSL tenure.
- Yale for economic development purposes.

These costs are matched by other unilateral federal payments.

Treaty Interim Measures Agreement

These costs relate to benefits pursuant to the extension of a 2005 Treaty Interim Measure Agreement (TIMA) with the Huu-ay-aht First Nation (HFN). The initial TIMA was created in response to litigation the HFN had brought against the Ministry of Forests and Range over Forest and Range Agreement policies.

Private Land Expensing

This is the province's share of the cost to transfer private land that was previously purchased by the Province and Canada for the purpose of settling this agreement.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Incremental Treaty Agreement Negotiations

I. ISSUE: Status of Incremental Treaty Agreement Negotiations

II. TALKING POINTS

- **BC introduced ITAs in 2009 as a way of making progress with First Nations ahead of full treaty agreement.**
- **ITAs are designed to facilitate immediate partnership and development opportunities and are building blocks that can be used to move to full treaty in increments.**
- **To date, BC has achieved 15 ITAs and is in numerous ITA negotiations.**
- **BC is actively negotiating with First Nations regarding Liquefied Natural Gas (LNG) to ensure they share the benefits of this generational opportunity.**

II. KEY POINTS AND BACKGROUND:

- ITAs are bilateral agreements between BC and First Nations.
- While BC and Canada have agreed to extensive federal-provincial cost-sharing arrangements for treaties and Treaty Related Measures, these do not extend to ITAs.
- BC seeks federal participation in ITAs on a case-by-case basis until a broader federal commitment to cost-share ITAs is reached.
- Ministry staff in treaty negotiations are currently engaged in ITA negotiations while working toward longer-term treaties.

s.13, s.17, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Incremental Treaty Agreement Negotiations

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Relationship with Canada – Treaty Issues

I. ISSUE: Relationship with Canada – Treaty Issues

II. TALKING POINTS:

- **The tripartite British Columbia treaty process requires the full participation of all three parties including Canada.**
- **BC is committed to working with Canada and First Nations to make progress in the treaty process.**
- **BC believes that Canada needs to resolve some of the key mandate/policy impediments to concluding treaties, such as fish.**
- **BC believes it could also make some significant progress in the treaty process by increasing the use of incremental treaty agreements (ITAs), particularly if Canada would fully participate with cost-sharing on ITAs earlier in the treaty process.**
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s.16

- **BC believes building on joint interests and resolving key mandate issues will provide momentum to capitalize on existing opportunities in the treaty process.**

III. KEY POINTS AND BACKGROUND:

- The BC treaty process is tripartite so conclusion of a final treaty agreement requires full federal participation.
- BC shares the total costs of treaties with Canada equally under the 1993 federal-provincial cost-sharing Memorandum of Understanding (1993 MOU) and three additional related MOUs on sharing the costs of Treaty Related Measures (TRMs), Resource Revenue Sharing (RRS) in treaty-related agreements, and the costs of First Nation self- government.

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s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Relationship with Canada – Treaty Issues

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s.13, s.16

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s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATIONS
ESTIMATES NOTE
Third Party Costs

I. ISSUE: Third Party Costs

II. TALKING POINTS:

- **British Columbia seeks to avoid disruption and minimize impacts to third parties when negotiating treaties and related agreements. Where impacts cannot be avoided or mitigated, fair payments will be negotiated on a case-by-case basis.**
- **Third party costs associated with treaties are shared 50:50 with Canada.**

III. KEY POINTS AND BACKGROUND:

- The province seeks to avoid disruption and minimize impacts to third party interests on Crown land to be included in treaties. Where impacts cannot be avoided or mitigated, fair payments to third parties will be negotiated on a case by case basis.
- The 1993 Cost-Sharing Memorandum of Understanding (MOU) requires that third party costs be shared 50:50 between Canada and British Columbia (the Parties). For the Nisga'a treaty, the Parties agreed in 2000 to implement this cost-sharing requirement as follows. Estimates of costs within each government's jurisdiction were agreed to

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATIONS
ESTIMATES NOTE
Third Party Costs

s.13, s.16, s.17

- British Columbia and Canada will negotiate further agreements for new treaties as required. Specific requests for funding to implement any of these third party agreements will be made by MARR as needed.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Treaty-Related Measures

I. ISSUE: Treaty-Related Measures (TRMs)

II. TALKING POINTS:

- **B.C. and Canada use TRMs to protect Crown land and, in limited cases, acquire key fee simple parcels on a willing seller basis for future treaties.**
- **B.C. and Canada have also used TRMs to fund studies and other processes to facilitate treaty negotiations.**
- **In 2010/11, Canada revised its approach to Tier 1, or “process” TRMs so that First Nations could apply directly to Canada for unilateral TRM funding.**
- **There is no budget allocation in 2013/14 for British Columbia to participate in Tier 1 TRMs. British Columbia will participate in Tier 2 TRMs on a case by case basis, seeking Treasury Board approval for the associated costs as required.**

III. KEY POINTS AND BACKGROUND:

- In 1999/2000, the federal and provincial governments agreed to develop the Treaty-Related Measures initiative to: accelerate the treaty process; address First Nations’ concerns about the alienation of lands and resources during treaty negotiations; and, assist in moving forward toward legal and economic certainty over lands and resources in British Columbia.
- For 10 years, TRMs were tripartite agreements between British Columbia, Canada and First Nations negotiated at treaty tables and directly linked to treaty negotiations. There are two tiers of TRMs:
 - Tier 1, or process, TRMs which fund the following types of projects: First Nation participation in land, resource, and park planning and management processes; economic and cultural opportunities; and, self-government development and inter-governmental relations.
 - Tier 2 TRMs, which include protection of Crown land for treaty settlement and land acquisition for treaty settlement

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Treaty-Related Measures

- Under this process, TRMs were cost-shared 50:50 between Canada and British Columbia, with the exception of governance TRMs, which are cost-shared 60:40.
- In 2009/10 Canada undertook a review of the TRM process before seeking renewal of its five-year program mandate and financial authority. As a result of this review, Canada sought and received approval for proposed changes to the way it manages Tier 1 TRM projects.

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- Canada's new approach for Tier 1 TRMs hinges on removal of the strict cost-sharing formula for Tier 1 projects, allowing Canada to pursue TRM agreements directly with First Nations without the tripartite funding link to British Columbia. This allowed many more TRM projects to proceed and considerably more funding to be provided.
- Canada and BC will continue to maintain the cost-sharing arrangements for Tier 2 TRMs.
- In part, Canada's approach to TRMs reflects their recognition that British Columbia is providing significant resources in support of bi-lateral agreements such as incremental treaty agreements, and other economic development agreements with First Nations.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Treaty Implementation

I. ISSUE: Treaty Implementation

II. TALKING POINTS

- **Treaties bring certainty and economic benefits not only to First Nation members, but also to the surrounding region. By bringing certainty to land and resource rights, treaties maximize opportunities for economic development and job creation for all British Columbians.**
- **BC is fully committed to upholding the honour of the Crown in implementing treaties with First Nations.**
- **To reduce red tape, grow the economy, and enhance implementation outcomes, MARR and Corporate Services for the Natural Resource Sector (CSNR) are designing a comprehensive information management system that will help BC agencies efficiently prepare for and satisfy treaty obligations, smooth out internal implementation business processes, and capture valuable implementation knowledge to continuously improve treaty implementation in BC.**

III. KEY POINTS AND BACKGROUND

Treaties currently being implemented include:

- a. The Nisga'a Final Agreement (came into effect on May 11, 2000);
- b. The Tsawwassen Final Agreement (came into effect on April 3, 2009); and
- c. The Maa-nulth First Nations Final Agreement (came into effect on April 1, 2011 and comprised of five First Nations).

s.16, s.13

The period between treaty ratification and effective date is called the "Delivery Period". Over the Delivery Period, MARR works with the First Nation and Canada to complete lands surveys and all of the documents necessary to bring the treaty into legal effect. Also during the Delivery Period, MARR works with ministries to help them get ready to implement their reoccurring and or one-time treaty obligations. Funding for First Nations to carry out the

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Treaty Implementation

work they must do over the Delivery Period is provided by Canada. MARR seeks specific approval from Treasury Board to support the work it must do over the Delivery Period. Once the treaty has come into legal effect, ministries responsible for satisfying treaty obligations (including MARR) do so within their existing base budgets.

Provincial funding obligations to the First Nation once the treaty comes into effect are either set out in the treaty or set out in a side document negotiated between the First nation, Canada, and British Columbia called the Fiscal Financing Agreement. Fiscal Financing Agreements provide for annual transfers from Canada and British Columbia to support the delivery of agreed upon programs and services by the First nation to its members and residents, as well as funding to satisfy other commitments in the treaty.

s.13, s.16, s.17

Nisga'a Nation Talking Points

- Following the 10 year anniversary of the Nisga'a Final Agreement, British Columbia continues work with the Nisga'a Nation and Canada to maximize opportunities for economic development and job creation in the Northwest.
- British Columbia and the Nisga'a Nation are currently engaged in facilitated talks guided by the treaty to address differences in interpretation of Chapter 10 (Environmental Assessment and Protection) of the Nisga'a Final Agreement.

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Treaty Implementation

s.13, s.16, s.17

Tsawwassen First Nation
Talking Points

- The Tsawwassen government continues to make progress towards the opening of significant retail/commercial developments and community housing developments.
- Tsawwassen continues to work with Metro Vancouver and BC to address sewerage capacity issues.
- Tsawwassen continues to work with BC, Canada, and the other BC Treaty First Nations to ensure Tsawwassen can access low-cost debt for infrastructure from the First Nations Finance Authority.

s.13, s.16, s.17

Maa-nulth First Nations
Talking Points

- The First Nations of the Maa-nulth treaty are implementing their treaty to the fullest extent seeing:
 - Huu-ay-aht First Nations and Ucluelet First Nation joining the Alberni-Clayoquot Regional District; and
 - the conclusion of several agreements with BC, which provide for more efficient and effective implementation of the Maa-nulth treaty.
- Through the intensive implementation work being done by British Columbia and Maa-nulth, many lessons are being learned that will be shared with and benefit other treaty first nations, local governments, and provincial ministries.

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Treaty Implementation

s.13, s.16, s.17

Yale First Nation
Talking Points

- The ratification of the Yale Final Agreement by Yale, BC, and Canada is a strong indication of the momentum towards a new relationship with First Nations people in this province based on principles of mutual respect, understanding, justice and equity.
- With regard to the claim by Sto:lo that the treaty impacts on their rights, all treaties state that if the aboriginal rights of another First Nation are adversely impacted by a treaty provision, the provision is to be read so that those rights are not adversely affected. If this is impossible, the provision must be amended or replaced.
- The point to be drawn is that there will always be challenges to agreements as important and forward-looking as the Yale treaty. The Province recognizes this and will continue to consult with First Nations who feel their rights have been impacted and we will accommodate where necessary. But we will also continue to negotiate treaties.

s.16, s.17, s.13

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Treaty Implementation

Tla'amin First Nation

Talking Points

- The Tla'amin Final Agreement has been ratified by Tla'amin and BC, which is a strong indication of the momentum towards a new relationship with First Nations people in this province based on principles of mutual respect, understanding, justice and equity.
- The Tla'amin Final Agreement awaits introduction in the House of Commons so it can take the last step in the ratification process and be ratified by Canada.
- With regard to the claim by some Tla'amin members that the treaty impacts on their rights, BC acknowledges, respects, and supports that after more than a decade of intense negotiations, the Tla'amin exercised their democratic right to vote on and approve their treaty.
- The point to be drawn is that there will always be challenges to agreements as important and forward-looking as the Tla'amin treaty. The Province recognizes this and will continue the work necessary to bring the Tla'amin Final Agreement into legal effect and prepare its ministries to satisfy their treaty obligations.

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Treaty Resource Revenue Sharing

I. ISSUE: Treaty Resource Revenue Sharing

II. TALKING POINTS:

- **Resource revenue-sharing (RRS) is an important tool for implementing the New Relationship with First Nations.**
- **British Columbia and Canada are willing to include RRS in treaty settlements as an option within the land/cash package.**
- **Outside of treaties, British Columbia uses RRS to create operational certainty on Crown land, assist in the development of government-to-government relationships with First Nations, and foster economic and community development.**

III. KEY POINTS AND BACKGROUND:

- In 2003, Cabinet approved a mandate to include RRS in treaties and Treaty Related Measures (TRMs) and increased the treaty financial mandate. The framework requires treaty RRS to be fully captured within treaty mandates and be cost-shared with Canada.
- British Columbia and Canada have agreed to share the cost of RRS in TRMs and treaties on a 50:50 basis. This cost sharing does not apply to bi-lateral British Columbia and First Nation accommodation and other pre-treaty RRS agreements.
- Treaty revenue sharing agreements include:

s.16, s.17, s.13

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

OVERVIEW OF NON-TREATY AGREEMENTS

I. ISSUE: Overview of Non-Treaty Agreements

II. TALKING POINTS:

- **Non-Treaty Agreements (NTA) with First Nations support economic development and job creation by enhancing certainty regarding land and resource decision making.**
- **For the BC Jobs Plan to be successful, BC understands that First Nations must benefit and participate.**
- **In addition to the 18 NTAs (see attached appendix) that have been signed since the Jobs Plan was announced, which has exceeded ministry targets, MARR will develop 10 new NTAs by 2015 to respond to specific First Nations' interests and support regional economic growth.**
- **NTAs create certainty for development and provide First Nations with tools to participate in partnerships and development opportunities.**

III. KEY POINTS AND BACKGROUND:

- There are two types of Shared Decision Making Agreements: **Strategic Engagement Agreements (SEA) and Reconciliation Agreements (RA).**
- There are four types of revenue sharing opportunities: **Forest Consultation and Revenue Sharing Agreements (FCRSA), Economic and Community Development Agreements (ECDA), Economic Benefits Agreements (EBA) and revenues flowing from the First Nation Clean Energy Business Fund.**
- SEAs also establish a Government-to-Government Forum, which streamlines engagement and supports other negotiations.
- Four Reconciliation Agreements are also being implemented. These agreements pursue broader reconciliation objectives, including commitments to pursue resource revenue-sharing, economic development opportunities (e.g. carbon-offset sharing) and socio-cultural initiatives.
- 110 FCRSAs have been signed, which establish a consultation process for operational forestry decisions. FCRSAs are a part of an approach to revitalize BC's forest industry and provide a positive environment for investment.
- 10 ECDAs are in place, which provide a share of mining tax revenue to First Nations and ensures First Nations support for projects.

s.13, s.16

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s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

OVERVIEW OF NON-TREATY AGREEMENTS

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

OVERVIEW OF NON-TREATY AGREEMENTS

Non-treaty agreements with B.C. First Nations

The 18 non-treaty agreements reached with First Nations since the launch of the BC Jobs Plan (September 2011):

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
OVERVIEW OF NON-TREATY AGREEMENTS

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s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

TREATY 8 ECONOMIC BENEFIT AGREEMENTS

I. **ISSUE: Overview of Economic Benefit Agreements with Treaty 8 First Nations**

II. **TALKING POINTS:**

- **Economic Benefit Agreements (EBA) are part of the provincial strategy in the northeast to:**
 - **improve investor confidence;**
 - **support job creation;**
 - **ensure First Nations (FN) share in the benefits of resource development; and**
 - **maintain an on-going relationship with nations that are adherent to the historic Treaty 8 Agreement.**
- **EBAs provide for a share in the benefits from resource development, a say in how the land is managed and provisions for consultation processes.**
- **BC has achieved EBAs with 5 Treaty 8 FNs** s.13, s.16, s.17
- s.13, s.16, s.17

III. **KEY POINTS AND BACKGROUND:**

- There are three completed agreements with five Treaty 8 FNs:
 - Blueberry River FN EBA (2006);
 - Treaty 8 EBA, including Doig River FN, Prophet River FN and West Moberly FN (2008); and
 - Fort Nelson FN EBA (2012)
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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
TREATY 8 ECONOMIC BENEFIT AGREEMENTS

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Mineral Tax Economic and Community Development Agreements (ECDAs)

I. ISSUE: Mineral Tax Revenue Sharing Through Economic and Community Development Agreements (ECDAs)

II. TALKING POINTS:

- **The Province's mineral tax revenue sharing initiative has strong support from First Nations and the mining industry creating partnerships and facilitating collaborative economic development.**
- **ECDAs are project specific revenue sharing agreements that are a critical component of meeting the Province's commitments under the *BC Jobs Plan*.**
- **ECDAs also support the Province's commitment to closing the socio-economic gap between Aboriginal and non-Aboriginal citizens.**
- **Ten (10) agreements covering six (6) mines have already been signed for the following projects: New Afton outside Kamloops, Mt. Milligan mine north of Fort St. James, Elk Valley Coal in Southeast BC, Mount Polley expansion near Williams Lake, Copper Mountain near Princeton and the Province's largest metal mine Highland Valley Copper near Logan Lake.**

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III. KEY POINTS AND BACKGROUND:

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Mineral Tax Economic and Community Development Agreements (ECDAs)

s.12

s.13, s.16, s.17

s.12

s.12

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS - OVERVIEW

I. ISSUE: Liquefied Natural Gas - Overview

II. TALKING POINTS:

- **The Province is committed to the development of a Liquefied Natural Gas (LNG) Industry, which is a major focus of the BC Jobs Plan.**
- **Our Liquefied Natural Gas strategy outlines the principles – competitiveness, climate change progress, and affordable energy rates – that will guide the delivery of this new industry in British Columbia.**
- **The development of a Liquefied Natural Gas industry is a generational opportunity for British Columbia, one which will entail multi-billion dollars of investment by industry and employ thousands of British Columbians.**
- **BC is committed that FNs should participate and benefit from the LNG opportunity.**
- **“We have already signed several natural gas benefit agreements with BC First Nations including agreements with Treaty 8 First Nations worth tens of millions of dollars in natural gas revenues; s.13, s.16, s.17**

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s.13, s.16, s.17

**and a framework agreement
with Haisla that creates certainty for LNG development in Kitimat.”**

III. KEY POINTS AND BACKGROUND:

BC has a large supply of natural gas to support long-term production and demands, with estimated resource volumes that could support 2010 production levels for about 100 years.

The short-to-medium outlook for natural gas development within North America is modest. The natural gas sector has experienced low commodity prices in North America due to the emergence of shale gas. Diversifying the natural gas consumer base and opening up our gas to export markets will provide an important alternative to continued development of natural gas in British Columbia.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS - OVERVIEW

Prices are higher in Asia thanks to the Asian markets' growing appetite for natural gas. Expanding economies and growing populations are increasing demand for energy in those countries.

British Columbians will benefit from a long-term, active natural gas sector and exports diversification. Jobs will be available for those who are directly involved in natural gas exploration and production activities, and for many others who provide essential support services for industry's operations. Provincial revenues, collected from industry, help support important services and programs like health care and education. Economic spin-offs will also materialize for the service sector, First Nations, and local communities. To guide its efforts, British Columbia has developed Natural Gas and a Liquefied Natural Gas Strategies.

Provincial officials have met with and encouraged industry proponents to engage early and often with First Nations as part of their project development. Industry has indicated a willingness to communicate and meaningfully involve First Nations in the environmental review and design of their projects; additionally, both pipeline and facility proponents have indicated a willingness to enter into commercial arrangements and provide economic benefits to First Nations from major natural gas pipelines and LNG facilities.

First Nations have generally indicated supported for natural gas pipelines and LNG facilities. First Nations have distinguished this type of development as being more environmentally responsible and less damaging than oil-related development. Haisla First Nation has also become a part-owner/investor in the BC LNG Cooperative project.

s.13, s.16, s.17

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Estimates Note
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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS – UPSTREAM INITIATIVES

I. ISSUE: Liquefied Natural Gas – Upstream Initiatives

II. TALKING POINTS:

- **The development of a Liquefied Natural Gas (LNG) industry is a generational opportunity for British Columbia, one which will entail multi-billion dollars of investment by industry and employ thousands of British Columbians.**
- **Development of a LNG industry will provide an important economic stimulus to many communities throughout British Columbia – including First Nations.**

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III. KEY POINTS AND BACKGROUND:

s.13, s.16, s.17

British Columbia has an abundance of natural gas: at 2010 production levels, the Province has enough gas reserves to maintain this production for over 100 years. Technological advances coupled with new gas discoveries have created an abundance of supply in North America, which is expected to depress prices for natural gas in the short-to-medium term.

Over 80 per cent the natural gas produced in British Columbia is exported to markets in Canada and the USA. The Province's traditional markets are closer to other new supplies of North American natural gas, and we are at risk of losing market share.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS – UPSTREAM INITIATIVES

Diversification is important to increase the value of British Columbia's natural gas – for the longevity of British Columbia's natural gas sector and the benefits it creates.

Prices are higher in Asia thanks to Asian markets' growing appetite for natural gas. Opening up new export markets will increase production levels, job creation, revenues to the Crown, and economic prosperity.

British Columbians benefit from a long-term, active natural gas sector and exports diversification. Jobs will be available for those who are directly involved in natural gas exploration and production activities, and for many others who provide essential support services for industry's operations. Provincial revenues, collected from industry, support important services and programs like health care and education. Economic spin-offs will also materialize for the service sector, First Nations, and local communities.

The sole source of gas production within British Columbia occurs within Treaty 8. Eight First Nations within British Columbia are signatory to this treaty, and several other First Nations with Treaty 8 rights also exercise traditional activities within this area. The Province has developed a Northeast Strategy to guide Government priorities for this region, including development of strategies for Treaty 8 First Nations.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS – MIDSTREAM INITIATIVES

I. ISSUE: Liquefied Natural Gas – Midstream Initiatives

II. TALKING POINTS:

- **Development of a Liquefied Natural Gas (LNG) industry is a generational opportunity for British Columbia, one which will entail multi-billion dollars of investment by industry and employ thousands of British Columbians.**
- **Development of a LNG industry will provide an important economic stimulus to many communities throughout British Columbia – including First Nations.**
- **Government has demonstrated success in working with First Nations and proponents to build agreements that provide benefits and jobs for First Nation communities, and provide certainty for development.**
- **The Amended Economic Partnership Agreement for the Pacific Trails Pipeline (PTP) project we signed earlier this year is an example of how First Nations working together can bring direct benefits to First Nation communities.**
- **Government is committed to providing opportunities for First Nations to benefit from natural gas development and has begun discussions with First Nations that may be affected by new major natural gas pipelines.**
- **Natural gas pipeline proponents are prepared to work with First Nations on environmental components of their projects as well as being prepared to explore commercial arrangements and how Aboriginal communities can benefit from these projects.**

III. KEY POINTS AND BACKGROUND:

There is one approved new major natural gas pipeline which is intended to service LNG. The Apache/Chevron's PTP project, which will supply the proposed Kitimat LNG project, received an Environmental Assessment Certificate in 2008. That certificate was extended for an additional five years in June 2013.

Additional pipeline projects in the pre-application stages of the Environmental Assessment (EA) process:

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS – MIDSTREAM INITIATIVES

- **Spectra's Natural Gas Transmission Project** (from the Cypress area in northeast BC to BG Group's proposed Prince Rupert LNG export facility);
- **TransCanada's Coastal GasLink project** (from the Dawson Creek area to Shell's proposed LNG Canada facility in Kitimat); and,
- **TransCanada's Prince Rupert Gas Transmission Project** (from the Hudson's Hope area to Progress/Petronas' proposed Pacific Northwest LNG facility).

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS – DOWNSTREAM INITIATIVES

I. ISSUE: Liquefied Natural Gas – Downstream Initiatives

II. TALKING POINTS:

- **The development of a Liquefied Natural Gas (LNG) industry is a generational opportunity for British Columbia, one which will entail multi-billion dollars of investment by industry and employ thousands of British Columbians.**
- **Development of a LNG industry will provide an important economic stimulus to many communities throughout British Columbia – including First Nations.**
- **Government officials have worked closely with First Nations in the area where LNG plants are most advanced – including completing agreements with Haisla First Nation for developments in the Douglas Channel.**
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s.13, s.16

- **Industry proponents have indicated a willingness to work with First Nations on environmental aspects of their projects as well as being prepared to enter into commercial and other arrangements.**

III. KEY POINTS AND BACKGROUND:

The appointment letter from the Premier to the Minister identifies working with First Nations that are impacted by natural gas extraction, pipelines or LNG facilities to ensure they are provided with the ability to participate in this generational opportunity.

Five LNG plants have been proposed by proponents within British Columbia; if built, the cumulative GDP could add \$1 trillion to BC Economy by 2046. These five proposed plants are located in the Kitimat and Prince Rupert/North Coast areas.

The five projects could create on average 39,000 new full-time jobs during a nine-year construction period, and as many as 75,000 new, annual full-time jobs once all LNG plants are in full operation.

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
LIQUIFIED NATURAL GAS – DOWNSTREAM INITIATIVES

s.13, s.16, s.17

LNG plant proponents have engaged First Nations on their project proposals and have indicated a willingness to enter into commercial agreements and provide benefits to First Nations.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
FCRSA

I. ISSUE: Forest and Range Consultation and Revenue Sharing Agreements

II. TALKING POINTS:

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s.13, s.16, s.17

- **The Forestry Consultation and Revenue Sharing Agreement (FCRSA) was introduced in 2010 to replace the previous Forest and Range Agreements (FRA) and continues to deliver revenue sharing to First Nations as FRAs expire.**
- **FCRSAs share revenues based on harvesting activity within a First Nations' traditional territory. They include a transition period from per-capita to activity-based revenue sharing.**
- **FCRSAs also provide a consultation process for operational decisions related to forestry in the area. This enhances consultation efficiency, provides certainty to the land base and provides a positive investment environment for industry and opportunities for First Nations and non-First Nations community members. BC will continue to pursue FCRSAs to support BC's revitalized forest industry.**

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s.13, s.17, s.16

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III. KEY POINTS AND BACKGROUND:

- In 2003, the FRA was implemented by the Ministry of Forests (MFR). The agreements provided for revenue sharing, consultation protocols and short-term forest tenure

opportunities

s.13, s.16, s.17

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Status of Strategic Agreements with First Nations

I. ISSUE: Status of Strategic Agreements with First Nations

II. TALKING POINTS

- **There are two types of Shared Decision-Making Agreements: Strategic Engagement Agreements (SEA) and Reconciliation Agreements.**
- **Strategic Agreements are part of a provincial strategy to work collaboratively with First Nations to support economic development, job creation and to achieve greater certainty regarding land and resource decision-making. Targeted outcomes include:**
 - **enduring Government-to-Government (G2G) relationships with First Nations;**
 - **greater predictability for resource development approval processes; and**
 - **accelerated timelines for proponents to advance projects.**
- **Strategic Agreements will form a key part of the comprehensive solutions available to support the development of BC's new Liquefied Natural Gas (LNG) industry and the BC Jobs Plan.**

III. KEY POINTS AND BACKGROUND:

- BC now has seven SEAs with First Nations that establish comprehensive consultation processes

s.13, s.16, s.17

s.13, s.16, s.17

Completed Agreements:

Tsilhqot'in National Government Framework Agreement (TFA)

Agreement:

The TFA was signed in December 2009. The Agreement committed to:

s.17, s.16, s.13

- Agreement expired in 2012 and was extended for one year.

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Status of Strategic Agreements with First Nations

<i>Current Implementation:</i>	The TFA is implemented and operational. The extended Agreement expires April 30, 2014.
<i>Description of First Nation (FN):</i>	<ul style="list-style-type: none">• The TFA includes all six Tsilhqot'in communities (Alexis Creek Indian Band, Tl'etinqox-t'in Government Office, Stone Indian Band, Toosey, Xeni Gwet'in First Nations Government and Esdilagh First Nations).• The Tsilhqot'in are located in West Central BC, in the Cariboo region.

Ktunaxa Nation Council Strategic Engagement Agreement (KNC SEA)

<i>Agreement:</i>	The KNC SEA was completed in October 2010. The Agreement commits to:
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s.13, s.16, s.17

- Agreement expires in 2013.

<i>Current Implementation:</i>	s.13, s.16, s.17
<i>Description of FN:</i>	<ul style="list-style-type: none">• The KNC SEA includes all four Ktunaxa communities (Akisa'nuk, St. Mary's, Lower Kootenay and Tobacco Plains) and covers 6.9 million hectares territory.• The KNC are located in southwestern BC.

Land and Resource Management and Shared Decision-Making Agreement with the Taku River Tlingit

<i>Agreement:</i>	The Taku River Tlingit Agreement was completed in July 2011. The Agreement commits to:
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- s.13, s.16, s.17

- Agreement expires in 2014.

<i>Current Status:</i>	s.13, s.16, s.17
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<i>Description of FN:</i>	The Taku River Tlingit are a single band located in the northwestern region of BC. The Carcross-Tagish First Nation is a Tlingit band with territory in both BC and the Yukon.
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Nanwakolas Council Strategic Engagement and Reconciliation Agreements (RA)

<i>Agreement:</i>	RA signed in July 2011. Agreement builds upon the SEA which was renewed in December 2012. RA commits to:
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s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Strategic Agreements with First Nations

Second Phase SEA commits to:

- three-year term expired in March 2013, and was renewed for an additional three years;

s.13, s.16, s.17

Current Implementation: The RA and SEA are both operational.

Description of FN: First Nations which are signatories to the RA are: Da'naxda'xw Awaetlala, Gwa'sala-'Nakwaxda'xw, K'omoks, Mamalilikulla-Qwe'Qwa'Sot'Em and Tlowitsis. SEA includes above as well as: 'Namgis, Wei Wei Kai, Wei Wai Kum and Kwiakah First Nations.

Coastal Reconciliation Protocol

Agreement: RA was signed in December 2010. The Agreement commits to:

s.13, s.16, s.17

Current Status: • construction of the Klemtu ferry terminal – completed summer 2011.

The RA is operational. s.13, s.16

s.13, s.16, s.17

Description of FNs: The Coastal First Nations involved in this Agreement are Gitga'at First Nation, Heiltsuk Nation, Kitasoo Indian Band, Metlakatla First Nation, and Wuikinuxv Nation. The Nuxalk Nation joined the Protocol through in December 2010 and the Haisla Nation in November 2011. The Coastal First Nations are located in the central and north coast.

Kunst'aa guu – Kunst'aayah Reconciliation Protocol with the Council of the Haida Nation

Agreement: RA was signed in December 2010. The Agreement commits to:

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Strategic Agreements with First Nations

<i>Current Status:</i>	s.13, s.16, s.17
<i>Description of FN:</i>	The Haida First Nation, with approximately 4,000 members is located in Haida Gwaii.

Gitanyow Huwilp Recognition and Reconciliation Agreement (RRA) and Gitanyow Lax'yip Land Use Plan (LUP)

Agreement: The RRA was signed in September 2012 and implements commitments within the Gitanyow Lax'yip LUP.

s.14, s.16, s.17

<i>Current Status:</i>	The Agreement is operational and a consultation process has been developed and implemented.
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<i>Description of FN:</i>	The Gitanyow First Nation, with approximately 700 members, is located approximately 140 km northeast of Terrace in northwestern BC.
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Kaska Dena Council Strategic Engagement Agreement

Agreement: The SEA was signed in March 2012 and provides:

s.13, s.16, s.17

Current Agreement is currently operational.

Negotiations:

<i>Description of FN:</i>	Kaska Dena Council represents the three BC Kaska communities in Lower Post, Fort Ware and Good Hope Lake (Daylu Dena Council, Kwadacha First Nation, and Dease River Band).
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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Strategic Agreements with First Nations

Tahltan Central Council Strategic Engagement Agreement

Agreement: The SEA was signed in March 2013 and:

s.13, s.16, s.17

Current SEA is currently operational.

Negotiations:

Description of FN: Tahltan Central Council is located in the northwestern region of the Province and represents the Tahltan Indian Band and Iskut Indian Band on land and resource management.

Secwepemc Reconciliation Framework Agreement

Agreement: The SEA was signed in April 2013 and:

s.13, s.16, s.17

Current

Negotiations:

Description of FN: The Stk'emlupsemc te Secwepemc (SSN) and the Sexqeltkemoc te Secwepemc (STS) are historically recognized divisions within the Secwepemc Nation. The SSN consists of the Tk'emlups and Skeetchestn Indian Bands. The STS consists of Adams Lake, Neskonlith and Splatsin Indian Bands.

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Strategic Agreements with First Nations

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Status of Strategic Agreements with First Nations

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Business Development

I. ISSUE: Support for Aboriginal business development

II. TALKING POINTS:

- For 2013/14, MARR's budget includes \$1.9M in funding, \$1.815 M from the First Citizens Fund (FYC) and \$85,000 from MARR core funding (source is Intergovernmental and Community Relations Branch budget), that supports Aboriginal business development including:
 - Aboriginal Business Entrepreneurship Skills Training (BEST)
 - Business Loans Program
 - Business Advisory Centres
- MARR also supports the Secretariat for the Aboriginal Business and Investment Council. The Secretariat function is currently provided by the Ministry of Jobs, Tourism and Skills Training.

III. KEY POINTS AND BACKGROUND:

Descriptions of the various initiatives are as follows:

Aboriginal Business and Entrepreneurship Skills Training (BEST)

- 2013/14 budget, \$85,000 (source is Intergovernmental and Community Relations Branch budget)
- BEST provides a 10-part training series at no charge to participants in 10 communities per year. The training series takes people through the steps of developing a business plan. Each community is expected to have a minimum of 20 participants, of which 15 will complete the program successfully. Total funding is approximately \$263,000. MARR provides \$85,000 and the remainder is provided by Labour Market Agreement (LMA) funding through the Ministry of Jobs, Tourism and Skills Training

s.13, s.16, s.17

s.13, s.16, s.17

- Approximately 1386 participants have graduated from BEST - a graduation rate of about 77%. In 2012/13, 232 participants graduated.
- Approximately 69% (1242 people) of BEST graduates go on to start or expand existing business, enter new employment, or enter higher education.
- BEST business startups include some of the following: a film production company, a native plant nursery and large construction.
- At the 2012 BC Aboriginal Business Awards, a 2012/13 Aboriginal BEST graduate was a recipient of the Young Female Entrepreneur award.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Business Development

Business Loan Program

- s.13, s.17
- Administered by All Nations Trust Company (ANTCO) and delivered in partnership with five Aboriginal Capital Corporations, this program supports \$4M of business loans by providing 40 per cent of the principal of qualifying loans in four pro-rated instalments on behalf of the borrower. The program also provides a limited loan guarantee to lenders to encourage them to support developmental loans. There is a lifetime maximum loan value for any borrower of just over \$76,000. Each year approximately 125 businesses are supported by this program.

Business Advisory Centres

- s.13, s.17
- This program supports advisory centres in Fort St. John, Prince George and Cranbrook. Funding is cost shared at 50 per cent with Western Economic Diversification. Each centre provides a full range of supports to aspiring and existing Aboriginal business people including advice on business planning, financing, marketing, and troubleshooting difficulties that arise once their business is operating.

BC Aboriginal Business Awards

- s.13, s.17
- The BC Aboriginal Business Awards were launched in 2009 by MARR and delivered by the BC Achievement Foundation. The third annual event was held November 26, 2012, with the biggest crowd yet in attendance (nearly 540 people). This event has been the premiere recognition event for Aboriginal business in BC and is an exciting celebration of Aboriginal business people from all parts of BC.

Aboriginal Business and Investment Council

- Since 2011, MARR and BCBC have worked together to identify opportunities to improve business practices for consulting and engaging with First Nations based on the principles of:
 - Clarity with regard to roles in the First Nations consultation process, potential improvements, and how industry actions may fit into Crown accommodation strategies;
 - Capacity building for First Nations to engage efficiently and meaningfully; and,
 - Celebration of best practices and successful outcomes.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Surveying Commitments (including Maa-nulth)

I. ISSUE:

Timing of completion of surveying of all Maa-nulth (MFN) treaty settlement lands as required in the treaty

s.13, s.16

s.13, s.16

II. TALKING POINTS

- **The passage of the treaty legislation statutorily vested title to all the lands in the respective five First Nations.**

-

s.13, s.16

- **The treaty committed to the surveying of the outer boundaries of the land “as soon as practicable” after the Effective Date; work is progressing on this commitment with several surveys occurring over this summer and the fall.**
- **Surveying provides jobs for members of the nations and fosters the purchase of local services for communities.**
- **The tendering policy is designed to encourage employment, training, and support for nation members and local businesses.**
- **Completing surveys through large multi-year contracts provides for savings to government, and reassurances of long term work for proponents (local surveyor businesses) and opportunities for the First Nation members.**

III. KEY POINTS AND BACKGROUND:

The treaty provides that a small percentage (less than 5%) of treaty settlement land be registered in the Land Title Office. This obligation has been fully met. The passage of the settlement legislation on April 1, 2011 (the Effective Date) statutorily vests title in the treaty settlement lands in the First Nation. The treaty also provides all lands be surveyed (for deposit in the Crown Land Registry) before or as soon as practicable after Effective Date.

s.13, s.14, s.17

s.14, s.13, s.17

s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Surveying Commitments (including Maa-nulth)

s.16, s.13, s.17, s.14

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2012/13 Progress Report - New Relationship, Transformative Change Accord
and Métis Nation Relationship Accord

I. ISSUE: 2012/13 Progress Report - New Relationship, Transformative Change Accord and Métis Nation Relationship Accord

II. TALKING POINTS:

- **The New Relationship vision, the Transformative Change Accord (TCA) and the Métis Nation Relationship Accord (MNRA) embody government's commitment to closing the socio-economic gaps that exist between Aboriginal people and other British Columbians.**
- **The TCA was signed November 2005 by the Government of Canada, Government of BC, and the First Nations Summit, Union of BC Indian Chiefs, and BC Assembly of First Nations.**
- **The Métis Nation Relationship Accord (MNRA) was signed May 2006 between the Province of BC and the Métis Nation BC.**

Since 2005:

- **Treaties have been implemented with six First Nations and numerous reconciliation and other agreements have been achieved.**
- **Many revenue sharing agreements have been achieved** s.13, s.16

s.13, s.16

- **Made significant progress with Aboriginal people through tripartite agreements in key social areas such as Health, Housing and Education.**

III. KEY POINTS AND BACKGROUND:

- The TCA established a 10-year plan in 5 key priorities for First Nations:
- Crown – Aboriginal Relationships
- Economic Opportunities
- Education
- Housing and Infrastructure
- Health
- The MNRA similarly commits to address socio-economic gaps. Significant progress has been made.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2012/13 Progress Report - New Relationship, Transformative Change Accord
and Métis Nation Relationship Accord

Crown-Aboriginal Relationships

- Since 2005, treaties have been implemented with six First Nations, in addition to 110 Forest Consultation and Revenue Sharing Agreements with First Nations and a number of tools have been created to provide more economic opportunities and build better government-to-government relations (see Estimates Binder Part 2: Treaty Negotiations).
- Addressing past wrongs is an important part of Crown-Aboriginal Relations. Agreements with BC Hydro and the Tsay-Keh-Dene [Say-Kay-Dene] First Nation and Kwadacha First Nation address the devastation caused by the creation of the Williston Reservoir and demonstrate government's commitment to real and lasting reconciliation. We have also reached a final agreement with BC Hydro and the 11 member bands of St'at'mic to address longstanding grievances regarding the construction and operation of BC Hydro's Bridge River System.

Economic Opportunities

- Aboriginal Business and Entrepreneurship Skills Training (BEST) program delivered annually (see Aboriginal Business Development Estimates note)
- The Aboriginal Training for Employment Program will receive nearly \$2.2M in 2013/14 (\$8M¹ in 2012/13) to deliver job-related training for over 200 Aboriginal people (see Aboriginal Jobs, Skills and Training Strategy Estimates note).
- The Community-based Aboriginal Training Program will receive \$5M in 2013/14 to build partnerships between Aboriginal communities and public post-secondary institutions to increase access to employment-related training and education in Aboriginal communities (targeting 600 clients in 2013/14).
- The First Citizen's Fund (FCF) Business Loan Program annually supports over 100 Aboriginal small businesses. It helps small business owners to start, expand or make improvements across a range of business sectors (see FCF Estimates Note).
- In 2010, the *Clean Energy Act* was signed creating the First Nation Clean Energy Business Fund with an initial appropriation of \$5M and with additional revenues that flow into the fund through eligible land and water rentals.
- As of June 2013, the First Nation Clean Energy Business Fund has provided \$3,555,488 to 72 First Nation communities (see First Nations Clean Energy Business Fund Estimates Note)

Education

- In 2012, The *Tripartite Education Framework Agreement* was signed between the Federal Government, BC and the First Nations Steering Committee (First NationsESC) to identify the roles, responsibilities and commitments of the Parties relating to the improvement of educational outcomes for students in First Nation Schools in BC.

¹ Funding for this program was reduced in 2013/14 to help fund the new Community-based Aboriginal Training Program, which is administered by the Ministry of Advanced Education.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

2012/13 Progress Report - New Relationship, Transformative Change Accord and Métis Nation Relationship Accord

- Government is committed to ensuring Aboriginal learners have access to the post-secondary education and training they need for success. An Aboriginal Post Secondary Education and Training Framework was recently been developed with Aboriginal partners – consistent with government's new approach to policy development and the type of engagement Aboriginal people are seeking.
- We have signed Aboriginal Enhancement Agreements with 53 school districts
- Through a \$2.2M investment in 2013/14 from the Province through the Canada-BC Labour Market Agreement², participants of the Aboriginal Training for Employment Programs receive in-class instruction, hands on learning opportunities, and job coaching.
- Through a \$5M investment in 2013/14 from the Province through the Canada-BC Labour Market Agreement, participants in the Community-based Aboriginal Training Program can access employment-related training and education in Aboriginal communities in partnership with public post-secondary institutions.
- Between 2005 - 2010, Aboriginal students earned over 14,000 post-secondary credentials
- BC has invested \$11M over the past 2 years through the First Nations and Urban Aboriginal Early Childhood Development Steering Committee

Housing and Infrastructure

- The Housing Policy Branch reports that:
- approximately 200 off-reserve units have been built to provide safe, secure and culturally appropriate housing for youth, women, elders and those struggling with addictions.
- over 4,200 subsidized Aboriginal housing units are available in British Columbia.
- between April 1, 2012 and March 31, 2013, more than 1,750 Aboriginal people who were homeless or at risk of homelessness found stable housing through the Aboriginal Homeless Outreach Program
- Since 2008, the Province and Health Canada provided \$40.8M to facilitate broadband connectivity and capacity building for First Nations in BC. As of March 2012, 170 First Nations had access to high-speed internet services.
- In 2008, the tripartite First Nations Housing Memorandum of Understanding was signed.

Health

- December 2012, Canada, BC and the BC First Nations Health Council, signed a Health Partnership Accord re-affirming their long-term commitment and shared vision under the First Nation Health Governance (Framework Agreement) for a better, more responsive and integrated health system for First Nations in BC. The Framework Agreement is guiding the transfer of responsibility for design and delivery of all federally funded health programs and

² The Canada-BC Labour Market Agreement expires March 31, 2014. The federal government has indicated it intends to renew the agreement with new terms and conditions. The Ministry of Jobs, Tourism and Skills Training is leading the renewal of the agreement with the federal government.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

2012/13 Progress Report - New Relationship, Transformative Change Accord and Métis Nation Relationship Accord

services for BC First Nations, currently administered by Health Canada, to the First Nations Health Authority.

- A number of on-going projects are happening in communities across the province. For example, in 2009/10 the province introduced First Nations early childhood health screening programs for vision, dental and newborn hearing.
- Premier Christy Clark along with the Chiefs of the 9 South Island First Nations and the Victoria Native Friendship Centres signed the South Island Child and Family Wellness Accord.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Off-Reserve Aboriginal Action Plan

I. ISSUE: Off-Reserve Aboriginal Action Plan

II. TALKING POINTS:

- **As noted in the October 2011 Throne Speech, BC is committed to developing an Off-Reserve Aboriginal Action Plan (ORAAP) to improve socio-economic outcomes for off-reserve Aboriginal people in BC.**
- **To fulfill this commitment, to date MARR has:**
 - **Formed a Provincial Co-ordination Team (PCT) involving representatives from Aboriginal organizations and all levels governments to oversee the development and implementation of ORAAP.**
 - **Built a funding partnership with the federal government through the Urban Aboriginal Strategy (UAS) to support ORAAP initiatives.**
 - **Signed a Memorandum of Collaboration with Aboriginal Affairs and Northern Development Canada (AANDC) and a Protocol Agreement with the BC Association of Aboriginal Friendship Centres (BCAAFC) which will guide the work of the Parties to improve socio-economic outcomes for urban Aboriginal communities.**
 - **Implemented five ORAAP community-based pilot projects in Vancouver, Surrey, Prince George, Kamloops and Duncan to develop plans that reflect local interests and improve socio-economic outcomes of urban Aboriginal people.**
 - **Implemented an Aboriginal social innovation competition to mobilize Aboriginal communities and organizations to generate innovative ideas that will have positive social impacts.**
- **MARR will continue to work with key partners to support initiatives that improve socio-economic outcomes for off-reserve Aboriginal people in BC.**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Off-Reserve Aboriginal Action Plan

III. KEY POINTS AND BACKGROUND:

- 74 per cent of BC's Aboriginal¹ population live off reserve with 60 per cent living in urban areas. The off-reserve/urban Aboriginal population is also fast growing, young and faces challenging socio-economic conditions in comparison to the non-Aboriginal population.
- On October 3, 2011, the Speech from the Throne acknowledged the importance of the off-reserve Aboriginal population and included a commitment to work with Aboriginal partners, the federal government and local governments to develop ORAAP to improve socio-economic outcomes for off-reserve Aboriginal people in BC.
- The Federal government's UAS initiative also seeks to alleviate socioeconomic disparities between the urban Aboriginal and non-Aboriginal populations. Given the common goals and objectives of ORAAP and the UAS, the federal and provincial governments have agreed to link both initiatives.

s.13, s.16

¹ First Nations (status and non-status), Métis and Inuit

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Off-Reserve Aboriginal Action Plan

s.13, s.16

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Attachment 1

Provincial Funders in 2012/13

1. Ministry of Aboriginal Relations and Reconciliation
2. Ministry of Advanced Education
3. Ministry of Education
4. Ministry of Children and Family Development
5. Ministry of Community, Sport and Cultural Development
6. Ministry of Health
7. Office of Housing and Construction Standards
8. Ministry of Jobs, Tourism and Skills Training
9. Ministry of Justice
10. Ministry of Social Development and Social Innovation

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note Northern Nations

ATTACHMENT 1

TAHLTAN

NTL Framework Agreement

Signed in May 2011, the Framework Agreement included provincial commitments to negotiate shared decision making (Strategic Engagement Agreement), revenue sharing for NTL and subsequent projects subject to specific government mandates, energy planning and managing socio-cultural impacts through a Socio-Cultural Working Group).

Tahltan Interim Government to Government Forum

The forum was established to oversee implementation of the Framework Agreement and to deal with emerging issues. An initial priority has been dealing with Tahltan concerns regarding permitting of the Red Chris mining project.

Strategic Engagement Agreement

Tahltan and BC signed a shared decision making agreement in March 2013 that enables a collaborative approach to land and resource issues. The shared decision-making agreement will facilitate future economic development including expansion of the Northwest Transmission Line, major mines and clean energy projects.

Revenue Sharing

Tahltan and BC signed a revenue sharing agreement in March 2013 with respect to the Forest Kerr hydroelectric power project.

s.13, s.16, s.17

s.13, s.16, s.17, s.21

s.13, s.16, s.17, s.21

NTL Extension

The Province is supporting construction of the NTL with a federal infrastructure grant of \$149 million. Grant funding is dependent upon constructing the line to Iskut to remove the community from reliance on diesel generated power. The approved NTL Environmental Assessment Certificate (EAC) will build the line to Bob Quinn; a further extension of the line is required to bring power to Iskut and the Red Chris Mine.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note Northern Nations

Imperial Metals (Red Chris Mine) holds an EAC that includes construction of a transmission line from the mine location to Tatogga Lake.

s.13, s.16, s.21

s.13, s.16, s.21

TAKU RIVER TLINGIT – Treaty

Taku River Tlingit First Nation entered the B.C. treaty process in December 1993. Later it joined forces with Teslin Tlingit and Carcross-Tagish First Nations from the Yukon Territory at the Northern Regional Negotiations Table as part of a transboundary claim. TRTFN has since dropped out of the NRN and is again negotiating independently. Negotiations recently recommenced in 2011 after a lengthy period of inactivity and are in the early phase of Stage 4, the negotiation of an agreement-in-principle.

Strategic Engagement Agreement

The SEA was signed in July 2011 and is now being implemented. It provides for more efficient and effective engagement on proposed activities, a government to government forum, and a doorway to revenue sharing on major projects, and engagement on strategic initiatives including fish and wildlife, research and monitoring, placer mining and protected area planning. The agreement includes capacity funding of up to \$650,000 over 3 years (2011-2013).

Atlin Taku Land Use Plan

Taku River Tlingit Land Use Plan: In July 2011, the Taku River Tlingit and BC signed the *Wóoshtin Wudidaa: Atlin Taku Land Use Plan* and the *Wóoshtin yan too.aat: Land and Resource Management and Shared Decision Making Agreement* that provides a framework for engagement on land and resource matters in the Atlin Taku region.

Revenue Sharing Tulsequah Chief Mine Project

The Province tabled an offer in 2010.

s.13, s.16, s.17

s.13, s.16, s.17

KASKA DENA – Treaty

The Kaska Dena have recently re-engaged with MARR in Stage 4 of the Treaty. The Agreement in Principle was signed in April 2013. Final Agreement chapter language is being developed. Kaska have introduced a collaborative management chapter that captures their aspirations towards greater government-to-government collaboration on land and resource planning. The Lands technical work is beginning and will address Kaska land selection.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Northern Nations

Incremental Treaty Agreement

MARR is developing an ITA with Kaska Dena, encompassing a land component and economic opportunities.

s.13, s.16, s.17

s.13, s.16, s.17

Strategic Engagement Agreement

The SEA was signed in March, 2012 and provides \$1.3 million over three years to implement a government-to- government shared decision-making process. The SEA, was signed in March 2012, and provides \$1.3 million over three years to implement a government-to- government shared decision-making process. The SEA provides for more efficient and effective engagement on proposed activities, a government to government forum, approval of the Atlin Taku land use plan, and doorway to revenue sharing on major projects, and engagement on strategic initiatives.

Dease Liard Sustainable Resource Management Plan

The Management Plan was publically released in May 2012. It detailed land use planning for 2.3 million hectares. It is increasing certainty for the mineral, oil and gas, and tourism sectors in relation to the claims of Kaska members resident in British Columbia who are represented by the Kaska Dena Council.

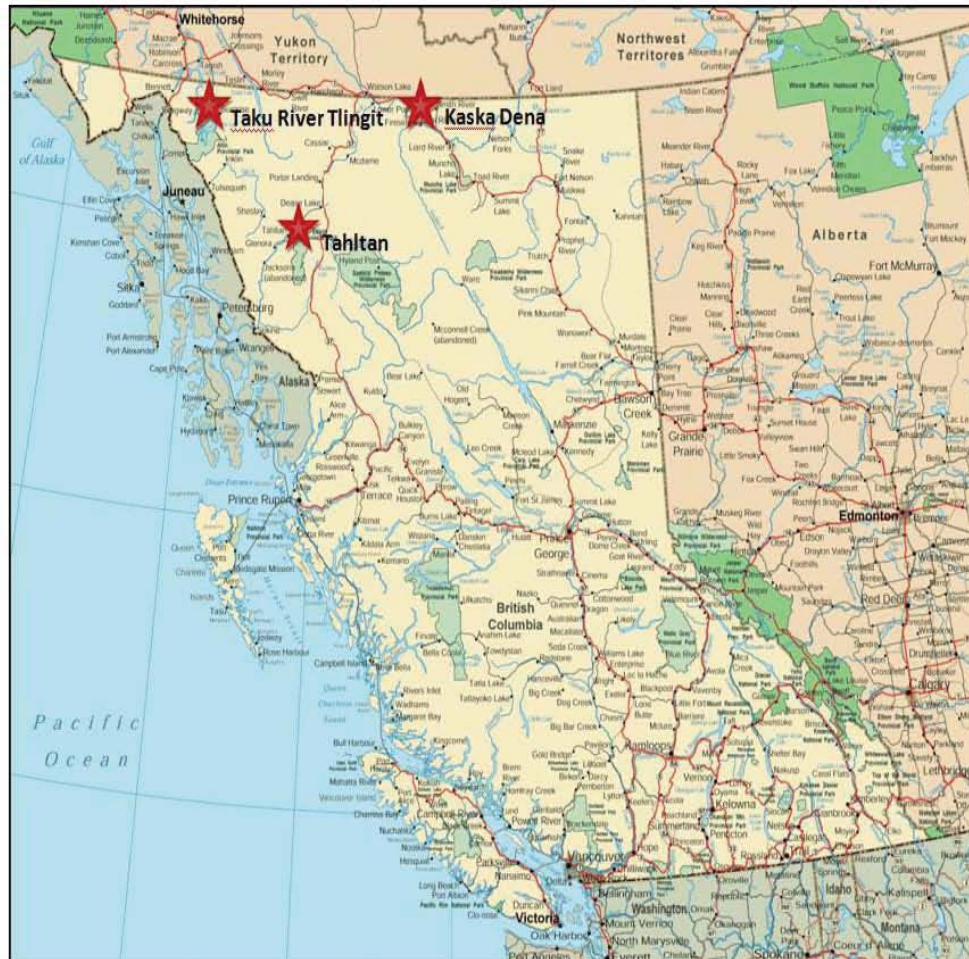
s.13, s.16, s.17

s.13, s.16, s.17

Forestry Consultation and Revenue Sharing Agreement

Each of the three First Nations (Dease River; Kwadacha; and Deylu Dena) has an FCRSA. Each community receives \$35,000 per year for 3 years. The FCRSAs will expire and be replaced in 2014. FCRSAs support the First Nations to participate in the consultation processes with the Province on forestry activity within their traditional territory. These agreements will achieve stability and greater certainty on forest and/or range resource development and will enhance the ability of the forestry and ranching industry to exercise timber harvesting and grazing rights in a timely, economic and environmentally sustainable manner.

Attachment 2 – Map



MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note Northern Nations

I. ISSUE: Northern Nations (Stikine)

II. TALKING POINTS:

- **MARR is working with the Northern Nations to contribute to reconciliation and support the BC Jobs Plan.**
- **Reconciliation takes many forms. Because it can heal wounds, right wrongs of the past and increase understanding, it builds a platform for the development of long-term productive relationships and economic certainty.**
- **For economic development to succeed, we need a strong foundation of cultural respect, social cohesion and individual and organizational capacity.**
- **Economic opportunities like the Northern Transmission Line, which will open up northwest BC to industry, must be approached holistically to ensure that First Nation communities are equipped to optimizing their participation in economic growth and deal with the potentially negative social effects of development.**

III. KEY POINTS AND BACKGROUND:

- **MARR and Children and Family Development (MCFD) are engaged in a number of initiatives with the Northern Nations (see Attachment 1).**
- **The Northern Nations are: Kaska Dena (centred in BC near Lower Post); Taku River Tlingit (centred in BC near Atlin); and, Tahltan (centred around Dease Lake). See Attachment 2 for map.**

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note Northern Nations

Initiatives that are renewing the community foundations for economic participation:

- Tahltan Socio-cultural Working Group (SCWG): The SCWG was created through the Northwest Transmission Line (NTL) Framework Agreement. Tahltan support for the NTL and subsequent economic development in the Northwest was contingent upon the establishment of the SCWG, which is a Tahltan-BC partnership with a dual objective:
 1. To contribute to the BC Jobs Plan by ensuring Tahltan members are ready for the employment opportunities arising from development; and,
 2. To protect Tahltan culture and society from the potential negative effects of rapid development.

The SCWG is implementing a three-year workplan to achieve its objectives with a focus on planning and governance structures for five sectors: Training and Employment, Health, Language and Culture, Education and Infrastructure.
- Stikine Wholistic Working Group (SWWG): The SWWG is comprised of representatives of the three Northern Nations. Together they are taking a community-driven, child at the centre approach to renewal of community based and traditional approaches that support wellness, self-sufficiency and prosperity and build capacity. In 2011-12 and 2012-13 the SWWG received a total of \$2,102,000 in funding from the MCFD.
- Lower Post residential school – Gathering Around the Fire: A four day commemorative event was held in August 2012. The event was organized by a working group comprised of the three Northern Nations. The Truth and Reconciliation Commission provided funding and MCFD provided support for the planning. It was well attended by former students from all three nations as well as the Treaty 8 First Nations. The intention is to demolish the school and rebuild a different, more positive facility.

Attachments (2):

- Northern Nation Initiatives
- Northern Nations Map

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Business Investment Council

I. **ISSUE: Aboriginal Business Investment Council – Progress and Priorities**

II. **TALKING POINTS:**

- **The Aboriginal Business Investment Council (ABIC) is a cornerstone of the BC Jobs Plan.**
- **The ABIC will play an important role in improving relationships between aboriginal communities, industry and government to implement practical measures for economic development.**
- **The Minister of Jobs, Tourism and Skills Training (JTST) has primary responsibility for support and funding of the ABIC; however, MARR will play an important role in facilitating the work of the ABIC.**
- **Congratulations to the ABIC on their “Success through Sharing” Symposium in December as well as their upcoming “Playbook”, an online tool to promote best practices for doing business with Aboriginal communities.**

III. **KEY POINTS AND BACKGROUND:**

The ABIC is currently made up of eleven representatives (see attachment) from business and Aboriginal communities. The chair is Chief Ellis B. Ross (Haisla) who is also on the BC Jobs and Investment Board. The ABIC is contemplating a formal seat for a British Columbia Business Council (BCBC) representative.

ABIC members have been selected for their understanding of business, Aboriginal cultures, relationship building and successful business models.

The ABIC is mandated to help improve Aboriginal participation in the economy and to promote economic certainty in the province by encouraging economic growth in Aboriginal communities.

The focus of the ABIC is economic development. The Council **will not** address Aboriginal rights and title.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Aboriginal Business Investment Council

The ABIC's major strategic objectives are to advance Aboriginal peoples' participation in the economy by:

- Identifying successful investment models;
- Providing investors with tools to engage and partner with Aboriginal people;
- Providing expert advice on Aboriginal economic development policy; and,
- Developing relations between Aboriginal communities, industry and government.

The ABIC has successfully delivered a “Success through Sharing” Symposium (December 2012) which brought together Aboriginal and non-Aboriginal leaders to showcase successful partnership ventures.

s.13, s.16

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Aboriginal Business Investment Council

Attachment

Aboriginal Business and investment Council Current Members	
Name	Organization/Position
Assu, Brian	Councillor, Wewikai First Nation
Baird, Kimberley C.	Tsawwassen First Nation
Bellis, Arnold R.	Chief Executive Officer and President of Gwaii Wood Products
Gottfriedson, Shane	Chief, Kamloops Indian Band (Tk'emlups te Secwepemc)
Harris, Roger B.	Principal, Harris Palmer Consultancy Firm Former MLA for Skeena
Kruger, Jonathan J.	Chief, Penticton Indian Band
Macfarlane, Fiona J.	Managing Partner, Vancouver and Western Canada and Chief Inclusiveness Officer, Ernst & Young
McInnes, Donald A.	Executive Vice Chairman, Alterra Power Corporation
Orr, Derek D.	Chief, McLeod Lake Indian Band
Peltier, Sidney A.	Owner and President of White River Helicopters Inc. and Pelair Helicopters. Vice President of the Northwest BC Metis Association.
Ross, Ellis B.	Chair of ABIC Chief Councillor, Haisla Nation
2 Vacant Positions	

APPENDIX 1

Summary of FCF Contractors, Programs and Budgets

		FY 12/13
Organizations Responsible for Administration:	Description:	
All Nations Trust Company	Business Loan Program	1,400,000
	Program Administration	115,000
Kootenay Aboriginal Business Advocates Society, Northeast Aboriginal Business and Wellness Centre, and Prince George Aboriginal Business Development Centre	Business Advisory Centers	300,000
BC Association of Aboriginal Friendship Centres	Friendship Centre Program	600,000
	Student Bursary Program	125,000
	Elders Transportation Program	25,000
	Program Administration	65,000
First Peoples' Heritage, Language and Culture Council	First Peoples' Heritage, Language and Culture Program	600,000
Total:		3,230,000

APPENDIX 2

Annual budget history and revenue projections:

2001/02 - \$2.82 M

2002/03 - \$3.398 M

2003/04 - \$3.962 M

2004/05 - \$4.2 M

2005/06 - \$4.2 M

2006/07 - \$4.2 M

2007/08 - \$4.2 M

2008/09 - \$4.2 M

2009/10 – \$4.1 M (revenue \$3.3 M)

2010/11 - \$3.972 M (revenue \$2.9 M)

2011/12 - \$3.649 M
(revenue - \$2.8 M, actual excess spending of \$778,000)

2012/13 - \$3.23 M
(revenue - \$2.5M meaning excess spending of approximately \$730,000)

s.13, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

First Citizens Fund

I. ISSUE: First Citizens Fund Budget for 2013-14

II. TALKING POINTS

- **The First Citizens' Fund (FCF) supports Aboriginal small business development, First Nations language preservation and friendship centres.**
- **In 2013/14 the FCF will provide \$3.030M to MARR's budget. This is a \$200,000 reduction relative to 2012/13, which is caused by historic low interest rates.**
- **MARR intends to mitigate the \$200,000 reduction in FCF revenues through reducing costs in other areas. This will allow MARR to maintain funding levels for organizations and initiative funded by the FCF at 2012/13 levels.**
- **Initiatives and organizations supported by the CFC in 2013/14 include::**
 - a. **Aboriginal business development with \$1.815 M.**
 - b. **The First Peoples Heritage, Language and Culture Council with \$600,000 this year. Since 2001, the ministry has funded this Council over \$16M to support their activities.**
 - c. **The BC Association of Aboriginal Friendship Centres with \$815,000.**

III. KEY POINTS AND BACKGROUND:

- **The FCF is a special account within the Consolidated Revenue Fund. FCF was established in 1969 with an initial endowment of \$25M. As of March 31, 2013, the fund had a book value of \$69.577 M. There are two components to the fund: (1) principal that cannot be spent, comprising \$66.49M; and, (2) accumulated "surplus" of \$3.087M that can be spent.**
- **The Minister is given authority to establish annual spending targets by Section 4 of the *Special Accounts Appropriation and Control Act* which allows the Minister to allocate the interest earned on the fund to support activities which advance the culture, education and economic opportunities of Aboriginal people who are ordinarily resident in BC.**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

First Citizens Fund

- The fund's investments are managed by the BC Investment Management Corporation (BCIMC). The fund is primarily invested in government bonds. As those bonds mature and are reinvested at the current, historic low interest rates, the fund's revenues have begun to decline more sharply. Appendix 2 provides historic budget amounts from 2001 s.13, s.17
- Declining revenues have required program spending reductions in the recent years:
 - In 2010/11 – the Friendship Centre Program was reduced by \$120,000 (\$5K reduction for each of 24 centres).
 - In 2011/12 – a reduction to the business support programs of over \$300,000 was implemented.
 - In 2012/13 – a reduction of \$400,000 for the First Peoples' Heritage, Language and Culture Council.
- The 2013/14 budget for the First Citizens Fund has been reduced by \$200K; however the Ministry will continue to fund the program at 2012/13 level by finding efficiencies in other areas.
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s.13, s.16, s.17

Appendices (2):

- 1: Summary of FCF contractors, programs and budgets
- 2: Annual budget history and revenue projections

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
FIRST NATIONS LEADERSHIP COUNCIL

I. ISSUE: FIRST NATIONS LEADERSHIP COUNCIL

II. TALKING POINTS:

- **The BC Government recognizes the importance of developing new ways of working with First Nations, and is creating a partnership with the First Nations Leadership Council (FNLC) to develop a New Relationship with First Nations in British Columbia, and to implement the Transformative Change Accord.**
- **The BC Government intends to continue its proactive approach with the FNLC to further address reconciliation, shared decision-making, revenue-sharing opportunities and consultation and accommodation to address the social and economic gap between First Nations and other British Columbians.**
- **Due to government fiscal restraints and limited engagement, MARR funding in 2010/11 and 2011/12 totaled \$350K. In 2012/13 MARR funding was \$500K to reflect the increased level of engagement and joint work.**

s.13, s.16

s.13, s.16

III. KEY POINTS AND BACKGROUND:

In early 2005, the BC Government engaged in discussions with the three First Nation political organizations – The First Nations Summit (FNS), the Union of BC Indian Chiefs (UBCIC) and the BC Assembly of First Nations (BCAFN) – through a First Nation coalition known as the FNLC. The FNLC membership is comprised from the Executive of each organization, currently:

- BC Assembly of First Nations: Regional Chief Jody Wilson-Raybould from the We Wai Kai Nation.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
FIRST NATIONS LEADERSHIP COUNCIL

- Union of BC Indian Chiefs: Grand Chief Stewart Phillip of the Penticton Indian Band; Chief Bob Chamberlin of Kwicksutaineuk-Ah-kwaw-ah-mish First Nation; and Chief Marilyn Baptiste of the Xení Gwet'in First Nations.
- First Nations Summit: Grand Chief Ed John, hereditary Chief of the Tl'azt'en Nation; Cheryl Casimer of the Ktunaxa First Nation; and Robert Phillips of the Northern Secwepemc te Qelmučw (Shusap) of the Canim Lake First Nation.

The three First Nation groups entered into a Leadership Accord in spring 2005, which enabled these discussions to occur. This was especially significant, since for the first time in over 30 years, representatives from all First Nations in BC were participating in a single process.

While the members of the FNLC work together to engage with the Province, they remain separate entities. They are mandated separately from each of their organizations and are responsible to act on the resolutions of their respective organizations. Demonstrable progress at the community level is very important to their members. The FNLC member organizations represent BC First Nations who are recognized as "rights-bearing Aboriginals" or "Status Indians" by the federal government.

In August 2009, following the joint development of a Recognition and Reconciliation legislative proposal by a small group of FNLC and provincial executives, First Nations responded by condemning the FNLC for over-reaching its mandate. A series of resolutions that set the future direction of the FNLC were passed at an All-Chiefs' Assembly in December, 2010. These included: undertaking a high-level analysis of the current political context to identify and strategize a response to Aboriginal rights and title, treaty rights and social justice issues; developing a communication/action plan to implement the strategies; and, developing a unified action plan on their key priorities.

In 2011, the government proposed an engagement model including: an annual meeting with the Premier; quarterly meeting with the Minister of MARR; the reestablishment of both a Management Committee and Senior Policy Officials Group; and, facilitating a meeting between the FNLC, provincial officials and members of the British Columbia business community.

In 2013, work to continue this reengagement continues: the parties have established a working group to jointly review the document, *Procedures for Meeting Legal Obligations When Consulting First Nations*, as well as a working group on *Water Act* modernization. MARR funds the FNLC engagement through the individual organizations. Annual funding provided in 2008/09 and 2007/08 totaled \$1,713,970 and in March 2009, MARR

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
FIRST NATIONS LEADERSHIP COUNCIL

issued a \$2 million grant for the FNLC organizations to engage the Province on New Relationship initiatives and the recognition and reconciliation legislative process.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Broadband Connectivity

I. ISSUE: Broadband Connectivity

II. TALKING POINTS

- To date, BC and Canada have provided \$48.8M to support the Pathways to Technology project with a goal of ensuring that all 203 First Nations in BC have access to high-speed broadband technology.
- The funds are being managed by the All Nations Trust Company (ANTCO), the overall manager of the initiative.
- The initiative is overseen by a steering committee comprised of ANTCO, the First Nations Health Council (FNHC) and the First Nations Technology Council (FNTC). The latter two steering committee members are organizations that report to the First Nations Leadership Council.
- The majority of the funding will be paid to telecommunications companies to provide the necessary broadband connectivity technology (e.g. TELUS and NorthwesTel). Funding is not being provided to individual First Nations.
- Connectivity projects are undertaken with a First Nation after prior engagement with the community and their approval to proceed is confirmed by a Band Council Resolution.
- As of March 2013, 177 of 203 First Nations had broadband infrastructure in place.

s.13, s.16

s.13, s.16

- With respect to the First Nations Summit and Union of BC Indian Chiefs (UBCIC) resolutions, if raised:
 - In the past First Nations Summit (FNS) and UBCIC passed a resolution to request creation of a \$50M Technology Opportunity Fund.
 - In the current fiscal climate, establishment of a \$50M technology fund would be extremely challenging.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Broadband Connectivity

III. KEY POINTS AND BACKGROUND:

- The Province is committed to extending broadband connectivity to First Nations in partnership with the federal government. The First Nations Connectivity and Capacity Building initiative, now called Pathways to Technology, has been developed to honour that commitment. Success of this multi-year initiative involves collaboration among all levels of government (provincial, federal and First Nations), First Nations organizations and private sector telecommunications suppliers.
- The goal of the initiative is to ensure that all First Nations in the province have access to, at a minimum, consumer level high-speed broadband connectivity.
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s.13, s.16

- As of March 31, 2008, less than half (42 per cent) of First Nation communities had broadband technology. As of March 2013, 87 per cent (177 of 203) of First Nations have broadband infrastructure in place.
- A project steering committee has been established with voting members consisting of: the FNTC, the FNHC and ANTCO. Provincial and federal governments participate in the steering committee as non-voting members. The provincial government is represented by MARR and the Ministry of Citizens' Services (Network BC). The Federal Government is represented by Health Canada and Aboriginal Affairs and Northern Development Canada (AANDC). MARR chairs the committee.
- To date, \$48.8M has been committed to the initiative: \$23.3M from BC (through Network BC), \$17.5M from Health Canada and \$8M from AANDC. \$5M has been earmarked for technical capacity development at the community level, which is being delivered by the FNTC.
- Resolutions have been passed at recent FNS and UBCIC meetings. FNS and UBCIC have requested 3 things from BC and Canada:
 - Full consultation with First Nations on any expansion of broadband technology through their territories;
 - Ensuring that First Nations are not denied access to economic opportunities arising from the expansion of connectivity; and,
 - Creation of a \$50M Technology Opportunity Fund.

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Appendix 1

Community-Based Housing Projects: Phase One and Two Results

PHASE ONE: 2010/11

Ahousaht

MARR facilitated a positive and productive working relationship with Ahousaht, federal departments and the Industry Training Authority (ITA) resulting in: 20 community members completing Level 1 Carpentry; 8 members successfully writing the Provincial apprenticeship exam; and, 12 members employed by Ahousaht to work on federal housing projects. .

Federal housing investments in 2010/11 included:

- 8 new Canada Mortgage & Housing Corporation (CMHC)-subsidized single family units; and,
- 13 Aboriginal and Northern Affairs and Development Canada (AANDC) renovations utilizing Canada Economic Action Plan (CEAP) funding

Gwa'sala-'Nakwaxda'xw (G-N)

MARR facilitated a positive and productive working relationship with G-N, provincial ministries and federal departments. There were 6 separate training initiatives that occurred between March and July 2011 after initial meetings with the band in the fall 2010. Ministry of Jobs, Tourism and Skills Training (JTST) contributed funding to implement a BladeRunners¹ training and employment program including work experience and wages for 12 band youth. MARR facilitated a successful relationship between BC Housing and G-N resulting in two weeks of Skills Plus Program training in practical electrical and plumbing skills. MARR also provided \$15,000 in seed funding to G-N to develop a community skills and employment inventory that can be used to leverage future skills training funding. About fourteen people have been employed in short or longer term employment in association with training overall (5 that worked on federally-funded housing).

Federal housing investments in 2010/11 included:

- 2 AANDC renovations; and,
- 5 AANDC CEAP renovations

Seabird Island

BC Housing engaged with Seabird Island First Nation in November 2011 to explore their training requirements and identify the best delivery model to suit their needs. BC Housing provided the community with tenant management and information sharing tools which they incorporated into their processes.

Federal housing investments in 2010/11 included:

- 12 new CMHC-subsidized units (received federal funding commitment in 2010/11 but underway in 2011/12 – completed)

¹ The BladeRunners Program offers training, life skills and employment opportunities (i.e. construction) for at-risk youth ages 15-30, many of who are self-identified Aboriginal people.

PHASE TWO: 2012 - 2013

Moricetown Band and the Office of Wet'suwet'en (OW)

MARR facilitated a positive and productive working relationship with Moricetown Band and OW. Positive results included the completion of 251 housing needs assessment surveys and a temporary job created for a band member. Also, an innovative off-reserve housing strategy workshop was held with 58 participants resulting in increased community capacity and partnerships with 9 non-profit organizations, one municipal government, band members from 4 Wet'suwet'en Nations, private and public representatives. This workshop will result in a key foundational document leading to a Wet'suwet'en Off-Reserve Housing Strategy. A BladeRunners youth training project was also led by MARR on-reserve in Moricetown and delivered by the Nanaimo Youth Services Association with funding from the JTST and federal sources. This resulted in 15 youth receiving training, of which 5 received paid work experience, 6 jobs and 5 training apprenticeships. Also, 8 new housing units were built.

Nuxalk

The ITA funded a Bridging to Trades Program mobile trailer in the community in August, 2012 providing essential skills and upgrading, and 12-weeks of hands-on and classroom pre-trades experience to 11 Nuxalk members in the following trades: electrical, plumbing, pipefitting, machining/millwright and welding. Also, 9 renovation units were developed in 2012/13.

Tla-o-qui-aht First Nation

MARR has developed a good relationship with Tla-o-qui-aht resulting in two planning initiatives. More specifically, BC Housing plans to implement a Skills Plus home maintenance training program on-reserve in 2013 for up to 10 band members. The community is also participating in a smoke alarm initiative with up to 364 alarms to be installed in 182 homes.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Housing Status

I. ISSUE: Aboriginal Housing Status

II. TALKING POINTS:

- **British Columbia (BC) is committed to the Transformative Change Accord, which includes a specific goal of closing the gap in affordable, safe housing between Aboriginal and non-Aboriginal people.**
- **In May 2008, BC signed a Memorandum of Understanding (MOU) with the First Nations Leadership Council and the Federal Government, pledging to work together to improve housing conditions on and off-reserve for BC's First Nations people. A tri-partite technical committee is responsible for overseeing the implementation of the MOU which includes representatives from the Ministry of Aboriginal Relations and Reconciliation (MARR), the Ministry of Natural Gas Development (MNGD) and BC Housing.**
- **We are committed to working with Aboriginal people on innovative ways to provide culturally appropriate on and off-reserve housing.**
- **Through the MOU, we have worked with the federal government and First Nations communities including Ahousaht, Gwa'sala-'Nakwaxda'xw and Wet'suwet'en, to develop comprehensive approaches to housing. For example, we utilized current provincial training and employment programs to support federal housing programs on-reserve.**
- **MARR and MNGD also launched the online Off-Reserve Aboriginal Housing Resource Tool, which provides Aboriginal British Columbians with consistent, standardized information about housing programs and services.**
- **The MNGD - Minister Responsible for Housing - through their work with BC Housing, also does significant work in the area of Aboriginal housing.**

III. KEY POINTS AND BACKGROUND:

Off-Reserve Aboriginal Housing

- MARR as a member of the First Nations Housing MOU technical committee,

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Housing Status

supports the MOU.

- In 2010/11, MARR and MNGD launched the online Off-Reserve Aboriginal Housing Resource Tool, which provides Aboriginal British Columbians with consistent, standardized information about housing programs and services. The tool was recommended by First Nations, Métis and other Aboriginal communities and organizations. MNGD and MARR are currently working together to explore ways to update the tool and increase usage.
- In 2012/13, MARR along with the Moricetown Band and Office of the Wet'suwet'en (OW) collaboratively co-hosted an off-reserve Aboriginal housing workshop. Fifty-eight people attended and discussed the development of an Aboriginal housing strategy for the community members living off-reserve.

On-Reserve Housing Initiatives

s.13, s.16

- These housing projects are led by MARR and are intended to pilot a more comprehensive approach to housing by focussing on utilizing existing provincial training and employment programs to augment new federally funded on-reserve housing units and renovations of existing units. In 2010 and 2011, pilot projects were undertaken in the First Nation communities of Ahousaht, Gwa'sala-'Nakwaxda'xw and Seabird Island (see Appendix 1).
- In June 2012, MOU Senior Officials approved building on and expanding the community-based housing projects in the First Nation communities of Gwa'sala-'Nakwaxda'xw, Moricetown, Nuxalk and Tla-o-qui-aht (see Appendix 1).
- MARR led the implementation of this second phase of community-based housing projects, identified priorities and undertook a range of initiatives.
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s.13, s.16, s.17

Appendices (1):

Community-based Housing Projects

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Youth

I. ISSUE: Aboriginal Youth

II. TALKING POINTS:

- **MARR recognizes the importance of Aboriginal youth to their communities and to the province, and actively supports youth leadership, skills development and engagement.**
- **Since 2006, in response to a request from Aboriginal youth to have input into provincial policy and program development, we have provided support to and worked closely with the Unified Aboriginal Youth Collective (UAYC).**
- **The UAYC played a key role in the development of BC's Aboriginal Youth Internship Program, which was launched in 2007 and is now managed through the BC Public Service Agency.**
 - **The Aboriginal Youth Internship Program provides internship opportunities in the BC public service and Aboriginal organizations.**
 - **It supports Aboriginal youth to develop their leadership skills and provides opportunities to contribute to and improve relationship building between Aboriginal youth, communities/organizations and the provincial government.**
 - **In 2013/14, 24 Aboriginal interns have been welcomed to the BC Public Service.**
- **Through youth-focused community development projects, MARR also supports First Nations youth and their communities directly to create opportunities for success in key areas such as education, recreation and support, community development and employment**
- **MARR also supports capacity development among Aboriginal youth workers regionally through training and networking.**
- **MARR actively encourages all ministries to engage with and support Aboriginal youth input into the work of ministries and to support leadership and capacity development.**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Youth

III. KEY POINTS AND BACKGROUND:

Unified Aboriginal Youth Collective

- The UAYC brings together diverse groups of Aboriginal youth. Current members of the UAYC include:
 - Provincial Aboriginal Youth Council (PAYC) of the BC Association of Aboriginal Friendship Centres
 - First Nations Youth Council of BC (FNYCBC)
 - British Columbia Assembly of First Nations (BCAFN) youth representatives
 - Métis Youth British Columbia (MYBC), youth council of Métis Nation BC
 - Knowledgeable Aboriginal Youth Association (KAYA), a Metro Vancouver youth organization
- Between 2006 and 2010, MARR has provided each UAYC organization with up to \$50,000 annually for youth engagement and capacity development
- While funding levels remained the same for the total program as 2012/13, one new youth group was recently formed , the FNYCBC noted above.

s.13, s.16, s.17

- MARR annually funds and provides support for regular in-person meetings and a provincial UAYC youth forum which provides opportunities for youth to develop their leadership skills, build their capacity to engage with government, and collaborate on areas of common interest.
- Past UAYC forums have focused on areas such as youth health, education, children and families, culture and language, child rights, Indigenous rights, youth engagement and more. Aboriginal Elders, leaders, and key ministry representatives attend.

Aboriginal Youth Internship Program (AYIP)

- AYIP was launched in 2007. It is a 12-month paid internship for Aboriginal youth ages 29 and under.
- The program runs annually from September to August and provides professional experience, leadership development, and cultural support. Interns are placed in ministries for nine months and then in Aboriginal organizations for the last three months of the program.
- The fifth year of this program began in September 2011 with 26 interns being welcomed to the BC Public Service.
- The AYIP has gained a widespread reputation among Aboriginal communities in BC as a positive initiative that supports Aboriginal youth and organizations.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Aboriginal Youth

s.13, s.16, s.17

Youth Community Development

MARR works directly with First Nations communities, at their invitation, to build capacity for youth engagement and leadership development by:

- Supporting communities to engage, mentor and provide opportunities for youth.
- Supporting youth to identify, plan and implement youth-directed activities that provide youth with safe and creative outlets for healing; increased self-esteem and confidence; and safe, drug and alcohol-free activities.
- Supporting Aboriginal youth workers through regional training forums. In 2012/13 MARR, in partnership with Aboriginal Affairs and Northern Development Canada hosted three regional Aboriginal youth worker forums in Kamloops, Prince George and Terrace.
- Supporting Aboriginal youth workers to establish peer-based networks to broaden and increase resources, align their work, facilitate mentoring-based relationships, and share best practices.
- Engaging with federal, provincial and other partners to support youth and their communities

Demographics (2006 Census, Statistics Canada – 2011 data not yet available)

- In BC, 46 per cent of the Aboriginal population was under 25 years old. Over 25 per cent of the Aboriginal population was under 15 years old, compared with 16 per cent of the non-Aboriginal population.
- Aboriginal youth represent the fastest growing demographic province-wide.
- The median age of the BC Aboriginal population was 28 years, compared with a median age of 41 years for the non-Aboriginal population.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Aboriginal Youth

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

BC Association of Aboriginal Friendship Centres

I. ISSUE: BC Association of Aboriginal Friendship Centres

II. TALKING POINTS:

- **The BC Association of Aboriginal Friendship Centres (BCAAFC) and its 25 member friendship centres play an important role in providing services and support programs to BC's urban/off-reserve Aboriginal population.**
- **This government is committed to continuing to support the BCAAFC and the valuable cultural, social, economic and recreational programs each centre provides.**
- **In 2012/13, MARR provided \$1.045M (\$230,000 from MARR's core budget and \$815,000 from the First Citizens Fund) to the BCAAFC.**

s.13, s.16, s.17

- **MARR and the BCAAFC signed a Protocol Agreement on October 19, 2012, which defines the roles and responsibilities of the two Parties and key principles that guide their ORAAP partnership**

III. KEY POINTS AND BACKGROUND:

- Headquartered in Victoria, the BCAAFC, a registered society, has been in operation for 40 years and is the umbrella organization for the 25 member friendship centres located throughout the province. The President is Annette Morgan and the Executive Director is Paul Lacerte.
- The friendship centre network offers a variety of training, social, cultural, economic and recreational programs to improve the the quality of life of off-reserve/urban Aboriginal people. Many of the programs are delivered on behalf of provincial ministries (e.g. Children and Family Development) and the federal government.
- Most of the operational and program funding for friendship centres comes from the

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

BC Association of Aboriginal Friendship Centres

federal government and through flow-through arrangements with provincial social ministries. In addition, MARR provides some funding.

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Community Development Initiatives

I. ISSUE: Community Development Initiatives

II. TALKING POINTS

- **The Ministry's Community Development Branch works with First Nation communities on their priorities, creating networks to support them to achieve their goals. In these tight economic times, connections and partnerships can lever considerable benefits.**
- **Community development projects prepare First Nations to contribute to, and benefit from, economic renewal and provincial prosperity by developing community capacity, especially institutional and governance capacity.**
- **Community development projects support youth leadership development, youth worker capacity building, and help to build community readiness and capacity for youth engagement.**
- **Community development processes build self-sufficiency, capacity and independence, preparing communities to contribute to and benefit from economic renewal and provincial prosperity.**
- **The Community Development Branch works with First Nations both in and outside the treaty process.**

III. KEY POINTS AND BACKGROUND:

- MARR's Community Development Branch (CDB) uses the principles of community development: working with communities at their invitation and on their priorities, building on existing assets in the community and among individuals and creating supportive networks to support communities to achieve their goals. Examples are listed in Attachment 1.
- Community development projects contribute to the BC Jobs Plan by building capacity for individuals to seek and retain employment.
- The community development approach to capacity building contributes to a First Nation's ability to be self-governing and to engage effectively in government-to-government relationships.
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s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Community Development Initiatives

- CDB has been working with Aboriginal youth, youth workers and organizations (non-profit and political) since 2008 to create networks, support personal development and community capacity to support youth engagement, and build concrete skills and leadership potential.
- In 2009-10 the CDB grant and transfers under agreement budget was eliminated.

s.13, s.16, s.17

- In 2013-14, staff continue to offer their skills and expertise to build capacity and goodwill with First Nations in the absence of grant or project funding. CDB has been invited to assist communities with: strategic planning; community planning; project management; youth; economic development; and networking.

Attachment (1): Communities/affiliations assisted by Community Development Branch

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Community Development Initiatives

ATTACHMENT 1

Communities/affiliations assisted by Community Development Branch
(*denotes confirmed or anticipated 2013-14 support)

- Ahousaht (Ahp-cii-uk)
- Ehattesaht (Ahp-cii-uk)
- Esquimalt
- Gwa'Sala Nakwaxdax'w
- Nanwakolas*
- Gitxsan and Wet'suwet'en*
- Heiltsuk
- K'omoks*
- Kamloops region youth workers*
- Lake Babine*
- Lleidli T'enneh
- Maa'nulth
- Nak'azd'li
- Nazko
- Pacheedaht
- Pauquachin
- Prince George region youth workers*
- Quatsino*
- Skeetchestn*
- Snuneymuxw
- Tahltan*
- Terrace region youth workers*
- Tk'emlups*
- Tl'amin
- Tsessaht (Ahp-cii-uk)
- Tsihlqoti'in
- Uchucklesaht & Toquaht
- Vancouver Island youth workers
- Yekooche

Attachment

PARTNERS

Provincial Ministries (including regions)

- Ministry of Aboriginal Relations and Reconciliation
- Ministry of Advanced Education
- Ministry of Jobs, Tourism and Skills Training
- Industry Training Authority
- Ministry of Social Development and Social Innovation
- Ministry of Children and Family Development*
- Justice*

Federal Government

- Aboriginal Affairs and Northern Development Canada
- Human Resources and Skills Development Canada

Aboriginal

- First Nations Leadership Council
- Métis Nation British Columbia
- British Columbia Association of Aboriginal Friendship Centres

Private Industry and Business

- Business Council of British Columbia
- Other industry and sector partners to be determined

* social ministries that link into efforts to supportive interventions for those entering and or seeking to be back into the work-force

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

BC Association of Aboriginal Friendship Centres

I. ISSUE: Aboriginal Jobs, Skills and Training Strategy

II. TALKING POINTS:

- **As the fastest growing young demographic in BC, Aboriginal people are a key element of the province's future workforce.**
- **Also, building capacity in Aboriginal communities is needed to ensure that Aboriginal people have the opportunity to participate fully in BC's economy.**
- **Given this, there is an opportunity to develop a more coordinated and strategic approach to support increased opportunities for jobs as well as training for BC's Aboriginal population.**

s.13, s.16

- **MARR will look to existing provincial training and employment programs and to partners to provide support for this initiative.**

III. KEY POINTS AND BACKGROUND:

- The role of MARR is key to ensuring that government delivers on its promise of economic development and community economic security. For example, it will be important to ensure that BC's Aboriginal population is participating and benefiting from initiatives such as Liquefied Natural Gas (LNG) development as it will provide jobs and other economic opportunities for Aboriginal communities.
- While great success has been made with the *BC Jobs Plan* to secure non-treaty benefit agreements with First Nations, more can be done to also support the broader Aboriginal (First Nations, Métis and Inuit) population residing in urban and rural communities.

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
BC Association of Aboriginal Friendship Centres

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
BC Association of Aboriginal Friendship Centres

s.13, s.16

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

First Peoples' Cultural Council and First Nations Languages

I. ISSUE: First Peoples' Cultural Council and First Nations Languages

II. TALKING POINTS

- **BC has a wealth of First Nations languages and cultures. BC is home to 60 per cent of First Nations languages in Canada with 32 languages and 61 dialects. Most of these languages are endangered.**
- **Today only 5.1 per cent of the BC's First Nations population are fluent speakers of their language; only 8.2 per cent of the population are semi-speakers.**
- **The First Peoples' Cultural Council (FPCC) has the mandate to address the challenges of preserving and revitalizing First Nations languages in BC.**
- **We have maintained MARR's funding in 2013/14 s.13, s.17 (\$1.051M in 2012/13 of a projected total s.13, s.17 FPCC budget of \$3.379M). Since 2001, the province has provided more than \$16M in support of FPCC.**
- **The Province recognizes that First Nations language and culture revitalization is closely linked to improving the health and well-being of Aboriginal people and communities and also contributes to improved educational outcomes.**

III. KEY POINTS AND BACKGROUND:

Legislation/Governance:

- The First Peoples' Cultural Council (FPCC) is a Crown corporation established by the Province in 1990 by the *First Peoples' Heritage, Language and Culture Act* (the Act).
- FPCC is governed by a 13-member Board of Directors (BOD); the current Chair is Dr. Lorna Williams.
- MARR and the Advisory Committee of the FPCC developed a set of amendments to the Act. Brought into force on April 1, 2011, these amendments modernized and created a more representative governance structure, and better reflect the mandate of the FPCC. With these amendments, the FPCC Advisory Committee can now include representatives from each of the 34 First Nations languages groups in BC.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

First Peoples' Cultural Council and First Nations Languages

Budget/Funding:

- The greatest proportion of the FPCC's revenue over the past decade has come from the Province (\$1.051M in 2012/13 of a total budget of \$3.379M). Since 2001, the Province has provided nearly \$16M in support of FPCC.

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Future Opportunities:

s.13, s.16

Other Provincial Language and Culture Funding:

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
First Peoples' Cultural Council and First Nations Languages

s.13, s.16

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APPENDIX 1

Métis Nation British Columbia (MNBC) Tripartite and Capacity Funding Details:

Year	BC Contributions	Comment
2001-02	75,000	
2002-03	137,500	
2003-04	100,000	
2004-05	115,000	
2005-06	242,500	
2006-07	470,000	
2007-08	1,007,127	Includes one-time \$450,000 grant for MNRA
2008-09	1,007,000	Includes \$475,000 accelerated grant for 2009/10
2009-10	0	
2010-11	480,000	\$455,000 tripartite and capacity funding, plus \$25,000 elders conference support
2011-12	430,000	\$412,288 was actually spent
2012-13	412,288	Note: unspent funds of \$16,391 from previous fiscal was carried over; total funds for this fiscal is \$430,000
2012-13	25,000	Participate in Off-reserve Aboriginal Action Plan

s.13, s.16, s.17

APPENDIX 2

Métis Demographics:

Canada's 2006 Census indicates there are upwards of 59,000 Métis people living in BC. Although Métis specific statistics are limited, the majority of Métis people are urban and enjoy a higher standard of living compared with First Nations, but fall below the general population's health and well-being indices.

Important Provincial/Métis Milestones Prior to the MNRA:

In 1996, the province and Canada agreed to engage in trilateral negotiations with the administrative agent of the Métis Nation, the Métis Provincial Council of BC, and to deal with matters pertaining to self-governance. The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government was used to frame these discussions.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Métis Nation British Columbia

I. **ISSUE: Métis Nation British Columbia and British Columbia Métis Federation**

II. **TALKING POINTS**

- **Métis Nation BC (MNBC) is recognized by BC and Canada as the political representative organization for Métis people in the province.**
- **In 2006, MARR signed a bilateral agreement with MNBC, the Métis Nation Relationship Accord (MNRA), which commits the Province to work with Métis people in BC to address a range of social and economic issues (see separate Estimates Notes on New Relationship, Transformative Change Accord, MNRA).**

s.13, s.16

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s.13, s.16, s.17

- **MNBC provides employment and skills training support to self-identified Métis in seven regions across the province and last year served 600 clients. It also collaborates with ACCESS BC to deliver the Bladerunners programs which supports workforce attachment for youth ages 18 – 21.**

III. **KEY POINTS AND BACKGROUND:**

Métis Rights

- **Métis are recognized as one of Canada's Aboriginal peoples under Section 35 of the Canadian constitution. BC does not consult with Métis regarding Section 35 Aboriginal rights. BC does not believe that any Métis community is capable of successfully asserting site-specific Section 35 rights in BC. Provincial staff engage**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Métis Nation British Columbia

Métis as a stakeholder group, but not as a group entitled to consultation and accommodation based on Section 35 assertions.

Tripartite Self-governance Negotiations

- In 2003, the Province entered into a five-year Memorandum of Understanding (MOU) with Canada and the politically representative organization of Métis people in BC to pursue self-governance negotiations and build governance capacity.
- In 2007, the federal government declined to renew the expired MOU, but agreed to continue working with the Province and Métis on self-governance capacity.
- Tripartite negotiation processes enable MNBC, at the provincial, regional and local levels, to engage with provincial and federal governments to build effective partnerships and to participate in negotiations of practical measures to strengthen organizational capacity, support their service delivery institutions and discuss better access to federal and provincial programs and institutions.
- Self-governance activities are cost-shared with Canada and BC. Canada provides considerably more capacity funding than BC (Appendix 1).
- The Métis tripartite work over the past several years has resulted in the creation of the following institutions being supported with capacity development funds:
 - Métis Nation Governing Assembly
 - Métis Senate
 - Métis Women's Secretariat
 - Métis Youth BC (MYBC)
- These institutions ensure that Métis people are able to assemble and develop their sector specific interests and have those interests presented to government. Having this process allows government to craft policy and develop social and economic programs that are going to have positive outcomes for Métis people in BC.
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- s.13, s.16
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- See Appendix 2 for Métis demographics and important milestones prior to the MNRA.

Métis Financial Issues

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Métis Nation British Columbia

s.13, s.16

- MARR continues to work with MNBC and federal partners as MNBC works to resolve its financial issues.

s.13, s.16

- In 2012/13, MARR provided base funding of \$430,000 to MNBC. The base funding was comprised of \$250,000 for cost shared tripartite self-governance funding and \$180,000 for organizational capacity and youth funding.
- MARR provided an additional \$25,000 in 2012/13 to participate in the Off-reserve Aboriginal Action Plan.
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s.13, s.16, s.17

- There has been no funding committed to support MNBC's continued participation in ORAAP.
- MNBC was advised by Aboriginal Affairs and Northern Development Canada on June 2, 2013 of a reduction of \$500,000 in funding for this fiscal year.
- MNBC holds the Aboriginal Skills and Employment Training agreement with Human Resources and Skills Development Canada (HRSDC), providing services to self-identified Métis in seven regions across the province and last year served 600 clients. It also collaborates with ACCESS BC to deliver the Bladerunners programs which supports workforce attachment for youth ages 18 – 21. Funding for skills and employment training from the BC – Canada labour market agreements will be subject to agreement renegotiations for 2014/15.

BC Métis Federation

- The BC Métis Federation (BCMF) is publically critical of MNBC and is seeking recognition and financial support as an alternative representative of the Métis people of BC. It is difficult to judge the level of actual support they have at the community level.
- BC continues to work with MNBC as the politically representative organization for

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Métis Nation British Columbia

Métis people in BC, and have made no funding available to support BCMF. The Federal Government has taken the same approach.

- The BCMF has launched Human Rights complaints against MARR and the Ministry of Children and Family Development, alleging discrimination in the provision of services based on race and ancestry.

Appendices (2):

- MNBC Tripartite and Capacity Funding Details
- Demographics

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Stopping Violence Against Aboriginal Women and Missing and Murdered Women

I. ISSUE: Stopping Violence against Aboriginal Women and Missing and Murdered Women

II. TALKING POINTS

- **A disproportionate number of women affected by violence are Aboriginal, leading to concerns about justice and equity for Aboriginal women.**
- **The issue of missing and murdered women is a tragic one, and is very high profile in BC with the “Highway of Tears” and the Pickton case. According to the Native Women’s Association of Canada, BC is over-represented in the proportion of murdered and missing Aboriginal women across Canada.**
- **In September 2010, the BC Government established the independent Missing Women Commission of Inquiry to inquire into and report on the conduct of the missing women investigations in the Downtown Eastside of Vancouver between 1997-2002. The Report was made public in December 2012 with 63 recommendations. My colleague, the Minister of Justice, will be able to speak to the progress BC has achieved in implementing those recommendations.**
- **MARR supports measureable actions related to the *New Relationship*, the *Transformative Change Accord* and the *Métis Nation Relationship Accord* which address those underlying root causes that contribute to increased exposure and vulnerability related to domestic violence.**
- **Recent initiatives by the ministry to address this important issue include: the creation of the Minister’s Advisory Council on Aboriginal Women; and co-leading the national Aboriginal Affairs Working Group sub-committee on Violence Against Aboriginal Women and Girls.**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Stopping Violence Against Aboriginal Women and Missing and Murdered Women

III. KEY POINTS AND BACKGROUND:

In addition to MARR, several ministries have mandates with regard to this issue including Justice, Health, and Children and Family Development. Select highlights include:

Minister's Advisory Council on Aboriginal Women

- Following the National Aboriginal Women's Forum that MARR co-hosted with the Native Women's Association of Canada (June 2011), the Minister announced the creation of the Minister's Advisory Council on Aboriginal Women.
- Ten members have been appointed to the council which is chaired by Wendy Grant-John. The Council provides advice to government on how to improve the quality of life for Aboriginal women across BC.
- MARR, in addition to its role as the Council's Secretariat, has allocated \$34,200 to support the Council's activities in 2013/14.

Stopping Violence Against Aboriginal Women and Girls Working Group

- MARR is the co-lead of the Aboriginal Affairs Working Group – Stopping Violence Against Aboriginal Women and Girls sub-committee. This Provincial/ Territorial/ National Aboriginal Organization sub-committee is working to develop a national framework of action to stop violence against Aboriginal women and girls.

Missing Women Commission of Inquiry

- In September 2010, the Missing Women Commission of Inquiry was established. Wally Oppal, QC, was appointed Commissioner.
- The Commission began evidentiary hearings in Vancouver on October 11, 2011; the Commission's report was publicly released on December 17, 2013 with 63 recommendations.
- Government's immediate response was to appoint the Honourable Steven Point to chair a new Advisory Committee on the Safety and Security of Vulnerable Women. There was also a commitment to provide \$750K to the WISH Drop-In Centre Society to allow it to expand its services to vulnerable women and to develop a targeted engagement plan for safer transport options along Highway 16. Mr. Point stepped down from his role as chair in May 2013.

Other Provincial Initiatives – Murdered and Missing Women

The Province has taken a number of steps to address the specific issue of missing and murdered women, including:

- Funding a dedicated team of major crime investigators along the Highway of Tears. Since 2005, the province has spent approximately \$20 million on this investigation and currently spends approximately \$5 million per year (Project E-PANA). Note: in

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Stopping Violence Against Aboriginal Women and Missing and Murdered Women

September of 2012, the RCMP announced that they had solved one of the 18 historical cases.

- Providing almost \$2.5 million annually in funding for victim and violence against women programs and services in the Highway of Tears region.
- Providing \$250,000 in civil forfeiture proceeds to Carrier Sekani Family Services to undertake a project to raise awareness of the dangers of hitchhiking and build capacity to address community safety and prevent violence against women along the Highway of Tears (March 2012).
- Between 2006-2010, the Province provided over \$150,000 to help implement the 33 recommendations from the Highway of Tears report.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Aboriginal Litigation

I. ISSUE: Aboriginal Litigation

II. TALKING POINTS:

- **Section 35(1) of the *Constitution Act, 1982* states: “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.” Since 1982 there have been significant developments in Aboriginal law.**
- **The Courts consistently recommend to all parties (governments and First Nations) that the preferred approach of achieving reconciliation of claims is through negotiation rather than litigation.**
- **For the status and implications of any specific case, I will refer questions to my honourable colleague, the Attorney General and Minister of Justice.**

III. KEY POINTS AND BACKGROUND:

- British Columbia is home to more than 200 First Nations, many of which have unsettled and overlapping claims of Aboriginal rights and title.
- Following the Supreme Court of Canada decision in *Haida* in 2004, many of the cases brought by First Nations have challenged the adequacy of consultation and accommodation in relation to resource decisions.
- In May 2010, the Ministry of Aboriginal Relations and Reconciliation updated the consultation procedures used across government to ensure consistency with requirements set out in current jurisprudence and to minimize legal risks associated with the government’s consultation obligations.
- Key issues being raised in Aboriginal litigation include the following:

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Aboriginal Litigation

s.13, s.16

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

PROSPERITY MINE PROJECT (TSILHQOT'IN LITIGATION)

I. ISSUE: Prosperity Mine Project (Tsilhqot'in Litigation)

II. TALKING POINTS:

- **In February 2012, Taseko Mines (Ltd.) and the Tsilhqot'in National Government (TNG) agreed to a reduced scope of work for the sole purposes of obtaining information required for the federal environmental assessment of the proposed New Prosperity Project.**
- **Public and Aboriginal community hearings on a New Prosperity proposal under the Canadian Environmental Assessment Act (CEAA) will begin in July 2013.**
- **I understand that the British Columbia Environmental Assessment Office (EAO) will consult with First Nations on any amendments to the 2010 environmental assessment certificate.**
- **The Government of British Columbia understands this is a difficult issue for all, particularly the TNG, but if the proposal can be developed in an environmentally appropriate manner, it could provide many social, economic and other benefits to the Tsilhqot'in and other nearby communities.**

III. KEY POINTS AND BACKGROUND:

- **The original (2010) Prosperity mine project proposal from Taseko is for an open pit gold and copper mine, 125 kilometers south of Williams Lake. The project proposed to drain a nearby lake ('Fish Lake') that has local recreational and Aboriginal fisheries values.**
- **The EAO approved the proposal in 2010. A federal review under CEAA rejected the Prosperity mine project later that same year.**
- **Under a provincial Notice of Work permit, Taseko initiated exploratory environmental work in September of 2011 in order to develop a 'New Prosperity' project proposal.**
- **In November of 2011, the TNG (representing the Anaham, Toosie, Xeni-Gwet'in, Alexis Creek, Alexandria, Ulkatcho, Stone, Esketemc and High Bar bands) applied for a 90 day injunction from the BC Supreme Court (BCSC) preventing Taseko from**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

PROSPERITY MINE PROJECT (TSILHQOT'IN LITIGATION)

conducting the mining exploration activities. The BCSC issued the injunction order in December, 2011.

- In November, Taseko filed an application to injunct Chief Marilyn Baptiste, a plaintiff in the above TNG action, and others from blocking access to the work sites.
- In February 2012, Taseko and the TNG set aside the litigation and agreed to a reduced scope of work for the sole purposes of obtaining information required for the federal environmental assessment of the proposed New Prosperity project.
- A federal review panel has now allowed the New Prosperity project proposal to proceed to public hearings, which will begin on July 22, 2013.
- In addition to the CEEA approval, Taseko also requires an amendment to the EAO's 2010 environmental assessment certificate.
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s.13, s.16

- The project is within an Aboriginal rights area identified in the 2007 Tsilhqot'in decision.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2013/14 – 2015/16 Service Plan

I. ISSUE: 2013/14 – 2015/16 Service Plan

II. TALKING POINTS:

Service Plan generally:

- **The Province remains committed to reconciliation with Aboriginal peoples in BC and immediate opportunities for improved Aboriginal and First Nation participation in the economy and increased certainty for development. Our goals reflect this fact.¹**
- **The objectives, performance measures and targets represent the breadth of the ministry's work and ensures we are aligned with government priorities in the *BC Jobs Plan* and the Throne Speech.**

Service Plan Objectives:

- **For the purposes of continuity and transparency, the objectives from the 2012/13 service plan have been retained.**

Service Plan Performance Measures:

- **Our performance measures reflect the ministry's important work. Among other things, our performance measures will ensure that an array of agreement types are captured, and these measures will provide clarity and consistency in tracking this data.**
- **Capacity-building is an integral aspect of reconciliation. For this measure, a Memorandum of Understanding was developed and a baseline was established in 2012/13.**
- **The number of performance measures remains at six. Specific details are included in the attached table.**
- **Targets were developed based on past performance and through consultation with program staff.**

¹ The term 'Aboriginal peoples' is now being used in place of 'Aboriginal, First Nations, Métis, and other Aboriginal peoples.' 'Aboriginal peoples' is inclusive, and the change was recommended by the ministry's Aboriginal Relations Committee. This change is reflected throughout the document.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2013/14 – 2015/16 Service Plan

III. KEY POINTS AND BACKGROUND:

- Prior to the onset of the official planning process, through the spring and summer of 2012, ministry staff reviewed the service plan to ensure its focus was consistent with the government's priorities and future direction.
- The goals, objectives and performance measures were developed to ensure our work is closely aligned with the *BC Jobs Plan*, the Families First Agenda and the Throne Speech.
- Detailed data is enclosed in the following table explaining the changes in this year's service plan with respect to objectives and performance measures.

APPENDIX 1: Detailed table describing objectives, performance measures and links to government priorities.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2013/14 – 2015/16 Service Plan

APPENDIX 1

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2013/14 – 2015/16 Service Plan

APPENDIX 1

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2013/14 – 2015/16 Service Plan

APPENDIX 1

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
2013/14 – 2015/16 Service Plan

APPENDIX 1

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

FNCIDA: Squamish and Haisla

I. **ISSUE: First Nations Commercial and Industrial Act (FNCIDA): Squamish and Haisla**

II. **TALKING POINTS**

- **FNCIDA represents a major economic development opportunity for: (a) Squamish and the Lower Mainland and (b) Haisla and the Kitimat-Stikine Regional District.**
- **Although a Federal initiative, the FNCIDA regime offers the Province a role in influencing a major development on reserve that it would normally not have.**
- **Lower Mainland local governments have been closely consulted throughout the discussions with Squamish and Canada.**
- **Kitimat-Stikine Regional District and the District of Kitimat have been closely consulted throughout the discussions with Haisla and Canada.**

III. **KEY POINTS AND BACKGROUND:**

- The federal *First Nations Commercial and Industrial Act* (FNCIDA) came in force in 2006 and was amended in 2011 to specifically accommodate this major economic development project by the Squamish Nation.
- FNCIDA was intended to fill the regulatory gap that exists on reserve. Provincial standards often don't apply there, and federal standards are generally non-existent or inadequate for major development projects.
- The act allows Canada to incorporate by reference the content of provincial acts and regulations into federal regulations. These new federal regulations can then be administered and enforced on reserve by provincial officials.

Squamish

- Provincial staff have been closely involved in the development of the Squamish Nation Land Development Regulations over the past several years.
- Negotiators from BC, Canada and Squamish reached agreement early in 2012 on the FNCIDA Regulations, the Tripartite Agreement and the FNCIDA Land Title Agreement.
- Later that spring the Province passed minor amendments to the *Land Act*, *Land Title Act* and *Land Title and Survey Authority Act* to facilitate the implementation of the project.

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

FNCIDA: Squamish and Haisla

s.12, s.13, s.14, s.16

Haisla

- On August 28, 2012, Haisla Nation, British Columbia and Canada (Parties) signed the Haisla FNCIDA Agreement (Haisla Agreement) to govern the liquefaction, storage and off-loading for transport of natural gas on Bees Indian Reserve No. 6 near Kitimat.
- Canada brought into force the *Haisla Nation Liquefied Natural Gas Facility Regulations* SOR/2012-293 (Regulations) on December 14, 2012. The Haisla

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

FNCIDA: Squamish and Haisla

Agreement commenced on January 23, 2013.

- The Parties have established the Management Committee as required under the Haisla Agreement.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
HEAVY OIL – PROVINCIAL REQUIREMENTS

I. ISSUE: Heavy Oil – Provincial Requirements

II. TALKING POINTS:

- **British Columbia has outlined specific requirements of proponents who propose to construct transmission and shipping facilities for heavy oil within its borders.**
- **Setting out these requirements is an important step in providing clarity for proponents and the public about how the Province will evaluate heavy oil projects.**
- **British Columbia expects that heavy oil projects address the legal requirements to consult and accommodate First Nations.**
- **British Columbia also expects proponents to build strong, enduring relationships with First Nations through development of impact management and benefit agreements.**
- **British Columbia is committed to economic development that is balanced with environmental safety and obtaining a fair share of fiscal and economic benefits for citizens.**

III. KEY POINTS AND BACKGROUND:

The Government of British Columbia has identified five minimum requirements that must be met before it will consider support for any heavy oil pipeline projects in the province. These requirements are:

1. Successful completion of the environmental review process: in the case of Enbridge, this would mean a recommendation by the Federal Joint Review Panel that the project should proceed;
2. World-leading marine oil spill response, prevention and recovery systems for B.C.'s coastline and ocean to manage and mitigate the risks and costs of heavy oil pipelines and shipments;
3. World-leading practices for land oil spill prevention, response and recovery systems to manage and mitigate the risks and costs of heavy oil pipelines;
4. Legal requirements regarding Aboriginal and treaty rights are addressed, and First Nations are provided with the opportunities, information and resources necessary to participate in and benefit from a heavy-oil project; and,
5. British Columbia receives a fair share of the fiscal and economic benefits of a proposed heavy oil project that reflects the level, degree and nature of the risk borne by the Province, the environment and taxpayers.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
HEAVY OIL – PROVINCIAL REQUIREMENTS

The Province has tabled its Heavy Oil Requirements at the Joint Review Panel for Enbridge's Northern Gateway project. The Province has also communicated its Heavy Oil Requirements to proponents.

As part of his appointment letter from the Premier, the Minister of Natural Gas Development will be working with oil and refinery proponents in order to ensure clarity on provincial expectations with respect to the five requirements.

As part of her appointment letter from the Premier, the Minister of Environment will be completing the marine and land-based heavy oil spill response studies for the five requirements.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
HEAVY OIL – PIPELINE PROPOSALS

I. ISSUE: Heavy Oil - Pipeline Proposals

II. TALKING POINTS

- **The Province has specified Aboriginal interests as one of its five requirements for British Columbia to consider support for the development of heavy oil projects, including heavy oil pipelines.**
- **The Province has participated in the Federal Joint Panel Review of Enbridge's Northern Gateway pipeline proposal.**
- **In reviewing Enbridge's proposal, the Province does not view that Enbridge's project has met British Columbia's strict requirements.**
- **Future pipeline proposals, such as Kinder Morgan's TransMountain Pipeline Expansion project, will similarly be subject to British Columbia's strict heavy oil requirements.**

III. KEY POINTS AND BACKGROUND:

- One new oil pipeline and one major expansion of an existing oil pipeline, are each being pursued by industry proponents.
- These new projects propose to export heavy oil and bitumen from the Alberta tar sands to markets (primarily in Asia), through the development of pipelines to British Columbia's west coast – transporting them via large oil tankers.
- In order to assess the suitability of heavy oil projects, British Columbia has developed a set of Heavy Oil Requirements upon which projects will be analyzed and evaluated.

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
HEAVY OIL – PIPELINE PROPOSALS

s.13, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
HEAVY OIL – KITIMAT CLEAN LTD

I. ISSUE: Heavy Oil – Kitimat Clean Limited’s Proposed Oil Refinery

II. TALKING POINTS:

- **The proposed Kitimat Clean Limited’s (KCL) oil refinery represents a potential \$25B investment opportunity for British Columbia that has the potential to create thousands of well-paying jobs.**
- **The refinery would take Alberta bitumen and create “value-added” fuel products such as gasoline.**
- **The Province is committed to working with the proponent to investigate the opportunity and maximize the economic benefits British Columbia can realize by working with First Nations and local communities.**
- **The project is still in a preliminary proposal stage and if it proceeds to environmental and regulatory review would be subject to the Province’s Heavy Oil requirements, including consultation with First Nations.**

III. KEY POINTS AND BACKGROUND:

- KCL is a Victoria-based company led by David Black, a senior BC business leader.
- The refinery would process diluted bitumen from the oil sands region in Alberta, creating “value added” fuel products such as gasoline, jet fuel and diesel fuel.
- The refined products would be shipped to market in Asia via tanker vessels.
- The proposed refinery, with a processing capacity of 550,000 barrels per day of diluted bitumen, will be the largest refinery on the west coast of North America.
- The total project, including port infrastructure and refinery, would represent a \$25 billion investment resulting in 5,000-7,000 construction jobs and 3,000 operational jobs.
- The Province will work closely with First Nations and communities as it considers the merits of the project.
- All environmental regulatory processes will be followed to ensure the project is a world class development.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
HEAVY OIL – KITIMAT CLEAN LTD

- The project is still in the early stages of development and no commitments have been made by the Province relating to project approval.
- The refinery is proposed to be located between Terrace and Kitimat, in an area known as Dubose. The proposed location is within the traditional territory of the Haisla, Kitselas, Metlakatla and Lax Kw'alaams First Nations.
- An interagency working group with staff from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), MARR and the Major Investments office has been meeting to coordinate Government activities associated with the project, including developing an Aboriginal engagement strategy.

s.13, s.16

- When any applications are made to the Province associated with the KCL proposal, consultation and accommodation with First Nations will occur, as appropriate.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry: Finance/Citizens' Services and
Open Government

Date: May 23, 2012 Updated: Jan. 21, 2013

Minister Responsible: DeJong / Ben Stewart

Created by Government Communications and
Public Engagement

Government asset sale FOI request

ADVICE AND RECOMMENDED RESPONSE:

- Lands included in treaty offers are not being considered for sale.
- B.C. acknowledges and will address legal requirements to consult with FNs.
- As a key part of Budget 2012, the Release of Assets for Economic Generation program was created in order to dispose of surplus, non-strategic government property.
- We are marketing real estate assets that are no longer part of government's current or long-term plans to deliver services.
- These real estate sales can spur economic activity around the province, create jobs and provide other revenue streams for the province and its communities.
- The properties and assets we are looking at represent less than two per cent of government's overall property portfolio. In *Budget 2012* a fiscal target of \$706 million in gain was set. This target is over two fiscal years beginning in 13/14.
- We have spent the current year doing due diligence on the properties on the list before putting them on the market.
- Due diligence includes consultation with First Nations and environmental assessment
- Proceeds of the sales will go towards providing vital health and education services, and reducing the provincial deficit.

- **This is just another example of long-term strategic prudent fiscal management. We continue to work hard to manage operating spending, and look for ways to ensure we are making the best use of government assets.**
- **It just doesn't make sense to hold on to some properties while having a deficit, when they can be better utilized in other hands.**

ON WHY LIST OF PROPERTIES IS NOT PUBLIC:

- **Generating as much revenue as possible from these sales is in the best interests of taxpayers.**
- **That's why we're not revealing which assets government is planning to sell before they are on the market – it's simply not the best way to get the best price.**
- **We intend to put a few properties on the market soon as soon as due diligence is completed them.**
- **If all the assets were known, bidders could coordinate their bids to avoid competition for the same parcels. That would drive the sale prices down.**
- **From a financial perspective, it would not make any sense to compromise our market position.**

KEY FACTS REGARDING THE ISSUE:

The Ministry received FOI requests FIN-2012-00046 FIN-2012-00057, FIN-2012-00067 and FIN-2012-00092 which asked for all records relating to, referencing, or supporting a proposal by government to, as announced in Budget 2012, sell or release surplus government assets.

The records released include headings within a spreadsheet used to rate the saleability of candidate properties. These headings include categories such as complexity of stakeholder issues (related primarily to municipal zoning) and the status of treaty negotiations. The table also provides an overall ranking of suitability for sale (candidate status) – these overall rankings were redacted from the release.

BACKGROUND:

The Province owns some real estate properties that provide little financial or strategic benefit to government. Selling this property can spur economic activity, create jobs and provide other revenue streams for the province and its communities.

ADVICE TO MINISTER

The total value of the Province's assets, excluding un-surveyed Crown Land, is \$70 billion. The value of the assets under review for possible sale is about \$1 billion, or less than two per cent of the total. Generally, the assets are worth at least \$1 million each. B.C. Assessment Authority valuations were used to determine the sale prices.

In *Budget 2012*, the Province set a target of t \$706 million from estimated gain on the sale of these assets. This target will be updated as needed for *Budget 2013*. Proceeds of the sales will go towards providing vital health and education services, and reducing the provincial deficit.

The assets are currently either not in use, not planned for future use, and are of no strategic value to the Province. Before the disposition of any Crown lands, First Nations will be consulted.

Assets not for sale include those that are:

- Properties for which ownership is essential to the delivery of a government-funded service (such as hospitals, jails or schools)
- Assets that are part of the treaty process
- Assets approved by Cabinet or one of its committees to be held for any identified future government need.

Government routinely sells properties it considers surplus. The last time it did so was 2002-05, yielding \$355 million.

We anticipate putting approximately 20 properties on sale in the coming months.

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Program Area	ADM	DM	Comm. Dir	MO
SA	SA	KH	JM	GP

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Yale-Stó:lō Overlap

I. ISSUE: Yale-Stó:lō Overlap and the Five-Mile Fishery

II. TALKING POINTS

- **In June 2013 Canada passed necessary federal legislation to fully ratify the Yale treaty and the parties will now be moving to implementation.**
- **The provisions of the Yale Final Agreement do not allow Yale to exercise treaty rights in a manner that negatively impacts other First Nations' Aboriginal rights. The treaty, as it exists, includes a provision requiring Yale to provide reasonable access to its Treaty Lands, including access to traditional fishing sites.**
- **Access across Yale treaty settlement land to reach 5-Mile Fishery sites affects a small number of Stó:lō individuals whom Yale has traditionally allowed access to the fishery. Yale has signed arrangements in place with many of them, and plans to reach out to the remainder in the near future to provide agreements that will guarantee their access.**
- **BC is confident the treaty protects access rights for affected Stó:lō fishers.**

III. KEY POINTS AND BACKGROUND:

- On June 19, 2013, Canada's settlement legislation for the Yale Final Agreement—the *Yale First Nation Final Agreement Act*—received Royal Assent. The Final Agreement will transfer a number of parcels to Yale, including lands adjacent to and providing land access to traditional fishing sites along the Fraser River, commonly known as the 5-Mile Fishery.
- On June 21, 2013, the neighbouring Stó:lō First Nations (Stó:lō) filed a Notice of Civil Claim against Canada, British Columbia and the Yale First Nation, claiming a breach of Aboriginal title and rights in the 5-Mile Fishery.

s.13, s.14, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Yale-Stó:lō Overlap

s.13, s.16

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
MEMORANDUM OF UNDERSTANDING (MOU) ON CONSULTATION

I. ISSUE: Cooperating with Canada on Consultation and Information Sharing

II. TALKING POINTS:

- **The Ministry of Aboriginal Relations and Reconciliation (MARR) and Aboriginal Affairs and Northern Development Canada (AANDC) are finalizing a joint Letter of Understanding which will guide the sharing of British Columbia's ethno historic reports with Canada.**
- **MARR and AANDC have also concluded a Memorandum of Understanding (MOU) on co-operation regarding Aboriginal consultation.**
- **The MOU will support improved communications and working relationships through information sharing and coordinating consultation processes where practical to assist Crown efforts to effectively address the duty to consult and, where appropriate, to accommodate.**

II. KEY POINTS AND BACKGROUND:

During the 2009-2010 federal engagement sessions on Canada's consultation guidelines, many First Nations conveyed that they would benefit from a closer collaboration between the federal and provincial governments on consultation related matters. In response, AANDC initiated discussions with provinces and territories for the purpose of developing bilateral memorandums of understanding respecting consultation with First Nations.

The potential benefits of the MOU between Canada and BC include providing greater cooperation between Canada and BC with regard to fulfilling Crown obligations to consult First Nations, improved communications through information sharing and increased efficiency and timeliness of consultation processes.

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
MEMORANDUM OF UNDERSTANDING (MOU) ON CONSULTATION

s.13, s.16

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Business Council of British Columbia

I. ISSUE: Business Council of British Columbia

II. TALKING POINTS:

- **Business recognizes that partnering with First Nations to realize development opportunities is a win-win situation.**
- **MARR has an opportunity to capitalize on the positive relationship developed between the natural resource sector and the Business Council of British Columbia (BCBC), and continue regular dialogue with industry on opportunities for improving collective engagement in natural resource sector development.**
- **We can broaden the scope of the current engagement with the BCBC and bring leading First Nations organizations into the dialogue to identify opportunities for industry, the Province and First Nations to work together.**
- **We can build on the existing joint action plan/recommendations by continuing to deliver upon short-term commitments in the plan as well as exploring new policy recommendations advanced by BCBC.**

III. KEY POINTS AND BACKGROUND:

- Since 2011, MARR and BCBC have worked together to identify opportunities to improve business practices for consulting and engaging with First Nations based on the principles of:
 - Clarity with regard to roles in the First Nations consultation process, potential improvements, and how industry actions may fit into Crown accommodation strategies;
 - Capacity building for First Nations to engage efficiently and meaningfully; and,
 - Celebration of best practices and successful outcomes.
- MARR and BCBC jointly led a regional engagement process which resulted in a joint action plan/recommendations set with short and long term actions. MARR and the natural resource sector have made progress delivering on key immediate commitments:
 - MARR received strong support for the model of non-treaty agreements and committed to deliver new Strategic Engagement, Forest Consultation and Revenue Sharing and Economic and Community Development Agreements – MARR has exceeded the commitments in the plan;

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Business Council of British Columbia

- The Natural Resource Sector received support for the “One Land Manager” approach and has worked to build on it by having staff work with proponents to develop coordinated consultation plans for major projects;
- MARR is updating the existing *Proponent Guide* for First Nations consultation and is working with natural resource agencies to develop sector-specific guidance on processes for consultation;
- MARR and the Ministry of Forests, Lands and Natural Resource Operations set up multi-agency regional strength of claim assessment teams; and,
- MARR has dedicated resources internally to liaise with industry and support natural resource sector First Nations consultation.

s.13, s.17

- The Province also heard, overwhelmingly, that industry supports the government’s continuing efforts to build relationships with First Nations and Aboriginal people because building these relationships creates stability and helps avoid confrontation. There was a strong recognition throughout the process of the need to ensure the Province continues to have staff on the ground to support consultation. There was also recognition of the need for continued dialogue between industry and the Province, and to extend this dialogue in a new phase to include First Nations.

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Page 2 of 3

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Business Council of British Columbia

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

KLAPPAN

I. ISSUE: Sacred Headwaters (Klappan area)

II. TALKING POINTS

- **In March 2013, the Province and the Tahltan signed a Strategic Engagement Agreement in that establishes a shared decision making process and a government to government forum.**
- **The minister of Environment, Honorable Mary Polak, received a mandate letter from the Premier directing her Ministry to “consult with communities, First Nations and industry to potentially develop a provincially designated protected area in the Klappan (Sacred Headwaters)”**
- **MARR remains involved through the Government to Government Forum with the Tahltan, and will work closely with FLNR.**

III. KEY POINTS AND BACKGROUND:

- This area includes the headwaters of the Nass, Skeena and Stikine Rivers in Northwest British Columbia.
- This area is covered by Cassiar Iskut Stikine Land Use Plan, approved in 2000, and which contains 26.2 percent protected area (1.37 million hectares).
- It has rich cultural and wildlife values and contains large mineral, coal and coalbed gas deposits.
- MARR engaged Tahltan First Nation (Tahltan) and Shell in 2012, resulting in Shell withdrawal of coalbed gas tenures and a reserve preventing further oil and gas exploration. Mineral and coal are still available for staking and development.
- Fortune Minerals holds tenure over Mount Klappan coal deposits (high grade anthracite coal) and has entered the Environmental Assessment process.
- Fortune Minerals recently signed a \$181 million dollar agreement with South Korea's POSCO and the mine would employ 474 people over 25 years.
- Imperial Metals' Red Chris Project (copper/gold mine) has been permitted and is under construction.
- The area is wholly within the asserted territory of the Tahltan.

s.13, s.16

- The Government's platform included the commitment that “A BC Liberal Government will work with communities, First Nations and industry to examine the feasibility of developing a provincially designated protected area in the Klappan.”

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Page 1 of 2

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

KLAPPAN

- The Province has committed to protection of cultural and environmental values in the Sacred Headwaters as stated in the Liberal Party platform.
- The Province is committed to maintaining the existing coal tenures and proceeding with the Environmental Assessment process of the Arctos project (Mount Klappan) that is at the centre of the Klappan area.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Marpole Midden - Musqueam Opposition to Development

I. ISSUE: Marpole Midden - Musqueam Opposition to Development

II. TALKING POINTS:

- **The Musqueam Indian Band is opposed to any redevelopment of its former village site, known as the Marpole Midden, located near the Arthur Laing Bridge in southwest Vancouver. The midden is made up of a number of privately owned lots, and has been developed for a variety of uses over the last century. A condominium development has been proposed for the lots closest to the bridge.**
- **MARR has been involved since early April 2012, when then-Minister Mary Polak first met with Chief Ernest Campbell and representatives of the Musqueam Indian Band, regarding the proposed condominium site. MARR staff have taken a facilitation role and have been participating in discussions with Musqueam, the City of Vancouver, and other parties to achieve a workable plan for addressing the current issues and concerns regarding the site. The site owner has agreed to stop all work on the site while acquisition negotiations are underway.**

III. KEY POINTS AND BACKGROUND:

- The current Musqueam opposition is focused on a proposed condominium development on private land (the “site”) at one end of the midden.
- The Province’s involvement is based on two permits granted by FLNRO in December 2011 under the *Heritage Conservation Act*. FLNRO considered all factors, including the Canadian Heritage designation of the midden, which recognizes its significance but offers no legal protection. Both permits have since expired, and the human remains found during excavation were re-interred as part of a Musqueam ceremony.
- A Musqueam protest encampment was in place for most of 2012.
- Early in the summer of 2012, the Musqueam proposed that it would attempt to purchase the site from the developers, using funds that would be paid to the Musqueam as compensation for the impacts of several unrelated government projects. The Province agreed to accelerate those compensation discussions to facilitate the purchase. s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
Marpole Midden - Musqueam Opposition to Development

s.13, s.16, s.17

- The developers (Gary and Fran Hackett, and their development partner, Sean Hodgins of the Century Group), have advised the MARR and FLNRO Ministers that the project is “dead”

s.13, s.14,s.17

s.13, s.14, s.17, s.21

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s.13, s.14, s.16, s.17

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Unist'ot'en and Pacific Trail Pipelines LNG Project

I. ISSUE: Unist'ot'en and Pacific Trail Pipelines (PTP) LNG Project

II. TALKING POINTS:

- Apache Canada (“Apache”) and Chevron Canada’s (“Chevron”) Pacific Trail Pipeline (PTP) project has the overwhelming support of First Nations potentially impacted, as well as the support of local communities.
- In February 2013, the Province completed an economic benefit agreement for \$35M with 15 of 16 First Nations whose traditional territories intersect the PTP pipeline route.
- Apache and Chevron have completed an impact benefits agreement valued at up to \$200M with the same 15 First Nation communities.

s.13, s.16

III. KEY POINTS AND BACKGROUND:

The Unist'ot'en [OON-is-stow-ten] are a small breakaway faction of the Wet'suwet'en and are opposed to any pipelines being built through Wet'suwet'en territory.

The Wet'suwet'en are a Nation made up of thirteen Houses divided among five Clans. The Office of the Wet'suwet'en (OW) has historically represented the hereditary house chiefs for treaty negotiations, consultation, and other engagements with government.

s.13, s.16

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Unist'ot'en and Pacific Trail Pipelines LNG Project

s.13, s.16

On February 25, 2013, the PTP Limited Partnership and the First Nations Limited Partnership (FNLP) announced an impact benefits agreement with long-term benefits (up to \$200M over the life of the project) to the 15 FNLP First Nations groups.

FNLP is made up of 15 First Nations: Haisla, Kitselas, Lax Kw'alaams, Lheidli T'enneh, McLeod Lake Indian Band, Metlakatla, Nadleh Whut'en, Nak'azdli, Saikuz, Stelat'en, Ts'il Kaz Koh, West Moberly, Skin Tyee, Nee Tahi Buhn, and Wet'suwet'en First Nation. Moricetown Band is eligible to become a member of the FNLP.

An interagency Task Force has been established to develop an action plan for the Province to address the OW and Unist'ot'en issue in an attempt to deescalate the situation.

In responding to direct action incidents, the Province examines each incident on a case-by-case basis. We are sensitive to First Nations concerns and support finding negotiated solutions.

Civil disobedience or blockades are not acceptable tactics to change public policy. We believe negotiation, not confrontation, is the best way to resolve issues of asserted Aboriginal rights and title.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

ESTIMATES NOTE

First Nation Clean Energy Business Fund (FNCEBF)

I. ISSUE: First Nation Clean Energy Business Fund (FNCEBF)

II. TALKING POINTS:

- **The FNCEBF aims to promote increased Aboriginal community participation in the clean energy sector within their asserted traditional territories and treaty areas through agreements between the BC Government and the recipient to:**
 - 1. Provide capacity funding to support applicants to undertake activities such as feasibility studies or to engage with proponents of clean energy projects (Capacity Funding);**
 - 2. Provide equity funding to qualifying applicants to help acquire equity positions in clean energy projects or assist in the undertaking of their own community clean energy project (Equity Funding); and**
 - 3. Share in the revenues from clean energy projects based on new, net, incremental revenues to government derived from water rentals, land rents and wind participation rents (Revenue Sharing).**
- **Since this fund was launched in April 2011, MARR has provided more than \$3.5M to 63 Aboriginal communities throughout B.C. to support clean-energy opportunities. Support has included capacity funding to complete clean energy planning, feasibility studies for run-of-river hydroelectric power, wind energy, and biomass projects. As well, equity funding has been provided to support the development of clean energy projects in 4 First Nation communities:**
 - **\$2.3M for 70 Capacity Funding agreements; and**
 - **\$1.2M has been provided for 4 Equity Funding agreements.**

s.13, s.16, s.17

- **On March 14, 2013, the Province signed the first FNCEBF Revenue Sharing Agreement. This agreement was signed with the Tahltan Central Council that will provide approximately \$2.5M annually in**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

ESTIMATES NOTE

First Nation Clean Energy Business Fund (FNCEBF)

revenues once the Forrest Kerr Hydroelectric project reaches full capacity - these revenues will be available for the life of the project.

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s.13, s.17

III. KEY POINTS AND BACKGROUND:

- The Clean Energy Act (CEA), which received Royal Assent on June 3, 2010, enables the creation of a First Nation Clean Energy Business Fund (FNCEBF). The fund has an initial appropriation of \$5M. Over time, the fund is expected to receive additional revenue from new power projects based on a percentage of land and water rentals derived from such projects.
- Total Capacity Funding is limited to \$50,000 per eligible applicant. However, consideration for increased support may be given where multiple projects are proposed for development within a single applicant's traditional territory;
- The maximum Equity Funding is \$500,000 per applicant – regardless of the number of potential projects in the applicant's traditional territory;
- For each eligible clean energy project developed, 50% of new incremental water and land rentals received by government will be deposited into the FNCEBF. Of those deposited revenues, 75% will be shared with first nations whose traditional territories are impacted, and the remaining 25% of those deposited revenues will remain in the fund to further support new Capacity and Equity Funding Agreements.

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s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Local Government Funding for First Nation Negotiations

I. ISSUE: Funding to local governments to participate in treaty and other negotiations with First Nations

II. TALKING POINTS

- **Provincial negotiators and ministry staff continue to meet and communicate regularly with local government representatives on matters related to treaty and other negotiations.**
- **B.C. values the advice of local government representatives – and we understand the financial challenges some local governments face while participating in negotiations.**
- **While the Province is unable to provide regular funding to treaty advisory committees (TACs), we have worked with the Union of British Columbia Municipalities (UBCM) to make unused provincial grant money available to local governments to support participation in negotiations.**

III. KEY POINTS AND BACKGROUND:

- Regular funding to support local government participation in treaty and non-treaty negotiations will effectively halt at the end of fiscal 2013/14 when the Union of British Columbia Municipalities (UBCM) exhausts unused provincial grant funding from previously funded programs.
- In 2002, the formal mechanism for TAC funding was discontinued in favour of an ad hoc grant approach based on priority negotiations.
- In 2009, BC eliminated all grants, including grants for local government participation in treaty negotiations.
- Following this decision, the Ministry of Aboriginal Relations and Reconciliation (MARR) and the UBCM agreed that unspent provincial money from three UBCM-administered programs could be used as an alternative funding source for local government participation in negotiations.
- (Since 2006, MARR had granted UBCM \$600,000 to support three programs: treaty knowledge sharing among local governments, supporting treaty implementation, and building governance capacity with First Nations.)
- UBCM recently made a final \$120,000 available to local governments and TACs for the 2012/13 (retroactive) and 2013/14 fiscal years. Approximately \$50,000 was made available per year, in individual \$5,000 grants.

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
ESTIMATES NOTE
Local Government Funding for First Nation Negotiations

- UBCM advises that these are the final grant dollars available and that the funding is fully subscribed.
- Once these final dollars are allocated, it will be the first time since 1994 that no provincial funding has been provided to local governments to participate in treaty negotiations.

s.13, s.16

- A 1993 Memorandum of Understanding (MOU) between the provincial government and the UBCM provided local government with a role in treaty negotiations as members of provincial treaty negotiation teams.
- The MOU was based, in part, on provincial funding provided to TACs.
- In 2008, the existing MOU was renewed to include non-treaty agreements reached under the New Relationship and signed at the 2008 UBCM convention. This MOU was revised and re-signed at the 2012 UBCM convention.
- With respect to funding to support participation in negotiations, the 2012 MOU commits the Province to consider predictable annual funding, as required and on a case-by-case basis, subject to budget allocations.
- The MOU is intended to be reviewed every three years.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
NEW RELATIONSHIP

I. ISSUE: New Relationship

II. TALKING POINTS

- **It has now been eight years since the New Relationship vision document was first developed by the BC Government and the three political organizations representing First Nations of British Columbia. Significant progress has been made to advance the commitment to meaningfully involve First Nations in the economy and to support families and communities.**
- **The BC Government intends to continue its proactive approach to treaties, reconciliation, shared decision-making, revenue sharing opportunities, and consultation and accommodation, in order to address the social and economic gap between First Nations and other British Columbians.**

Since 2005:

- **Treaties have been implemented with six First Nations and numerous reconciliation and other agreements have been achieved.**
- **Many revenue sharing agreements have been achieved. For example 110 Forest Consultation and Revenue Sharing Agreements have been signed for fiscal 2012/13 totalling \$33,292,499.**
- **Made significant progress with Aboriginal people through tripartite agreements in key social areas such as Health, Housing and Education.**

III. KEY POINTS AND BACKGROUND:

- **The BC Government's commitment to its relationship with First Nations peoples is being demonstrated in a number of ways based on the fundamental principles of mutual respect, recognition and reconciliation. Examples of progress made towards realizing New Relationship goals and objectives include:**
 - **The advancement of treaties and other lasting agreements, including the recently passed Final Agreement with the Yale First Nation;**
 - **The negotiation of agreements that provide important benefits to communities and regions, including revenue sharing on major projects in the areas of mining**

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
NEW RELATIONSHIP

development (like the Copper Mountain and Mt. Polley mines), and with other sectors such as major resorts;

- The Province having committed to reaching ten new agreements with First Nations by 2015, which was exceeded in 2013, and a further commitment to ten new agreements, which will increase economic certainty and provide opportunities for First Nations to participate in and benefit from economic activities;

s.13, s.16

- The BC Government recognizes the importance of continuing to develop new ways of doing business with First Nations and remains strongly committed to strengthening its relationships with First Nations.
- The relationship between the BC Government and First Nations continues to be a key focus for continued progress towards implementing our common goals and objectives for building healthy, prosperous, and sustainable First Nation communities.
- The BC Government is leading change that has the potential to reshape our social and economic landscape and lead to a more inclusive and prosperous future for all British Columbians.

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s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION
Estimates Note
NEW RELATIONSHIP

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

New Relationship Trust

I. ISSUE: New Relationship Trust

II. TALKING POINTS:

- **The New Relationship Trust Act took effect in March as part of a BC Government commitment to provide \$100M for First Nations capacity-building to participate in New Relationship initiatives.**
- **The New Relationship Trust (NRT) is operated outside government by an independent board of directors. British Columbia appoints two of the seven board members; the political organizations that make up the First Nations Leadership Council (FNLC) appoint five members.**
- **The NRT strategic directions are based on the input from community consultation processes. The NRT Board 2013/2016 three-year strategic plan again centers on investing in First Nations in British Columbia by continued support for capacity building.**
- **Spending for this three-year period is projected to be \$6M each year, allocated between five key areas: governance capacity; education; culture and language; youth and elders; and, economic development.**

III. KEY POINTS AND BACKGROUND:

- On March 31, 2006, the New Relationship Trust Act took effect, establishing a corporation to manage \$100M to support First Nations' goals to build their governance capacity on land and resource management processes and other matters affecting the economic, cultural and social well-being of their communities.
- The New Relationship Trust is not a trust in law, but is an independent not-for-profit corporation created by the BC Government by legislation.
- The NRT is managed by seven directors:
 - **Kathryn Teneese**, and **Judith Sayers**, appointed by the FNLC;
 - **Michael Bonshor**, appointed by the BC Assembly of First Nations;
 - **George Austin Saddleman**, appointed by the Union of B.C. Indian Chiefs;
 - **Hugh Braker**, appointed by the FNS; and

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

New Relationship Trust

- **Terry Kuzma** and **Catherine Panter**, appointed by the Province.
- The BC Government completed work on two of the key recommendations involving amendments to the *New Relationship Trust Act* (the *Act*) to stagger the terms of board members and to lengthen the term of board members to three years. Consultation with the NRT Board and the FNLC on a draft of these amendments was completed in January 2012 and legislation was passed to lengthen and stagger the terms as of December 2012.
- The NRT is not an endowment trust: the board can spend both the principal and interest, but have chosen to spend only the interest. The NRT 2013/2016 three-year strategic plan calls for a balanced approach of project spending and growing the fund through interest on investments and fundraising.
- Actual project spending in 2008/09 was \$5.6M; in 2009/10 was \$5.7M; and, in 2010/11 was \$6.2M.
- The 2011/12 NRT Annual Report notes the NRT continued to focus their support and project spending in five key areas: governance capacity (\$1.99M), education (\$1.83M), language & culture (\$1.4M), elders & youth (\$481K), and economic development (\$895K) – to a total of \$6.6 M (figures rounded per report narrative).
- In accordance with the New Relationship Trust Act, a Five-Year Legislative Review was completed in 2011.
- The BC Government has met with the NRT Board and the FNLC to review the report and further discussions will determine the parties' future actions regarding its recommendations.
- The NRT concluded a third round of regional engagement sessions throughout the province to educate community members and leaders about initiatives and to gather feedback that will inform NRT's future strategic direction. A report out is expected by Fall 2013.

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MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note

Squamish FNCIDA

I. ISSUE: Squamish First Nations Commercial and Industrial Act (FNCIDA)

II. TALKING POINTS

- **FNCIDA represents a major economic development opportunity for Squamish and the Lower Mainland.**
- **Although a Federal initiative, the FNCIDA regime offers the Province a role in influencing a major development on reserve that it would normally not have.**
- **Lower Mainland local governments have been closely consulted throughout the discussions with Squamish and Canada.**

III. KEY POINTS AND BACKGROUND:

- The federal *First Nations Commercial and Industrial Act* (FNCIDA) came in force in 2006 and was amended in 2011 to specifically accommodate this major economic development project by the Squamish Nation.
- FNCIDA was intended to fill the regulatory gap that exists on reserve. Provincial standards often don't apply there, and federal standards are generally non-existent or inadequate for major development projects.
- The act allows Canada to incorporate by reference the content of provincial acts and regulations into federal regulations. These new federal regulations can then be administered and enforced on reserve by provincial officials.
- Provincial staff have been closely involved in the development of the Squamish Nation Land Development Regulations over the past several years.
- Negotiators from BC, Canada and Squamish reached agreement early in 2012 on the FNCIDA Regulations, the Tripartite Agreement and the FNCIDA Land Title Agreement.
- Later that spring the Province passed minor amendments to the *Land Act*, *Land Title Act* and *Land Title and Survey Authority Act* to facilitate the implementation of the project.

s.13, s.16, s.17

MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

Estimates Note Squamish FNCIDA

s.12, s.13, s.14, s.16

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