



Speaking Notes for

**Hon. Murray Rankin
Minister of Indigenous Relations and Reconciliation**

Indigenous Relations and Reconciliation/Declaration Act Secretariat - Estimates 2023/24 Introductory notes

BC Legislature

Date: Wednesday, April 5, 2023 TBD

Time: 3:30 pm TBD

INTRODUCTION

- It is my pleasure and honour to speak today on Budget 2023 and estimates for the Ministry of Indigenous Relations and Reconciliation.
- Acknowledge: Lekwungen [*Luh-KWUNG-in*] peoples and Songhees and Esquimalt Nations.

[PAUSE]

- Joining me for Estimates from the Ministry of Indigenous relations and Reconciliation are:
 - Deputy Minister Tom McCarthy,
 - Ranbir Parmar, Assistant Deputy Minister and Executive Financial Officer,

- Alexandra Banford, Assistant Deputy Minister of the Negotiations and Regional Operations Division.
- Ann Marie Sam, Assistant Deputy Minister of the Reconciliation, Transformation and Strategies Division,
- Jennifer Melles, Assistant Deputy Minister of the Strategic Initiatives and Partnerships Division, and
- Richard Purnell, Executive Lead for the New Fiscal Framework.

[PAUSE]

- Joining me from the Declaration Act Secretariat, which is separate from the ministry...

- Si Sityaawks [*See-Sit-Yowks*] Jessica Wood, Associate Deputy Minister...
- ...and cáʔaa [*Sah-ahh*] Priscilla Sabbas-Watts, the Assistant Deputy Minister of Legislative Transformation and Engagement.
- Additionally, I'd like to introduce Tracey Herbert, CEO, First Peoples' Cultural Council.

[PAUSE]

Reconciliation

- I am proud of the work of this ministry, the Secretariat, and government as a whole.

- We are demonstrating our commitment to reconciliation in B.C. through tangible and meaningful action to implement the United Nations Declaration on the Rights of Indigenous Peoples...
- ...as required by the *Declaration on the Rights of Indigenous Peoples Act*, and in meaningful consultation and co-operation with Indigenous Peoples.

[PAUSE]

- Budget 2023 provides dedicated funding that supports the advancement of reconciliation and implementation of the UN Declaration in B.C.
- The combined budget for the Ministry of Indigenous Relations and Reconciliation and the Declaration Act Secretariat is \$188 million.

- It will allow us to meet our current and ongoing obligations under existing agreements and initiatives...
- ...and to continue to advance tangible reconciliation with Indigenous Peoples in B.C. – both immediately and longer-term.
- Because creating meaningful and lasting reconciliation is a journey we must take together.

[PAUSE]

- Like all provincial budgets, the numbers on their own do not convey the scope of the work underway...
- ...or the quality of the relationship with First Nations, Métis or Indigenous Peoples as a whole.

- Reconciliation is a provincial imperative.
- Addressing the devastating impacts of colonization and dismantling systemic racism will take sustained effort from all of us.

[PAUSE]

- We've built a strong foundation through partnerships with Indigenous Peoples over the past five years.
- We know there is still so much more to do.
- This important work must continue, accelerate even.
- There is a bright future ahead, and we will get there by continuing to work together in partnership with Indigenous Peoples in B.C.

[PAUSE]

First Peoples' Cultural Council

- B.C. has exceptional language diversity, with half of all Indigenous languages in Canada located here.
- Across the province, 34 distinct First Nations languages are spoken.
- We are working in partnership to support First Nations communities in their efforts to restore their languages, cultures, arts and heritage.
- I am pleased Budget 2023/24 continues to strengthen First Nations-led efforts to revitalize Indigenous heritage, languages, cultures and arts...

- ...with a **more than \$6 million, permanent, per year operational uplift** to the First Peoples Cultural Council.

[PAUSE]

- Providing funding for FPCC's core operations supports the increased investment and progress made in language revitalization since 2018.
- Through their partnership with the First Peoples' Cultural Foundation, FPCC is laying the groundwork so that First Nations languages, arts and heritage can be passed on to future generations.
- Communities are developing language revitalization plans, training staff and implementing programs that make a difference by documenting the languages and creating new speakers.

[PAUSE]

- On International Mother Languages Day, FPCC released the 2022 Report on the Status of BC First Nations Languages...
- ...which surveys First Nations communities to track language learning accomplishments.
- The report shows there are growing numbers of speakers and more language learners than ever before...
- Most important of all, an increasing number of adults are passing the language to the next generation...
- ...with many more children learning their First Nations language as their mother tongue at home.

[PAUSE]

- With the help of FPCC, First Nations communities across B.C. are adopting new and creative approaches to language learning.
- Investing in First Nations languages as well as arts and cultural heritage revitalization is an important way to connect people to community, land, and culture.
- Our government is here to support that.
- We want to help build a province where First Nations languages and cultures are living, used and celebrated everywhere.

[PAUSE]

Declaration Act Secretariat

- This year, the ministry's fiscal plan also reflects core funding to fully resource the Declaration Act Secretariat.
- Funding for the Secretariat is expressed as a separate item in the Budget estimates.
- This is consistent with the Secretariat's unique reporting structure...
- The Secretariat is an independent office – reporting directly to the me as Minister, and distinct from the Ministry of Indigenous Relations and Reconciliation.

[PAUSE]

- Established last year, the Secretariat guides and assists all of government to ensure our legislation is consistent with the UN Declaration...
- ...and is developed in consultation and co-operation with Indigenous Peoples.
- In October, the Secretariat released new guidance for the B.C. government on best practices for working with Indigenous Peoples on the development of provincial laws and policies.

- The *‘Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act’* provides every ministry and sector of government with clear, transparent processes for how they are to work together with Indigenous Peoples, as required by the Declaration Act, and Section 35 of our Constitution.

[PAUSE]

Reconciliation Agreements

- The Declaration Act supports government in deepening relationships with Indigenous Peoples.
- It does so:
 - Through an Action Plan that outlines actions to advance the objectives of the UN Declaration...

- Through the alignment of provincial laws with the UN Declaration...
- By enabling government to enter into shared decision-making agreements...
- And by allowing flexibility for the Province to enter into agreements with a broad range of Indigenous governments.

[PAUSE]

- Much of the ministry's work in this budget focuses on the negotiation and implementation of treaties, shared decision-making mechanisms, and other constructive arrangements.
- Our government is focused on upholding Indigenous rights, including title, and supporting long-term, flexible agreements that can evolve over time.

[PAUSE]

Treaty taxation

- Budget 2023/24 also supports our work to align our taxation policy approaches with the UN Declaration.
- We are listening to Treaty First Nations and those First Nations in the Treaty Process...
- ...to remove barriers to treaty and develop measures that support self-determination.
- That is why Budget 2023 amends the Treaty First Nations Taxation Act and the Nisga'a Final Agreement Act...

- Now Nisga'a and Treaty First Nations can exempt citizens and members from property taxes on their land.

[PAUSE]

- Budget 2023/24 is part of our commitment to working responsively with First Nations...
- ...to being a partner that helps clear the pathway to improving existing treaties and supporting concluding new treaties.

[PAUSE]

New Fiscal Framework

- Indigenous governments, like all governments, require sources of revenue to deliver services and meet accountabilities to their citizens.

- Budget 2023/24 continues to support the ministry's work, together with the Ministry of Finance, to co-develop of a new fiscal framework with Indigenous Peoples.
- The initial focus has been on co-development of principles and objectives for a new fiscal framework and co-development of a new forestry revenue sharing model.

[PAUSE]

- Sharing revenue with First Nations communities is an important reconciliation tool.
- It supports implementation of the UN Declaration and the self-determined pursuit of economic, social, and community development.

- This year's we are forecasting \$338.7 million projected revenue sharing for forestry, mining, tourism, and oil and gas.
- This doesn't include a forecast \$110 million in gaming revenue sharing.
- Because ensuring First Nations share in the wealth generated by economic opportunities helps support economic growth in First Nations communities and for all British Columbians.

[PAUSE]

Supplementary estimates

- Earlier this session, the ministry presented supplementary estimate for Budget 2022/23...
- ...including a \$75-million accelerated payments package for existing agreements with five First Nations.
- I'm proud of the work of the ministry and Declaration Act Secretariat to ensure Indigenous voices and interests were central in discussions in this year's budget process.

[PAUSE]

- We have been carefully putting the surplus to work for people and we will continue to tackle the big challenges we face.

- This includes historic investments to improve life for Indigenous peoples.
- And I look forward to sharing more good news with our Indigenous partners in the coming weeks and months.

[PAUSE]

Conclusion

- As you can see, funding decisions for Budget 2023/24 are underpinned by government's commitment to tangible reconciliation through the implementation of the UN Declaration...
- ...by prioritizing opportunities for Indigenous Peoples to be full partners in the inclusive and sustainable province we are building together.

- We remain committed to investing in ways that make life better for people in B.C., improve the services people rely on, and ensure a sustainable province for future generations.
- I look forward to questions from the members of this house.
- Thank you.

-END-

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Ministry of Indigenous Relations and Reconciliation

2023/24 Estimates

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KEY MESSAGES

- We are deeply committed to advancing reconciliation in B.C. – guided by the UN Declaration and the Declaration Act, and with meaningful consultation and cooperation with Indigenous Peoples.
- Reconciliation is a journey – systemic issues like anti-Indigenous racism and helping Indigenous Peoples heal from the devastating impacts of colonialism will take sustained effort over many years.
- Budget 2023 provides dedicated, annual funding to the Ministry of Indigenous Relations and Reconciliation and the Declaration Act Secretariat to support the advancement of reconciliation and implementation of the UN Declaration in B.C.
- It includes a \$6-million annual increase for the First Peoples' Cultural Council, supporting Indigenous led efforts to revitalize languages, cultures, arts and heritage.
- There's increased funding for the Declaration Act Secretariat, a dedicated body to support government's reconciliation efforts by ensuring laws, policies and practices are consistent with the Act and legislation is developed in consultation and cooperation with Indigenous peoples.
- And there is important ongoing funding that goes directly to First Nations, supporting the services and priorities in their communities, including \$110 million forecast in gaming revenue sharing.

- Like all provincial budgets, the numbers on their own do not convey the scope of the work underway or the quality of the relationship with First Nations, Métis or Indigenous Peoples as a whole.
- Supported by Budget 2023, we are building an even stronger, more inclusive, and more just British Columbia that will create a better future for Indigenous Peoples.

Ministry of Indigenous Relations and Reconciliation

2023/24 Estimates

Finance Based Questions and Answers

1. MIRR's 2023/24 budget is \$188.262 million. This is an \$17.643 million increase (10.3%) from the previous year. What is it being spent on?

- \$6.040M increase for the First Peoples Cultural Council to provide stable funding for core operations and staffing
- \$1.218M increase approved in *Budget 2022* to provide core funding to fully resource the Declaration Act Secretariat as only partial funding was provided in year 1 (2022/23)
- \$0.171M increase for 2 FTE's to support Permitting
- \$2.042M increase for salaries and benefits for wage mandate
- (\$0.156M) decrease in Ministers Office budget
- \$7.830 net increase in the Treaty and Other Agreements vote.
- \$0.030M increase to the First Citizens fund
- 0.468M increase to the First Nations Clean Energy Business fund

2. The Treaty & Other Vote has increased by \$7.830M over Budget 2022. Why?

- The ministry budget is funded to match signed agreement costs.
- Payments to First Nations have increased by \$7.830M over 2022/23.
 - \$15.982M increase in non treaty agreements
 - \$0.558 increase in Treaty agreements
 - \$202.371M increase in revenue sharing payments offset by \$211.081 increase in revenue recoveries generating a net (\$8.710M) decrease in Revenue Sharing agreements.

Type of Payment	2022/23	2023/24	Change
Treaty	3.915	4.474	0.559
Non Treaty	85.281	101.261	15.981
Revenue Sharing	136.421	338.792	202.371
Total Payments to First Nations (Gross Budget)	225.617	444.527	218.911
Revenue Recovery	(117.288)	(328.369)	(211.081)
Net Budget Treaty and Other Agreements	108.329	116.159	7.830

3. What is the value of payments going to First Nations in 2023/24 funded by the Treaty and Other Vote?

- Treaty and Other Agreements budget is \$116.159M, a net gain of \$7.830M (7.2%):
 - \$444.528 million is projected to be paid to First Nations through treaty and non-treaty agreements;
 - \$338.792 million projected revenue sharing (forestry, mineral, resort; oil & gas);
 - \$101.262 million non-treaty agreements (e.g. reconciliation; strategic engagement agreements, LNG);
 - \$4.474 million in treaty related agreements.
- Of the \$444.528 million, \$328.369 million is projected to be recovered from taxation, stumpage, royalties and rents. Recovered funds subtracted from \$444.528 million provides the \$116.159M budget vote.

4. What impacts Revenue Sharing Forecasts?

- Revenue Sharing Forecasts are impacted by a number of factors:
 - Total number of signed agreements
 - Commodity price fluctuations for items such as copper and coal as well as mine operating profit margins (mineral tax) (ECDA's)
 - Resort income on accommodations (RECDA's)
 - Increases in stumpage values and harvesting activities (FCRSA's)
 - Higher oil and gas royalties (EBA's)
 - The economy as a whole

5. Why does the Treaty and Other budget decrease in 2024/25?

- The ministry budget is funded to match the ongoing cost of signed agreements.
- The decrease in 2024/25 is due to multiple Economic Benefit Agreements (EBA) expiring.
 - Treaty 8 (West Moberly & Prophet) expired in 2021/22 fiscal year.
 - Halfway EBA expires 2022/23
 - Saulteau and McLeod Lake EBA expires in 2023/24.

6. What is the purpose of the financing transactions allocated to the Ministry?

- Financing transactions for land transfers allow the ministry to prioritize private land purchases over the three-year plan as part of treaty or other agreements. Planned land purchases for 2023/24 are \$39.800M, which is a \$5.540M increase from 2022/23.
- Financing transactions for the BC First Nations Gaming Revenue Sharing Limited Partnership have been updated based on current revenue projections. The province forecasts to share \$110.000M in 2023/24.

- Financing transaction costs were added in Budget 2021.

7. Why is there a large decrease in disbursements in Schedule D – Inventory in 2023/24 and 2024/25.

- Schedule D allows the ministry to purchase private land and hold in inventory until it is transferred to a First Nation under final agreement
- Spending plans represent current needs and are updated annually as part of the budget process.

8. How does gaming revenue sharing with first nations work?

- A commitment to share \$3 billion in revenue with First Nations over the next 25 years is supporting self-government and self-determination, strong, healthy communities and services that make life better for families.
- Amendments to the Gaming Control Act allow the Province and First Nations to finalize a long-term gaming agreement. Signed September 2020.
- Like every government, First Nations need stable, predictable sources of revenue to fund their priorities – critical things for every government, such as infrastructure, services that build healthy communities and the staff to get it done.
- All First Nations communities in B.C. are eligible to become members in the limited partnership.
- Each First Nation that participates in the revenue sharing agreement can use the gaming revenue to support priorities for its community, such as enhanced social services, education, housing, infrastructure, cultural revitalization and self-government capacity.
- The revenue may be used in six areas that support governance, capacity building and strengthened program and service delivery:
 - health and wellness;
 - infrastructure, safety, transportation and housing;
 - economic and business development;

- education, language, culture and training;
- community development and environmental protection; and
- capacity building, fiscal management and governance.
- Direct distribution of gaming revenue to individuals is not permitted.

9. How much gaming revenue has been shared since approval in Budget 2019?

Fiscal Year	Amount \$
2019/20 & 2020/21	\$194,840,000
2021/22	\$58,059,120
2022/23	\$100,870,000
Total	\$353,769,120

10. Will the ministry restore the level of funding to the First Citizens Fund seen five years ago?

- The First Citizens Fund is a special fund within government's Consolidated Revenue Fund and the monies do not come from the ministry budget.
- Cabinet Confidences
- This funding supports Indigenous small business development, First Nations language preservation, bursaries for Indigenous post-secondary students, and assistance for elders to attend their annual gathering.

11. Why is the ministry increasing funding to the First Nations Clean Energy Business Fund?

- The funding increase is primarily due to increased projected revenue sharing payments.

- The total annual outflows include additional funding that has been dedicated to helping remote First Nations communities reduce reliance on diesel-powered generators. The additional 5% for this initiative was renewed in 2023/24 fiscal year for an additional three years. In the 2026/2027 fiscal year this fund will be reduced from 55% to 50%.

12.Does Budget 2023 provide funding for First People’s Cultural Council?

- Yes
- Budget 2023 provides \$19.060M over the fiscal plan (\$6.040M in 2023/24, \$6.300M in 2024/25 and \$6.720M in 25/26 ongoing).
- Ensures that FPCC is a viable, fully functioning Crown Corporation
- Permanent operational funding will allow FPCC to attract and retain the highly specialized program and technical experts necessary to deliver language, arts and cultural heritage programming and documentation efforts in First Nations communities across BC
- Will also address the equity issue between FPCC and other Crowns of similar size and mandates

13.Why did \$7.3M of the Indigenous Funding Program get transferred to the Ministry of Water, Land and Resource Stewardship?

- Allows WLRS to shift away from recovering funds from MIRR for Collaborative Indigenous Stewardship Framework
- Funding is based on 7 forums per year at an average of \$1M per forum (4 Collaborative Stewardship forums and 3 Environmental Stewardship Initiative forums)
- This transfer also includes \$0.1M for the Environmental Stewardship Initiative Working Group and \$0.2M for the Pre-Collaborative Stewardship Framework for Secwepemc FN.

14.Budget 2023 provides funding to support Permitting. Why?

- MIRR received \$0.171M in 2023/24 to hire 2 FTE’s

- An additional \$0.119M will be received in 2024/25 for an additional FTE for a total of 3 FTE's
- Addressing the necessary strategic shifts in land management is critical to advance the permitting backlogs.
- MIRR will assist other Natural Resource Ministries in strategic direction in managing the land base

15. Why is there a decrease in the Minister's Office?

- Minister Office budgets were reviewed as part of Budget 2023 to reflect positions within Minister's Office staff, as well as to bring current budgets in line with the approved budgets set by the Office of the Premier.
- There are no changes in staffing levels as a result of this decrease.
- 2023/24 continues to support 7 positions including Minister.

#	Position
1	Chief of Staff
2	Ministerial Assistant
3	Ministerial Assistant
4	Executive Assistant
5	Administrative Coordinator
6	Administrative Assistant

16. What is the Minister's compensation?

- Information on compensation is available on the following website:

[Remuneration and Allowances – Members' Guide to Policy and Resources \(leg.bc.ca\)](https://leg.bc.ca/remuneration-and-allowances)

The compensation is broken into 2 parts:

- Basic Compensation as an MLA is \$115,046
- Top-up of 50% for being a Minister is \$57,523
- Total \$172,569

17.How much was spent on travel by the Minister?

- The Minister's Office travel budget is \$85,000 and was the same last year.
- Minister travel costs from April 1, 2022 to March 10, 2023 are: \$60,505 and proactively disclosed every quarter.

18.How many other organizations does MIRR directly contribute funds to, and how much will be provided in 2023/2024?

- The ministry provides funding for several organizations.
- The exact amounts are available in public accounts, released June each year.

19.How much of the budget is being spent on the treaty process?

- MIRR has budgeted approximately \$16.5 million for the negotiations of agreements (treaty and non treaty).
- MIRR has budgeted \$116.159 million through the Treaties and Other Agreements Funding vote to fund existing agreements, including both treaty and non-treaty related agreements.
- B.C. and Canada split the value of settlement benefits offered in treaty equally, where Canada provides all or the majority of the cash, and British Columbia provides all or the majority of the land.

20. Were there any audits of MIRR programs?

- To date, there were no OCG or OAG MIRR specific audits.

21. How much was spent on Travel in the Ministry? How does this compare to last year?

- The ministry spent \$.158 million in Fiscal 21/22.
- From April 1 2022 to March 10 2023, the ministry has spent \$0.756 million on travel.

22. How many people work for MIRR and where are they located?

- As of March 1 2023, MIRR had 296 staff in 10 locations around the Province.
- Locations include:

Cranbrook	2	Smithers	8
Fort St John	6	Surrey	5
Kamloops	7	Victoria	255
Nanaimo	5	Williams Lake	4
Prince George	3	Fort Nelson	1

23. How many FTEs are there in MIRR and how does this compare to past years?

Year	Average FTE burn
2022/23 – February YTD Average	278.64
2021/22 – March YTD Average	246.20

2020/21 - March YTD Average	229.40
2019/20 – March YTD Average	235.35
2018/19 - March YTD Average	227.67

24.How many vacant positions are there?

- The number of positions the ministry can accommodate within its budget depends on many factors including the staff mix throughout the year, thus the number of vacant positions will fluctuate.

25.What is the ministry's budget for contracts for the coming year? How does this compare to last year?

2022/23 Budget	2023/24 Budget	Change	Reason
\$2.282M	\$2.282M	0.00	No change

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2023 Budget Highlights

Ministry Budget

- MIRRs 2023/24 budget is \$188.262M. **This represents a \$17.643M or 10.3% increase from the previous year.** The net budget increase is comprised of:
 - o \$8.097M net increase in the Ministry Operations Vote;
 - o \$7.830 net increase in government transfers under the Treaty and Other Agreements Vote;
 - o \$1.218M increase to the Declaration Act Secretariat;
 - o \$0.030M increase in government transfers under the First Citizen Fund;
 - o \$0.468M increase in the First Nations Clean Energy Business Fund.
- This budget will continue to allow MIRR to effectively deliver its mandate.
 - o The \$8.097M increase in the Ministry Operations Vote is made up of:
 - \$6.040M increase for First Peoples Cultural Council;
 - \$2.040M to fund negotiated salary increases for wage mandate;
 - \$0.171M increase for 2 FTE to support permitting;
 - \$0.002M to fund salary increments of Budget 2022 approval for Climate Action Initiatives, off set by;
 - \$(0.156M) net decrease to Minister's Office.
 - o \$7.830 net increase in the Treaty and Other Agreements vote to match funded agreement costs.
 - \$17.757M increase in LNG agreements
 - \$0.559 increase in Treaty agreements
 - \$(1.776M) decrease in Non Treaty agreements
 - \$(8.710M) net decrease in Revenue Sharing due to an increase in the Recovery to Vote
 - o \$1.218M increase for the Declaration Act Secretariat to fund incremental salary costs and fully fund resources
 - o The First Citizen Fund increase of \$.030M due to a small increase in investment fund revenues.
 - o The First Nations Clean Energy Business Fund net expenditure increase of \$0.468M is because the forecast for how much money will be returned to the Fund through land and water rents associated with power projects has increased as projects come on-line.

\$ millions	2022/23	\$Change	2022/23 restated	2023/24	\$ Change	% Change
Vote 32 - Ministry Operations	49,815	-	49,815	57,912	8,097	16.3%
Vote 33 - Treaty & Other Agreements Funding	115,629	(7,300)	108,329	116,159	7,830	7.2%
Vote 35 - Declaration Act Secretariat	3,213	-	3,213	4,431	1,218	37.9%
Sub-Total	168,657	(7,300)	161,357	178,502	17,145	61%
First Citizens Fund	1,686	-	1,686	1,716	30	1.8%
First Nations Clean Energy Business Fund	7,576	-	7,576	8,044	468	6.2%
Total	177,919	(7,300)	170,619	188,262	17,643	10.3%

* 2022/23 restated due to the permanent transfer of the Collaborative Indigenous Stewardship Framework to the Ministry of Water, Land and Resource Stewardship

Ministry of Indigenous Relations and Reconciliation

2023/24 – 2025/26 Service Plan

February 2023



For more information on the Ministry of Indigenous Relations and Reconciliation contact:

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Or visit our website at

<http://www.gov.bc.ca/irr>

Published by the Ministry of Indigenous Relations and Reconciliation

Minister's Accountability Statement



The Ministry of Indigenous Relations and Reconciliation 2023/24 – 2025/26 Service Plan was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared.

A handwritten signature in dark ink, reading "Murray Rankin". The signature is written in a cursive, flowing style.

Honourable Murray Rankin, KC
Minister of Indigenous Relations and Reconciliation
February 10, 2023

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Strategic Direction

In 2023/24, the Government of British Columbia will continue our work to make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations. Government will focus on building a secure, clean, and fair economy, and a province where everyone can find a good home – whether in a rural area, in a city, or in an Indigenous community. B.C. will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in an inclusive and sustainable province. The policies, programs and projects developed over the course of this service plan period will focus on results that people can see and feel in four key areas: attainable and affordable housing, strengthened health care, safer communities, and a secure, clean and fair economy that can withstand global economic headwinds.

This 2023/24 service plan outlines how the Ministry of Indigenous Relations and Reconciliation will support the government's priorities including the foundational principles listed above and selected action items identified in the [December 2022 Minister's Mandate Letter](#).

Purpose of the Ministry

The [Ministry of Indigenous Relations and Reconciliation](#) (the Ministry) guides and helps coordinate the Province of British Columbia's efforts to achieve true and lasting reconciliation with [Indigenous Peoples](#)¹ by working in respectful partnerships that recognize inherent rights.

Reconciliation is important to everyone as we work together to address historic wrongs through the path laid out by the [Truth and Reconciliation Commission \(TRC\) of Canada: Calls to Action](#). These efforts create a better province for all British Columbians.

As the first province in Canada to recognize and uphold Indigenous Peoples' human rights in law through the [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act), British Columbia is implementing the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UN Declaration) as our shared framework for reconciliation.

The Declaration Act supports government in deepening relationships with Indigenous Peoples through an [Action Plan](#) that outlines actions to advance the objectives of the UN Declaration, through the alignment of provincial laws with the UN Declaration, by enabling government to enter into shared decision-making agreements, and allowing flexibility for the Province to enter into agreements with a broad range of Indigenous governments.

The Ministry furthers [reconciliation with Indigenous Peoples](#) by collaboratively developing policy and practices, and negotiating and implementing proactive, enduring [agreements, partnerships, and treaties based on recognition of rights](#). The Ministry's focus is to build lasting relationships with

¹ The term "Indigenous" used throughout this document is inclusive of all peoples of Indigenous ancestry, including First Nations (status and non-status), Métis and Inuit.

Indigenous Peoples through flexible agreements that can evolve over time and collaborative approaches to policy making.

The Ministry engages with Indigenous governments, communities, organizations, as well as federal, municipal and treaty partners, stakeholders, and the public. While reconciliation is a whole-of-government responsibility, the Ministry provides guidance and leadership to other areas of government on establishing and enhancing relationships with Indigenous Peoples.

Reconciliation commitments are achieved by prioritizing collaboration and engagement with Indigenous Peoples through trauma-informed and culturally safe practices. Strengthening relationships with Indigenous communities² and leveraging Indigenous knowledge and perspectives improves social and economic outcomes for Indigenous Peoples and all British Columbians.

Operating Environment

Global pressures including the continued presence of COVID-19, a shifting economic forecast, and ongoing climate-related emergencies impact every British Columbian. These external conditions raise the importance of working in partnership to advance reconciliation and strengthen government-to-government relationships with Indigenous Peoples across the Province so that we can continue to meet these challenges together.

Supporting these efforts, the Province has adopted a distinctions-based approach to advancing reconciliation and implementing the United Nations Declaration on Rights of Indigenous Peoples. This means the B.C. Government's work with First Nations, Métis, and Inuit Peoples is conducted in a manner that acknowledges the specific rights, interests, priorities, and concerns of each while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments.

The release of the Action Plan in February 2022 outlines actions to be undertaken over the next five years by all of government in consultation and cooperation with Indigenous Peoples across the province. The Ministry of Indigenous Relations and Reconciliation is well represented within the plan and partners with several other ministries on various actions that support implementation of the Declaration Act and advance reconciliation in British Columbia.

Established in 2022, the Declaration Act Secretariat has taken the lead on guiding government's efforts to align provincial laws with the UN Declaration as required by the Declaration Act. As an independent office within the provincial government, the Secretariat reports directly to the Minister of Indigenous Relations and Reconciliation and works alongside all B.C. Government ministries to support implementation of the Declaration Act.

² The term "communities" means the diversity of Indigenous communities as defined by Indigenous Peoples and includes descriptions such as urban, rural, metropolitan, remote, land-based and reserve.

Performance Planning

Goal 1: Advance equitable social and economic outcomes of Indigenous Peoples

The Ministry is committed to advancing social and economic outcomes in Indigenous communities in comprehensive and holistic ways that are determined by and organized around each community's priorities. These efforts include sharing the benefits of economic development with Indigenous communities and increasing opportunities for the participation of Indigenous Peoples in the economy.

Objective 1.1: Partner on shared initiatives that improve the quality of life of Indigenous Peoples

The Ministry works with Indigenous, provincial, and federal agencies and partners to advance opportunities that improve the health and wellness of Indigenous communities through community-focused initiatives.

Key Strategies

- Coordinate funding between federal, provincial, and Indigenous partners to support First Nations-led investigations at former Residential Schools and Indian Hospital sites in B.C. and enhance Indigenous-delivered mental health, wellness, and cultural supports for residential school and intergenerational survivors.
- Work with the [Minister's Advisory Council on Indigenous Women](#) and the [First Peoples' Cultural Council](#) to advance solutions that support their respective mandates.
- Expand supports to urban Indigenous organizations and leadership, including Aboriginal Friendship Centres and urban Indigenous Coalitions, to deliver Indigenous-centered services and support cultural connections, and support online dialogues around organizing urban Indigenous voices to address urban reconciliation priorities.

Discussion

The Ministry continues to work in close consultation and cooperation with Indigenous Peoples to ensure that communities' health, wellbeing, and sociocultural priorities across the province are actionable.

Work to support investigations at the sites of former Residential Schools and Indian Hospital Sites in B.C. is complex and challenging. The Ministry continues to implement the BC Residential School Response Fund that provides funding to First Nations investigating these sites and continues to engage with federal, provincial, and Indigenous partners to promote a coordinated, culturally safe, and trauma-informed response to site research and investigations.

The Ministry also continues to engage with the Minister's Advisory Council on Indigenous Women to identify and action priorities that support the wellness of Indigenous women in B.C., and with the

First Peoples' Cultural Council to secure long-term funding that will enable long-term and sustainable Indigenous culture, language, and arts programming.

Work is underway to develop indicators that report on reconciliation outcomes associated with implementation of the Declaration Act Action Plan. As this work continues to evolve, the Ministry will seek out opportunities for alignment and to introduce performance measures in future Service Plans to support reporting on this objective.

Objective 1.2: Support Indigenous communities in advancing self-determination and governance building

The Ministry works with Indigenous Peoples to advance self-determination and governance building, supporting economic, social, and cultural initiatives aligned with the priorities of individual communities and transitioning delivery of public services to Indigenous governments.

Key Strategies

- Co-develop with Indigenous Peoples, in partnership with the Ministry of Finance, a [new distinctions-based fiscal framework](#) that supports the operation of Indigenous governments.
- Work with other ministries and Indigenous partners to co-develop and implement new policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous Peoples.
- Collaborate, align, and leverage opportunities with the federal government to support Indigenous self-governance, culture, language, and heritage.
- Partner with Indigenous Peoples and other ministries to advance CleanBC objectives by promoting increased Indigenous participation in the clean energy sector and supporting diesel displacement initiatives in remote communities, and supporting Indigenous communities to adapt to, and recover from, the impacts of climate change.

Discussion

Indigenous governments, like all governments, require sources of revenue to deliver services and meet accountabilities to their citizens. The Ministry, in partnership with the Ministry of Finance, is leading the co-development of a new fiscal framework with Indigenous Peoples, with an initial focus on co-development of principles and objectives for a new fiscal framework and co-development of a new forestry revenue sharing model. Over the long term, the vision of this work is to implement a coherent, principled, and rights-based fiscal framework that recognizes, respects, and supports self-determination.

As described in the discussion section underneath Objective 1.1, the Ministry will be reviewing opportunities for alignment of Action Plan indicators as they become available to support reporting under this objective in future Service Plans.

Performance Measures

Performance Measure	2019/20 Baseline	2022/23 Forecast	2023/24 Target	2024/25 Target	2025/26 Target
[1a] Cumulative number of community ¹ well-being initiatives	16	24	28	32	36

Data source: Ministry of Indigenous Relations and Reconciliation

¹ The term community is inclusive of all First Nations, Métis, and urban Indigenous communities.

Discussion

Community well-being initiatives are reconciliation processes where Indigenous communities and the B.C. government work in partnership to identify and implement socio-cultural priorities. These partnerships invest in economic development, cultural revitalization, human resource capacity building, education, justice, health and family services, and institutional and infrastructure development.

Performance Measure	2022/23 Forecast	2023/24 Target	2024/25 Target	2025/26 Target
[1b] Number of new opportunities ¹ for First Nations to participate in revenue sharing	4	4	4	4

Data source: Ministry of Indigenous Relations and Reconciliation

¹This includes new revenue sharing opportunities negotiated into particular agreements.

Discussion

Sharing revenue with First Nations communities is an important reconciliation tool that supports implementation of the UN Declaration and the self-determined pursuit of economic, social, and community development. Like all governments, First Nations require sources of revenue to support capacity and service delivery. Ensuring First Nations share in the wealth generated by economic opportunities helps support economic growth in First Nations communities and for all British Columbians.

Goal 2: Work in partnership to achieve true and lasting reconciliation with Indigenous Peoples

True and lasting reconciliation is a cross-government priority requiring collaboration with ministry partners and engagement with all British Columbians.

Objective 2.1: Implement the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action, and the Tsilhqot'in Supreme Court decision.

All ministries are accountable for implementing Provincial reconciliation commitments. Supporting this, the Ministry works to develop cross-government tools and approaches that achieve the objectives of the UN Declaration through implementation of the *Declaration on the Rights of Indigenous Peoples Act*, and other relevant legislation and case law.

Key Strategies

- Support government ministries and agencies to integrate the objectives of the UN Declaration into their policy and operations, including cross-government implementation of the Declaration Act.
- Work in consultation and cooperation with Indigenous Peoples, in line with government agencies, to implement ministry commitments in the Declaration Act Action Plan.
- Work with ministry partners to support efforts that engage with Indigenous Peoples and advance reconciliation initiatives within their respective mandates.
- Ensure that the diversity of Indigenous voices is brought into government planning, processes, policies, and practices.

Discussion

The Ministry continues its work to support implementation of government's reconciliation commitments and uphold Indigenous rights and title in line with legislation and case law in the context of an evolving legal landscape.

Alignment of laws related policy work is continuing under the guidance of the newly established independent office of the Declaration Act Secretariat. The Ministry is working to ensure laws and policies within the scope of its own mandate are aligned with and contribute to implementation of and the UN Declaration.

The first-ever Declaration Act Action Plan, released in 2022, outlines 89 actions to be undertaken by the B.C. Government over the next five years to advance the objectives of the UN Declaration. The Ministry is responsible for working in consultation and cooperation with Indigenous Peoples for many of these actions and is working to support, where indicated in the plan, other ministry partners on shared actions.

Objective 2.2: Negotiate and implement treaties and other constructive agreements with Indigenous Peoples

The Ministry works with Indigenous Peoples and other ministry partners to establish treaties and other agreements that affirm self-determination and support new approaches to developing a framework for cooperation and co-existence of Indigenous jurisdiction.

Key Strategies

- In partnership with Indigenous Peoples, implement new approaches to negotiations that result in long-term, enduring agreements that recognize and support reconciliation, self-determination, and economic independence.
- Develop a policy approach to legislation for implementing decision-making agreements with Indigenous governing bodies as outlined in the Declaration Act.
- Develop a cross-sector approach to strengthen and promote collaborative negotiation and agreement processes that advance reconciliation objectives in partnership with Indigenous Peoples.
- Engage with partner agencies and members of the Alliance of BC Modern Treaty Nations to improve and advance treaty implementation in line with commitments identified in the [Shared Priorities Framework](#).
- Work with partner ministries to expand opportunities for engagement that advance the government-to-government relationship with Métis Nation B.C. and support implementation of shared priorities.

Discussion

This Ministry works to ensure that the negotiation and implementation of treaties, shared decision-making mechanisms, and other constructive arrangements uphold Indigenous rights, including title, and support long-term, flexible agreements that can evolve over time. Central to these efforts, the Ministry continues to engage with partner ministries and agencies to ensure negotiation and implementation of agreements are in line with reconciliation commitments.

The Declaration Act requires government to work in consultation and cooperation with Indigenous Peoples to align provincial laws with the UN Declaration, develop and implement an action plan to meet the objectives of the UN Declaration, and deliver an annual report that details progress to implement the Declaration Act. Through delivery of its reporting commitment, the Ministry outlines, on an annual basis, measures taken towards implementing the Action Plan and alignment of laws.

Performance Measures

Discussion

Reconciliation is a complex and enduring effort that is founded in the relationships that exist between governments. Measuring progress should reflect the evolution of these relationships and capture progress accurately, appropriately, and respectfully.

No measure on its own can encompass the complexity of reconciliation, but measures are selected for their ability to demonstrate progress in the Ministry's approach to improving relationships as we shift from transactional, short-term agreements to long-term, enduring relationships with First Nations and all Indigenous Peoples within the Province.

In recent years, the Ministry of Indigenous Relations and Reconciliation has undertaken development of new measures that capture these relationships and reflect nuances within them. Two measures are currently in development while the Ministry continues its internal process of refining methodology and data collection processes to ensure continuity and accuracy in reporting for years to come.

The measures are designed to reflect progress made on the following:

2a) First Nations or Indigenous Governing Bodies that have reached major milestones in negotiation.

The first of the two measures in development is designed to report on incremental progress made by achieving milestones in specific treaties, agreements, and other constructive arrangements between the Province and First Nations or other Indigenous Governing Bodies.

Treaties, agreements, and other constructive arrangements serve as a foundation for government-to-government relationships and are key to advancing reconciliation in the province. Guiding this work are policy and legislative tools designed to implement a transformed approach to negotiations that supports the pursuit of self-determination and the inherent right to self-government.

2b) First Nations within British Columbia exercising self-governance.

Self-government is a substantial reconciliation outcome of treaties and other negotiated agreements that establish jurisdictional authority on matters of significance to each First Nation and enhance government-to-government relationships in accordance with the UN Declaration.

This measure will specify the number of First Nations within British Columbia exercising self-government, either through a treaty or other negotiated agreement addressing governance, that enables the self-determined pursuit of cultural, social, economic, and other priorities of First Nations.

These measures are designed to be complementary to reporting mechanisms already in place that provide additional detail through narrative-focused, qualitative reporting on outcomes, including the Annual Service Plan and Declaration Act Annual Reports.

The Ministry is working to finalize methodology to support reporting on these measures and will provide an update on progress on this work in the 2022/23 Annual Service Plan Report. Once

methodology is confirmed, the Ministry will aim to begin comprehensive reporting for the 2024/25 Service Plan.

Financial Summary

Core Business	2022/23 Restated Estimates ¹	2023/24 Estimates	2024/25 Plan	2025/26 Plan
Operating Expenses (\$000)				
Negotiations and Regional Operations Division	15,341	16,465	16,736	16,736
Strategic Partnerships and Initiatives Division	18,439	25,147	25,526	25,946
Reconciliation Transformation and Strategies Division	3,260	3,419	3,446	3,446
Executive and Support Services	12,775	12,881	12,912	12,912
Treaty and Other Agreements Funding	108,329	116,159	104,550	105,363
Declaration Act Secretariat	3,213	4,431	4,482	4,482
First Citizens Fund	1,686	1,716	1,742	1,911
First Nations Clean Energy Business Fund special account	7,576	8,044	8,155	8,209
Total	170,619	188,262	177,549	179,005
Capital Expenditures (\$000)				
Executive and Support Services	3	3	3	3
Total	3	3	3	3
Other Financing Transactions (\$000)				
British Columbia First Nations Gaming Revenue Sharing Limited Partnership Receipts	(101,000)	(110,000)	(111,000)	(112,000)
British Columbia First Nations Gaming Revenue Sharing Limited Partnership Disbursements	101,000	110,000	111,000	112,000
Land Transfers Disbursements ²	34,260	39,800	180	0
Total Receipts	(101,000)	(110,000)	(111,000)	(112,000)
Total Disbursements	135,260	149,800	111,180	112,000
Total Net Cash Requirements (Source)	34,260	39,800	180	0

¹ For comparative purposes, amounts shown for 2022/23 have been restated to be consistent with the presentation of the *2023/24 Estimates*.

² Reflects the current known requirements and will be updated as part of the annual budget process.

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

Appendix A: Declaration Act Secretariat

Purpose of the Organization

The Declaration Act Secretariat (DAS) is an independent office within the provincial government that works to coordinate and assist the cross-government effort to work in consultation and cooperation with Indigenous Peoples to align provincial laws with the UN Declaration as per section 3 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act):

Measures to align laws with Declaration

"In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration."

Strategic Direction

The Declaration Act was unanimously passed by the Legislative Assembly in 2019. Section 3 of the Declaration Act requires the Province, in consultation and co-operation with Indigenous Peoples, to take "all measures necessary" to ensure consistency between the laws of British Columbia and the *United Nations Declaration on the Rights of Indigenous Peoples*.

Since 2019, the Province has taken some measures pursuant to section 3. The most significant measure was the formation of the Declaration Act Secretariat, established in Budget 2022. The mandate of the Secretariat is to ensure legislation is consistent with the UN Declaration and is developed in consultation and cooperation with Indigenous Peoples, as required by Section 3 of the Declaration on the Rights of Indigenous Peoples Act.

Reporting directly to the Minister of Indigenous Relations and Reconciliation, but distinct from the Ministry of Indigenous Relations and Reconciliation, the Secretariat guides and assists ministries in meeting the alignment of laws obligations, collaborates within government on changes to government's legislative and policy processes, and helps establish government's legislative priorities related to alignment of laws.

The Secretariat's core functions are to:

- provide guidance on consultation and cooperation and consistency of laws;
- develop processes and measures to support alignment of laws;
- inform government's legislative agenda; and
- serve in an interlocutor role.

An Advisory Forum will be established to provide advice to the Secretariat on legislative proposals and initiatives and provide a means for Indigenous expertise and experience with meeting the standards of the UN Declaration to be brought into government.

The Secretariat also provides guidance and advice on how to ensure required consultation and cooperation with Indigenous Peoples takes place. Examples of relevant amendments include the *Interpretation Act*; *Forest and Range Practices Act*; *FOIPPA*; *Emergency Program Act*; *Indigenous Self-Government in Child and Family Services Act*; and development of the *Anti-Racism Data Act*.

Additionally, through internal learning processes since the passage of the Declaration Act, as well as work with Indigenous partners, the Secretariat co-developed guidance on *"Interim Approach: Involving Indigenous Peoples in Policy and Legislation"*.

Appendix B: Public Sector Organizations

As of February 10, 2023, the Minister of Indigenous Relations and Reconciliation is responsible and accountable for the following:

BC Treaty Commission³

The BC Treaty Commission is an independent body responsible for facilitating treaty negotiations among First Nations and the governments of Canada and British Columbia.

First Peoples' Cultural Council

The First Peoples' Cultural Council is a First Nation-run Crown corporation that supports the revitalization of Indigenous languages, arts, culture, and heritage in British Columbia.

Haida Gwaii Management Council⁴

The Haida Gwaii Management Council is a strategic-level joint decision-making body for land and natural resource decisions on Haida Gwaii, as set out in the [Kunst'aa guu – Kunst'aayah Reconciliation Protocol](#).

Minister's Advisory Council on Indigenous Women

The Minister's Advisory Council on Indigenous Women provides advice to the Government of British Columbia on how to improve the quality of life of Indigenous women across B.C.

³ With reference to the BC Treaty Commission, responsibility and accountability is limited and defined through the [Treaty Commission Act](#).

⁴ With reference to the Haida Gwaii Management Council, responsibility and accountability is limited and defined through the [Kunst'aa guu – Kunst'aayah Reconciliation Protocol](#).

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

The mission of the Ministry of Indigenous Relations and Reconciliation is to guide the Province of British Columbia's efforts towards true, lasting reconciliation with Indigenous Peoples in British Columbia. The ministry works towards reconciliation with First Nations, Métis, and Inuit peoples through the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and through treaties, agreements, partnerships, and other social and economic initiatives.

MINISTRY SUMMARY

(\$000)

	Estimates 2022/23 ¹	Estimates 2023/24
VOTED APPROPRIATIONS		
Vote 34 — Ministry Operations.....	49,815	57,912
Vote 35 — Treaty and Other Agreements Funding.....	108,329	116,159
Vote 36 — Declaration Act Secretariat.....	3,213	4,431
STATUTORY APPROPRIATIONS		
First Citizens Fund Special Account.....	1,686	1,716
First Nations Clean Energy Business Fund Special Account.....	7,576	8,044
OPERATING EXPENSES	<u>170,619</u>	<u>188,262</u>
CAPITAL EXPENDITURES ²	<u>3</u>	<u>3</u>
LOANS, INVESTMENTS AND OTHER REQUIREMENTS ³	<u>34,260</u>	<u>39,800</u>
REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES ⁴	<u>—</u>	<u>—</u>

NOTES

¹ For comparative purposes, figures shown for the 2022/23 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 the 2023/24 Estimates. A reconciliation of restated operating expenses and capital expenditures is presented in Schedule A.

² A listing of estimated capital expenditures by ministry is presented in Schedule C.

³ A summary of loans, investments and other requirements by ministry is presented in Schedule D.

⁴ A summary of revenue collected for, and transferred to, other entities by ministry is presented in Schedule E.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

SUMMARY BY CORE BUSINESS

(\$000)

	2022/23	2023/24 ESTIMATES		
OPERATING EXPENSES	Net	Gross	External Recoveries	Net
Core Business				
Negotiations and Regional Operations Division.....	15,341	16,467	(2)	16,465
Strategic Partnerships and Initiatives Division.....	18,439	25,149	(2)	25,147
Reconciliation Transformation and Strategies Division.....	3,260	3,421	(2)	3,419
Executive and Support Services.....	12,775	12,883	(2)	12,881
Treaty and Other Agreements Funding.....	108,329	444,527	(328,368)	116,159
Declaration Act Secretariat.....	3,213	4,433	(2)	4,431
First Citizens Fund Special Account.....	1,686	1,716	—	1,716
First Nations Clean Energy Business Fund Special Account.....	7,576	8,046	(2)	8,044
TOTAL OPERATING EXPENSES	170,619	516,642	(328,380)	188,262
CAPITAL EXPENDITURES	Capital Expenditures	Capital Expenditures	Receipts and P3 Liabilities	Net
Core Business				
Executive and Support Services.....	3	3	—	3
TOTAL	3	3	—	3
LOANS, INVESTMENTS AND OTHER REQUIREMENTS	Net	Disbursements	Receipts	Net
Core Business				
Treaty and Other Agreements Funding.....	34,260	39,800	—	39,800
TOTAL LOANS, INVESTMENTS AND OTHER REQUIREMENTS	34,260	39,800	—	39,800
REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES	Net	Disbursements	Receipts	Net
Core Business				
Treaty and Other Agreements Funding.....	—	110,000	(110,000)	—
TOTAL REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES	—	110,000	(110,000)	—

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2022/23

Estimates
2023/24

VOTE 34 — MINISTRY OPERATIONS

This vote provides for the programs, operations, and other activities described in the voted appropriations under the following core businesses: Negotiations and Regional Operations Division, Strategic Partnerships and Initiatives Division, Reconciliation Transformation and Strategies Division, and Executive and Support Services.

NEGOTIATIONS AND REGIONAL OPERATIONS DIVISION

Voted Appropriation

Negotiations and Regional Operations Division.....	15,341	16,465
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Voted Appropriation Description: This sub-vote provides for the leadership of government's role in building new, lasting, and transformative relationships with Indigenous Peoples through the negotiation and implementation of treaties, incremental treaty agreements, comprehensive reconciliation agreements, revenue-sharing agreements, and other agreements with First Nations, Indigenous Peoples and organizations, and the federal government. In addition, this sub-vote will support negotiation policy development, including emerging policy directives that strive to achieve rights, recognition, and reconciliation outcomes. This sub-vote also provides for cross-government coordination of engagements with First Nations and Indigenous Peoples, including development of government-to-government resource management protocols, cross-government coordination of First Nations and Indigenous Peoples consultation and accommodation, and treaty implementation and treaty-related measures. This sub-vote also provides for ongoing engagement with local governments and regional districts regarding negotiations, agreement implementation, and relationship building priorities with Indigenous communities in regions across the province. This sub-vote also provides for the operation of Victoria-based and regional offices that execute negotiations, agreement implementation, operations, and relationship management approaches. Regional offices support agencies across government at the regional level to coordinate engagements with First Nations and Indigenous Peoples, including providing day-to-day advice on relationships with First Nations and Indigenous Peoples, negotiation mandate development, negotiation leadership and support, and implementation to ensure that provincial government obligations are met. Costs may be recovered from ministries, other entities within government, and parties external to government for activities described within this sub-vote.

STRATEGIC PARTNERSHIPS AND INITIATIVES DIVISION

Voted Appropriation

Strategic Partnerships and Initiatives Division.....	18,439	25,147
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Voted Appropriation Description: This sub-vote provides for the support and enhancement of the government's approach to reconciliation with First Nations and Indigenous Peoples through negotiations both inside and outside the treaty process considered strategically important to furthering the socio-cultural and socio-economic priorities of government. This sub-vote also provides for leadership of government's negotiations with the federal government to cost share treaties, incremental treaty agreements, comprehensive reconciliation agreements, and other arrangements. This sub-vote also supports community support and emergency management; provides for all activities supporting the closing and bringing into effect of agreements with First Nations, such as the development of legislation and the closing and implementation of agreements under the British Columbia Treaty Commission process, including land transfers; supports other agencies across government to implement treaties and other agreements and ensure provincial obligations within treaty and other agreements are addressed; and facilitates engagement and negotiation among First Nations, Indigenous communities and organizations, provincial ministries, and key stakeholders with the aim of accommodating First Nation and Indigenous interests and promoting collaboration and coordination on Indigenous issues across sectors and orders of government. This sub-vote also provides for initiatives to address the socio-economic gaps between Indigenous Peoples and other British Columbians, including the identification of opportunities, removal of barriers, cross-ministry coordination of resources and services provided to Indigenous Peoples, and support for data development and reporting out on progress. This sub-vote also provides for leadership in fiscal policy development, tripartite fiscal negotiations (including revenue-sharing agreements with First Nations), and development of financial and specific mandates for treaty negotiations. This sub-vote also provides support for strategic and operational management of funding to support reconciliation initiatives and negotiations, including the First Citizens Fund, First Nations Clean Energy Business Fund special account, the Long-term First Nations Gaming Revenue Sharing and Financial Agreement, and related transfers. This sub-vote also supports relationship building, cultural initiatives, community development and innovation, support to Indigenous leadership and advisory bodies. This sub-vote also provides support for the policy development of a new fiscal framework and resource revenue-sharing with Indigenous Peoples in British Columbia. Costs may be recovered from ministries, other entities within government, and parties external to government for activities described within this sub-vote.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

	Estimates 2022/23	Estimates 2023/24
RECONCILIATION TRANSFORMATION AND STRATEGIES DIVISION		
Voted Appropriation		
Reconciliation Transformation and Strategies Division.....	3,260	3,419
<p>Voted Appropriation Description: This sub-vote provides for work across government to guide the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), and the Truth and Reconciliation Commission of Canada: Calls to Action, and to support the implementation of the Tsilhqot'in Supreme Court Decision and learnings from other relevant case law. This sub-vote provides for the identification and pursuit of key cross-government linkages to support alignment, collaboration and implementation of the UN Declaration, including the development of strategic policy tools and resources for the public service. This sub-vote also provides for the implementation of the <i>Declaration on the Rights of Indigenous Peoples Act</i> (Declaration Act), and provides for the engagement processes towards, and the development of, the government's reconciliation vision and leadership of the necessary transformation associated with this vision. This sub-vote also provides for collaboration with the federal government and Indigenous governments and organizations; and working with internal and external partners and stakeholders to identify and help drive economic growth and opportunities. This sub-vote provides for strategic advice and coordination to help drive economic growth and opportunities in Indigenous communities that support meaningful advancement of self-determination outcomes. This sub-vote provides for development, cross-ministry coordination, implementation, and monitoring of Indigenous and external stakeholders and intergovernmental engagement. Costs may be recovered from ministries, other entities within government, and parties external to government for activities described within this sub-vote.</p>		
EXECUTIVE AND SUPPORT SERVICES		
Voted Appropriations		
Minister's Office.....	993	837
Corporate Services.....	11,782	12,044
	12,775	12,881
<p>Voted Appropriations Description: This sub-vote provides for the office of the Minister of Indigenous Relations and Reconciliation; executive support, including the deputy minister's office; delivering planning and support focused on reconciliation and major government initiatives and corporate administration. This sub-vote also funds the ministry's strategic, corporate service planning efforts including internal communications; correspondence; records management and information and privacy; and business plans and performance monitoring, measurement, and reporting. This sub-vote also provides for executive direction to the ministry; finance, administrative, human resources, and information management services and systems; and information and privacy. Costs may be recovered from ministries, other entities within government, and parties external to government for activities described within this sub-vote.</p>		
VOTE 34 — MINISTRY OPERATIONS	49,815	57,912

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

	Estimates 2022/23	Estimates 2023/24
VOTE 35 — TREATY AND OTHER AGREEMENTS FUNDING		
This vote provides for the programs, operations, and other activities described in the voted appropriations under the following core business: Treaty and Other Agreements Funding.		
TREATY AND OTHER AGREEMENTS FUNDING		
Voted Appropriations		
Treaty and Other Agreements Funding.....	3,913	4,471
Non Treaty Funding.....	104,416	111,688
	<u>108,329</u>	<u>116,159</u>
Voted Appropriations Description: This sub-vote provides for transfers and costs to First Nations, Indigenous Peoples and organizations, 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, including as a result of the federal/provincial agreement as specified under the <i>Fort Nelson Indian Reserve Minerals Revenue Sharing Act</i> . This sub-vote also provides for costs associated with acquisition, administration, and disposal of land and other assets as a result of the settlement of treaties, incremental treaties, and other agreements. Costs may be recovered from revenue received from stumpage, petroleum, natural gas, and minerals extraction or other sources. Costs may also be recovered from ministries, other entities within government, and parties external to government for transfers described within this sub-vote.		
VOTE 35 — TREATY AND OTHER AGREEMENTS FUNDING	108,329	116,159

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2022/23Estimates
2023/24

VOTE 36 — DECLARATION ACT SECRETARIAT

This vote provides for the programs, operations, and other activities described in the voted appropriation under the following core business: Declaration Act Secretariat.

DECLARATION ACT SECRETARIAT

Voted Appropriation

Declaration Act Secretariat.....	3,213	4,431
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Voted Appropriation Description: This sub-vote provides for the operations of the Declaration Act Secretariat, including the facilitation, coordination, and guidance to meet the alignment of laws obligations under the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), including policy and legislative process reform and guidance to government on ensuring that measures align with the United Nations Declaration on the Rights of Indigenous Peoples are taken in consultation and cooperation with Indigenous Peoples. In addition, this sub-vote provides for engagement with Indigenous Peoples to implement the *Declaration on the Rights of Indigenous Peoples Act* and align laws with the United Nations Declaration on the Rights of Indigenous Peoples and to do so in consultation and cooperation with Indigenous Peoples. This sub-vote provides for executive support, including executive services, delivering planning and support focused on major government initiatives and corporate administration. This sub-vote also provides for the Secretariat's strategic, service, and internal communications planning efforts; and business plans and performance monitoring, measurement, and reporting. This sub-vote also provides for finance, administrative, human resources, and information management services and systems; and information and privacy. Costs may be recovered from ministries, other entities within government, and parties external to government for activities described within this sub-vote.

VOTE 36 — DECLARATION ACT SECRETARIAT

3,213

4,431

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

STATUTORY DESCRIPTIONS

(\$000)

Estimates
2022/23Estimates
2023/24

STATUTORY APPROPRIATIONS

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

FIRST CITIZENS FUND

Statutory Appropriation

First Citizens Fund.....	1,686	1,716
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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.....	7,576	8,044
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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	30,703	33,958
Operating Costs	9,977	9,948
Government Transfers	244,455	469,952
Other Expenses	2,940	2,941
Internal Recoveries	(157)	(157)
External Recoveries	(117,299)	(328,380)
TOTAL OPERATING EXPENSES.....	170,619	188,262

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

SPECIAL ACCOUNTS¹

(\$000)

	Estimates 2022/23	Estimates 2023/24
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 endowment fund has a restricted balance of \$66.5 million which is not permitted to be spent. The account promotes the economic, educational, and cultural well-being of Indigenous Peoples 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. 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.....	756	756
OPERATING TRANSACTIONS		
Revenue.....	1,686	1,716
Expense.....	(1,686)	(1,716)
Net Revenue (Expense).....	—	—
FINANCING TRANSACTIONS		
Receipts.....	—	—
Disbursements.....	—	—
Capital Expenditures.....	—	—
Net Cash Source (Requirement).....	—	—
PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR ².....	756	756

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 Spending Authority Available at the Beginning of the Fiscal Year 2022/23 is based on the 2021/22 *Public Accounts*. The Projected Spending Authority Available at the End of the Fiscal Year represents the cash and temporary investments projected to be available at the end of each fiscal year.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

SPECIAL ACCOUNTS¹
(\$000)

	Estimates 2022/23	Estimates 2023/24
FIRST NATIONS CLEAN ENERGY BUSINESS FUND SPECIAL ACCOUNT		
This account was created as a fund under the <i>Clean Energy Act</i> in 2010. It provides for increased First Nations participation in the clean energy sector through sharing of revenue government receives from clean power projects and supporting First Nation capacity and equity in clean energy projects. The account also provides for administration costs of the account. Costs may be recovered from ministries, Crown agencies, other levels of government, and parties external to government for activities described within this account.		
SPENDING AUTHORITY AVAILABLE AT THE BEGINNING OF THE FISCAL YEAR ².....	13,331	13,233
OPERATING TRANSACTIONS		
Revenue.....	7,478	8,044
Expense.....	(7,579)	(8,047)
Internal and External Recoveries.....	3	3
Net Revenue (Expense).....	(98)	—
FINANCING TRANSACTIONS		
Receipts.....	—	—
Disbursements.....	—	—
Capital Expenditures.....	—	—
Net Cash Source (Requirement).....	—	—
PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR ².....	13,233	13,233

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 Spending Authority Available at the Beginning of the Fiscal Year 2022/23 is based on the 2021/22 *Public Accounts*. The Projected Spending Authority Available at the End of the Fiscal Year represents the cash and temporary investments projected to be available at the end of each fiscal year.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

LOANS, INVESTMENTS AND OTHER REQUIREMENTS BY CORE BUSINESS

(\$000)

	Estimates 2022/23	Estimates 2023/24
TREATY AND OTHER AGREEMENTS FUNDING		
LAND TRANSFERS — Disbursements represent expenditures for acquisition, administration, and disposal of land and other assets as a result of the settlement of treaties, incremental treaties, and other agreements. Negotiation and implementation costs are funded through the ministry's voted appropriations.		
Disbursements.....	34,260	39,800
Receipts.....	—	—
Net Cash Requirement (Source).....	<u>34,260</u>	<u>39,800</u>

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES BY CORE BUSINESS
(\$000)

	Estimates 2022/23	Estimates 2023/24
TREATY AND OTHER AGREEMENTS FUNDING		
BRITISH COLUMBIA FIRST NATIONS GAMING REVENUE SHARING LIMITED PARTNERSHIP — Disbursements are made by the Province to the British Columbia First Nations Gaming Revenue Sharing Limited Partnership (Partnership) or to a limited partner of the Partnership at the written request of the Partnership in accordance with the <i>Gaming Control Act</i> , further supported by the Long-term First Nations Gaming Revenue Sharing and Financial Agreement in respect of a portion of the actual net income (receipts) of the British Columbia Lottery Corporation collected on behalf of the Partnership under the <i>Gaming Control Act</i> . Administration costs are funded through the ministry's voted appropriations.		
Disbursements.....	101,000	110,000
Receipts.....	<u>(101,000)</u>	<u>(110,000)</u>
Net Cash Requirement (Source).....	<u>—</u>	<u>—</u>



November 26, 2020

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation
Parliament Buildings
Victoria, British Columbia V8V 1X4

Dear Minister Rankin:

Thank you for agreeing to serve British Columbians as Minister of Indigenous Relations and Reconciliation. You are taking on this responsibility at a time when people in our province face significant challenges as a result of the global COVID-19 pandemic.

COVID-19 has turned the lives of British Columbians upside down. None of us expected to face the challenges of the past number of months, yet British Columbians have demonstrated incredible resilience, time and time again. We will get through the pandemic and its aftereffects by building on this resilience and focusing on what matters most to people.

British Columbians voted for a government focused on their priorities: fighting the COVID-19 pandemic, providing better health care for people and families, delivering affordability and security in our communities, and investing in good jobs and livelihoods in a clean-energy future.

I expect you – and the work of your ministry – to focus on the commitments detailed in our platform, *Working for You*, along with the following foundational principles:

- **Putting people first:** Since 2017, our government has focused on making decisions to meet people's needs. That focus drove our work in our first term and will continue to be our priority. British Columbians are counting on the government to keep them safe and to build an economic recovery that works for everyone, not just those at the top. Keeping people at the centre of everything we do means protecting and enhancing the public services people rely on and working to make life more affordable for everyone.
- **Lasting and meaningful reconciliation:** Reconciliation is an ongoing process and a shared responsibility for us all. The unanimous passage of the *Declaration on the Rights of Indigenous Peoples Act* was a significant step forward in this journey. True

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reconciliation will take time and ongoing commitment to work with Indigenous peoples as they move toward self-determination. Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation.

- **Equity and anti-racism:** Our province's history, identity and strength are rooted in its diverse population. Yet racialized and marginalized people face historic and present-day barriers that limit their full participation in their communities, workplaces, government and their lives. Our government has a moral and ethical responsibility to tackle systemic discrimination in all its forms – and every ministry has a role in this work. While our caucus elected a record number of women, more work remains to address gender equity. Delivering on our commitments to address racial discrimination will require a commitment by all of government to ensure increased IBPOC (Indigenous, Black and People of Colour) representation within the public service, including in government appointments. Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens.
- **A better future through fighting climate change:** In 2018, our government launched our CleanBC climate action plan. CleanBC puts British Columbia on the path to a cleaner, better future by building a low-carbon economy with new clean-energy jobs and opportunities, protecting our air, land and water and supporting communities to prepare for climate impacts. It is every Minister's responsibility to ensure your ministry's work continues to achieve CleanBC's goals.
- **A strong, sustainable economy that works for everyone:** We will continue our work to support British Columbians through the pandemic and the economic recovery by investing in health care, getting people back to work, helping businesses and communities, and building the clean, innovative economy of the future. Our plan will train the workforce of tomorrow, help businesses hire and grow and invest in the infrastructure needed to build our province.

The pandemic has reminded us that we're strongest when we work together. Delivering on our commitments to people will require a coordinated effort with your cabinet and caucus colleagues, supported by the skilled professionals in the public service. You will also support your cabinet colleagues to do their work, particularly where commitments cross ministry lines.

British Columbians expect their elected representatives to work together to advance the broader public good despite their partisan perspectives. That means seeking out, fostering and championing good ideas, regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships through public and stakeholder engagement plans that connect with people to incorporate their perspectives early in the policy development process. These plans must include measurable outcomes and ensure active dialogue and ongoing outreach in your ministry's actions and priorities.

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Over the course of our mandate, I expect you will make progress on the following items:

- Work with your cabinet colleagues and Indigenous partners to address the needs of Indigenous communities through our government's COVID-19 response and recovery efforts.
- In collaboration with Indigenous partners, deliver the action plan required under the *Declaration on the Rights of Indigenous Peoples Act* to build strong relationships based on recognition and implementation of the inherent rights of Indigenous peoples protected in Canada's constitution.
- Bring forward for cabinet consideration a plan to create a dedicated Secretariat by the end of 2021 to coordinate government's reconciliation efforts and to ensure new legislation and policies are consistent with the *Declaration on the Rights of Indigenous Peoples Act*.
- Improve our government's relationships with Indigenous peoples by moving from short-term transactional arrangements to long-term agreements that recognize and support reconciliation, self-determination and economic independence – and do so with your cabinet colleagues.
- Facilitate partnership with First Nations around key decisions on regional land and resource use allocation through evolving shared decision making, building on the *Declaration on the Rights of Indigenous Peoples Act*, to provide a clear, stable and sustainable path for everyone to work together – and do this with your cabinet colleagues.
- Extend our support for cultural preservation and revitalization by funding key projects designed to preserve and respect Indigenous cultures, including the retention and revitalization of First Nations languages.
- Expand our government's support for Aboriginal Friendship Centres that serve the needs of local Indigenous communities while playing a vital role in connecting urban Indigenous peoples from across the province to their home communities.
- With support from the Attorney General and Minister responsible for Housing, lead work to bring the federal government to the table to match our funding to build much-needed housing for Indigenous peoples both on and off reserve.
- Support the work of the Minister of Education to put more Indigenous languages into B.C.'s curriculum.
- Support the work of the Minister of Environment and Climate Change Strategy to reflect Indigenous peoples' history and cultures in provincial parks and wilderness areas.

Our work as a government must continually evolve to meet the changing needs of people in this province. Issues not contemplated in this letter will come forward for government action and I

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ask you to bring such matters forward for consideration by the Planning and Priorities Committee of cabinet, with the expectation that any proposed initiatives will be subject to the usual cabinet and Treasury Board oversight. Your ministry's priorities must reflect our government's overall strategic plan as determined by cabinet.

All cabinet members are expected to review, understand, and act according to the *Members' Conflict of Interest Act* and conduct themselves with the highest level of integrity. As a minister of the Crown, your conduct will reflect not only on you but on cabinet and our government. You are responsible for providing strong, professional and ethical leadership within cabinet and your ministry. You will establish a collaborative working relationship with your deputy minister and the public servants under their direction who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. You must ensure your minister's office meets the highest standards for integrity and provides a respectful and rewarding environment for all staff.

My commitment to all British Columbians is to do my level best to make sure people's lives are better, safer and more affordable. I believe the challenges we face can and will be overcome by working together. By way of this letter, I am expressing my faith that people can expect the same commitment from you.

Sincerely,

A handwritten signature in black ink, reading "John J. Horgan", followed by a long horizontal flourish.

John Horgan
Premier



December 7, 2022

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation
Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister Rankin:

Thank you for agreeing to continue to serve as Minister of Indigenous Relations and Reconciliation. I trust in your leadership at this critical time to deliver results for the people of British Columbia.

British Columbians continue to recover from and respond to the upheaval caused by the COVID-19 pandemic and climate related natural disasters, while global inflation is driving up costs for more households and the world's economic outlook is concerning. Now more than ever, we need to focus on building a secure, low emission, sustainable economy, and a province where everyone can find a good home – whether you live in a rural area, in a city, or in an Indigenous community. We will continue working toward true and meaningful reconciliation by supporting opportunities for Indigenous Peoples to be full partners in the inclusive and sustainable province we are building together.

Our government is committed to delivering on the mandate British Columbians gave us in 2020. Together we can make life better for people in B.C., improve the services we all rely on, and ensure a sustainable province for future generations.

As we renew our work, my priority as Premier is to deliver results that people can see and feel in four key areas:

- **Attainable and affordable housing:** In the wake of soaring prices and record migration to B.C., we will take on the important work of building new homes that are actually attainable for the middle class, while continuing our work to address the housing crisis for those in distress on our streets.

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- **Safer communities:** To address concerns about public safety, both for the people struggling with mental health and addiction on our streets, as well as the feeling that downtown centres are not as safe as they were before the pandemic, we will work with our partners at all levels of government, the justice and health care systems, the non-profit sector, and community leaders to find solutions for this complex challenge facing our province, and work overtime to seize the assets of high-level criminals.
- **Improved health care:** Amid unprecedented pressures we will continue to work to strengthen our public health care system, from family doctors to new hospitals, so care is there for each of us when we need it.
- **A sustainable, clean, secure, and fair economy:** We will continue our work investing in British Columbians, fighting racism and promoting equity, and building a clean economy that addresses our obligations to combat climate change by driving down emissions, while creating good, family supporting jobs.

Our historic partnership with First Nations leadership to pass the UN Declaration on the Rights of Indigenous Peoples into law domestically in British Columbia was groundbreaking – but it was also just the beginning of the journey and work with Indigenous Peoples in our province.

The Action Plan for the *Declaration on the Rights of Indigenous Peoples Act*, along with innovative, true, and meaningful reconciliation initiatives with rights and title holders across the province, will be how we will bring to life our commitments under this remarkable legislation in ways that the entire province can see, touch, and feel in their daily lives.

Reconciliation is a shared responsibility and partnerships between all levels of government have the real potential to improve life in communities across the province for everyone. Nobody wins with the uncertainty, enforced poverty, racism, and trauma that comes from our province's shameful history with Indigenous Peoples. The costs of not acknowledging that history are carried not only by Indigenous Peoples, but by all British Columbians.

By resetting our relationships as true partnerships and by recognizing and supporting the jurisdiction and self-determination of Indigenous Peoples to govern their own lives, we ensure Indigenous governments have the resources to deliver services to their communities. Not only can we move forward, we can build a stronger and more prosperous future not just for Indigenous Peoples, but for all British Columbians.

Since 2020, our government has made considerable progress on important initiatives including:

- Establishing the new Declaration Act Secretariat and delivering the Action Plan required under the *Declaration on the Rights of Indigenous Peoples Act*.
- Making progress in moving from transactional arrangements to long-term agreements with Indigenous Peoples that support reconciliation.
- Delivering new provincial funding to support and strengthen work to reclaim and revitalize Indigenous cultures, arts, heritage, and First Nations languages.

As you continue to make progress on items in your previous mandate letter, over the remaining period of this mandate I expect you to prioritize making progress on the following:

- Lead work across ministries to implement the *Declaration Act* Action Plan in consultation and cooperation with Indigenous Peoples, including reporting annually on progress.
- Through the new *Declaration Act* Secretariat, continue to ensure new legislation and policies are consistent with the *Declaration on the Rights of Indigenous Peoples Act*.
- Continue to improve our government's relationships with Indigenous Peoples by moving from short-term transactional arrangements to long-term agreements that recognize and support reconciliation, shared decision-making, self-determination, and economic independence, including advancing work to co-develop the new distinctions-based fiscal relationship with Indigenous Peoples.
- In collaboration with First Nations and with support from the Minister of Housing, lead work to bring the federal government to the table to match our funding to build much-needed housing for Indigenous Peoples both on and off reserve.
- Propose steps to continue increasing the capacity of all ministries to advance reconciliation with Indigenous Peoples.
- Support ministries to implement agreements under Sections 6 and 7 of the *Declaration on the Rights of Indigenous Peoples Act* that enable shared statutory decision-making authority, and advance the recognition of First Nations self-determination and Indigenous laws.
- Support the Public Service Agency to increase recruitment and retention of Indigenous Peoples in the public service.

Our work together must continue to evolve to meet the changing needs of people in this province. Issues not contemplated by this letter will come forward for government action and I ask you to bring such matters forward for consideration by the Planning and Priorities Committee of Cabinet, with the expectation that any proposed initiatives will be subject to the usual Cabinet and Treasury Board oversight and include measurable outcomes for British Columbians. Your ministry's priorities must reflect our government's overall strategic plan as determined by Cabinet.

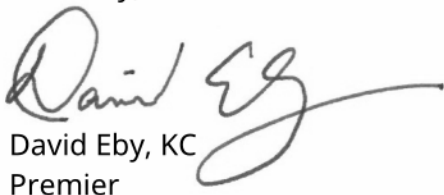
British Columbians expect their elected representatives to work together to advance the public good. That means seeking out, fostering, and championing good ideas regardless of their origin. I expect you to reach out to elected members from all parties as you deliver on your mandate. Further, you will build thoughtful and sustained relationships both with title holders and through public and stakeholder engagement plans that incorporate diverse perspectives early in the policy development process. Federal partnerships and resources will be particularly important and, on behalf of our government, you will engage with the federal government on advancing priorities to improve the lives of British Columbians.

As a Cabinet, we will uphold the highest standards of ethics, collaboration, and good conduct in service of the public, and as a Minister of the Crown, you are expected to review, understand, and act according to the *Members' Conflict of Interest Act*. You will establish a collaborative working relationship with your Deputy Minister, and the public servants under their direction, who provide the professional, non-partisan advice that is fundamental to delivering on our government's priorities. Your Minister's Office must meet the highest standards for integrity and provide a respectful, rewarding environment for all staff.

The rural and urban challenges that we face are urgent and complex. In response, we must be forward-thinking, strategic, and ready to work across disciplines and old divisions in new ways. Labour shortages are a major issue globally, and British Columbia is no exception, including in the public service. Maintaining the BC Public Service as an employer of excellence will be key to retaining and recruiting the diverse professionals we rely on to deliver essential services, advice, and analysis.

At the core of this work is listening and responding to the priorities of people in B.C. Together, we can deliver results in very real ways – ways that people can see, feel, and touch, and that change their lives for the better. Thank you for doing this important work with me.

Sincerely,



David Eby, KC
Premier

Indigenous Peoples and B.C. lead the way forward together

In British Columbia, there is a shared commitment to ensure that the province is a place where the inherent rights of Indigenous Peoples are recognized, and First Nations, Métis and Inuit people thrive.

Reconciliation is a provincial imperative, embedded in law, and we are seeing real progress and change. In 2019, we collaborated with Indigenous Peoples to develop and pass the Declaration on the Rights of Indigenous Peoples Act – the first legislation of its kind in Canada. This is the province’s framework for implementing the United Nations Declaration of the Rights of Indigenous Peoples.

Through this work we are building a province where Indigenous’ excellence, leadership, governance, and self-determination is recognized and respected.

Reconciliation in action

Declaration on the Rights of Indigenous Peoples

- **Declaration on the Rights of Indigenous Peoples Act** passes, recognizing the human rights of Indigenous peoples in law. B.C. becomes the first province in Canada to implement the United Nations Declaration on the Rights of Indigenous Peoples through legislation developed in collaboration with Indigenous Peoples. (November 2019)
- Together with Indigenous Peoples, the Province releases the historic **Declaration Act Action Plan**. It was developed in consultation and co-operation with Indigenous Peoples and outlines 89 specific actions every Ministry in government will take. The action plan includes a requirement that government work with Indigenous Peoples on implementing the actions, as well as reporting out on progress on implementation through an annual report. (March 2022)

We continue to make progress by:

- Fundamentally shifting how we develop and implement **provincial laws, policies and practices** in consultation and cooperation with Indigenous Peoples.
- Establishing a **Declaration Act Secretariat** as a dedicated body to support government’s reconciliation efforts to ensure laws, policies and practices are consistent with the Act.
- Released the Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act. This new approach provides every ministry and sector of government with clear, transparent processes for how they work together with Indigenous Peoples in developing provincial laws, policies and practices, as required under the Declaration Act.

- Advancing agreements under Section 7 of the Declaration Act to **share statutory decision-making** with First Nations, including signing the first consent based decision making agreement with the Talhtan Nation in May 2022.
- Annual reports, highlighting work and progress on implementation of the Act.

There are 204 distinct First Nations in British Columbia, each with its own unique traditions and history. Many are working with the Province on constructive agreements, including treaty agreements, comprehensive reconciliation agreements, foundation agreements and more.

Treaty agreements:

- K'ómoks First Nation - Stage 5 Treaty negotiations with Public Open Houses held (September 2022)
- Temexw Treaty Association (TTA) - Stage 5 Treaty negotiations with Public Open Houses scheduled for Spring 2023
- Kitselas and Kitsumkalum - Stage 5 Treaty negotiations with Public Open Houses scheduled for Spring 2023
- Pacheedaht First Nation - Stage 5 Treaty negotiations with Public Open Houses Scheduled for 2023
- Tlowitsis Nation - Transition to Stage 5 Treaty negotiations with Tripartite Agreement (February 2021)
- Hul'qumi'num Treaty Group - Transition to Stage 5 and Treaty Revitalization Agreement (August 2019)
- K'ómoks First Nation - Treaty Revitalization Agreement (August 2019)
- We Wai Kai Nation - Transition to Stage 5 Negotiations Under the BC Treaty Process and Incremental Treaty Agreement (August 2019)
- Kwiakah First Nation - Transition to Stage 5 Negotiations Under the BC Treaty Process (August 2019)
- Ditidaht and Pacheedaht First Nations - Agreement-in-Principle (June 2019)
- Metlakatla First Nation - Transition to Stage 5 and Treaty Revitalization Agreement (February 2019)

Reconciliation agreements

- **Transfers land back to Lake Babine Nation:** Following through with the Foundation Agreement, this agreement will enable Lake Babine Nation to take back control of 20,000 hectares of waterfront and prime forestry lands in their territory. (January 2023)
- **Blueberry River First Agreement:** The Province and Blueberry River First Nations announce historic agreement that will guide them forward in a partnership approach to land, water and resource stewardship that ensures Blueberry River members can meaningfully exercise their Treaty 8 rights, and provide stability and predictability for industry in the region. (January 2023)

- **B.C., Treaty 8 First Nations move forward with Consensus Document:** The Province and four Treaty 8 First Nations – Fort Nelson, Saulteau, Halfway River and Doig River First Nations – have reached consensus on a collaborative approach to land and resource planning, and to advance regional solutions to benefit everyone living in northeastern B.C. and Treaty 8 territory. (January 2023)
- **Regional partnership helps to reunite Stswecem'c Xget'tem First Nation with land:** Nearly 7,800 hectares of ranch lands, along with grazing licences for 56,000 hectares of land, are being returned to Stswecem'c Xget'tem First Nation (SXFN) as part of treaty negotiations with the Northern Secwepemc te Qelmucw (NStQ). (December 2022)
- Tahltan Central Government - First consent-based decision-making agreement under Declaration on the Rights of Indigenous Peoples Act. (June 2022)
- Sts'ailes First Nation - Reconciliation Agreement (March 2022)
- Metis Nation B.C. - Letter signed to advance reconciliation (November 2021): With the Letter of Intent and the implementation of the Declaration Act, there is a commitment to be more inclusive of Métis peoples' culture, language and history in the development of policies, practises, programs and legislation in B.C.
- Namgis First Nation - Letter of intent to negotiate forestry reconciliation (October 2021)
- Tla-o-qui-aht First Nation - Pathway Agreement (October 2021)
- Cowichan (Quw'utsun) Nation - Reconciliation Agreement (September 2021)
- Lake Babine - Foundation Agreement (September 2021)
- Haida Nation - GayGahlda "Changing Tide" Agreement (August 2021)
- Gitanyow Hereditary Chiefs (Nation/Huwilp) - Gitanyow Governance Accord (August 2021)
- Snuneymuxw First Nation - Tripartite memorandum of understanding (July 2021)
- Heiltsuk Nation - Reconciliation Agreement (June 2021)
- Wet'suwet'en Hereditary Chiefs - Memorandum of Understanding B.C. and Canada to implement Wet'suwet'en rights and title (April 2021)
- Esquimalt and Songhees First Nations – Reconciliation Agreement (Thetis Cove Property) (February 2021)
- shíshálh Nation – Foundation Agreement (February 2021)
- Coastal First Nations - Memorandum of Understanding for Reconciliation Protocol 2.0 (July 2020)
- Carrier Sekani First Nations - Pathways Forward 2.0 Agreement (January 2020)
- Heiltsuk Nation - Tuigila "To Make a Path Forward" Agreement for Implementation of Heiltsuk Title, Rights and Self-government (August 2019)
- Tsilhqot'in Nation – Gwets'en Nilt'l Pathway Agreement (August 2019)

New Fiscal Framework

- Announced in partnership with First Nations, the **co-development of a new fiscal framework**. The development will take place over the next two years. Ahead of that, there

will be an interim boost for the forestry revenue sharing increase of \$63 million for B.C. First Nations. (April 2022)

- **First Nations share in provincial gaming revenue:** A long-term agreement to share 7% of the BC Lottery Corporation's net income is providing B.C. First Nations with close to \$100-million a year. By committing share approximately \$3 billion over the next 25 years, First Nations can plan for the long term and invest in the services and priorities chosen by their own communities. (September 2020)
- First Nations get support for **pandemic recovery with one time \$74-million grant** to make up for loss of shared gaming revenues because of COVID-19 economic downturn. First Nations had to put on hold significant projects and initiatives during the pandemic and this funding will help to get those projects back on track. (April 2022)

Supporting residential school survivors:

- Set aside \$12 million to support First Nations-led investigations at the sites of former Indian Residential Schools and Indian Hospitals throughout B.C. The funding enhances existing services provided by the Indian Residential School Survivors Society, Tsow-Tun-Le-Lum Society and Métis Nation BC. This will ensure survivors can access culturally safe and trauma-informed supports when and where they need them. (June 2021).
 - \$475,000 has been allocated for each of the 18 Indian Residential School sites and three Indian Hospital sites in B.C.
 - \$9.1 million is supporting 18 First Nations and Tribal Councils at 18 of the 21 sites in B.C.
 - The funding complements funding provided by Canada. It is multi-year and flexible to meet the diverse needs of communities.
 - Of the \$12 million, \$1.5 million is assisting Indigenous service providers to respond to the immediate wellness, cultural and mental health needs of Indigenous Peoples throughout British Columbia.
- Created a **First Nations liaison position** to assist First Nations access the B.C. residential school response fund. First Nations with former Indian Residential School and Indian Hospital sites in or near their communities were able to access the fund. B.C. appointed Charlene Belleau as First Nations liaison, a respected leader who brings the experience, relationships and expertise needed to advance the work. (July 2021)

Sustainable communities

- **Emergency Preparedness Emergency preparedness funding:** The Province has provided funding to First Nations throughout B.C. through the Community Emergency Preparedness Fund (CEPF), which supports programs that strengthen the resilience of communities to prepare for and respond to natural disasters and climate change. Since 2017, First Nations and local governments have been approved for more than \$100

million through CEPF for more than 1,100 projects that help communities mitigate and prepare for disasters and climate-related emergencies. (February 2023)

- **Access to high-speed internet on the way for six more Indigenous:** Construction has begun on a fibre-to-the-home project that will bring access to high-speed internet to more than 500 households in six Indigenous communities: Sqwá (Skwah) First Nation's Skwah 4 and Skwali 3; Cook's Ferry Indian Band's Entlqwekkinh19 and Kloklowuck 7; Squamish Nation's Cheakamus 11; and Upper Nicola Band's Nicola Lake 1. (January 2023)
- **BC Indigenous Cannabis Business Fund (ICBF):** The ICBF is an application-based grant program designed to support First Nation communities and Indigenous entrepreneurs establish new cannabis businesses and/or expand existing cannabis businesses, both on and off reserve. It is administered by the New Relationship Trust and participating Aboriginal Financial Institutions. (December 2022)
- **Cannabis agreements (Cannabis Control and Licensing Act, Section 119):** B.C. is working with interested First Nations to enter government-to-government agreements that support their participation in the regulated cannabis economy. Seven have been signed to-date and several others are in negotiation. (December, 2022)
- **3Nations B.C. Partnership:** Renewed and strengthened the historic partnership with the 3Nations Society, consisting of the Tahltan, Kaska, and Taku River Tlingit. This new agreement, signed on National Truth and Reconciliation Day, provides stable funding for ongoing, community-driven initiatives, and builds on previous successes. The innovative partnership supports the Nations to plan, design and deliver the services and supports to improve the well-being of their citizens, families and communities in an area of B.C. that is very remote and hard to service (October, 2022)
- **Emergency preparedness funding:** The Province has provided funding to First Nations across B.C. through the Community Emergency Preparedness Fund, which supports programs that strengthen the resilience of communities to prepare for and respond to natural disasters and climate change. Since 2017, First Nations and local governments have received more than \$50.8 million through CEPF for more than 1,000 projects that help communities mitigate and prepare for disasters and climate-related emergencies. (Latest announcement in September 2022)
- **Indigenous Food Systems and Agriculture Partnership Program:** Supports Indigenous-led projects that create benefits to the community, environment or toward increasing food security within local food systems. The funding can be used for activities involved in agriculture, food processing and food systems planning, training and skills development, technological adoption, scaling up productivity and profitability, and climate-change adaptations. First Nations and Indigenous communities, businesses and organizations are eligible to apply. (September 2022)

- **High-speed connectivity infrastructure for Haida Gwaii:** The Connected Coast project is laying 87 kilometres of fibre-optic cable stretching across the seabed of Hecate Strait, which will bring high-speed connectivity to Haida Gwaii. (July 2022)
- **Supporting greener Indigenous communities:** \$19 million in capacity and equity funding has been delivered to 136 Indigenous communities through First Nations Clean Energy Business Fund. (July 2022). The Province also supports local governments, First Nations, Indigenous organizations, not-for-profit and for-profit organizations throughout British Columbia for investments in clean-energy projects. Funding is from the Province and the Government of Canada through the CleanBC Communities Fund.
- **Moving forward with new Indigenous centre in Vancouver:** A concept plan for a new Indigenous centre is moving forward. The new centre will be a permanent purpose-built home for Urban Native Youth Association and the Nicola Valley Institute of Technology (NVIT) Vancouver campus. The new centre will include a youth centre, a post-secondary education and skills training campus, affordable homes, a child care centre and cultural and support services. (May 2022)
- **Expanding community shuttle bus service for remote and Indigenous communities.** Community shuttle grants support access to affordable public transportation in B.C.'s North. (March 2022)
- **Partnering to make vital safety improvements to Bamfield Road:** Contributed \$25.7 million to the \$30.7 million Huu-ay-aht First Nation run project that will pave 76 kilometres of unpaved industrial road – Bamfield Main – on the west coast of Vancouver Island. (Oct 2021)
- **Contributed \$9 million for shíshálh Nation affordable housing:** A three-year investment supports the shíshálh Nation's plans to build and operate new culturally appropriate housing for their members, with a particular focus on Elders, women and children, and others in need of affordable housing in their community. (July 2021)
- **Cellular service expansion on Highway 16:** Up to \$4.5 million in funding from the Connecting British Columbia program and the Government of Canada's Universal Broadband Fund was allocated towards installing cellular infrastructure in the remaining 252 kms of weak signal strength between Prince Rupert and Smithers on Highway 16 (the Highway of Tears). (May 2021)
- **Helping remote and rural communities build vital infrastructure.** \$20 million supports more than 80 transportation and infrastructure projects to make getting around rural Indigenous and non-Indigenous communities safer and easier. (December 2020)
- **Expansion of B.C. Indigenous Agriculture Development Program:** Additional funding amounts to \$145,000 to support Indigenous entrepreneurs to strengthen and grow food

and agriculture business. Contributes to local jobs and increased food security in remote and rural communities. (June 2020)

- **Together BC – the Province’s first Poverty Reduction Strategy announced:** Includes cross-government initiatives to address disproportionate rates of poverty among Indigenous peoples, both on and off reserve. (March 2019)
- **Better drinking water and wastewater systems:** Joint provincial and federal government funding creates projects to provide safe, reliable drinking water in small communities, including First Nations communities, and provide new and upgraded wastewater systems in growing communities. (August 2019)

Education, jobs and opportunities

- **Four BC First Nations conclude self-government agreements regarding education:** Four First Nations - Cowichan Tribes, Lil'wat Nation, ʔaq'am, and Seabird Island - were recognized and celebrated for concluding self-government agreements regarding education on their lands. The completed education jurisdiction agreements are landmark agreements that set the foundation for the four participating First Nations to make decisions and pass laws in the best interests of their learners and exercise control over their education on their lands. (July 2022)
- **Cultural learning can give students grad credit:** First Nations can create and approve their language and cultural learning programs for recognition by the Ministry of Education and Child Care as external credentials that students can use toward graduating. (July 2022)
- **Indigenous-Focused Graduation Requirement:** New grad requirement ensures students expand their knowledge about Indigenous perspectives, histories, cultures. Effective the 2023/24 school year, all students working toward a B.C. Certificate of Graduation ("Dogwood Diploma"), in English or French, must successfully complete at least 4 credits in Indigenous-focused coursework. Learning about the experiences, cultures, and world views of Indigenous Peoples is an important part of reconciliation and will help prepare students for the rest of their lives. (March 2022)
- **More post-secondary supports for First Nations learners:** First Nations students have increased access to post-secondary education in their own communities because of new government funding provided to First Nations-led institutes throughout B.C. The Ministry of Advanced Education and Skills Training, in partnership with the Indigenous Adult and Higher Learning Association and First Nations Education Steering Committee, provided \$4 million to support the operating costs of 10 First Nations-led institutes, to help deliver post-secondary education and training programs through COVID-19 and beyond. (November 2021)

- **Shared Prosperity Agreement(SPA) with Tahltan Central Government, Iskut Band Council, Tahltan Council:** The agreement sets the foundation to collaboratively achieve long-term comprehensive reconciliation and land-use predictability. The Province providing \$20 million to the Tahltan Central Government to support economic growth to implement the agreement. The SPA commits both governments to accelerate negotiation of an economic-oriented comprehensive agreement and to seek federal participation. (May 2021)
- **New Indigenous language fluency degree first of its kind:** The Ministry of Advanced Education and Skills Training invested \$2 million towards the Indigenous Language Proficiency/Fluency Degree Framework, providing a pathway for communities, Indigenous institutes and post-secondary institutions to collaboratively establish degree programs in Indigenous languages. (March 2021)
- **\$13 million for University of Victoria's National Centre for Indigenous Laws:** The new addition will be home to the world's first joint degree in Indigenous legal orders and Canadian common law (JD/JID), which launched at UVic in 2018, and to the Indigenous Law Research Unit. (September 2020)
- **Economic Community Development Agreement reached with Lhoosk'uz Dené Nation and Ulkatcho First Nation:** The agreement supports the development of the proposed gold mine, located in the heart of the Cariboo, and commits to sharing the future mineral revenue generated by the mine. (January 2020)
- **First Nations students benefit from BC Tripartite Education Agreement:** The only agreement of its kind in Canada, bringing \$100 million in federal funding over five years to ensure an equitable education for all First Nations students, no matter where they live or go to school in B.C. (January 2019)
- **Curriculum transformation:** All subjects and grades in the B.C. school curriculum now include Indigenous perspectives, and several Indigenous-focused courses were introduced as a part of the new graduation program (2017-19).
- **Indigenous Emergency Assistance Fund:** The fund provided \$1.5 million in 2020 to public post-secondary institutions for emergency funding for Indigenous learners. (April 2020)
- **Indigenous Language Fluency:** Provided \$2 million to the First Nations Education Steering Committee to pilot the Indigenous Language Fluency Degree in communities. (March 2019)
- **The First Nations Children and Youth in Care Protocol:** A commitment from the Province and First Nations to work together to engage in dialogue and joint action on specific issues and initiatives, seeking to improve the educational outcomes and well-

being of Indigenous children and youth in care, and former youth in care through legislative, policy and practice reform. (May 2020)

People and culture

- **Increased funding to support inclusive child care:** To create a future where inclusive child care is a core service that families can rely on, the Province, with funding from the federal government, is investing an additional \$31.8 million in 2022-23 to expand supports for children with support needs. Culturally responsive support for Indigenous children who require additional support in the child care setting is offered through the Aboriginal Supported Child Development program. (Feb 2023)
- **BC First Nations Justice Strategy and the Safer Communities Action Plan:** Partnering with the BC First Nations Justice Council to open 10 new Indigenous Justice Centres bringing the total number of centres in B.C. to 15 by the end of 2024/2025 (Nov 2022)
- **Centre of Excellence in First Nations Economic Development:** Through the StrongerBC Economic Plan, the B.C. government is providing more than \$1.2 million to the BCAFN this year to launch the Centre of Excellence in First Nations Economic Development. It will increase the capacity of First Nations in B.C. to engage in economic priorities and initiatives highlighted in the Declaration on the Rights of Indigenous Peoples Act Action Plan, distribute best practices and policy papers about economic development to First Nations, and provide consulting services on opportunities such as joint ventures and impact benefit agreements. (Oct 2022)
- **Ancestral Haida name restored to Haida Gwaii village:** The name of the former Village of Queen Charlotte on Haida Gwaii was officially changed to the Village of Daajing Giids (daw-jean geeds), restoring its ancestral Haida name. (July 2022)
- **First Nations language, arts, culture and heritage revitalization:** providing close to \$35 million in new funding to the First Peoples' Cultural Council (FPCC) and the First Peoples' Cultural Foundation (FPCF) to support First Nations languages, arts, and cultural heritage revitalization programming and operations. This investment builds upon a landmark \$50-million grant provided to FPCC in 2018 to address the language crisis and help revitalize Indigenous languages in B.C. (June 2022)
- **Anti-racism data legislation enacted:** The Anti-Racism Data Act – the first of its kind in Canada to be co-developed with Indigenous partners – charts a new path forward in partnership with Indigenous Peoples and racialized communities to use and share data safely to help address systemic racism and make government programs and services work better for more people. (June 2022)
- **Litigation directives uphold Indigenous rights:** To better protect the rights of Indigenous Peoples and as a step toward implementation of the Declaration on the Rights of

Indigenous Peoples Act (Declaration Act), the Province, in collaboration with Indigenous Peoples, has developed a new approach to litigation. (April 2022)

- **StrongerBC supports Indigenous tourism businesses through pandemic recovery:** Indigenous tourism businesses in B.C. have received over \$28 million for 60 projects to support recovery from the impacts of the COVID-19 pandemic. (June 2021)
- **More funding to support sexual assault survivors.** The Ending Violence Association of BC (EVA BC) received an additional \$10 million to assist more community-based sexual assault response service programs throughout the Province. In recognition of the substantial need for locally relevant and culturally safe supports for survivors in Indigenous communities in B.C., approximately half of the grant funding was allocated to an Indigenous services stream led by Indigenous leaders. In March 2020, government provided EVA BC with \$10 million to establish and administer a multi-year Emergency Sexual Assault Services grant program to support the delivery of co-ordinated, community-based emergency sexual assault response services in regions throughout B.C. (May 2021)
- **Provided funding for Minister's Advisory Council on Indigenous Women (MACIW):** The \$200,000 goes to Indigenous communities and organizations working to end gender-based violence. The grants support community-led initiatives that encourage dialogue about gender-based violence and opportunities for healing, such as land-based cultural practices and retreats, healing circles, knowledge sharing, monthly gatherings, ceremonies and writing workshops. (December 2020)
- **Partnership between the B.C. government and Indigenous Tourism BC:** Through Destination BC, the Province provided Indigenous Tourism BC with \$4 million over three years and an increase of \$1 million over the previous three years. It will go toward funding Indigenous tourism specialists throughout the province and enhancing Indigenous Tourism BC's digital resources. (April 2020)

Health and wellness

- **New affordable homes open for Elders, families of N'Quatqua Nation:** With an investment of \$1.35 million through B.C. Housing, N'Quatqua Nation Elders, families and members have access to 10 new affordable rental homes with the opening of a development on N'Quatqua Nation land outside D'Arcy.
- **Partnered with Huu-ay-aht First Nations to create Oomiiqsu (Aboriginal Mother Centre):** Providing up to \$5 million in funding to support the creation of a centre to provide a safe and culturally appropriate home for as many as 48 mothers and children leaving violence or abuse, facing mental-health and addictions challenges, poverty or other trauma. (November, 2022)

- **New culturally informed mental-wellness supports will help Indigenous families:** Indigenous families with children three to 12 who are experiencing big worries and fears will have access to free, culturally grounded wellness practices through a virtual parent and caregiver coaching program. (July 2022)
- **Grants help youth in and from government care get in the game:** Young people in and from care face barriers that limit their participation in sport and other activities. Financial barriers such as sport registration fees or practical challenges like getting to and from practices can become obstacles. The Province is investing \$3.6 million to give equal opportunities with the new RISE Grant Program. (May 2022)
- **Partnered with the federal government to pledge \$31 million to support the 2025 games:** In the spirit of truth and reconciliation, the Invictus Games Vancouver-Whistler 2025 is dedicated to respecting territorial protocols and cooperating with local Indigenous communities in the planning, execution and participation of the Games. As such, these Games are a demonstration of reconciliation in action, with meaningful participation from the Musqueam, Squamish, Tsleil-Waututh and Lil'Wat First Nations. (May 2022)
- **Award-winning Indigenous Sport Gallery bridges into virtual world:** The Province is investing \$198,000 for the expansion of the Indigenous Sport Gallery into an interactive online experience and for translation of the gallery's content into Indigenous languages. This investment is in addition to a provincial grant of \$50,000 in May 2021 through the BC Arts Council. (November, 2021)
- **Contributed to new multi-purpose community building in Kaska Dena Community of Lower Post:** Joined the federal government and Daylu Dena Council in helping to demolish a former residential school building and create a new building. Of the \$11.5 million created for the project, B.C. invested \$1.5 million. (April 2021)
- **More options for substance use treatment and recovery for all people in British Columbia, also help address long-standing service gaps for Indigenous Peoples:** 105 newly added substance use beds include priority beds for Indigenous people. (December 2021)
- **Review recommends steps to solve widespread racism in B.C. health care:** The In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care review was launched in June 2020 by Adrian Dix, Minister of Health. Since then, government has taken several steps to implement the recommendations made in the report. (November 2020)

Land, wildlife and natural resources

- **New conservancy established in Incomappleux Valley:** The Province will be working with First Nations on the development of a collaborative ecosystem based management

framework for the Incomappleux Valley. Located in the remote wilderness southeast of Revelstoke, the new Incomappleux Conservancy spans more than 58,000 hectares and protects rich wildlife habitat, more than 250 lichen species and areas of old-growth forest. In addition, another 17,000 hectares in the southern part of the valley will be protected from forestry activity. (January 2023)

- **Old Growth Deferral Update:** Update on old growth logging deferrals as a temporary measure to prevent biodiversity loss while the Province, First Nations and other partners develop a new, long-term approach to forest management that prioritizes ecosystem health and community resiliency (November 2, 2022)
- **Wildfire Salvage Opportunity Agreements (WSOAs):** These newly designed WSOAs enable the timely direct award of forestry licenses to First Nations for salvaging timber damaged by wildfire. Streamlining the process to harvest timber affected by wildfire will support mills by ensuring they can access fire-damaged logs before they degrade and still have commercial value. (November 16, 2022)
- **Marine Protected Areas Network:** Partnered with coastal First Nations to launch a public engagement process for a plan to guide the implementation of a network of marine protected areas from northern Vancouver Island to the Alaska border. (September 2022)
- **New grants increase opportunities for Indigenous people in forest sector:** Provincial funding of \$437,000 will support the First Nations Forestry Council in developing new online forestry careers-matching tool to help increase the number of Indigenous students and community members studying and working in the forest sector. (June 2022)
- **Indigenous guardians pilot program:** A new MOU with Nuxalk and Kitasoo Xai'xais Nations establishes a pilot project that designates Indigenous guardians with the same legal authorities as BC Parks rangers – the first project of its kind in B.C. (June 2022)
- **Funding for Coastal First Nations-Great Bear Initiative:** Additional funding amounts to a total of nearly \$3.5 million to help First Nations clean up marine debris along the coast of the Great Bear Rainforest and create opportunities for lasting change through community awareness and education. (August 2022)
- **Improving the health of B.C.'s watersheds:** \$30 million to support ongoing efforts to restore watersheds and wetlands in the province, with \$15 million going to projects that are led or co-led by First Nations to strengthen local ecosystems. (April 2022)
- **Establishment of new Ministry of Land, Water and Resource Stewardship:** The new ministry was officially established on April 1, 2022, signalling a new approach to land and resource stewardship in B.C. that brings Indigenous Peoples in as partners from the start. Our work together aligns with three goals: reconciliation with Indigenous Peoples, environmental sustainability, and economic opportunities. (February 2022)

- **StrongerBC Economic Plan:** The Economic Plan focuses on advancing true, lasting and meaningful reconciliation with Indigenous Peoples, including supporting the co-development of an Indigenous-led agency focusing on Indigenous economic development. (February 2022)
- **Funding for clean up of B.C.'s coastlines and more than 100 derelict vessels in partnership with coastal First Nations:** More than \$9.5 million from the Clean Coast, Clean Waters Initiative Fund will be used to tackle shoreline cleanups and derelict vessel removal in partnership with Indigenous communities on up to 1,200 km of coastline from the north coast of the province to southern Vancouver Island. (April 2021)
- **Historic agreement signed with Leq'á:mel, Matsqui and Sumas First Nations and the City of Mission:** Under the agreement, the Province transferred approximately 60 hectares of Crown land to the LMS Society, which represents the three First Nations. The transferred lands will be used to create new public parklands and recreational areas. (July 2021)
- **New roles for First Nations and communities in the energy sector:** The Phase 2 interim report of the BC Hydro Review addressed future opportunities for First Nations in the development, ownership or operation of electrical infrastructure or services, and recommendations of ways to enhance First Nations' participation in the energy sector. (March 2020)
- **Tsartlip First Nation take control of Woodwyn Farm Property:** B.C. and Tsartlip sign an historic agreement to transfer the 78 hectare property from B.C. Housing to the Nation. The property was purchased through B.C. Housing and made possible by a \$7.77 million provincial grant. (December 2020)
- **Caribou protection in northeastern B.C.:** The B.C government partnered with the Saulteau and West Moberly First Nations and the federal government to achieve a historic agreement that strives to protect southern mountain caribou in northeastern B.C., while considering the social and economic well-being of communities and stakeholders in the region. (February 2020)

Children and families

- **Indigenous Self-Government in Child and Family Services Amendment Act:** The Province passed historic legislation that respects and upholds the inherent rights of Indigenous communities to provide their own child and family services. Four Indigenous Governing Bodies are already engaged in collaborative discussions with the Province and Canada to exercise their jurisdiction, with more Nations preparing to begin the process. (November 2022)
- **Entered into first community agreement under the Child, Family and Community Service Act with Simpcw First Nation:** Tcwesétmentem: Walking Together Agreement, is

the first of its kind in B.C. The agreement recognizes elements of the federal Act respecting First Nations, Inuit and Métis children, youth and families, and outlines how the Simpcw and the ministry will work together to support the well-being of Simpcw families. (April 2022)

- **An Act representing First Nations, Inuit and Métis Children, Youth and Families:** Three main areas of focus are the establishment of new national principles, setting minimum national standards for provision of all child and family services to Indigenous children, taking into account their safety, security, well-being, culture and family origins and affirms Indigenous Peoples' inherent rights to jurisdiction over child and family services for all their citizens. To date, MCFD is engaged with four First Nations in tripartite coordination agreement discussions under the Federal Act. (January 2020)
- **An end to birth alerts:** B.C. ends the practice of issuing "birth alerts" for what are deemed high-risk parents. The alerts have been primarily issued for marginalized and Indigenous women. Through a collaborative model, health-care providers and social service workers will no longer share information about expectant parents without consent from those parents. (September 2019)
- **Tripartite MOU on Secwépemc jurisdiction for child and family services:** MOU provides framework that charts the path forward in recognizing and implementing Secwépemc jurisdiction for child and family services. (July 2019)
- **Caregivers for B.C.'s most vulnerable get first pay increase in a decade:** Indigenous children in care benefit from a boost of \$109 million over three years to foster parents, adoptive caregivers, family members caring for children and Community Living BC home-share providers. (February 2019)

Media Ministry of Indigenous Relations and
Contact Reconconciliation 250-896-4348

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: Feb. 9, 2023

Minister Responsible: Murray Rankin

Accomplishments on reconciliation

KEY MESSAGES:

- The provincial government is deeply committed to advancing reconciliation in B.C. – to implement the UN Declaration, as required by the Declaration Act, and in meaningful consultation and co-operation with Indigenous Peoples.
- Over the past five years, we've built a strong foundation through partnerships with Indigenous Peoples:
 - to develop and pass the Declaration on the Rights of Indigenous Peoples Act – the first legislation of its kind in Canada;
 - made historic investments in affordable housing, both on and off reserve;
 - helped revitalize Indigenous languages, culture and heritage;
 - created stable, long-term revenue sharing;
 - supported greater access to high-speed internet; and
 - made the necessary changes to restore Indigenous jurisdiction and keep Indigenous families together; and
 - made significant investments in legislative reform, including in education and anti-racism, as well as through policy such as our litigation directives.
- There is still so much more to do. This important work must continue, accelerate even.
- There is a bright future ahead, and we will get there by continuing to work together in partnership with Indigenous Peoples in B.C.

Recommitment to reconciliation

- We are committed to a paradigm shift in how we work together with Indigenous Peoples in B.C.
 - From adversarial to aligned – we will not be hobbled by outdated laws and systems.

- From transactional relationships to transformational partnerships, rooted in co-development through consultation and co-operation.
- From reconciliation on paper to reconciliation for people.
- Our goal is to deliver results that *all* Indigenous Peoples in B.C. can see, feel and touch – in their lives and communities.

Actions & examples

- Reconciliation is a provincial imperative, embedded in law, and we are seeing real progress and change.
- In 2019, we collaborated with Indigenous Peoples to develop and pass the Declaration on the Rights of Indigenous Peoples Act – the first legislation of its kind in Canada.
- This is the Province’s framework for implementing the United Nations Declaration of the Rights of Indigenous Peoples.
- Through this work we are building a province where Indigenous excellence, leadership, governance, and self-determination is recognized and respected.
- We continue to make progress by:
 - fundamentally shifting how we develop and implement provincial laws, policies and practices in consultation and co-operation with Indigenous Peoples.
 - establishing a Declaration Act Secretariat as a dedicated body to support government’s reconciliation efforts by ensuring laws, policies and practices are consistent with the Act.
 - adopting a five-year, cross-government action plan – with 89 specific actions – to guide our work to implement the UN Declaration.
 - creating new and expanded programs from government available to Métis people, including new supports in child care, justice, digital connectivity and healthcare.
 - And advancing agreements under Section 6 and 7 of the Declaration Act to share statutory decision-making with First Nations. This includes the signing of the first consent-based agreement with the Tahltan Nation in June of 2022, and the start of negotiations on the first joint decision-making agreement with the shíshálh [*She-shal-h*] Nation in August of 2022.
- We are continuing our work on advancing reconciliation by:

ADVICE TO MINISTER

- **standing with and supporting residential school survivors, their families and communities who are seeking truth and justice for the children that never came home.**
- **implementing a new graduation requirement to ensure all students complete Indigenous-focused coursework before they graduate from the B.C. education system.**
- **opening three Indigenous justice centres plus one virtual centre that are providing free, culturally appropriate and regionally tailored services to Indigenous Peoples, with 10 more on the way.**
- **working together with Métis Nation BC towards a new partnership that supports Métis people and includes self-determination through a “whole of government” approach.**
- **We are committed to building a respectful relationship that supports Indigenous self-determination and inherent right to self-government by:**
 - **sharing nearly \$315 million in gaming revenue with First Nations over the past three years to provide stable revenue and support programs and services in communities according to their individual priorities.**
 - **working to recognize First Nations as full partners in sustainable forest management and committing to co-develop a new forestry revenue sharing formula.**
 - **creating innovative treaties with First Nations and Canada that better address the needs of individual First Nations and recognize and reconcile their rights.**
 - **co-developing the Shared Priorities Framework with the Alliance of BC Modern Treaty Nations, which has established a new and collaborative approach to modern treaty implementation – the first of its kind in B.C.**
 - **And shifting from short-term transactional arrangements with First Nations to developing long-term, government-to-government agreements that recognize and support reconciliation, self-determination, decision-making and economic independence.**

KEY FACTS:

Since 2017, the provincial government committed to creating true and lasting reconciliation with Indigenous Peoples in B.C. Key to reconciliation is building government-to-government relationships with Indigenous Peoples that are based on recognition of rights, respect, co-operation and partnership.

All provincial ministers were tasked with moving forward on the Truth and Reconciliation Commission's Calls to Action and finding ways to implement the UN Declaration on the Rights of Indigenous Peoples by reviewing government's policies, programs and legislation. Implementation of these commitments is being done in partnership with Indigenous Peoples. B.C. has accomplished a lot on consultation and co-operation with Indigenous Peoples. Premier David Eby has recommitted the provincial government's commitment to move reconciliation forward – even accelerate actions with indigenous Peoples in B.C.

Media Interest: Provincial, national and international media closely follow B.C.'s reconciliation actions. From implementing the UN Declaration on the Rights of Indigenous Peoples to protests against pipeline projects, media interest in Crown-Indigenous relations remains high.

Communications contacts: Leanne Ritchie

Program area contacts: Tom McCarthy

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: Feb. 13, 2023 Minister Responsible: Hon. Murray Rankin	Declaration on the Rights of Indigenous Peoples Act
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KEY MESSAGES:

- **We are deeply committed to advancing reconciliation in B.C. – guided by the Declaration on the Rights of Indigenous Peoples Act, and with meaningful consultation and co-operation with Indigenous Peoples.**
- **On November 28, 2019, B.C. became the first jurisdiction to adopt the United Nations Declaration on the Rights of Indigenous Peoples through legislation.**
- **While the passage of the Declaration Act as a framework to advance reconciliation is something we can take great pride in; we acknowledge it is only a step on our journey to undo 150 years of colonial harms that continue to be felt today.**
- **Since the discovery at the former residential school site in Kamloops in May 2021, Canadians coast-to-coast are facing our collective truth about the impacts of colonialism and the ongoing harms that Indigenous Peoples are still experiencing.**
- **We need to do better as a government and as a society. We need transformative change.**
- **We are seeing momentum building in the implementation of the Declaration Act. For example:**
 - **We are hard at work aligning legislation with the UN Declaration. We have amended several laws and many more legislative changes are currently being developed.**
 - **We are delivering on the actions promised in the Declaration Act Action Plan – a five-year, cross-government action plan that will guide our work to implement the UN Declaration in B.C.**
 - **We are advancing agreements that share decision-making with First Nations and are shifting from short-term transactional arrangements to co-development of long-term agreements that support reconciliation, self-determination, decision-making, and economic independence.**

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- **We are working in consultation and co-operation with Indigenous Peoples on the next annual report – a requirement of the Declaration Act.**
- **We are committed to continuing to accelerate this meaningful work together to build an even stronger, more inclusive, and more just B.C. – together, with Indigenous Peoples, we are creating a better future for everyone.**

Section 3 (alignment of laws)

- **The Declaration Act mandates government to bring provincial laws into alignment with the UN Declaration, and to do so in consultation and co-operation with Indigenous Peoples.**
- **We are fundamentally shifting our approach to how we both develop and implement provincial laws, which is resulting in an increasing number of legislative reforms.**
- **A number of acts have already been amended to align with the UN Declaration. For example, amendments that:**
 - **support Indigenous Peoples in exercising their jurisdiction over child and family services (*through the Child, Family and Community Service Act*)**
 - **strengthen consultation, co-operation and consent on adoption placements for Indigenous children (*through the Adoption Act*)**
 - **upheld First Nations jurisdiction over education, which includes enabling First Nations to certify and regulate teachers in their own schools (Bill 25).**
 - **added a non-derogation clause to the Interpretation Act, which makes it clear that provincial laws uphold, and do not diminish, the rights of Indigenous Peoples as outlined under Section 35 of the Constitution Act (Bill 29).**
 - **This amendment also requires that the UN Declaration be used to assist in resolving disputes over the meaning of provincial acts and regulations.**
 - **added Indigenous identity as a protected ground under the B.C. Human Rights Code, which will help us all to combat anti-Indigenous racism and protect Indigenous Peoples from discrimination (Bill 18); and**
 - **taken a significant step to dismantle systemic racism and discrimination faced by Indigenous, Black and people of colour**

through the Anti-racism Data Act.

Section 4 (Action Plan)

- The Declaration Act Action Plan, released March 30, 2022, is a five-year, cross-government action plan that will guide our work to implement the UN Declaration in B.C.
- The Action Plan includes 89 tangible, achievable cross-government actions in the areas of self-determination and self-government, rights and title, ending anti-Indigenous racism, and enhancing social, cultural and economic well-being.
- The Action Plan was developed through two years of intensive engagement, helping to ensure it reflects priorities of Indigenous Peoples in B.C.
- Each ministry in government is working in consultation and co-operation with Indigenous Peoples to deliver on their specific actions.
- By June, we will provide an update on progress made to implement the Action Plan through an annual report, developed in consultation and co-operation with Indigenous Peoples.

If asked for status update:

- Reconciliation is a cross government priority that includes every ministry.
- Ministries are continuing to action their items in a thoughtful, coordinated, and strategic way, while prioritizing consultation and co-operation with Indigenous Peoples.
- Across government, steady progress has been made to implement of the Action Plan.
- We will release the 2022-23 Annual Report by the end of June. This will be the first annual report to detail progress on implementation of the Action Plan.
- We know it's important to get this right – to show progress that Indigenous Peoples can see, feel and touch, and to demonstrate government's ongoing commitment to Declaration Act implementation.

If asked about funding for actions:

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- **Each ministry is responsible for funding and implementing their specific actions found within the Declaration Act Action Plan.**
- **All ministries have identified actions and aligned – or are aligning – their priorities and budgets to implement these actions.**
- **A number of actions are well underway across government, with varying degrees of funding to support implementation.**
- **In many cases, funding for actions can be found directly within ministry budgets.**
- **In fact, 90% of the 89 actions within the plan directly align or advance existing priorities, such as mandate letter direction or other commitments in public documents, agreements and other constructive arrangements.**

Section 5 (annual reports)

- **The Province reports on progress made to implement the Declaration Act through annual reports – a requirement of the Act.**
- **The annual reports are developed in consultation and co-operation with Indigenous Peoples in B.C. and publicly released by June 30 each year.**
- **The reports ensure the provincial government's work is transparent and accountable.**
- **As in previous years, we will be reporting out on progress towards on alignment of laws with the UN Declaration by the end of June.**
- **This will also be the first annual report to detail progress on implementation of the Action Plan.**

Section 6/7 (shared decision-making agreements)

- **We are advancing agreements that share statutory decision-making with First Nations.**
- **Sections 6 and 7 of the Declaration Act provides a mechanism for the negotiation of joint and consent-based decision-making agreements with Indigenous governing bodies.**
- **This includes the signing of the first consent-based agreement with the Tahltan Nation in June 2022, and the start of negotiations on the**

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first joint decision-making agreement with the shíshálh Nation in August 2022.

- **We are committed to continuing the important work needed to bring about more of these important agreements, in consultation and co-operation with Indigenous Peoples.**
- **As we undertake this work, predictability, accountability and transparency are paramount.**
- **Whether joint or consent based, agreements under Sections 6 and 7 of the Declaration Act help address the legacy of colonialism by allowing the Province to work shoulder-to-shoulder with Indigenous Peoples on decisions that affect them.**

Declaration Act Secretariat

- **Establishing a Declaration Act Secretariat recognizes that implementation of the Declaration Act, the UN Declaration and constitutionally protected title and rights requires an integrated, “whole of government” effort.**
- **Formed last year, the Secretariat guides and assists government to ensure our legislation is consistent with the UN Declaration and is developed in consultation and co-operation with Indigenous Peoples.**
- **This past October, the Indigenous-led Secretariat released the ‘interim approach’ to help us with this task and support our legal requirements to affirm Indigenous rights.**
- **The Secretariat is being led by Associate Deputy Minister Si Sityaawks (Jessica Wood), and ADM Priscilla Sabbas-Watts.**

BACKGROUND

The Declaration on the Rights of Indigenous Peoples Act (Declaration Act) passed unanimously in the B.C. legislature on Nov. 26, 2019, and came into force on Nov. 29, 2019. B.C. is the first jurisdiction in Canada to have passed legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).

In Nov. 2022, the Premier issued ministerial mandate letters to the newly sworn in Cabinet ministers. In previous NDP ministerial mandate letters, every minister was tasked to support government's commitment to lasting and meaningful reconciliation with Indigenous Peoples in B.C. and the full adoption and implementation of the UN Declaration and the TRC calls to action. The 2022 letters, however, did not include such blanket statement for ministers. Mentions of reconciliation was absent

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in the Environment, Forests and Water, Lands and Resource Stewardship ministers. Ministers – even those who are new to the role – understand reconciliation is a cross-government priority and are expected to support the Province's work towards lasting and meaningful reconciliation with Indigenous Peoples.

Declaration Act overview

- The legislation:
 - **Provides a legislative framework** for recognizing the constitutional and human rights of Indigenous Peoples.
 - **Mandates government to bring provincial laws into alignment with the Declaration** in consultation and cooperation with Indigenous Peoples.
 - **Requires the Province's action plan** to achieve the objectives of the UN Declaration, which must be developed and implemented in consultation and cooperation with Indigenous Peoples.
 - **Requires regular reporting to the legislature** to monitor progress on the alignment of laws and the action plan, including tabling an annual report by June 30th, in consultation and cooperation with Indigenous Peoples.
 - **Allows for flexibility** for the Province to enter into agreements with a broad range of Indigenous governing bodies – this could include Indigenous governments outside of Indian Act Bands and incorporated organizations such as multiple nations working together as a collective, or hereditary governments and treaty nations.
 - **Provides a framework** for joint and consent-based decision-making with Indigenous governing bodies – providing structure and processes for how joint decision-making could happen, while ensuring administrative fairness and transparency.
- The B.C. government worked with the First Nations Leadership Council (FNLC) – BC Assembly of First Nations (BCAFN), First Nations Summit (FNS) and Union of BC Indian Chiefs (UBCIC) – to develop the legislation. Such collaboration on legislation was unprecedented in Canada at the time. A commitment to the legislation was outlined in the 2018 Concrete Actions document.
- Provincial officials met with dozens of Indigenous, business, labour and municipal leaders across B.C. over several months before and after introduction. This included key business and industry stakeholders, such as the BC Business Council and industry associations. There were more than 170 non-disclosure agreements, including with 50 First Nations, 10 First Nations organizations and Métis Nation BC, to walk people through the legislation. ***The intent of this engagement was to secure endorsement of the legislation; not part of how B.C. consulted and cooperated with Indigenous Peoples on the development of the legislation.***

Section 3: Alignment of laws

- Since the passing of the Declaration Act in 2019, the B.C. government continues to align work with provincial legislation, and ministries are now consulting and co-operating with Indigenous Peoples on key policy and legislation earlier and more deeply.
- All ministers understand that each ministry has a role in this work to align laws, and as they are working on legislation, they are very mindful of the Declaration Act.
- Established in 2022, the Declaration Act Secretariat is coordinating and assisting cross-government efforts to work in consultation and co-operation with Indigenous Peoples to align laws with the UN Declaration.

Section 4: Action Plan

- Between July 2020 and February 2021, the Province consulted and co-operated with Indigenous partners to build the draft action plan, which included working closely with First Nations, First Nations political leadership, First Nations organizations, historical and modern

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Treaty Nations, Métis Nation BC and Indigenous service organizations.

- Over this time period, the B.C. government received over 30 written submissions and held more than 80 separate meetings.
- The First Nations Leadership Council also carried out complementary engagement with 11 First Nations organizations and shared the results of this engagement with the B.C. government.
- The results of this engagement helped to form the foundation of the draft action plan.
- The draft action plan was released for feedback on June 11, 2021, offering numerous ways to for Indigenous Peoples to provide feedback, including providing online comments to the draft action plan, filling out online or hardcopy feedback forms, as well as submitting written submissions. Ministries from across government also held direct meetings with Indigenous partners to get feedback on their specific items in the draft action plan.
- Government received more than 80 written submissions, held over 65 meetings and received more than 400 online comments about the draft action plan. Ministry staff also collected feedback from First Nations leadership at the fall assemblies of the BCFN, UBCIC and FNS.
- The Declaration Action Plan was released March 30, 2022.
- Engagement is actively underway within Indigenous partners as central to successful implementation. Ministry action leads are responsible for engaging Indigenous partners in implementation planning and activities. MIRR is engaging with FNLC, UBCIC and the Alliance on action plan progress as well as the design and approach to the 2022-23 annual report.

Section 6 & 7: Shared decision-making and Indigenous governing bodies

- First Nations have asked about government's progress to establish a process for recognizing Indigenous governing bodies. Identifying an Indigenous governing body is part of self-determination and is therefore up to Nations or collectives to establish. The government does not have a role in this work. Government's role is to meet the Indigenous governing body as a government-to-government partner with which to make agreements.
- Sections 6 and 7 of the Declaration Act enables the Province to enter into agreements with Indigenous governing bodies to share decisions, consistent with the UN Declaration. The resulting agreements set out the processes for joint or consent-based statutory decision-making, including dispute resolution, while clarifying roles and responsibilities of the Province and the Indigenous governing body.
- Section 7 of the Declaration Act is an enabling tool. It gives the ability to seek a mandate from Cabinet to pursue for shared decision-making and consent agreements – in other words, agreements to exercise statutory authority either jointly, or with consent.
- Each decision-making agreement is different from another, and as such, are negotiated and subsequently approved on a case-by-case basis.
- For example, in June 2022, government signed an agreement with the Tahltan Central Government on the first consent-based decision-making agreement ever to be negotiated under the Declaration Act. The negotiations support ongoing work to collaboratively achieve long-term comprehensive reconciliation and land-use predictability in Tahltan territory.
- In Aug. 2022, B.C. announced a commitment to negotiate a shared decision-making agreement with the shíshálh Nation. Once negotiated, this agreement will reflect a shift in B.C.'s legal decision-making framework to respect First Nations jurisdiction, recognize the inherent rights of shíshálh and provide a stronger, more durable path to decision-making in shíshálh territory.

Declaration Act Secretariat

- In 2020, Minister Rankin's updated mandate letter included a new action: to bring a plan to Cabinet for a secretariat that would assist ministries in the alignment of B.C. laws with the UN Declaration on the Rights of Indigenous Peoples by the end of 2021. It was not a requirement

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to have one established by the end of that year.

- The Declaration Act Secretariat was announced as part of Budget 2022 and has a budget of \$12 million over three years.
- In Oct. 2022, the Declaration Act Secretariat released the 'Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act'. The world-leading interim guidance approach provides every ministry and sector of government with clear, transparent processes for how they are to work together with Indigenous Peoples in developing provincial laws, policies and practices, as required under the Declaration on the Rights of Indigenous Peoples Act.
- In Dec. 2022, Minister Rankin received an updated mandate letter, which committed him, through the new Declaration Act Secretariat to "continue to ensure new legislation and policies are consistent with the Declaration on the Rights of Indigenous Peoples Act." This expands on his 2020 mandate letter which introduced the idea of a "secretariat that would assist ministries in the alignment of laws with the UN Declaration..."

Communications Contact: Leanne Ritchie Program Area Contact: Jessica Wood / Ann Marie Sam

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Indigenous Relations and Reconciliation Date: Feb. 13, 2023 Minister Responsible: Murray Rankin</p>	<p>Consultation & Co-operation and the Duty-to-Consult</p>
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ADVICE AND RECOMMENDED RESPONSE:

- We know the requirement to embed the UN Declaration on the Rights of Indigenous Peoples into our laws, policy, programs and practices needs to be a cross-government undertaking – and must be done in true consultation and co-operation with Indigenous Peoples.
- The Premier recently tasked all of government – through the Declaration Act Secretariat – to continue to ensure new legislation and policies are consistent with the Declaration Act.
- We respect the rights of Indigenous Peoples, and want to create a future where First Nations, Métis and Inuit people can thrive through the full enjoyment and exercise of their inherent rights.
- New guidance for the B.C. government from the Declaration Act Secretariat provides best practices for meeting our requirements by working with Indigenous Peoples on the development of provincial laws and policies, to advance the recognition and affirmation of Indigenous rights.
- Released in October 2022, the *‘Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act’* provides every ministry and sector of government with clear, transparent processes for how they are to work together with Indigenous Peoples in developing provincial laws, policies and practices, as required by the Declaration Act, and Section 35 of our Constitution.
- It brings together what we have learned on the co-development of laws since 2019 and helps government transition towards an approach of law making is thoughtful, consistent, and supports our legal requirements to respect and affirm Indigenous rights.

Secondary messaging: Role of the Secretariat

- **Establishing a Declaration Act Secretariat recognizes that implementation of the Declaration Act, the UN Declaration and constitutionally protected title and rights requires an integrated, “whole of government” effort.**
- **The Secretariat guides and assists government to ensure our legislation is consistent with the UN Declaration and is developed in consultation and co-operation with Indigenous Peoples.**
- **Together with Indigenous Peoples, the Secretariat provides recommendations on laws to prioritize for comprehensive alignment with the UN Declaration.**
- **And they work to co-develop measures through which a review of laws will take place.**
- **While their initial focus is primarily on legislation, I expect the Secretariat’s work will be transformative and deepen all of government’s relationships with Indigenous Peoples.**

KEY FACTS:

The depth to which the B.C. government consults and co-operates with Indigenous Peoples in the development of legislation has been criticized both in and outside of the House. In the Spring 2022 legislative session, the opposition examined bills for how government specifically met the standards to consult and co-operate articulated in the Declaration Act.

Declaration Act Secretariat

In Oct. 2022, the Declaration Act Secretariat released the ‘Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act’. The world-leading interim guidance approach provides every ministry and sector of government with clear, transparent processes for how they are to work together with Indigenous Peoples in developing provincial laws, policies and practices, as required under the Declaration on the Rights of Indigenous Peoples Act.

In Dec. 2022, Minister Rankin received an updated mandate letter, which committed him, through the new Declaration Act Secretariat to “continue to ensure new legislation and policies are consistent with the Declaration on the Rights of Indigenous Peoples Act.” This expands on his 2020 mandate letter which introduced the idea of a “secretariat that would assist ministries in the alignment of laws with the UN Declaration...”

Legislation to date includes:

- Anti-racism Data Act
- Human Rights Code
- Forest Statutes Amendment Act

- Education Statutes Act
- Interpretation Amendment Act
- Upholding Indigenous Jurisdiction in Children and Families

Policy related to Section 3 includes:

- Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples
- Recognition and Reconciliation of Rights Policy for Treaty Negotiations
- Indigenous Governing Bodies Policy
- Interim approach to Involving Indigenous Peoples in Policy and Legislation

Background

The Duty-to-Consult applies to decisions of the Crown that may impact Section 35 Aboriginal rights whether asserted, proven or enshrined in a treaty or other constructive agreement. In *Haida* 2004, the Supreme Court of Canada ruled "The Crown, acting honourably, cannot cavalierly run roughshod over Aboriginal interests where claims affecting these interests are being seriously pursued in the process of treaty negotiation and proof." The scope of consultation depends on an analysis of two factors: strength of claims and the seriousness of impact of the proposed a decision. This process is not well liked by First Nations across Canada.

Unlike with Section 35 Aboriginal rights, there has not yet been any judicial direction regarding the application of the Declaration on the Rights of Indigenous Peoples Act. In *Thomas and Saik'uz First Nation v Rio Tinto Alcan Inc*, 2022, the BC Supreme Court considered the potential implications of UN Declaration legislation in its analysis and, in doing so, provided some insight as to how the UN Declaration legislation may supplement, refine, and alter existing jurisprudence addressing Aboriginal rights and reconciliation. However, the court left it to Supreme Court of Canada to determine what effect, if any, UN Declaration legislation has on the common law, particularly given the areas of conflict between the two. In identifying these areas of conflict, the Court appeared to suggest that, in some of these instances, UN Declaration may serve as a preferable approach than existing common law.¹

In the fall of 2021, government added a non-derogation clause to the Interpretation Act, which makes it clear that provincial laws uphold, and do not diminish, the rights of Indigenous Peoples as outlined under Section 35 of the Constitution Act. The Interpretation Act, section 8.1(3) states: Every Act and regulation must be construed as being consistent with the Declaration, and that Section 35 consultation should be informed by relevant articles of the UN Declaration, including Articles 19 and 32(2) which indicate that consultations are to be aimed at obtaining free, prior and informed consent – consistent with Principle #6.

Media Interest: How the B.C. government is implementing the UN Declaration – including consultation and co-operation and duty to consult processes – is of high interest to provincial, national and world media.

Communications Contact: Leanne Ritchie

Program Area Contact: Jessica Wood

¹ BCSC Decision Suggests Implications for UNDRIP Legislation in Canada | Cassels.com

DECLARATION ACT SECRETARIAT 2023 Estimates Note

Alignment of Laws

KEY MESSAGES

- Three years have elapsed since the passage of *The Declaration on the Rights of Indigenous Peoples Act* (Declaration Act). Efforts to date to implement section 3 have illustrated the need for a coherent and systematic approach to the alignment of laws that is transparent to Indigenous peoples, other levels of government, stakeholders, and the general public.
- The steps that the Province has taken, and in particular the formation of the Declaration Act Secretariat, have set the foundation for advancing such an approach.
- The Declaration Act Secretariat guides and assists ministries in meeting the alignment of laws obligations, collaborates within government on changes to government's legislative and policy process, and helps establish government's legislative priorities related to alignment of laws.
- The Secretariat has been actively involved in supporting legislation and policy development.
 - Examples of relevant amendments include the
 - Child, Family and Community Services Act,
 - Adoption Act,
 - Interpretation Act,
 - Forest and Range Practices Act,
 - FOIPPA,
 - Emergency Programs Act,
 - the development of the Anti-Racism Data Act.

BACKGROUND

The Declaration on the Rights of Indigenous Peoples Act (Declaration Act) was unanimously passed by the Legislative Assembly in 2019. Section 3 of the Declaration Act requires the Province, in consultation and co-operation with Indigenous peoples, to take "all measures necessary" to ensure consistency between the laws of British Columbia and the United Nations Declaration on the Rights of Indigenous Peoples.

Since 2019, the Province has taken some measures pursuant to section 3. The most significant measure was the formation of the Declaration Act Secretariat, established in Budget 2022. The mandate of the Secretariat is to ensure legislation is consistent with the UN Declaration and is

DECLARATION ACT SECRETARIAT

2023 Estimates Note

developed in consultation and cooperation with Indigenous Peoples, as required by Section 3 of *The Declaration on the Rights of Indigenous Peoples Act*.

The Secretariat's core functions are:

- Provide guidance to ministries to:
 - meet consultation and cooperation obligations in the development and reform of legislation;
 - ensure alignment of provincial legislation with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- Develop processes and measures to support alignment of laws;
- Inform government's legislative agenda; and
- Engage with Indigenous peoples to gather input on:
 - their experiences working with ministries in the alignment of laws; and
 - to facilitate systemic shifts to ensure the obligations under Section 3 can be met.

Primary Contact

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ADM Responsible

Priscilla Sabbas-Watts
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**MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION &
DECLARATION ACT SECRETARIAT
2023 Estimates Note**

Consultation and Cooperation

KEY MESSAGES

- We ensured the requirement to embed the UN Declaration on the Rights of Indigenous Peoples into our laws, policy, programs and practices needs to be a cross-government undertaking – and must be done in true consultation and cooperation with Indigenous Peoples.
- The Premier recently tasked all of government – through the Declaration Act Secretariat – to continue to ensure new legislation and policies are consistent with the Declaration Act.
- We respect the rights of Indigenous Peoples, and want to create a future where First Nations, Métis and Inuit people can thrive through the full enjoyment and exercise of their inherent rights.
- New guidance for the B.C. government from the Declaration Act Secretariat provides best practices for meeting our requirements by working with Indigenous Peoples on the development of provincial laws and policies, to advance the recognition and affirmation of Indigenous rights.
- All of this work must be distinctions-based, including as stated in the Draft 10 Principles, the Declaration Act, and the Declaration Act Action Plan
- The Province is working directly with First Nations on a government-to-government basis, implementing treaties, agreements, and other constructive arrangements, as well as through on-going work with the Alliance of BC Modern Treaty Nations (ABCMTN), First Nations Leadership Council (FNLC), and Métis Nation BC (MNBC).
- Released in October 2022, the *‘Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act’* provides every ministry and sector of government with clear, transparent processes for how they are to work together with Indigenous Peoples in developing provincial laws, policies and practices, as required by the Declaration Act, and Section 35 of our Constitution.

**MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION &
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- It brings together what we have learned on the co-development of laws since 2019 and helps government transition towards an approach of law making is thoughtful, consistent, and supports our legal requirements to respect and affirm Indigenous rights.

Secondary messaging: Role of the Secretariat

- Establishing a Declaration Act Secretariat recognizes that implementation of the Declaration Act, the UN Declaration and constitutionally protected title and rights requires an integrated, “whole of government” effort.
- The Secretariat guides and assists government to ensure our legislation is consistent with the UN Declaration and is developed in consultation and co-operation with Indigenous Peoples.
- Together with Indigenous Peoples, the Secretariat provides recommendations on laws to prioritize for comprehensive alignment with the UN Declaration.
- And they work to co-develop measures through which a review of laws will take place.
- While their initial focus is primarily on legislation, I expect the Secretariat’s work will be transformative and deepen all of government’s relationships with Indigenous Peoples.

BACKGROUND

The depth to which the B.C. government consults and co-operates with Indigenous Peoples in the development of legislation has been criticized both in and outside of the House. In the Spring 2022 legislative session, the opposition examined bills for how government specifically met the standards to consult and co-operate articulated in the Declaration Act.

Declaration Act Secretariat

In Oct. 2022, the Declaration Act Secretariat released the ‘Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act’. The world-leading interim guidance approach provides every ministry and sector of government with clear, transparent processes for how they are to work together with Indigenous Peoples in developing provincial laws, policies and practices, as required under the Declaration on the Rights of Indigenous Peoples Act.

**MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION &
DECLARATION ACT SECRETARIAT
2023 Estimates Note**

In Dec. 2022, Minister Rankin received an updated mandate letter, which committed him, through the new Declaration Act Secretariat to “continue to ensure new legislation and policies are consistent with the Declaration on the Rights of Indigenous Peoples Act.” This expands on his 2020 mandate letter which introduced the idea of a “secretariat that would assist ministries in the alignment of laws with the UN Declaration...”

Legislation to date includes:

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- Human Rights Code
- Forest Statutes Amendment Act
- Education Statutes Act
- Interpretation Amendment Act
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Policy related to Section 3 includes:

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- Indigenous Governing Bodies Policy
- Interim approach to Involving Indigenous Peoples in Policy and Legislation

The Duty-to-Consult applies to decisions of the Crown that may impact Section 35 Aboriginal rights whether asserted, proven or enshrined in a treaty or other constructive agreement. In *Haida* 2004, the Supreme Court of Canada ruled “The Crown, acting honourably, cannot cavalierly run roughshod over Aboriginal interests where claims affecting these interests are being seriously pursued in the process of treaty negotiation and proof.” The scope of consultation depends on an analysis of two factors: strength of claims and the seriousness of impact of the proposed a decision. This process is not well liked by First Nations across Canada.

Unlike with Section 35 Aboriginal rights, there has not yet been any judicial direction regarding the application of the Declaration on the Rights of Indigenous Peoples Act. In *Thomas and Saik’uz First Nation v Rio Tinto Alcan Inc*, 2022, the BC Supreme Court considered the potential implications of UN Declaration legislation in its analysis and, in doing so, provided some insight as to how the UN Declaration legislation may supplement, refine, and alter existing jurisprudence addressing Aboriginal rights and reconciliation. However, the court left it to Supreme Court of Canada to determine what effect, if any, UN Declaration legislation has on the common law, particularly given the areas of conflict between the two. In identifying these areas of conflict, the Court appeared to suggest that, in some of these instances, UN Declaration may serve as a preferable approach than existing common law.¹

In the fall of 2021, government added a non-derogation clause to the Interpretation Act, which makes it clear that provincial laws uphold, and do not diminish, the rights of Indigenous Peoples as outlined

¹ [BCSC Decision Suggests Implications for UNDRIP Legislation in Canada | Cassels.com](#)

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION & DECLARATION ACT SECRETARIAT

2023 Estimates Note

under Section 35 of the Constitution Act. The Interpretation Act, section 8.1(3) states: Every Act and regulation must be construed as being consistent with the Declaration, and that Section 35 consultation should be informed by relevant articles of the UN Declaration, including Articles 19 and 32(2) which indicate that consultations are to be aimed at obtaining free, prior and informed consent – consistent with Principle #6.

Declaration Act Action Plan and Annual Report

The Declaration Act Action Plan outlines the work each ministry will do to implement the UN Declaration between 2022 and 2027. It includes 89 actions that ministries will undertake in consultation and cooperation with Indigenous partners to achieve the objectives of the UN Declaration.

Each year the Minister must prepare a report on progress made toward the implementation of measures referred to in Section 3 of the Declaration Act and achieving the goals of the Action Plan. This report must be prepared in consultation and cooperation with Indigenous partners.

[For details on consultation and cooperation efforts for implementation of the Declaration Act Action Plan, please refer to the Action Plan note].

[For details on consultation and cooperation efforts in the development of the 2022/23 annual report, please refer to the Annual Report note].

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DECLARATION ACT SECRETARIAT
2023 Estimates Note

Interim Approach

KEY MESSAGES

- The Interim Approach provides guidance for implementing section 3 of *the Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and, in particular, approaches for involving Indigenous peoples in policy and legislative development.
- Released in October of 2022, the Interim Approach is one of the first key actions from the Declaration Act Secretariat.
- This guidance provides clear, transparent processes for how public servants are to work together with Indigenous peoples in developing provincial laws, policies and practices.
- The guidance is to help ensure the requirements of Section 3 of the Declaration Act are met.
- The interim process has been developed through on-going efforts to effect consultation and cooperation with Indigenous peoples during the development of policy and legislation. The experiences of ministries in working with Indigenous peoples on policy and legislative change since the passage of the Declaration Act have informed the development of this guidance.
- The Interim Approach will be updated and supplemented as the work of implementing the Declaration Act in consultation and cooperation with Indigenous peoples continues.

BACKGROUND

The Declaration Act Secretariat was created to guide and assist ministries in the alignment of laws with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).

This includes meeting the legal requirement to consult and cooperate with Indigenous peoples on changes to the Province's legislative and policy processes and development.

Aligning provincial laws with the UN Declaration will take time. This interim guidance was created to help inform the work being done now across government with Indigenous peoples.

DECLARATION ACT SECRETARIAT

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The Declaration Act Secretariat supports ministries in implementing this guidance, as well as the development of additional measures for implementing section 3. Additionally, ministries should seek guidance from the Indigenous Legal Relations Solicitors Unit (NATRIL) within the Legal Services Branch (MAG), as well as ministry-specific legal counsel, throughout the application of this interim process.

The UN Declaration contains direction to States (e.g. Crown governments), on how to develop policy and legislation;

- Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- Article 38: States in consultation and cooperation with Indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Section 3 of the Declaration Act, responds to UNDRIP, and reads:

Measures to align laws with Declaration

3 In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: Feb. 09, 2023

Minister Responsible: Hon. Murray Rankin

Former Residential School and Hospital Sites Response

ADVICE AND RECOMMENDED RESPONSE:

- The Province will continue to stand in solidarity with and support all First Nations who wish to investigate the sites of former Indian Residential Schools and Indian Hospitals across the province.
- We know that these institutions hold many unanswered questions for survivors, their families, and their communities and that these investigations are another step on the path toward truth, healing, and justice.
- First Nations are at different stages in this process and are in the best position to make decisions about the search for missing children in consultation with the communities directly impacted by these institutions.
- The Province, with the support of Charlene Belleau in her role as a First Nation Liaison, continues to work with First Nations across B.C. to make sure they have access to the resources and expertise required to advance this work.
- The Province has provided \$9.5 million to 19 First Nations across B.C. to support this critical work.

Additional messaging:

- The federal government maintains an important role in addressing the history and legacy of the residential school system. We continue to work with federal departments to make sure communities can access a range of resources and tools to assist them in this work.
- As a leader and residential school survivor, Charlene Belleau continues to be a trusted source of guidance and support for all Nations who have decided to take on the difficult work of searching for the missing children.
- A key priority for First Nations is accessing residential school records in federal, provincial, and church archives. The ability to access these records is critical to truth telling and healing.
- The Province has committed \$425,000 to expedite the processing of

catholic church records in the possession of the provincial government.

If asked: What are the origins of this work?

- **The federal government and churches had an established practice of not returning the bodies of deceased students back to their families or communities. This was largely done as a cost savings measure.**
- **Indigenous children at residential schools died at a far higher rate than school-aged children in the general population with the names, gender, or cause of death not recorded by the federal government and churches in many cases.**
- **The Truth and Reconciliation Commission was established in 2008 as part of the Indian Residential Schools Settlement Agreement. Its mandate was to document the truth of survivors, families, communities and anyone personally affected by residential schools.**
- **However, the TRC did not have sufficient resources to complete its research into student deaths and called for a national strategy to locate and document sites where residential school students were buried.**
- **First Nations in B.C., with support from the federal and provincial governments, are on a path to continue and complete the work started by the Truth and Reconciliation Commission over a decade ago.**
- **The funding provided by federal and provincial governments is a direct response to Calls to Action #72 through #76.**

If asked: How is ground-penetrating radar (GPR) used?

- **GPR has become an increasingly important tool in the search for unmarked graves due to its non-intrusive nature.**
- **First Nations have cultural and spiritual beliefs and practices when dealing with ancestral remains. GPR allows these studies to be conducted without the risk of disturbing a possible burial site.**
- **First Nations have been clear that GPR findings are preliminary and that further archival research and field studies are required.**
- **As would be expected with any investigation of this scale and complexity, this work will take time to complete.**
- **First Nations will take the time they need to consult former students, families, communities and experts as they make decisions about these sites.**

If asked: What mental health services are available for Indigenous Peoples?

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- **A key focus of A Pathway to Hope, the province's mental health roadmap, has been supporting First Nations people to take a larger role in the design, planning and delivery of mental health and substance use services.**
- **We have heard that healing from the ongoing impacts of residential schools requires sustainable, flexible, and predictable funding for mental health and wellness that are Nation-based and community-driven.**
- **The Province has committed, in addition to annual funding to First Nations Health Authority, to support a number of Indigenous-led mental health and wellness solutions, including:**
 - **\$10 million to the Tripartite MOU supporting First Nation community-led mental health and wellness initiatives**
 - **\$20 million to support the replacement and building of First Nation Treatment Centres**

KEY FACTS:

On January 25, 2023, Williams Lake First Nation announced that ground-penetrating radar (GPR) and magnetometry technology found 66 reflections of potential unmarked graves at the former site of St. Joseph's Mission Indian Residential School. In addition to the 93 reflections found at the site in 2021, the total number of reflections is now 159.

On August 25, 2022, the Stó:lō Nation announced that they have begun their search for unmarked graves at the site of the former St. Mary's Residential School in Mission.

On July 12, 2022, the Tseshaht First Nation, located on central Vancouver Island, has begun the search for unmarked burial sites at a former residential school on its territory. It is anticipated that preliminary findings will be released in February 2023.

In February 2022, the shíshálh Nation announced that they have begun their search for unmarked graves at the site of the former Sechelt Indian Residential School. It is anticipated that preliminary findings will be released in Spring 2023.

In January 2022, Williams Lake First Nation announced that GPR found 93 reflections of potential unmarked graves at the former site of St. Joseph's Mission Indian Residential School.

In July 2021, the Penelakut Tribe said at least 160 "undocumented and unmarked graves" were found around the site of Kuper Island Residential School. No further details were provided.

In June 2021, the Ktunaxa Nation announced 182 unmarked graves were located using GPR near the site of St. Eugene's Mission School in Cranbrook. ?aq'am clarified that these findings were preliminary, and that additional analysis was required to understand the findings and its connection to the residential school.

In May 2021, Tk'emlúps te Secwépemc announced their discovery, with the use of GPR, of approximately 200 unmarked graves at the former Kamloops Indian Residential School.

In all cases, First Nations have been clear that these are preliminary findings, and that further investigation is required. First Nations continue to develop plans to locate, document and protect unmarked graves on the grounds of former residential schools.

Provincial response:

The Province takes its direction from the First Nations leading these investigations and continues to create opportunities for communities to come together to set collective direction on the response.

In July 2021, the Province appointed two First Nations Liaisons (Charlene Belleau and Chief Lydia Hwitsum) who are building trust-based relationships with First Nation leaders and working with federal and provincial governments to guide the response moving forward. Chief Hwitsum has since stepped away from her role as a liaison to focus on her leadership responsibilities with the Cowichan Tribes.

In June 2021, government set aside \$12 million to support First Nations-led investigations at the sites of 18 Indian Residential Schools and 3 Indian Hospitals that operated in B.C. The provincial funding is fully flexible, needs-based, and addresses gaps in the federal funding. The provincial funding supports a range of activities related to the search for missing children, including planning, training, research, mental health and wellness supports, and commemoration.

- First Nations who have been identified as the lead community can access up to \$475,000 for which they have assumed responsibility. Since September 2021, the Province has provided \$9.5 million to 19 First Nations and Tribal Councils across B.C.
- \$1.5 million, announced in September 2021, was provided to Indigenous service providers to respond to the immediate wellness, cultural and mental health needs of Indigenous Peoples throughout British Columbia. This funding has been fully allocated.

The \$12-million B.C. Residential School Response Fund supports First Nations to develop and implement strategies for the location, documentation, commemoration, and protection of places where children were buried, consistent with the Truth and Reconciliation Commission's (TRC) Calls to Action #72 to #76.

The federal and provincial government have set up a coordination structure that allows them to coordinate funding for site-specific activities. This ensures First Nations can make the most of funding available for this purpose.

The Province has provided funding of \$425,000 to the UBC Indian Residential School History and Dialogue Centre for work with the Royal BC Museum and BC Archives to accelerate the processing of residential school records in the possession of the provincial government (expected announcement date Spring 2023).

B.C. Residential schools:

For more than a century, approximately 150,000 Indigenous children were forced to attend one of 139 residential schools operated by federal government and church organizations. The 18 schools in B.C. were: Ahousaht, Alberni, Cariboo, Christie, Coqualeetza, Cranbrook, Kamloops, Kitimaat, Kuper Island, Lejac, Lower Post, Port Simpson, Lytton, Mission, Alert Bay, Sechelt, Squamish and Anahim Lake.

The first opened in Mission (St. Mary's) in 1867; it was the final school to close in B.C. in 1984.

There were also three large Indian hospitals in Prince Rupert (Miller Bay), Nanaimo and Sardis (Coqualeetza). Children from B.C. were also taken out of the province to attend residential schools. The TRC estimated that at least 580 children at residential schools in B.C. died, while an unknown number are missing. There are additional federally funded and operated institutions in B.C. that are of

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significant historical interest and importance to First Nations. This includes day schools, dormitories, sanitoriums and smaller hospitals.

Media Interest:

Since May 2021, when Tk'emlúps te Secwépemc announced their discovery, there has been heightened media and public interest in the findings at former residential schools. Stories regarding the legacy of the residential school system, preliminary findings of unmarked graves on the sites of former residential schools, and the intergenerational trauma suffered by Indigenous Peoples have received global coverage.

Most recently, the Williams Lake First Nation press conference held on January 25, 2023 that detailed the Stage 2 Preliminary findings at St. Joseph's Mission Residential School received wide national coverage and moderate international coverage.

Communications Contact: Leanne Ritchie Program Area Contact(s): Matthew Kinch

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CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: Jan. 30, 2023

Minister Responsible: Hon. Murray Rankin

Wet'suwet'en MOU Funding - Status

KEY MESSAGES:

- We are working hard to engage community leaders and do the unfinished business of reconciling Wet'suwet'en law with provincial law and implementing the Delgamuukw-Gisday-wa decision from 25 years ago.
- We remain resolute in our determination to undertake this work at the rights and title table, together with the Wet'suwet'en and Government of Canada.
- Indigenous self-determination is a key tenet of the UN Declaration and a key objective of the Declaration Act.
- Resolving these issues will help avoid conflicts on the land, heal the community, and benefit everyone who lives in the region.

KEY MESSAGES - FUNDING:

- In 2021, the Province provided \$7.22 million to the Wet'suwet'en to support work under the tripartite MOU, including expanding governance capacity, engaging in unity-building activities, and participating in ongoing negotiations to reconcile rights and title.
- The funds also support capacity for further work on Wet'suwet'en priorities, such as eco-system monitoring, landscape-level planning, and enabling renovations at the former Lake Kathlyn School property, which the community bought through a \$1.23-million grant from the Province in 2020.
- The MOU is a government-to-government-to-government understanding that outlines work all parties must do to advance reconciliation. A priority topic is development of a Wet'suwet'en Reunification Strategy.
- We can only progress so far under the MOU without a clear demonstration of support from community leaders and ongoing,

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productive dialogue both within the community and with government partners.

- We look forward to hearing more from the Wet'suwet'en on the status of their work under the MOU and how they have used the funding allocation.

If asked why government is providing funding to the Hereditary Chiefs and not the Elected Chiefs:

- The funds were provided to the Wet'suwet'en Nation through their representatives.
- The tripartite MOU recognizes that Wet'suwet'en rights and title are held by the Wet'suwet'en Houses under their system of governance.
- The MOU also states that the parties will work together to resolve issues of Wet'suwet'en governance in order to implement their title.

BACKGROUND:

There are six Wet'suwet'en entities that have asserted rights and title on behalf of Wet'suwet'en members. The Hereditary Chiefs of the Wet'suwet'en Nation have asserted they are the representatives of the Nation and BC signed an MOU with them in May of 2020.

Intergovernmental Communications

Update

- On Jan. 10, 2023, Minister Rankin and Crown Indigenous Relations Minister Mark Miller sent a joint letter to the Hereditary Chiefs and Elected Chief Councillors of the Wet'suwet'en Nation following up on a proposed Wet'suwet'en – Crown Leadership Summit – an idea posed by B.C. and Canada over a year ago. The letter reiterates that “our tri-partite relationship will be much more beneficial when Canada and British Columbia (BC) are working with the leadership of a unified Wet'suwet'en Nation.” And continues “Canada and BC are both working to develop a new fiscal framework, including new approaches to revenue sharing and decision-making. The challenge to these opportunities remains the absence of unified representation for the Wet'suwet'en people.” The letter encourages “you to use the funds provided to the Office of the Wet'suwet'en in February 2021 to support unity building initiatives for the Wet'suwet'en people.” The letter also acknowledges the conversations between the Province and Hereditary Chiefs at the First Nations Leaders' Gathering 2023, where representatives of Witset attended meetings with alongside Hereditary Chief Hagwilnegh (Ron Mitchell, who also previously served on Witset council).
- On Nov. 30, 2022, the Wet'suwet'en First Nation elected Chief and Council sent a letter to Premier Eby acknowledging his swearing in and to “renew our consistent request that the MOU process be formally paused until such time as there is agreement among the Wet'suwet'en people as to how to proceed.” The letter reiterates the Chief and Council's views that “negotiations are secret, and we have no way of knowing whether there has been any progress on the final constitutionally protected, treaty-like agreement promised in the MOU....Our impression is that negotiations are stalled, the hereditary chiefs have rejected the process and have also refused to engage in an internal nation-

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building process funded by the province in an amount exceeding \$7,000,000...the province has used the MOU to block our efforts to engage in bilateral negotiation of a reconciliation agreement as well as to limit access to important funding programs such as the Forestry Consultation and Revenue Sharing Agreement program (which we acknowledge is currently under review)."

- On July 15, 2022, a press release was posted on the Office of the Wet'suwet'en website that stated they "had serious deliberations about the MOU and our vision of healthy people, healthy lands, for our grandchildren."

MOU Discussions - Current Status

- MOU discussions have occurred only intermittently since June 2021, and have been impacted by the federal election, COVID-19, and lack of engagement by Wet'suwet'en Chiefs and the negotiating table. The main negotiators' table enabled by the MOU has not met in over a year.
- At the direction of the Wet'suwet'en Hereditary Chiefs, negotiation meetings and communications have significantly decreased since police enforced a court order and arrested CGL pipeline opponents at the Morice River (Widzin Kwah) drilling site on Nov. 18 and 19, 2021.
- Technical discussions continue for the priority topics under the MOU of water and child and family wellness.

Funding Status

- The Province provided \$7.22 million to the Hereditary Chiefs on March 31, 2021 to support five priority topics: renovations of school, negotiation and reunification support, governance capacity, water stewardship and governance, and nation visibility.
- Stipulations of the grant include annual reports, with the first due March 31, 2022, and possible repayment if funds are not used for their specified purpose by March 31, 2024. An annual report was provided March 31, 2022.
- Intergovernmental Communications

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Memorandum of Understanding

- The draft tripartite MOU was announced on March 1, 2020, after three days of talks on establishing an expedited process to affirm and implement Wet'suwet'en rights and title.
- The MOU was not made public at the time, pending a Wet'suwet'en ratification process with clan members, over which the Province faced significant criticism.
- Following the pandemic declaration, the final clan ratification was carried out virtually and Office of the Wet'suwet'en advised B.C. and Canada of clan approval on April 23, 2020.
- The MOU has been publicly denounced at each stage by elected Wet'suwet'en Chiefs, who have opposed the Province negotiating with the Hereditary Chiefs without their participation.

Communications Contact: Leanne Ritchie

Program Area Contact(s): Stewart Dickson, Cory Waters

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CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: Jan. 30, 2023

Minister Responsible: Hon. Murray Rankin

Wet'suwet'en reconciliation / CGL protests

KEY MESSAGES:

- This is an ongoing and difficult situation for the Wet'suwet'en Nation, and for people in Smithers, Hazelton and neighbouring communities – dividing families, friends and neighbours.
- For years, we have taken steps to try and bring the Wet'suwet'en Hereditary Chiefs, elected Wet'suwet'en officials, and others together to find a pathway through this challenging issue.
- Government has and continues to work to engage the Wet'suwet'en Hereditary Chiefs and others in a dialogue with the aim of finding a peaceful resolution to the conflict.

Secondary messaging:

- This is an extremely complex issue, balancing provincial law with Wet'suwet'en law, and the unfinished business of reconciling those laws, including truly implementing the Delgamuukw-Gisday-wa decision from 25 years ago.
- Some Hereditary Chiefs are opposed to the CGL pipeline project while elected Chiefs support it. This division within the Wet'suwet'en community is partly a result of the ongoing impacts and trauma of colonialism.
- We're committed to implementing Wet'suwet'en title. Any solutions must involve the Wet'suwet'en people, which includes Wet'suwet'en Hereditary and elected leaders.
- Unity is the way forward. Governance matters of the Wet'suwet'en Nation must be resolved by Wet'suwet'en people – that is central to self-determination. Reunification within Wet'suwet'en Nation is essential for this work to move forward successfully. It is a central feature of the MOU to reconcile Wet'suwet'en rights and title in the Yintah.

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- There will be many important questions that need answering and much healing will be required.

If asked about next next steps:

- We remain resolute in our determination to undertake this necessary work at the rights and title table, together with the Wet'suwet'en and Government of Canada.
- Indigenous self-determination is a key tenet of the UN Declaration and a key objective of the Declaration Act.
- Resolving these issues will help avoid conflicts on the land, and support work together that will benefit all communities and people who live in the region.
- Together with the Federal Minister of Crown Indigenous Relations, we have made several requests to meet with Hereditary Chiefs and elected leaders for a three-day Wet'suwet'en – Crown Leadership Summit.
- Our most recent request was sent in January (2023), again inviting to come together to discuss how the Province can support the development of a Wet'suwet'en reunification strategy.
- We encourage the Hereditary Chiefs and elected leaders to use the \$7.22 million provided by the Province to support their work under the tripartite MOU, including expanding governance capacity, engaging in unity-building activities and participating in the ongoing negotiations to reconcile rights and title

If asked about government action to resolve the dispute:

- Government has and continues to work to engage the Wet'suwet'en Hereditary Chiefs and others in a dialogue with the aim of finding a peaceful resolution to the conflict.
- We continue to invite both Hereditary Chiefs and elected leaders for a summit to address Wet'suwet'en reunification and to determine how B.C. and Canada can support them.
- In September 2021, over two days, I had meetings in the Yintah with members of both hereditary and elected Wet'suwet'en leadership, as well as community leaders from non-Indigenous communities in the area.
- Also in September 2021, we engaged Miles Richardson as an interlocutor to encourage dialogue among the parties. Mr. Richardson

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has had many, many conversations with the Coastal GasLink, Nation, federal and provincial governments, RCMP and other interested groups.

- I continue to work with my colleagues across government and engage my federal counterpart, Minister Marc Miller, in developing solutions to the impasse.
- The federal minister has offered his government's support to advance dialogue to help the situation and reaffirmed their commitment to the tripartite MOU to reconcile Wet'suwet'en rights and title in the Yintah.
- I can assure British Columbians that our government is working very hard to engage the company and Hereditary and elected Chiefs in a dialogue with the aim of finding a peaceful resolution to this complex problem.

If asked about work on the MOU: *For funding KMs/details, see MOU IN

- Our government is working to address matters of Wet'suwet'en rights and title outstanding since the Delgamuukw-Gisday-wa decision 25 years ago.
- In May 2020, ten Wet'suwet'en Hereditary Chiefs and the provincial and federal governments signed a Memorandum of Understanding.
- The MOU is a commitment to negotiate a series of agreements to affirm and implement Wet'suwet'en title and rights.
- At the time the MOU was reached, all parties at the table recognized the differences relating to the CGL project remain. That has not changed.
- We recognize Wet'suwet'en rights and title and respect the authority of the Hereditary Chiefs. We can work together to implement title and rights, while also supporting the completion of the CGL project.
- The Province remains committed to this work.
- In 2021, the Province provided \$7.22 million in funding to the Wet'suwet'en to support their work under the MOU, including expanding governance capacity, engaging in unity-building activities and participating in the ongoing negotiations.
- The funds also included capacity for further work on Wet'suwet'en priorities, such as eco-system monitoring and landscape-level planning, and provided further funding to enable renovations at the

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former Lake Kathlyn School property, which the community bought through a \$1.23-million grant from the Province in 2020.

- Our progress has not been as quick as we'd hoped due to a number of factors. An important part of the work to move forward in implementing rights and title is making progress on governance and unity issues within the broader Wet'suwet'en Nation, and that work has been incredibly difficult for all parties involved.
- On multiple occasions, Minister Miller and myself have invited Wet'suwet'en Hereditary and elected leaders to a summit in the hopes that the Wet'suwet'en can make progress on reunification.
- The Province remains actively working with the Wet'suwet'en Hereditary Chiefs to support the priority topics of water and child and family wellness under the MOU.

If asked about the interlocutor:

- In September 2021, B.C. retained the services of Miles Richardson, a prominent Indigenous leader from the Haida Nation with an extensive background in Indigenous and Canadian government relations, to assist in dialogue between parties related to the CGL project.
- Mr. Richardson's role is as an interlocutor – helping facilitate important conversations between government, Wet'suwet'en Hereditary Chiefs, CGL, the federal government, the RCMP and other involved parties.
- The Province is not directing who or where he has conversations with, or what he is relaying. His role is to help the parties connect with each other as appropriate.

If asked whether government is violating UNDRIP by removing Indigenous Peoples from their lands:

- We recognize how incredibly challenging the direct action situation is for the Wet'suwet'en people.
- I can assure British Columbians that our government continues to work very hard to engage the company and Hereditary Chiefs in a dialogue with the aim of finding a peaceful resolution to this complex problem.
- The Coastal GasLink project has all the permits in place for the construction activities underway.

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- I respect that there are differing opinions among the local First Nations communities regarding the project – many are supportive while others are not.
- This lack of unity is very difficult for all involved.
- The Province is available to support conversations between the hereditary and elected leadership if it would be helpful – but ultimately Wet'suwet'en governance matters are for the Wet'suwet'en to address.
- The way forward and decisions about who represents the Wet'suwet'en people, and how, is for the Wet'suwet'en people to decide.

If asked about criticism of the MOU by Hereditary Chiefs:

- The MOU was developed over an intensive three-day negotiation in Smithers in February 2020. Ten hereditary leaders signed the MOU in May 2020 following consultation with Wet'suwet'en house groups.
- The MOU was just the start – it is an agreement to negotiate a series of agreements to affirm and implement Wet'suwet'en title and rights. The Province and Canada remain committed to that work.
- If the Hereditary Chiefs would like to amend or alter the MOU, we would be happy to sit with them and hear their suggested next steps.

If asked about elected leadership opposition to funding & MOU negotiations:

- Under the MOU, all Wet'suwet'en must be consulted on agreements negotiated, and there must be clarity on Wet'suwet'en governance structures and systems to move forward.
- The Province provides funding to band councils of the Wet'suwet'en through various financial arrangements related to forestry, pipelines, and children and family services – agreements worth millions of dollars to these communities.
- I have repeatedly invited both Wet'suwet'en Hereditary and elected leaders to a summit in the hopes that we can make progress on Wet'suwet'en reunification.

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If asked about elected chiefs' concerns over transparency & involvement:

- Under the MOU, there must be consultation with all Wet'suwet'en about any agreement, as well as clarity on Wet'suwet'en governance structures and systems.
- Part of the provincial funding is intended to support this work, through an internal engagement process to advance unity-building.
- Hereditary Chiefs have advised they will be engaging with all Wet'suwet'en members under this process to ensure transparency as we move forward together with negotiations.

If asked about the status of negotiations:

- We are committed to working together to determine how best to implement Wet'suwet'en rights and title.
- At the request of the Hereditary Chiefs, we have not engaged in substantive discussions regarding MOU implementation for over a year.
- We remain committed to reconciliation with the Wet'suwet'en people and process set out in the MOU.
- A priority topic of the MOU is the development of a Wet'suwet'en reunification strategy.
- Together with Minister of Crown Indigenous Relations, we have made several requests to meet with hereditary chiefs and elected band chiefs for a three-day Wet'suwet'en – Crown Leadership Summit.
- It is our preference to work with all parties to design the agenda in a respectful way and to structure the time together so that we can move forward on the many important issues in front of us.
- At this time, we don't have an updated timeline but we remain steadfast in our commitment to work with all Wet'suwet'en on approaches for advancing governance and unity among the Wet'suwet'en Nation.
- The Province remains actively working with the Wet'suwet'en Hereditary Chiefs to support the priority topics of water and child and family wellness under the MOU.

If asked about the status of the CGL project in relation to negotiations:

- The Coastal GasLink project is permitted and approved to proceed.

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- **B.C. engaged extensively with Indigenous communities on the Coastal GasLink project, including both Hereditary Chiefs and elected leadership.**
- **At the time the MOU was reached, all parties at the table recognized the differences relating to the CGL project remain. That has not changed.**

BACKGROUND

The B.C. government continues to work to engage the Wet'suwet'en Hereditary Chiefs and Coastal GasLink (CGL) in dialogue with the aim of finding a peaceful resolution to the conflict.

Peace and Unity Tour – July 2022

- In August 2022, Wet'suwet'en Hereditary Chiefs Woos, Na'Moks, Madeek, Gisday'wa, and followers visited other Indigenous Nations across Canada on a Nation-to-Nation 18-day tour.
- The tour followed a four-day Peace and Unity Summit on the Yintah that began on July 26, 2022. Attendees including MLAs Adam Olsen and Sonia Furstenau witnessed the arrest of a protestor when they were touring the new feast hall at Lamprey Creek before rafting on Morice River.

CGL Vandalism & fallout – Feb. 17, 2022

- On Feb. 17, 2022 a violent attack occurred at a CGL worksite at the Morice River (Widzin Kwah) drill site, which resulted in an injured RCMP officer, threatened CGL employees and extensive property damage.
- Following the attack, Wet'suwet'en Chiefs expressed concerns over safety on the yintah. They noted they have a trapping program on the yintah and members living on the yintah in this area.
- On Feb. 23, 2022, 119 Wet'suwet'en members wrote to Chief Woos and Molly Wickham "Sleydo" of the Gidumt'en expressing concern that the Nation is divided, militant outside influences have created a violent and confrontation dynamic in the territory and seeking a Wet'suwet'en Nation-wide meeting followed by an All-Clan Bahtlats as soon as possible.
- Overnight on Oct. 26, 2022, several vehicles – including CGL, BC Hydro and RCMP trucks and a BC Ambulance – at the Sunshine Inn in Smithers were set ablaze. No one was injured and the fire didn't cause any damage to the hotel. The RCMP has identified no suspects, but the hotel happens to be within an hour's drive of the Morice River drill site, and many in the community began speculating of possible connections between the arson and violence at the worksite from Feb. 2022. Some of the RCMP vehicles carried the acronym C-IRG, which stands for Community-Industry Response Group – a RCMP unit formed in 2017 to provide police oversight on what they refer to as "energy industry incidents."

Blockades & enforcement – Nov. 2021

- Between September and November 2021, 27 individuals were arrested for being involved in illegal blockades along the Coastal GasLink pipeline route. This includes two independent journalists, which prompted criticism from the Canadian Association of Journalists and other supporters online.
- This was the first time the legal conflict between CGL and supporters of Wet'suwet'en Hereditary Chiefs has escalated into the area of criminal contempt, which involves public defiance of a court order.
- In May 2022, the Crown Prosecution Service announced it would be proceeding with charges against 15 protesters, and in July 2022, they announced charges against four more individuals, including Molly Wickham "Sleydo" of the Gidumt'en. Coastal Gas link announced it would not be pursuing civil contempt charges.

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- On Nov. 14, 2021, the Gidumt'en provided CGL with a 'mandatory evacuation', with the details of it broadcasted on social media throughout the day. The eviction notice requested CGL remove their workers and equipment from the area. Failure to comply would result in the closure of the Morice Forest Service Road (MSFR), which provides essential access for CGL to and from the workforce lodges and construction sites.
- On the same day, blockades were erected on the MSFR and other areas providing access. Obstacles included felled trees, vehicles and individuals who were challenges access. Video footage can be found online showing CGL's equipment being used to construct blockades on the MSFR. At the time, there were over 500 CGL workers in the area. Critical supplies (food, water etc.) were not able to reach them. CGL was also unable to remove sewage from the worksites as well because trucks could not access the area.
- The elected Chief and Council of the Wet'suwet'en First Nation distributed a statement following the events, identifying the fact that Wet'suwet'en members are working on the CGL project; some of the individuals were trapped in the lodges.
- On the morning of Nov. 18, 2021 the RCMP announced it was moving forward with a rescue and enforcement operation.
- The enforcement kicked off solidarity protests in numerous places including Kitimat, where members of the Haisla Nation staged a walkout. Additional protests have taken place in Victoria, Vancouver, Burnaby, Smithers, Prince George, Toronto and Winnipeg; in Caledonia, Ont. a highway bypass was blocked.

Interim measures term sheet – March 2021

- The Province and the Wet'suwet'en Hereditary Chiefs reached an agreement in March 2021 that provides \$7.22 million to support work to implement Wet'suwet'en rights and title. Capacity funding to participate in the negotiations was a condition in the tripartite 2020 MOU.
- According to the financial agreement, the funding will support:
 - Wet'suwet'en in work on governance development, and the shared goal of reunification within Wet'suwet'en Nation. The Office of the Wet'suwet'en will undertake an internal engagement process to advance unity-building, which will be inclusive of all Wet'suwet'en House members.
 - More resources for Wet'suwet'en self-government, including hiring staff and developing governance structures for water stewardship, wildlife programs, eco-system monitoring and other initiatives to enhance collaborative stewardship and management of land and resources in the Yintah.
 - Renovations at the former Lake Kathlyn School property, which Wet'suwet'en Nation bought through a \$1.23-million grant from the Province in 2020. The site will be used for a Wet'suwet'en Nation seat of government, with space for administration offices and community resources.

Reaction from Wet'suwet'en First Nation

- The elected council of Wet'suwet'en First Nation opposed the interim measures agreement, with a highly critical media statement on April 21, 2021, which calls the Office of the Wet'suwet'en a "an unelected, unrepresentative, unmandated, unaccountable society".
- The statement alleges their concerns have been repeatedly ignored by the provincial and federal governments, and that negotiations on matters that will affect their rights and interests and the future jurisdiction on their territory have been in conducted in absolute secrecy.
- The statement asks that ongoing negotiations stop until the Wet'suwet'en people can make an informed decision about the process.

Status of negotiations

- The MOU timeline called for the first of several subsequent agreements to be completed within three months signing (May 14, 2020), however, negotiations were slowed due to the pandemic.
- The next agreement, which will affirm title, had an original deadline of August 14, 2020.

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- A tripartite joint statement was issued on Aug. 13, 2020, reiterating a commitment from all parties to continue the negotiations.
- External community engagement was initiated, with the first quarterly Regional Engagement Group meeting held on Sept. 10, 2020, with multiple subsequent meetings.
- A Core Advisory Council first met on Feb. 10 2021 and met regularly until October 2022. The Core Advisory Council and Regional Engagement Group has been indefinitely paused at the request of the CAC as negotiations have not been occurring.
- The Province will request an update on the funds and a report on their status by March 31, 2023.

Memorandum of Understanding

- The draft MOU was announced on March 1, 2020, after three days of talks on establishing an expedited process to affirm and implement Wet'suwet'en rights and title.
- The MOU was not made public at the time, pending a Wet'suwet'en ratification process with clan members, over which the Province faced significant criticism.
- Following the pandemic declaration, the final clan ratification was carried out virtually and Office of the Wet'suwet'en advised B.C. and Canada of clan approval on April 23, 2020.
- The MOU has been publicly denounced at each stage by elected Wet'suwet'en Chiefs, who have opposed the Province negotiating with the Hereditary Chiefs without their participation.
- The Wet'suwet'en Matrilineal Coalition wrote the Province on Oct. 30 2020 and issued a news release on Nov. 23, 2020 challenging the validity of the MOU, and asserting that the Wet'suwet'en signatories did not have proper authority to do so under Wet'suwet'en law. It also stated they have launched human rights complaints to the BC and Canadian Human Rights Commissions alleging gender discrimination. They call on the Province and Canada to pause negotiations to allow time for a Wet'suwet'en governance healing process. Counsel for the Province and Wet'suwet'en Matrilineal Coalition are meeting to try and agree on a mediation approach.
- Directors of the Wet'suwet'en Matrilineal Coalition hold traditional governance roles in the Wet'suwet'en House system, with Hereditary House Chief status (or alternate status) and Hereditary Chiefs' names. They assert that two Hereditary Chiefs have wrongly assumed their titles.

Reconciliation discussions

- Following a period of heightened direct action on the Morice Forest Service Road in Wet'suwet'en territory in opposition to the Coastal Gaslink pipeline project in early 2019, the Province and Wet'suwet'en Nation started a formal reconciliation negotiation process together in April 2019. (Note: These talks have since been merged with the MOU negotiations.)
- The reconciliation process was not connected to the project, but rather focused on recognizing and implementing Wet'suwet'en title, rights, laws and governance in the territory.
- A traditional smoke feast – an established protocol under Wet'suwet'en traditional hereditary system – hosted by the Laksilyu Clan of the Wet'suwet'en on March 16, 2019 was the first formal step to initiate the rights and title discussions.
- B.C.'s Minister of Indigenous Relations had met with Wet'suwet'en leadership in May 2018 in Smithers, and the Premier and Minister did again in Aug. 2018. At the August meeting, the Premier reiterated that the Province is supportive of LNG.

Previous direct action

- In February 2020, RCMP enforcement of a court injunction that allowed CGL pipeline construction led to the arrests of 28 protestors blocking the project in support of Wet'suwet'en Hereditary Chiefs.
- This followed an unsuccessful attempt between the Province and Hereditary Chiefs to find a peaceful resolution to the conflict over the Coastal GasLink LNG pipeline project through Wiggus (Respect) Table several days before. Nathan Cullen acted as an intermediary to set up the table, after several weeks of protests in support of the Hereditary Chiefs.

ADVICE TO MINISTER

- The February 2020 arrests by RCMP incited six weeks of protests and blockades that shut down railroads and ports across the country. A rally blocked entrances to the B.C. Legislature on the first day of the spring legislative session on Feb. 11, 2020.
- On Feb. 27, 2020, the federal and provincial governments entered into emergency talks with Wet'suwet'en Hereditary Leadership on rights and title and the pipeline controversy.
- The resulting draft MOU to implement Wet'suwet'en rights and title, announced on March 1, 2020, helped diffuse ongoing protests, as has the declaration of a global pandemic since.
- While Wet'suwet'en members and supporters had established the Unist'ot'en action camp back in 2009 to oppose any planned pipelines in the area, the conflict had escalated in late 2018 as CGL prepared to begin work at the site, and obtained an initial interim injunction that led to several arrests in January 2019. The situation further escalated with the Dec. 2019 interlocutory injunction, sought by the company to allow actual construction to begin.
- Wet'suwet'en Hereditary Chiefs issued an eviction notice to Coastal GasLink contractors on Jan. 4, 2020, stating they reject the B.C. Supreme Court injunction granted on Dec. 31, 2019, allowing pipeline construction to continue. Hereditary Chiefs refused to meet with CGL, stating that they would only meet with decision-makers (the provincial and federal governments, and RCMP).
- In mid-January 2020, several small protests in support of the Hereditary Chiefs were held, including at the Swartz Bay ferry terminal, an MLA's constituency office, and the Ministry of Energy, Mines and Petroleum Resources building in Victoria. The latter resulted in several arrests.
- Also at this time, a United Nations committee called on Canada and B.C. to stop three projects – the Coastal GasLink pipeline, Site C, and Trans Mountain, until there is full First Nations consent. B.C.'s Human Rights Commissioner also called on the Province to stop the CGL project.
- On Dec. 20, 2019, The Guardian had published a story that RCMP documents show the RCMP was prepared to use "lethal oversight" and other inflammatory references regarding the confrontation between police and protestors at a Gidimt'en checkpoint on the forest service Road that led to the arrests in January 2019.
- Coastal GasLink has agreements with all elected councils of the 20 First Nations along the pipeline route, and the Province has engaged extensively with both elected and hereditary representatives on the project over a number of years.

Communications contacts: Leanne Ritchie

Program area contacts: Stewart Dickson/Cory Waters

Q&A – BC-Blueberry River First Nations Implementation Agreement

Date: Jan 18, 2023

Updated: Feb. 2, 23

Key Messages:

- Our government is taking steps to right past wrongs, and uphold the legally protected treaty rights of Blueberry River First Nations and all Treaty 8 Nations in B.C.
- That is why on January 18, we signed an historic agreement with Blueberry River First Nations, to create a new path forward for responsible resource development in northeast BC, that protects treaty rights.
- That same day, we signed agreements with four Treaty 8 First Nations: Saulteau, Doig River, Halfway River and Fort Nelson.
- These agreements will accelerate our joint work to assess and manage for cumulative effects, to heal the land through restoration activities, and advance a new path for land and natural resource management in Treaty 8 territory.
- We chose a path of negotiation, of agreement making, and are now focusing on implementing those agreements with our First Nation partners.
- Together, we will make decisions on the land that ensure Treaty 8 Nation members can meaningfully exercise their constitutionally protected rights to hunt, trap, fish, and carry out their traditional way of life.
- At the same time, we are creating stability and predictability for communities and companies in the region, who have invested in the region, and who call it home. These decisions will help build a positive future for everyone in the Northeast.
- We need to come together to heal and restore the land, demonstrating how a new way of working in partnership to steward land and resources can not only be possible, but also prosperous.

- This is important work for all of us; it's about leaving the land in a good way for future generations and honouring a long-standing treaty which all British Columbians have benefitted from.
- Caring for the Province's land, water and resources matters to all British Columbians.

Q&A next page

Questions & Answers: note – updated QA's based on MLA briefings begin on this page.
General QAs begin on p. 11

1: After 18 months of negotiations with BRFN, when will we see the agreement posted?

- The agreement will be publicly posted in the coming weeks, as part of our joint implementation approach agreed to with Blueberry River.
- We expect agreements signed with other Treaty 8 Nations (Fort Nelson, Saulteau, Doig River and Halfway River First Nations) to be posted at the same approximate timeframe

2: Should we expect parallel processes with the other Treaty 8 Nations, given territory overlaps?

- On January 20th, we announced agreement on a Consensus Document with four Treaty 8 Nations: Halfway River, Doig River, Fort Nelson and Saulteau First Nations. We continue talks with the three First Nations who have not yet signed agreements and hope we can sign similar agreements in the weeks or months ahead. This includes West Moberly and Prophet River First Nations and McLeod Lake Indian Band.
- The Consensus Document lays out a comprehensive path for our governments to walk together and work together on several topics of shared interest including land protection measures, healing the land, and a new revenue sharing approach to resource development.

3: Is there a compensation mechanism for impacted tenure holders? If so, what? (E.g., woodlots, oil and gas)

- We are working with current tenure and licence holders to reduce the disruption this may cause to their businesses.
- The agreement with Blueberry River includes a commitment to stop almost all timber harvesting in their HV1 areas, which are of cultural importance to their community.
- There are 5 existing Woodlot Licences that will be affected by the agreement and compensation will be provided.
- Compensation will depend on the location and value of the licence. The total amount to active woodlot licence holders is expected to cost approximately \$1.5 million.

- For other resource tenure and licence holders who are materially impacted by the Province's actions to protect treaty rights, there may be future discussion on compensation.

4: Sounds like there is good and bad news for High Value 1 (HV1) areas; outside these areas, should we expect permits to proceed?

- HV1 areas are culturally important, and the Province has agreed to reduce new disturbance in these areas to a significant degree.
- This means less new disturbance from oil and gas activities, and removing these areas almost exclusively from the forest sector's allowable timber harvesting area.
- For both HV1 and the surrounding areas, we can expect new watershed-level land use plans that re-set the balance of resource development activities, and confirm what activities can occur where and based on what land management objectives.
- Until this planning is complete, there are a set of initially supported activities for both forestry and oil and gas that Blueberry River has agreed to. Final decisions to authorize activities continue to rest with Provincial statutory decision makers.

5: Can you explain this 50% disturbance reduction and how that will provide certainty and limit job loss?

- One purpose of our agreement with Blueberry River is to set a new, balanced approach to resource management and the protection of treaty rights in Blueberry River's Claim Area.
- To accomplish this, we set a goal to reduce new disturbance from oil and gas activities by approximately 50% in HV1 areas, being culturally important for Blueberry River to practice their treaty rights.
- This expectation will drive innovation in activities where disturbance has already occurred, and focus development in a more concentrated way.
- This is a limit on new disturbance and not oil and gas production.
- The agreement creates stability and predictability, and a new pathway for industry to operate, that ensures First Nation supports and protects treaty rights; that is something we should all be able to agree is the right way forward.

7: Have you spoken to industry (Petroleum and Gas (PNG) specific) about this deal, and what has been their feedback?

- The Province was in regular contact with industry throughout the negotiations and hosted the first briefing of the agreements with the PNG sector within a week of signing these five agreements.
- From these conversations, we recognize that regulatory change will take time to adapt to, and that companies are seeking as much information as possible to examine their planned projects and adapt to the new normal that is being created.
- We acknowledge that the negotiations to get to an agreement took the necessary and appropriate amount of time to jointly find solutions to managing for cumulative effects, and now that agreements are in place, industry will get the greater clarity and predictability they seek.
- As is noted in the quotes from industry in the announcements made on January 18 and 20 about these agreements, we believe industry does support the reconciliation pathway the Province and Nations have agreed to, and responsible resource development is in everyone's interest.
- For example:
 - Michael Rose, President and CEO of Tourmaline Oil Corp said "this new framework will create significant prosperity for the people of BC, Blueberry River First Nations, and all the Treaty 8 First Nations, and for industry:
 - Lisa Baiton, president and CEO of Canadian Association of Petroleum Producers said the agreement "enables the responsible development of BC's rich natural resources in a way that ensures mutual benefits for industry, Indigenous Nations, and British Columbians across the province."
 - Tristan Goodman, president and CEO of The Explorers and Producers Association of Canada said "the agreement...provides much needed clarity to move forward with natural gas development".

9: Recognizing the industry quotes in the news release, is there a mechanism in place to get application decisions restarted again, and what are the details?

- Our agreement with Blueberry River provides for some initial applications to move to decision with provincial statutory decision makers.

- This includes approximately two years' worth of timber harvesting for the forest sector, and over 120 specific oil and gas activities important to PNG companies holding tenure in Blueberry River's Claim Area.
- The Province and the BC Oil and Gas Commission continue to work through consultation outside of Blueberry River's Claim Area with Treaty 8 Nations.

10: Is there an end date to the agreement?

- Our agreement with Blueberry River is intended to align with Treaty 8, meaning it has an enduring nature to support treaty rights protection.
- There are opportunities for annual reviews of implementation progress and agreement effectiveness, and a provision for a formal three-year review.
- There are components that will have to be updated as we go, such as once some planning measures are complete, or after the three years agreed to for economic benefit measures. These will, by their nature, require an amendment to the agreement.
- Our agreements with the four Treaty 8 Nations (Fort Nelson, Doig River, Halfway River and Saulteau) are in place until March 31, 2024. These agreements can be extended or replaced.
- I expect the progress with Treaty 8 Nations in implementing these agreements will lay a foundation for future, longer term agreements to promote responsible resource development, and support the meaningful practice of Treaty 8 rights.

11: What certainty do these agreements actually provide, now that we're seeing job loss and hearing of investment leaving northeast BC for other jurisdictions?

- I'd like to remind folks that a very serious and important decision was made by the BC Supreme Court in June 2021.
- The court found that the Province had not lived up to the treaty we signed with Blueberry River, that the decisions made by consecutive provincial governments had infringed Blueberry River's treaty rights, and that the Province could not authorize any more activity in Blueberry River's Claim Area without justification.
- Getting to an agreement with Blueberry River provides for the stability and predictability that many seek, to better understand and confirm what responsible resource development can look like, and how we can

ensure Blueberry River's treaty rights are protected. This has been court direction for nearly two years.

- Our agreement with Blueberry River includes initial measures for both parties to gain some stability in how we start to implement our agreement, and commits us to longer term measures and expectations.
- For the initial measures, the Blueberry agreement includes approximately two years' worth of timber harvesting for the forest sector, and over 120 specific oil and gas activities important to PNG companies holding tenure in Blueberry River's Claim Area.
- It also requires the Province and Blueberry River to confirm new consultation processes for natural resource activities within the first three months, or by late April.

12: How does this agreement impact some of the southern Nations with overlap particularly south of the Peace, with WMFN and SFN?

- All Treaty 8 Nations share Treaty 8 territory. There have always been overlaps in areas the different Nations use to practice their treaty rights.
- So there are areas where overlaps occur, and the Province and these Treaty 8 Nations, including Blueberry River, will have to work together to form agreed measures of how to better craft the balance of responsible resource development and treaty rights protection in these areas.
- There are some measures in the five agreements signed with Treaty 8 Nations to continue to work together in these areas.
- This topic is of continued interest and is not new.

13: Did you do any economic studies to get to these agreements?

- The Province did conduct economic analysis on the impacts of the BC Supreme Court decision and measures considered in the development of our agreements, particularly with Blueberry River.
- For the last two years, we have also received economic information from our First Nations partners and stakeholders which informed government decision making.
- We are pleased we've reached agreement with five Treaty 8 Nations; we hope to find agreement with all eight Treaty 8 Nations, and get to work to implement our agreements.

14: Will there be an expansion of rules or interests by Blueberry River outside the Claim Area now that there is an agreement?

- The negotiations with Blueberry River are in response to their court case and the BC Supreme Court decision, which was specific to a defined Civil Claim Area, or Claim Area for short.
- Being a response to the court decision, the agreement with Blueberry River is specific to their Claim Area.

15: What will you be doing to work with other Nations who have similar concerns re: cumulative effects?

- We have five new agreements in place to advance measures to better protect Treaty 8 rights, allow responsible resource development, and assess and manage for the cumulative effects of industrial development.
- These agreements stem from a fact-specific court case, advanced by a First Nation who holds an historic treaty.
- We have a provincial ministry where cumulative effects are a primary focus.
- I think what is important here is that the Province is making right some past wrongs which were confirmed by the courts.

16: What happens when the next Treaty 8 Nation takes you to court on CE?

- We have agreed with five Treaty 8 Nations to reconcile past wrongs through negotiation and collaboration and believe that will result in better and lasting outcomes for all those involved.
- In each of our five agreements, we have agreed to continue on a path together to implement these agreements.

17: Will development projects that are already in progress in the Blueberry River First Nations' territory be impacted by this agreement?

- Most activity that has occurred on Crown land within the Claim Area since the court decision are from activities Blueberry River has already approved.
- Since then, very few authorizations have proceeded.
- Our agreement sets out a variety of forestry and PNG activities to support continued employment and economic activity, while we embark on some new planning work together.

18: Can you provide us details on the accountability and governance built into these agreements?

ACCOUNTABILITY

- Our agreement with Blueberry River, includes specific expectations with corresponding target dates, such as HV1 restoration and development planning to be completed within 18 months.
- There are annual reviews built in for the first two years, to check in on progress and pursue any modifications to our agreement.
- We have structured a formal review of the agreement's implementation at the three-year mark, where Blueberry River and the Province can seek support of a third party to provide nonbinding recommendations on progress against our agreement's purposes, goals and deliverables.
- If one signatory does not follow through in implementing what we've discussed, there are avenues for dispute resolution.

GOVERNANCE

- With Blueberry River, the governance for implementing our agreement will be based on a series of working groups to deliver the different components of the work, with oversight through an annual review process between elected officials.
 - An example of a working group will be one assigned to watershed-level land use planning, or WMB plans as the agreement refers to them.
- As we begin to implement the agreement there will oversight from senior BC officials and staff, to ensure the Province is instilling the path of a new partnership together with the Nation.
- Our agreements with the Saluteau, Doig River, Halfway River and Fort Nelson Nations are premised on a co-developed "Consensus Document," which requires us to develop a joint workplan and share in delivery.
- There will be times where bilateral government-to-government discussions and work occurs, but the focus is more on collective solutions and collective work, as Treaty 8 territory is shared and each Nation has the same rights under the treaty.
- The agreements include a dispute resolution process.

19: Are there coordination tables, between Blueberry River, the Province and the Treaty 8 Nations? Who would sit on those tables and to what timeline are they held?

- Yes, the Province expects there will be some coordination tables between the different Nations and us – after all, we’re talking about the same land base under Treaty 8.
- Having just signed agreements in January, we are working on the implementation specifics now with our Indigenous partners.
- There are a couple examples of coordination tables I can share with you:
 - On wildlife, we expect the Nations will work together with the Province at a technical level to develop and implement new wildlife inventory and monitoring plans, to get a better sense of various wildlife population status and health.
 - On restoration and healing the land, we expect the two Restoration Funds announced to coordinate between each other, so that restoration activities are not duplicated, each Nation and Restoration Fund should have information about where planned and current projects are ongoing to restore the land.

20: What accountability measures are there for the instance where one party isn’t matching the stipulations in the signed agreement, or for revisions in the case that something must change?

- In our agreement with Blueberry River, should it be required, a dispute resolution process can be triggered.
- The agreement’s progress and effectiveness will be reviewed after years one and two and will undergo a more formal review in year three.
- With the four signatory Nations to the Consensus Document, either the Province or a First Nation can ask to pursue mediation or termination if a dispute cannot be settled, or if one party is not performing as per the agreement.

General

1. What can you tell us about the agreement with Blueberry River?

- The Province and Blueberry River First Nations have signed an agreement that initiates a new approach to natural resource management and protection of Treaty rights.
- It includes enhancing restoration to heal the land, creating new areas protected from industrial development, and both supporting and constraining development activities.
- We'll do this through a series of interim or transitional measures while we plan together for longer term commitments.
- The focus is on balancing protection of Treaty rights and healing the environment, while maintaining a sustainable and clean regional economy.
- We believe this approach will bring stability and predictability for everyone living in the Northeast, and those involved in natural resource development.

2. What are some of the major highlights from the agreement, and how they impact natural resources?

- Healing the land from years of industrial development is a key priority, so we'll be co-managing a restoration fund of up to \$200 million dollars.
- On oil and gas development, we're focusing on:
 - new disturbance in areas that are already developed,
 - permanently protecting some areas from new development, and
 - limiting overall new disturbance.
- We're also using comprehensive planning as a tool to guide our future work.
- For example, bringing everyone involved in oil and gas planning together to work on development plans before activities are authorized.
- We're reducing timber harvesting in areas of cultural significance to Blueberry so forests can mature back to a healthy state.
- Another major focus of the agreement is on wildlife co-management. Measures include:
 - cultural burning to improve wildlife habitat;
 - bringing together Indigenous knowledge and western science to improve information;
 - more focus on moose management and support for caribou; and
 - a community stewardship and guardian program.

- We have also agreed to some comprehensive land use planning at the watershed level.

3. What sort of financial package comes with this agreement?

- We've agreed to contribute approximately \$87.5 million over three years to Blueberry River, including economic benefits and supports for agreement implementation.
- In addition, under our UN Declaration commitments, the Province will negotiate further with First Nations on a new fiscal framework to support them in fulfilling responsibilities, caring for citizens and managing lands.

4. Why has it taken so long to get to an agreement? The court set aside six months.

- I understand this process has been incredibly hard for many people who've faced uncertainty over the past several months.
- It is also important to acknowledge that the cumulative impact of industrial activity happened over decades. This is generational work, and it takes time.
- In partnership, we've initiated a new approach to natural resource development that protects the Nation's rights and addresses cumulative impacts.
- The negotiations were carried out with Blueberry River in a way to ensure that solutions will provide the stability and predictability that industry – and everyone in the Northeast – needs.
- People came together in a respectful and positive way, and did a lot of incredibly hard work to get to an agreement.

5. How would you characterize or describe the negotiation process with Blueberry River over the past year plus?

- People came together in a respectful and positive way, and did a lot of incredibly hard work.
- These types of negotiations are never easy.
- Both teams collaborated on truly unprecedented outcomes, and I'm impressed by the work done and applaud everyone involved for getting us to this historic milestone.

6. How will this agreement impact industry?

- The negotiations were carried out with Blueberry River in a way to ensure that solutions will provide the stability and predictability that industry – and everyone in the Northeast – needs.
- It's critical to keep in mind that there was a court case into this matter.
- We sat at the table with Blueberry, and we worked to develop solutions that would address the court's findings, its declarations, and our shared interests.
- And these solutions ultimately will provide more predictability and stability for industry when it comes to land decisions.

7. How does this agreement advance government's goals for 30 x 30?

- The Agreement include a commitment to land protections in Blueberry River's high-value areas, which includes more than 650,000 hectares of protection.
- Additional areas of conservation will be developed through the land use planning processes that are committed to in the agreement and guided by Ecosystem Based Management.
- In Blueberry River's most important cultural areas we are stopping timber harvesting, save for a number of small woodlots.
- In these same areas, we have agreed to protections from further oil and gas development over approximately 17% of Blueberry River's Claim Area.
- Overall, these conservation measures will help restore the land and support government's progress towards 30% conservation of lands and freshwater by 2030.

If pressed further on lack of protections in this area:

- The boreal plains ecosystem, which makes up the majority of Blueberry River's Claim Area, is less represented in the provincial protected areas system, as compared to some other areas in B.C.

8. Will this agreement address or impact the current backlog in provincial permitting?

- I can only speak to the opportunity for new authorizations and activities in Blueberry River's Claim Area, which is the focus of this agreement.
- Now that we have an agreement we can start to consider applications for natural resource activities that align with the new rules and expectations.

- It's important to note that existing permits and new authorizations will be subject to the agreement – and that without the agreement, few if any permits would progress.

9. How many existing development applications are in the waiting?

- I'm not sure how many companies or organizations have an interest to advance activities or projects in Blueberry River's Claim Area.
- Now that we have an agreement we can start to consider applications for natural resource activities that align with the new rules and expectations.
- The Agreement outlines some oil and gas and forestry activities that we have agreed to and that can proceed.
- There are also applications received for other natural resource activities that will be reviewed shortly.

10. Will this agreement change how the Province handles land use planning or permitting applications in other parts of the Province (non-Treaty 8 territories)?

- The agreement is focused on Blueberry River's Claim Area.
- What the Province learns from implementing it may influence provincial policy or programs in other areas of the Province, where cumulative effects is a significant issue.
- I want to remind folks here that this agreement is in response to a court decision that said the Province infringed historic treaty rights.
- And the specific nature of the case focused on aspects that are unique to this area, like PNG production.

11. Will mineral exploration be impacted by these agreements?

- No, Blueberry River's Claim Area predominately covers the boreal plains where there isn't substantial mineral resources or interests.
- Aggregate resources are an exception, and the ability to consider aggregate applications will be important.
- The agreement is expected to improve our consultation processes over time, which will provide greater predictability for applicants.

12. How soon will we start to see Indigenous Protected and Conservation Areas (IPCAs) or other protection mechanisms in place in the Claim Area?

- There is a lot in this Agreement to implement.

- And there are some actions we will have to take before we can establish protected areas, like pausing certain activities to carry out technical work and plan for protected areas.
- There also could be new regulatory options required to create something like an IPCA.
- Blueberry's most culturally sensitive areas are a priority.
- I don't want to speculate how long this will take but there are expectations in the agreement around completion timelines.

13.Walk me through the timeline on Restoration funding through to 2025. When is funding available?

- B.C. and Blueberry River are establishing a Restoration Fund, with joint oversight and Indigenous-led delivery.
- There will be \$200 million in the Restoration Fund before the end of 2025.
- A first payment of at least ^{Interg}_{overn} million will be made to the Fund by March 31 of this year.
- As soon as the Fund is up and running with core staff and governance policies in place, we expect the process of reviewing and approving restoration plans and proposals to begin.

14.Specifically how does this agreement protect Nation members' treaty rights to hunt, trap and fish? When will they be able to fully engage in their treaty rights again?

- The Treaty 8 right is the ability to hunt, fish and trap, and practice their traditional way of life.
- This Agreement substantially increases the amount of area protected from new natural resource development.
- It sets forth a requirement to adopt an ecosystem-based management approach in the land use planning we do together so that healthy, fully functioning ecosystems coexist with human communities.
- The Province and Blueberry River will start to identify and measure how the access and ability to treaty rights practice is improved, as we implement this Agreement.

15.Is the agreement available publicly? If not, why?

- Not yet, but it will be soon – within the coming weeks.

16. How do you intend to keep people informed about implementation of the agreement going forward?

- We will post the agreement in the coming weeks.
- Provincial staff will organize technical briefings and discussions for stakeholders during the same time frame, so folks can be walked through the details.
- As implementation progresses, we will continue to communicate regularly with local and regional governments, stakeholders and industry.

17. How do you respond to criticism this was done in secret? How have people been kept informed?

- We have a strong track record in the Northeast of information sharing at the regional Northeast Round Table, where we have been bringing updates regarding a variety of provincial initiatives including these negotiations.
- Provincial staff meet regularly with local mayors, regional directors and industry leaders with updates on engagement and negotiations to the extent possible.
- We stand by the way in which we conducted negotiations, with our partners at the table, having important and internal discussions.

18. Any idea how this is landing with both Indigenous and non-Indigenous Peoples in the Northeast?

- This news is very fresh, so it's too early to tell.
- The work we're carrying out in partnership with **all** Treaty 8 Nations is vital for stability and predictability for everyone in the region.
- Not only are we responding to the BC Supreme Court's declarations, we're also honouring the treaty that was signed well over 100 years ago.
- For decades B.C. governments have made natural resource decisions in a manner that led to the infringement of Blueberry River's treaty rights, which are constitutionally protected.
- Now we're taking steps to right past wrongs, and uphold the legally protected treaty rights of Blueberry River First Nations.
- This is important work for all of us; it's about leaving the land in a good way for future generations.
- This is the message we need to share with people as we leave here today.

19. Are you concerned about racist activity?

- Racism has absolutely no place in British Columbia, and any such activity will immediately be addressed.
- It's important, as British Columbians, to recognize we're all on this path to reconciliation together.
- Government staff is here to work with people, to answer their questions, but will not tolerate hateful or racist behaviour.
- This Agreement is the result of the Province making a series of decisions over time that did not uphold our Treaty 8 commitment, and that was wrong.
- We need to do better, and we will do better.
- It's important that we all stand together to actively denounce any acts of racism and nurture communities where everyone feels safe.
- As a society, we have a decision to make about which side of history we want to be on.

20. What will you do to address any racism that occurs?

- We have a crisis communications approach in place for responding to reported racist incidents.
- It includes ensuring that anyone reporting a racist incident is supported and feels safe to come forward.

Oil & Gas

21. How does an oil and gas revenue sharing agreement work – how much will it provide to Blueberry River First Nations?

- A comprehensive financial package includes economic benefit payments over three years.
- Blueberry River may opt-in to an oil and gas revenue-sharing model in years two and three.
- The formula is based on sharing 10% of oil and gas royalties with all Treaty 8 Nations.
- A new fiscal framework will be developed with all Treaty 8 Nations over the next two years.

22. How will this agreement help heal the land from decades of oil and gas development?

- Going forward, we'll partner with Blueberry River on a comprehensive approach to land management.

- This will include:
 - expedited restoration of historical disturbances;
 - conservation of culturally and ecologically sensitive areas; and
 - planning initiatives that direct how and where development can occur in a way that respects treaty rights.

23. How will the oil and gas industry react to this announcement?

- The oil and gas industry will likely be relieved to have some predictability restored with respect to development.
- That said, this agreement brings significant changes to natural resource management in Northeast B.C. and it will take time for industry to adapt.
- There are new land use designations for high value areas which will be protected from some kinds of development and have new rules constraining activities.
- New development, restoration and land use plans will be required in several watersheds.

24. What impact will this agreement have on the oil and gas industry in BC?

- This agreement means changes to how and where surface disturbances related to oil and gas extraction and processing may occur.
- There will be an adjustment period as companies adapt to these changes and as planning initiatives are undertaken.
- The Province will be meeting with companies, industry associations, local government and stakeholders to discuss all of this.

28. What measures are you bringing in to reduce disturbance from PNG?

- Wherever possible, we're focusing disturbance from PNG in areas already developed.
- New disturbance will be reduced by approximately 50% from pre-court decision years.
- We're setting a cap on overall new disturbance from PNG activities in Blueberry River's Claim Area, designated at 750 hectares, until further detailed planning and restoration activities can be developed and agreed to.
- Planning will be an important tool in the success of this work; operational and strategic plans will apply to all new proposed activities.

29. How will these caps impact B.C.'s ability to reduce its CleanBC GHG targets?

- The effect of caps on land disturbance from natural gas activity will depend on how they are implemented in each instance, which makes it challenging to provide an estimate on greenhouse gas emissions in the future.

30. How many jobs may be lost? What will be the impact to government revenue from a downturn in oil and gas development?

- The Agreement increases certainty on the land base by implementing a cumulative effects regime that will enable future responsible development.
- Jobs are always dynamic. While we will see the rules for development in the energy sector changing in key areas, activities will continue.
- There will also be new jobs in the environmental restoration sector through significant investments by the Province and energy companies over the coming years.
- Blueberry River will be leading new restoration projects to address legacy disturbances on the land base, which will create new demand for restoration services and contracting.

31. Will Site C be affected by this agreement?

- No, this agreement does not directly apply to the Site C project and construction is proceeding.

32. How will this agreement impact natural gas supply for companies in B.C., such as Fortis BC, that supply customers living in the province?

- There are no negative impacts to domestic gas supply anticipated as a result of the agreement.

33. Will this agreement result in higher supply costs, and increased costs passed on to BC consumers?

- BC consumer pricing is based on commodity prices.
- Fluctuations in the cost of production are not anticipated to directly impact B.C. consumers at this time.

34. How will these agreements impact B.C.'s potential to produce and supply blue hydrogen (hydrogen produced using NG to power compression)?

- The potential for new hydrogen production projects is not directly impacted by the agreement.
- Hydrogen projects and new investments in this sector will continue to be pursued by proponents.

35. Will the reduction in oil and gas exploration have an impact on LNG Canada? Will there be enough natural gas from B.C. to supply the project?

- B.C. has been engaging LNG Canada partners on potential impacts.
- The Agreement includes mechanisms that will affect how and where gas producers carry out new development activities.
- These limitations on new land disturbances in key areas, and planning requirements, will impact the timing and nature of certain types of new developments.
- The Province will work directly with LNG Canada partners to help them navigate changes.
- We believe that LNG Canada will be able to source sufficient gas supply for the project.

Forestry

36. What is being announced related to the mandate of the Ministry of Forests?

- In areas of greatest cultural significance to Blueberry River large scale commercial timber harvesting will be deferred for up to four years. A handful of small, locally owned woodlots will continue.
- The use of aerial herbicide will be prohibited in commercial forestry operations within Blueberry River's territory.
- Through comprehensive land use planning, we'll identify areas for future timber harvesting.
- We're also developing new water policy and decision-making approaches in key river basins
- And we've agreed to work together towards wildlife co-management, improving information on wildlife populations bringing together Indigenous knowledge and western science.

37. How will changes to forestry activity impact British Columbia's GDP?

- We recognize that there will be a financial impact, but that is yet to be determined.
- Within the agreement there is support for forestry activities to proceed outside of the protected areas.
- It is expected that the forest activity footprint will be less than it has been, with a focus on retaining old growth and reduction of timber harvest to ensure a diversity of forest stands across the Claim Area.
- The agreement includes a two-year harvest schedule where timber harvesting and related road building can occur outside high value areas while land use planning activities are initiated.
- The two-year harvest schedule is intended to support local manufacturers while planning is underway to transition to a new commercial forest regime under ecosystem-based management (EBM) approaches.

38. How will Woodlot Licence changes impact licensee holders and existing business operations?

- We are working with current licence holders to reduce the disruption this may cause to their businesses.
- There are 5 existing Woodlot Licences that will be affected by the agreement and compensation will be provided.
- Compensation will depend on the location and value of the licence. The total amount to active woodlot licence holders is expected to cost approximately \$1.5 million.
- Working in collaboration with First Nations, we are addressing the backlog of licence applications in a way that respects Treaty rights and builds on Indigenous stewardship of their lands.

39. What does losing 350,000 cubic meters per year in timber harvesting mean for the allowable annual cut and jobs?

- This equates to approximately a 15% reduction to the assigned AAC for the Fort St. John Timber Supply Area.
- Without an agreement, the court decision stands, and the Province cannot continue to authorize natural resource development without Blueberry River's consent, as it would mean further infringement of their treaty rights.
- This agreement provides certainty which means the opportunity to sustain forestry and natural resource sector jobs into the future.

40. With the reduction of 15% of the AAC will companies be compensated and will mills remain open?

- Compensation will be provided to forest companies where required.
- The agreement lays out a two-year timber harvesting schedule which is expected to support local mills as the sector works through planning and transitioning to a new forest regime under ecosystem-based management (EBM) approaches.

41. What does this mean for provincial licence applications elsewhere in the province?

- Cumulative impact will be a consideration as we move forward for Treaty 8 and the province more broadly.

42. How will this impact BC Timber Sales?

- BC Timber Sales supports government's commitment to true, lasting reconciliation with First Nations.
- It is too soon to calculate what effects the agreement may have on Annual Allowable Cut in Blueberry River territory and BCTS apportionment.
- Forestry planning is a topic we will be working closely with Blueberry River on in the coming weeks and months.
- Watershed Management Basin (WMB) plans are expected to be initiated immediately and will be the process to identify areas for future timber harvesting.
- Ecosystem-based management will be implemented into forest planning approaches; this includes a focus on keeping old growth forests.
- BCTS is committed to working through this planning process and expects that there will be changes to their forest practices and sales.

43. At a time when there is already a reduced timber supply, how will forestry deferrals further impact forestry workers, mill operations and industry?

- We recognize that these decisions may cause concern for those that work in the forestry industry in the Northeast and around B.C.
- Blueberry River has been clear that they support a strong economy in their territory.

- We are working with Blueberry River and other Treaty 8 Nations to manage forestry applications in a way that balances a stable economy, environmental sustainability and protection of treaty rights.

44. Will non-Indigenous forestry companies be allowed to own tenure in BRFN territory?

- Yes, it is expected there will be a variety of tenure holders.
- The Province encourages tenure holders to build relationships with Blueberry River and other Treaty 8 Nations to support treaty, environmental, economic, and social values.

45. This agreement and TLE will remove a large amount of timber from the AAC. Is Blueberry River still planning to have forestry operations?

- The Province will be working with Blueberry River to provide forestry tenure that supports the Nation's community, ecological and economic interests.

46. Will BRFN have to follow provincial standards when logging their territories?

- The Agreement lays out guidance and practices under an ecosystem-based management model that considers a variety of values that forest tenure holders, including Blueberry River, will be following in their forest management practices.
- In addition to implementing an ecosystem-based management model, Blueberry River, like other tenure holders, will be required to follow the expectations laid out in their tenure agreement.
- The Ministry of Forests will continue in its oversight of forest practices and compliance.
- The expectation is that we will be working more collaboratively with all Nations and as a result of planning, there may be new land use objectives developed and recommendations for policy or legislative changes.

47. There have been no new natural resource activities authorized in the Claim Area since the court decision, or at least not on Crown land. When can applicants expect to receive their tenure?

- The Province and Blueberry River agree to co-develop a new consultation process for land, water, wildlife and other natural resource activities within 90 days.

- A separate and new consultation process will be advanced between Blueberry River and the BC Energy Regulator, formally known as the BC Oil and Gas Commission.
- There are existing applications for a variety of activities and there is agreement to work through that list in a timely way and consider applications and make recommendations.

48. Will activities such as wildfire mitigation and prescribed burning occur in the territory?

- Addressing forest health and wildfire risk to communities is vital.
- So yes, in collaboration with Blueberry River and other Treaty 8 Nations wildfire risk reduction will continue to occur.
- The agreement supports cultural burning to reduce risk to communities and promote habitat improvements, which of course is important to treaty rights.

49. Will this announcement impact wildfire risk mitigation projects in the area?

- We will continue to partner with industry, local governments and First Nations in our work to reduce wildfire risk in B.C.
- This includes ongoing programs with BC Wildfire Service for First Nations communities to help fight wildfires and to strengthen the resilience of First Nations communities against wildfires.

Water

50. The agreement references management of water. What will that mean for applicants? Will improvements be made to address droughts and flooding?

- There will be new policy and decision-making approaches to water authorizations within a designated pilot area for three Watershed Management Basins.
- We need to address water quantity as the area regularly faces low flows during the winter and summer, and we need better information, monitoring and limits to water use based on drought.

51. What is the purpose of the Watershed Management Basin plans?

- The Watershed Management Basin Plans are land use plans at a watershed scale, as compared to another geographic area.
- We have agreed to create these plans as a way to identify where future natural resource activities can occur and under what expectations or rules.
- They will support establishing ecosystem-based management on the land to bring more balance to protection of Treaty 8 rights and the ability for economic activity.

Wildlife

52.How will the public be involved in wildlife management decisions?

- Wildlife management is a significant priority for Blueberry River and the Province.
- Blueberry River and the Province will be working together towards wildlife co-management.
- A first step is improving information on wildlife populations. Engaging with the public and stakeholders will be incorporated in planning.
- The goal is to bring together Indigenous knowledge and western science to inform wildlife management decisions.
- A focus will be on improving moose populations and habitat management and hunting regulations will be part of that.

53.There's been a lot of attention on the Province's controversial predator management program lately. This agreement continues that work. When do you see an end to the wolf cull?

- The Province and Blueberry River First Nations continue to support the recovery of caribou as a species-at-risk, and have agreed to continue to take the necessary management actions to advance this work.
- The right to caribou, and the importance of caribou on the land, is a treaty right.

54.Can we expect to see more moose hunt restrictions? Can you share details about this?

- The Agreement includes a component on wildlife management, which keeps the door open to take management actions to ensure Blueberry River members have access to moose, which are an important part of the culture, and a treaty right.
- Future regulatory changes will be subject to reviewing the results of this year's licenced hunting season, new inventories of moose, and other relevant information.

- I cannot speculate further at this time if more changes will be proposed as we go forward.
- It is certainly work we have to do with all Treaty 8 Nations.

Environment

55.The Agreement states the Province will dedicate a conservation officer to the nation and fund the launch of a community stewardship and guardian program. Can you provide more details?

- We committed, as part of the Declaration Act Action Plan, to provide a conservation officer dedicated to Blueberry River First Nations.
- And we support Blueberry to create their own stewardship and guardian program by providing initial funding.
- On or before March 31, 2023, the Province will provide ^{Inter}_{nova} million over the next three years in support of Blueberry in this.
- The program would be responsible for:
 - monitoring resource development activities within high value habitats;
 - participation in the preparation of wildlife inventories;
 - participation in game checks;
 - participating in exercises with the conservation officer dedicated to BRFN; and
 - participating in environmental monitoring activities and training.

56.Can you provide more detail on the prohibition of aerial herbicide use?

- The agreement bans aerial herbicide applications for commercial forestry activities, reforestation or other silviculture work within the claim area.
- Herbicide use will only be permitted by the Province with Blueberry consent and will be considered jointly by both parties on an application-by-application basis.
- The ministry only oversees the issuance of permits. The Ministry of Forests is responsible for implementation.
- The Province agrees to implement ecosystem-based management approaches for future forestry, and other natural resource sector activities -promoting ecosystems over extractive activities.

-END-

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations &
Reconciliation

Date: Feb 10, 2023

Minister Responsible: Hon. Murray Rankin

Treaty 8 Consensus Document

ADVICE AND RECOMMENDED RESPONSE:

- Our government – with Treaty 8 Nations – has co-developed a set of initiatives for how to evolve the management of lands and resources together.
- We call this our “Consensus Document,” and it lays out a comprehensive path for our governments to walk together, and work together, on a variety of topics of shared interest.
- This work is about advancing our treaty relationship together – which includes the need both to protect and uphold Treaty 8 rights, and to ensure British Columbians, especially those living and working in Treaty 8 territory, have a better understanding of Treaty 8.
- Honouring Treaty 8 will be an ongoing focus, and ensuring we all have a good understanding of what Treaty 8 means, is a critical part of B.C.’s work to advance reconciliation and meet the expectations of the court in the Yahey Decision.
- We will continue engaging residents in the region to ensure a clear and consistent flow of information.

Letters of Agreement

- The Letters of Agreement with Halfway River, Sauteau, Fort Nelson and Doig River First Nations confirm the parties’ commitments set out in the Consensus Document.
- In some cases, the agreements also provide further nation-specific clarity and commitments for action.
- All agreements provide an unparalleled opportunity for sharing in decisions together and for healing to begin.
- Together with Treaty 8 First Nations, we will make decisions on the land that ensure all Nation members can meaningfully exercise their rights, while building a healthy, stable and secure future for everyone.
- This is important work for all of us; it’s about leaving the land in a good way for future generations and advancing meaningful reconciliation with First Nations.

Cumulative effects

- **Through the Consensus Document, together we will implement a cumulative effects regime that will create ways to assess and manage the cumulative impacts, while enabling future responsible development.**
- **The historic document describes our obligations to uphold the constitutionally protected rights of Treaty 8 First Nations and help restore the environment.**
- **It also supports responsible resource development and economic activity in the northeast.**
- **This will ensure that, together, the Province and First Nations are stewarding the land to achieve sustainability for future generations.**

Revenue sharing

- **Revenue sharing agreements have also been signed with Fort Nelson, Saulteau, Halfway River and Doig River First Nations.**
- **This financial package includes economic benefit payments over two years and commits the parties to co-develop a new fiscal framework.**
- **The formula is based on sharing 10% of oil and gas royalties with all Treaty 8 Nations.**
- **These agreements support the priorities of Treaty 8 First Nations communities, including West Moberly, Prophet River First Nations and McLeod Lake Indian Band.**

KEY FACTS:

On Jan. 20, 2023, the Province and four Treaty 8 First Nations (Doig River, Fort Nelson, Halfway River and Saulteau) signed the Consensus Document.

Main priorities of the Treaty 8 Consensus Document are:

- A new approach to wildlife co-management that promotes improved shared understanding and management of wildlife
- New land protection measures and land use plans
- A cumulative effects management system linked to natural resource landscape planning and restoration initiatives
- Pilots to advance shared decision-making on planning and stewardship activities
- A multi-year, shared restoration fund to help heal the land and people
- A new revenue sharing approach to support the priorities of Treaty 8 First Nations communities
- Actions to promote respect for Treaty 8 through collaborative promotion, anti-racism training and awareness building, education and community services

Through the Consensus Document, the parties have committed to co-develop and implement a plan to promote respect for Treaty 8. Over the next two years, there will be engagement in a variety of initiatives such as educational sessions in K-12 schools, First Nations cultural training and public engagement on racism and hate speech.

ADVICE TO MINISTER

The First Nations have also signed revenue sharing agreements, which are based on sharing 10% of natural gas royalties and providing an additional amount of up to \$50 million should PNG royalties, tenures and rent revenues exceed \$1 billion. Seven of the eight Treaty 8 Nations have elected to participate in this revenue sharing approach, which runs to March 31, 2024. Treaty 8 Nations and B.C. have also committed to co-develop a new fiscal relationship. Blueberry River First Nations has elected for guaranteed, fixed payments in 2022/23 but may opt into the Treaty 8 revenue sharing approach in 2023/24 and 2024/25.

These agreements all align with the UN Declaration on the Rights of Indigenous Peoples by addressing Indigenous self-determination, cultural revitalization, and decision making over traditional territories and resources, a greater sharing of the benefits of resource activity; as well as by their support for healing the land through restoration and honouring the treaty.

Media interest: Negotiations between the Province and Treaty 8 (along with Blueberry River First Nations) has been of high interest for provincial and national media for a number of years.

Communications Contact: Leanne Ritchie Program Contacts: Cory Waters (IRR) Morgan Kennah (WLRS)

QUESTIONS & ANSWERS
Treaty 8 Nations Consensus Document
January 20, 2023

KEY MESSAGES

- **Our government with Treaty 8 Nations has co-developed a set of initiatives for how to evolve the management of lands and resources together.**
- **We call this our “Consensus Document,” and it lays out a comprehensive path for our governments to walk together, and work together, on a variety of topics of shared interest. These include:**
 - **A new approach to wildlife co-management that promotes improved shared understanding and management of wildlife**
 - **New land protection measures and land use plans**
 - **A cumulative effects management system linked to natural resource landscape planning and restoration initiatives**
 - **Pilots to advance shared decision-making on planning and stewardship activities**
 - **A multi-year, shared restoration fund to help heal the land and people**
 - **A new revenue sharing approach to support the priorities of Treaty 8 First Nations communities, and last but definitely not least,**
 - **Actions to promote respect for Treaty 8 through collaborative promotion, anti-racism training and awareness building, increase of education and community services**
- **This work is about advancing our treaty relationship together, which includes the need both to protect and uphold Treaty 8 rights, and to ensure British Columbians, especially those living and working in Treaty 8 territory, have a better understanding of Treaty 8.**
- **To accomplish this, we have agreed to co-develop and implement a plan to promote respect for Treaty 8.**
- **Over the next two years we will engage in a variety of initiatives such as educational sessions in K-12 schools, First Nation cultural training and public engagement on racism and hate speech.**

- **Honouring the treaty will be an ongoing focus. After all, as British Columbians we are all treaty people.**
- **The Province will continue engaging residents in the region to ensure a clear and consistent flow of information.**

General KMs—Treaty 8 Agreements:

- **These agreements benefit both First Nations and the general population in northeast B.C. because they will improve process predictability in natural resource decisions, and that's something everyone wants.**
- **These agreements align with the UN Declaration on the Rights of Indigenous Peoples by addressing Indigenous self-determination, cultural revitalization, and decision making over traditional territories and resources; as well as by their support for healing the land through restoration and honouring the treaty.**
- **These agreements support important provincial government objectives, including responding to the BC Supreme Court's decision re: cumulative impacts on Treaty 8 rights for a neighbouring First Nation; achieving lasting and meaningful reconciliation; ensuring a strong, stable economy; and planning for and adapting to climate change.**
- **The set of initiatives we've arrived at together over these past months provide unparalleled opportunity for sharing in decisions together and for healing to begin.**
- **Together with Treaty 8 First Nations, we will make decisions on the land that ensure all Nation members can meaningfully exercise their rights, while building a healthy, stable and secure future for everyone.**
- **Our significant investment in restoration over the next decade demonstrates to all who live and work in the Northeast how a new way of working together to steward land and resources can not only be possible, but also prosperous.**
- **This is important work for all of us; it's about leaving the land in a good way for future generations and advancing meaningful reconciliation with First Nations.**

- **With agreements signed, we now have much work to do together to advance these initiatives that will lead to governing natural resource sector activities differently.**

Honouring Treaty 8:

- **Honouring Treaty 8 is a critical part of B.C.'s work to advance reconciliation. Treaty 8 is the foundation of the relationship between Treaty 8 members and the Crown as well as all citizens. The rights of Treaty 8 First Nations include self-governance, the power to govern their internal affairs and make decisions that affect their community. The rights are recognized in the constitution of Canada.**
- **In 2021, the B.C. Supreme Court Yahey decision confirmed Treaty 8 protects Blueberry River's way of life from interference. This includes their right to healthy, mature forests, wildlife habitats, clean waters, and the ability to access these places. The court ruled B.C. had breached those rights by allowing too much industrial development over time without Blueberry River's consent.**
- **The Court made clear the Province must prevent further infringement and ensure Blueberry River First Nations can meaningfully exercise their Treaty 8 rights.**
- **Treaty 8 rights are shared amongst Treaty 8 Nations; we all have a duty to respect these treaty rights and be part of the journey of reconciliation.**
- **The Province has the duty to uphold solemn promises made to Treaty 8 peoples, and ensure all Treaty 8 beneficiaries have the ability to meaningfully practice their treaty rights.**
- **Since the court ruling, we have been working together on a way forward that improves land management in Treaty 8 territory, one which recognizes and respects Treaty 8 rights, and balances economic and environmental interests, including local jobs. This is important work for everyone living in the northeast.**

Wildlife Management

- **Access to wildlife is an important Treaty right for Treaty 8 Nations, central to their cultural practice, as a food source, and a way of life.**
- **These agreements advance a commitment to move towards the co-management of wildlife between our governments.**
- **We have agreed to work together to build a better understanding of moose populations in Treaty 8 territory to start and continue work already started together last year to examine and consider changes to hunting regulations in order to reduce hunting pressure on moose and caribou.**
- **Hunting regulations and measures for moose and caribou will be implemented for at least two years.**
- **During this time, the Parties will work together to develop an approach to wildlife co-management that improves our shared understanding and management of the wildlife resource, including but not limited to:**
 - **Measures to further advance the co-management of ungulates (particularly moose and elk) and other wildlife**
 - **Each Nation will have the ability to bring forward wildlife issues of concern to be addressed at the table, including hunt reductions and closures in significant areas.**
- **The Province is also creating a regional wildlife working group to facilitate dialogue between Treaty 8 communities, provincial government programs, industry, stakeholders, local governments and the public.**
- **These discussions will complement the government-to-government relationships the Province is committed to pursuing with Treaty 8 Nations.**
- **The Province is supporting the development of cultural and wildfire burn plans with interested Treaty 8 Nations for implementation in 2022-24.**

Education Components

- **The Ministry of Education and Child Care remains committed to working with Indigenous partners and rightsholders to support systemic change within the public education system.**
- **Although the ministry has not been directly involved in the development of the Treaty 8 Consensus Document, the ministry supports the intention of the Treaty 8 Nations “to develop an action plan to increase the availability and influence of Indigenous information and material in the regional K-12 system”.**
- **The ministry is also committed to implementing the 13 actions specific to education and child-care outlined in the Declaration Act Action Plan to support Indigenous students in the years to come.**

1. What is the Consensus Document?

- The Treaty 8 Consensus Document is a co-developed document that lays out a comprehensive path for our governments—B.C. and Treaty 8 Nations—to walk together, and work together, on a variety of topics of shared interest.
- Main priorities of the Treaty 8 Consensus Document are:
 - A new approach to wildlife co-management that promotes improved shared understanding and management of wildlife
 - New land protection measures and land use plans
 - A cumulative effects management system linked to natural resource landscape planning and restoration initiatives
 - Pilots to advance shared decision-making on planning and stewardship activities
 - A multi-year, shared restoration fund to help heal the land and people
 - A new revenue sharing approach to support the priorities of Treaty 8 First Nations communities
 - Actions to promote respect for Treaty 8 through collaborative promotion, anti-racism training and awareness building, education and community services
- The terms of the Consensus Document are non-exhaustive and may be expanded or augmented to address the impacts of cumulative effects on Treaty rights, which may require the development of further mandating documents.

2. What Nations are included in the Consensus Document?

- Treaty 8 Nations and the Province have co-developed the Consensus Document:
- Nations involved in co-development include
 - Saulteau First Nations
 - Fort Nelson First Nation
 - Doig River First Nation
 - Halfway River First Nation
 - Prophet River First Nation
 - West Moberly First Nations

3. What is the difference between the Consensus Document and the Letter of Agreements signed with Treaty 8 Nations?

- Six Treaty 8 First Nations have co-developed a Consensus Document that details a path forward to address cumulative effects in their territory.
- The Letters of Agreement simply confirm the Parties' commitments, obligations and solutions set out in the Consensus Document, and in some cases provide further nation-specific clarity and commitments for action.
- With Blueberry River, more specificity is provided on some agreement topics or initial actions, however, all agreements are based on detailed planning work and restoration action we have to undertake together.

4. How did the Consensus Document start? How does it relate to the Yahey Decision?

- On June 29, 2021, the BC Supreme Court, through the Yahey v. BC decision, confirmed Treaty 8 protects Blueberry River's way of life from interference, including their ability to hunt, fish and trap.
- Since the court ruling, the Province and Treaty 8 Nations have been working together on a way forward that improves how land and resources will be managed together.
- Six Treaty 8 Nations approached the Province in fall 2021, recommending we work together to reconcile the cumulative effects concerns they each hold for their communities (rather than proceed with more court action).
- The Province responded with establishing a Task Force to work with these six other Treaty 8 First Nations (together, the "Participating Treaty 8 First Nations") on new and creative solutions to address the issues highlighted by the Court and identify regional solutions.
- The Parties' representatives co-developed a mandating document, the Consensus Document, dated March 22, 2022, which sets out the Parties' shared commitments and solutions.
- In July 2022, the Provincial Task Force advised the participating Treaty 8 Nations that the Consensus Document had been approved by the provincial government for implementation.
- The initiatives set out in the Consensus Document are intended to protect Treaty 8 rights and the environment and ecosystems which sustain them and support responsible resource development and economic activity in the northeast. This is important work for everyone living in the northeast.

5. Why didn't the Province negotiate with all Treaty 8 Nations at the same table, at the same time?

- Ultimately, the Province has made good progress working with six First Nations at the table, and we'd pleased and honoured to do this progressive work together to improve the protection of treaty rights and promote responsible resource development.

6. What funding/fiscal components are attached to the Consensus Document?

- The Consensus Document provides an economic packages that provides for revenue sharing from oil and gas activities, to a greater extent that what has been shared in the past, as well as implementation and capacity supports, so that as multiple governments, we can advance this work collectively.
- The signatory Nations and the Province have agreed to pursue talks going forward on a new fiscal framework, as has the Province with Indigenous governments across BC.
- This new funding doesn't affect existing agreed to funding streams or matter outside of the Consensus Document.

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Ministry of Indigenous Relations and Reconciliation

- Restoration Fund
 - The Province will provide over \$600M towards two restoration funds in Treaty 8 territory, working with all eight Treaty 8 Nations.
 - The provincial commitment is to contribute this amount over a ten-year period.
 - In these four agreements announced today, there will be a Treaty 8 Restoration Fund created that has shared oversight by the Nations and the Province.
 - The Fund is intended to heal the land and the people and address the cumulative effects of development in Treaty 8 territory.
 - Blueberry River First Nations and the Province have agreed to create a separate fund for Blueberry-led restoration.
 - The Treaty 8 Restoration Fund will be accessible to seven of the eight Treaty 8 First Nations (not Blueberry River) to implement restoration activities following decades of legacy industrial disturbance.
 - Funding is over and above existing and future obligations of B.C. and industry.
- Additional funding

7. Why is this agreement needed? Without an agreement, what is at stake?

- Without an agreement, there are many things at stake for the northeast region:
 - Stable development predictability
 - Billions in provincial revenues
 - Billions in GDP
 - Thousands of jobs
 - Billions in exports
 - Stalled provincial permitting
 - Investors and companies pulling out of British Columbia
- As the Premier said in reference to the 2021 BC Supreme Court decision recently, this government has chosen to work with Nations at the negotiation table, and that is aligned with where our laws are going.

8. What are the benefits of B.C. and all Treaty 8 Nations agreeing to/signing on the Consensus Document?

- There are many benefits that come with all Treaty 8 Nations and B.C. agreeing on the Consensus Document:
 - Mutually acceptable path forward to better protect treaty rights.
 - A way and means of bringing multiple governments to the table, to do the challenging work of working together, in a territory we all share .
 - Opportunity to better understand our history, and ensure our future can be better because of it.

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- Government and Treaty 8 Nations agreeing to solutions for stable development.
- Reconciliation, Environment, Economy – existing in one space.
- Model to apply to the natural resource sector across the province.
- Show that B.C. is a safe, reliable, responsible place to invest.

9. What impact will this agreement (and others with Blueberry River First Nations) have on the oil and gas industry in B.C.?

- These agreements bring Treaty 8 Nations to the planning table, at the outset of contemplating any development plans, or submitting them to government.
- It means that Indigenous interests will be better known and considered from the start in new natural resource activities.
- These agreements mean changes to how, when and where new surface disturbances related to oil and gas extraction and processing may occur. There will be an adjustment period as companies adapt to these changes and as planning initiatives are undertaken.

10. Why isn't West Moberly, Prophet River or McLeod Lake signing?

- We have worked with West Moberly and Prophet River First Nations in the joint development of the Consensus Document. These Nations needed more time to complete internal approvals, and the Province and four Treaty 8 First Nations that have signed all appreciate and respect the need for internal approvals.
- McLeod Lake was not a party to the development of the Consensus Document. BC and McLeod Lake continue our work together.
- We expect to complete and announce these agreements in the coming weeks.

11. Who will be impacted by these agreements? How will nearby towns be impacted?

- Towns within Treaty 8 territory that may be impacted by these agreements include:
 - Fort Nelson
 - Fort St. John
 - Dawson Creek
 - Taylor
 - Chetwynd
 - Tumbler Ridge
 - Hudson's Hope
 - Pouce Coupe

12. So far, how is this landing with both Indigenous and non-Indigenous Peoples in the Northeast?

- This news is very fresh, so it's too early to tell.

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- On so many levels, this work we're carrying out in partnership with all Treaty 8 Nations is vital for stability and predictability for everyone in the region.
- Not only are we responding to the BC Supreme Court's declarations related to Blueberry River First Nation's successful court case, we're also honouring the treaty that was signed well over 100 years ago.
- For decades B.C. governments have made natural resource decisions in a manner that led to the infringement of treaty rights, which are constitutionally protected.
- Now we're taking steps to right past wrongs and uphold the legally protected treaty rights of Treaty 8 First Nations.
- This is important work for all of us; it's about leaving the land in a good way for future generations.
- It's about re-designing and re-establishing a balance between the protection of Treaty rights and responsible resource development.
- Current land use direction in the northeast, up until the BC Supreme Court decision, did not adequately consider Treaty 8 rights.
- This is the message we need to share with people as we leave here today.

13. Why has the Province been mainly working with Blueberry River First Nations (Yahey Decision), isn't cumulative effects an issue for all Treaty 8 Nations?

- The judge directed the Province to negotiate a process with Blueberry River, based on the fact specific court case they argued.
- However, the Province acknowledges the implications of the court ruling, traditional territories and cumulative effects on other Treaty 8 Nations.
- The Province is working with other Treaty 8 Nations at both a collective and individual basis to ensure, together, that land and resource management in the territory recognizes and respects Treaty 8 rights.
- This collective table has advanced shared commitments and solutions, which are detailed in the Consensus Document.
- Healing the land is also a shared priority, and something we are continuing to work on both with Blueberry River and other Treaty 8 Nations.

14. Are agreements available publicly? If no, why not?

- The agreements will be posted in the coming weeks.
- There needs to be time to do a full review of the agreements as some sections may need to be kept between the signatories only.

15. How do you intend to keep people informed going forward?

- The agreements will be posted in the coming weeks.

Government Communications and Public Engagement
Ministry of Indigenous Relations and Reconciliation

- We will continue to work with local and regional governments, stakeholders and industry on the matters that will affect them.

16. How do you respond to criticisms this was done in secret? How have people been kept informed?

- We have strong history in the northeast of information sharing at the regional Northeast Round Table, where we have been bringing updates regarding a variety of provincial initiatives, including these negotiations.
- In addition, provincial team members meet regularly with local mayors and directors, and industry leaders to provide updates on engagement and negotiations.
- We will continue to do this.

17. What are the next steps now that the Consensus Document has been signed?

- The Parties will continue to work together to implement the Consensus Document, including through shared planning and priority setting.
- The Parties agree that we will need to work at many levels – directly with individual Treaty 8 Nations, with Nations where there are overlapping interests, and on topics that are shared across the northeast region, such as on wildlife.
- It's up to all the signatories now to work together to implement what we have agreed to, and make the shift in land and natural resource management underpinning these agreements.

18. Are you concerned about racist activities?

- Racism has absolutely no place in British Columbia, and any such activity will immediately be addressed.
- Government staff is here to work with people, to answer their questions, but will not tolerate hateful or racist behaviour.
- These agreements are the result of six First Nations and the Province sitting down together and tackling some complex, challenging topics, about how to reconcile with the cumulative impacts that are affecting these First Nations ability to practice their way of life.
- It has been provincial decisions, many de over time, that led to the Province not upholding its Treaty 8 commitment, and that was wrong.
- We need to do better, and we will do better.
- It's important that we all stand together to actively denounce any acts of racism and nurture communities where everyone feels safe.
- As a society, we have a decision to make about which side of history we want to be on. We all benefit from Treaty 8, and we are all Treaty people.

19. What will you do to address any racism that occurs?

- We have a crisis communications approach in place for responding to reported racist incidents.
- It includes ensuring that anyone reporting a racist incident is supported and feels safe to come forward.
- Our commitments to Honouring the Treaty are intended to grow understanding about the Treaty, Treaty 8 nations and their unique cultures, and our shared history. We hope that a deepened understanding will build bridges and harmony, which is as the Treaty signatories had intended.

20. What are treaties?

- Treaties are constitutionally protected, government-to-government agreements that identify, define and implement a range of rights and obligations, creating long-term, mutually binding commitments.
- Treaties are a critically important pathway to meaningful reconciliation with Indigenous Peoples. They help to support strong, healthy, thriving communities that benefit people today and for generations to come.
- Treaties signed with First Nations in Canada between 1701 and 1923 are commonly referred to as historic treaties.
 - In B.C., there are Douglas treaties, signed with First Nations on Vancouver Island, and Treaty 8 covering a portion of northeastern B.C.
- Treaties signed today are called modern treaties, and cover where there are no historic treaties. Modern treaties also deal with matters not addressed in historic treaties.
 - The modern treaties refer to the four treaties (with eight Nations) that came into effect in the 21st century. Prior to the Nisga'a Treaty, which came into effect in May 2000, the last treaty was concluded in 1899 and BC-based Treaty 8 nations continued to adhere to the treaty until 1914; McLeod Lake Indian Band adhered to Treaty 8 in 2000.
- The modern treaties are as follows:
 - Nisga'a Final Agreement – Effective May 11, 2000
 - Tsawwassen First Nation Final Agreement – Effective April 3, 2009
 - Maa-nulth First Nations Final Agreement – Effective April 1, 2011
 - Includes five independent Indigenous governments: Huu-ay-aht First Nations, Toquaht Nation, Uchucklesaht Tribe Government, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and Yuułu?if?ath Government (Ucluelet First Nation), all from the West Coast of Vancouver Island
 - Tla'amin Final Agreement – Effective April 5, 2016

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- Modern treaties provide a framework for three parties – Canada, B.C., and First Nations – to work towards common goals and build relationships through constitutionally entrenched government-to-government-to-government understandings.
- Some major components integral to modern treaties include Indigenous rights, self-government, land and resources, fishing and forestry.

21. What is Treaty 8?

- Treaty 8, which concluded with the June 21, 1899 signing by representatives of the Crown and various First Nations of the Lesser Slave Lake area, is one of the most comprehensive of the Numbered Treaties.
- Treaty 8, which guarantees rights to several First Nations to maintain their Indigenous way of life, was signed by the Government of Canada and First Nations of Northern Alberta, Northwestern Saskatchewan, the Southwest portion of the Northwest Territories, and the Queen of England.
 - The treaty covers 840,000 km² across three provinces and the Northwest Territories.
- It was later followed by Adhesions in the northeastern portion of British Columbia.
- The Treaty 8 Nations in B.C. are: Doig River, Fort Nelson, Halfway River, McLeod Lake, Prophet River, Saulteau, West Moberly First Nations and Blueberry River.
- Treaty 8 has an ongoing term, and in its sacred promises, was and is meant to last so long as the sun shines, the grass grows and the rivers flow.

22. How long are these agreements for?

- These agreements are intended to be two years in length, to get measures and actions going, and with the expectation that longer term agreements will be developed and signed thereafter which build on the foundation we are creating today, with these agreements and the Consensus Document.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: March XX, 2023

Minister Responsible: Hon. Murray Rankin

Treaties in B.C. – Status

ADVICE AND RECOMMENDED RESPONSE:

- **Treaties are the embodiment of living relationships between First Nations, B.C. and Canada.**
- **These constitutionally protected agreements support strong, healthy, thriving communities, benefit First Nations, and set us on a clear path to reconciliation.**
- **Since 2017, First Nations, Canada, and B.C. have been focused on creating innovative treaty agreements that are strong but flexible and better suited to addressing the needs of individual nations.**
- **Treaties will be more successful and enduring if they embed the recognition of the inherent rights of First Nations, rather than seek to extinguish those rights. Treaties must also have the ability to evolve rather than being frozen in time.**
- **The Province and Canada have evolved our processes with treaty partners to ensure this recognition and adaptability are core aspects of treaty negotiations.**
- **We are currently in advanced treaty negotiations at several tables including: Kitselas and Kitsumkalum, K'omoks, and the Te'mexw [te-MUCK] Treaty Association.**
- **With this new innovative approach, we can reach treaties that will support long-lasting relationships with First Nations.**

If asked about policy on treaty negotiations:

- **The provincial and federal governments and the First Nations Summit finalized a new policy in 2019 to guide treaty negotiations in the province.**
- **The new policy reflects recent approaches to negotiation in line with the United Nations Declaration on the Rights of Indigenous Peoples.**

- **The policy aims to base treaties on a recognition of the recognition of rights, and states explicitly that treaties do not require First Nations to extinguish their rights.**

KEY FACTS:

Since 2017, the B.C. government has focused on modernizing and expediting treaty-making in B.C. The provincial and federal governments have signed, or are in advanced negotiations to sign, memorandums of understanding with several Nations to move past the typical Agreement-In-Principal stage, and directly to the final stage of negotiations (Stage 5). This approach ensures that the specific needs of a nation are met.

Nations that have moved directly to Stage 5 include: Ktunaxa Nation, Stó:lō Xwexwilmexw Treaty Association, Metlakatla First Nation, Wei Wai Kum First Nation, Kwiakah First Nation, We Wai Kai Nation, Hul'qumi'num Treaty Group and Tlowitsis Nation.

B.C. is participating in approximately 63 different treaty tables involving 114 First Nations. Of these, 39 tables involving 73 First Nations are actively negotiating or implementing a treaty and meeting on a regular basis; 29 tables are not meeting on a regular basis or actively seeking treaty milestones.

First Nations and the Province are guided in the treaty process by the British Columbia Treaty Commission (BCTC). The BCTC assists in the made-in-BC treaty negotiations process by ensuring the work of the parties involved is effective and is making progress. 2022 marked the 30th anniversary of the BCTC and there was a celebration held in September 2022.

Modern treaties

B.C. has four modern treaties in effect with eight First Nations:

- Nisga'a treaty (the Nisga'a treaty was negotiated outside the BCTC process)
- Tsawwassen First Nation treaty
- Maa-nulth treaty (five First Nations)
- Tla'amin Nation treaty.

First Nations in advanced negotiations

Kitselas/Kitsumkalum

- Status: Advanced stage 5 treaty negotiations
- Milestone: Preparing offer to close stage 5 negotiations – targeting offer in Spring 2023 and closing negotiations in Fall 2023.
- Treaty public engagement open houses scheduled for Spring 2023.
- Innovations: New approach the recognition of rights in the treaty, including a living agreement approach based on periodic renewal of the treaty and an approach for the incorporation of new rights into treaty, as well as an approach to shared decision-making within the Treaty Nation territory, outside of treaty lands.

K'omoks

- Status: Advanced stage 5 treaty negotiations
- Milestone: Offer to conclude stage 5 negotiations. Land and cash offers sent to K'omoks First Nation from B.C. (sent Nov 2, 2022) and Canada (anticipated early Spring 2023)
- Innovations: New approach the recognition of rights in the treaty, including a living agreement approach based on periodic renewal of the treaty and an approach for the incorporation of new rights into treaty, as well as an approach to shared decision-making within the traditional territory, outside of treaty lands.

Te'mexw

- Status: Advanced stage 5 treaty negotiations

ADVICE TO MINISTER

- Milestone: Offer to 2 member nations to conclude stage 5 negotiations. Treaty public engagement open houses scheduled for Spring 2023.
- Innovations: Approaches to treaty in urban environment and with Douglas Treaty nations.
- Canada, B.C. and the Te'mexw Treaty Association (TTA) have been holding a series of public open houses, where further information about lands proposed to become Treaty Settlement Lands is being shared.
- In a Jan 30, 2023 news release, B.C. and TTA announced that Sooke Mountain and Discovery Island Marine provincial parks are being considered for inclusion in treaties currently being negotiated with the T'Sou-ke and Songhees Nations.
- In-person Open Houses (drop-in, subject to public health regulations)
 - Saturday, February 25, 11 am – 2 pm, Songhees Wellness Centre, 1100 Admirals Rd, Victoria
 - Thursday, March 2, 4:30 pm – 7 pm, Edward Milne Community School, 6218 Sooke Rd, Sooke
 - Saturday, March 4, 11 am – 3 pm, Quarterdeck, Royal Roads University, 2005 Sooke Rd, Colwood
 - Monday, March 6, 4:30 pm – 7 pm, Nanoose Bay Community Centre, 2925 NW Bay Rd, Nanoose Bay
 - Tuesday, March 7, 4:30 pm – 7 pm, George Jay Elementary, 1118 Princess Ave, Victoria
 - Saturday, March 11, 11 am – 2 pm, Shawnigan Lake Community Hall, 2804 Shawnigan Lake Rd, Shawnigan Lake
 - Wednesday, March 15, 4:30 pm – 7 pm, Metchosin Community Hall, 4401 William Head Rd, Victoria
- Virtual Open Houses (pre-registration required)
 - Wednesday, April 5, 2:30 pm – 4 pm
 - Thursday, April 13, 6 pm – 7:30 pm

Media Interest

Media on treaties generally stems from particular negotiations, not comments on the treaty making process as a whole. There has, however, been regular comment that the Province is moving too slowly on creating new treaties.

The upcoming public open houses (Feb 25-April 13) for the Te'mexw Treaties have garnered significant local media interest on Southern Vancouver Island. A B.C./TTA news release about lands proposed for Te'mexw treaties (2 provincial parks being considered for inclusion – Sooke Mountain Park and Discovery Island Marine Park) sparked several news stories and subsequent interviews with Chief Sam, Chief Planes and Robert Janes (TTA lawyer).

Communications contact: Leanne Ritchie

Program contact: Carina Diller

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2022 Estimates Note

Non-Treaty Agreements in BC - Status

KEY MESSAGES

- **Over a number of decades the Province has developed various approaches to reconciliation.**
- **We have committed to enabling Nations to seek their own pathways to self-determination and reconciliation.**
- **Ultimately, I believe that whether a Nation is seeking a treaty or another form of agreement, the goals are the same: achieving lasting reconciliation between Nations in a manner which recognizes rights and title and answers key questions about governance and jurisdiction.**
- **Newer forms of agreements, such as Comprehensive Reconciliation Agreements, generally adopt incremental approaches to reconciliation of rights and title, to provide up-front benefits, while allowing the Nation to work on complex governance, jurisdiction, and title issues over time.**
- **While we continue to seek comprehensive agreements through treaties, we are also open to incremental trajectories in the treaty process.**

BACKGROUND

- Non-treaty agreements can include a wide range of agreements types, including topic or process specific agreements such as Economic and Community Development Agreements (ECDA) and Forest Consultation and Revenue Sharing Agreements (FCRSA) or more comprehensive reconciliation approaches that may or may not include Canada.
- Non-treaty agreements that approach reconciliation on a more comprehensive basis, such as Comprehensive Reconciliation Agreements, have at times been seen as being in conflict with the objectives of treaties.
- Non-treaty agreements often use incremental steps towards comprehensive reconciliation of rights and title. These agreements can include many incremental elements that contribute to that goal, including financial transfers, capacity and governance building, and the negotiation of land.
- In general, the Province views non-treaty agreements as opportunities ^{Intergovernmental} _{Intergovernmental Communications} create a common policy framework for agreements (treaty or non-treaty)
- As an example of alignment, the Recognition and Reconciliation or Rights Policy for Treaty (3R Policy) addresses the introduction of incremental approaches to treaty negotiations to provide common opportunities to Nations regardless of the chosen reconciliation path.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2022 Estimates Note

- A further example of work towards greater alignment between non-treaty and treaty agreements is the effort to increase the participation of the federal government in Non-Treaty Agreements.
- Nations that have concluded tripartite foundational reconciliation agreements in recent years include the Haida Nation, the Heiltsuk Nation, the Lake Babine Nation, the Snuneymuxw First Nation, and the Tsilhqot'in National Government.
- Together with Canada the Province is engaged in negotiations under these agreements with the goal of reaching comprehensive reconciliation.
- Nations that have concluded bilateral foundational or pathway reconciliation agreements include the Carrier Sekani Tribal Council, the Coastal First Nations, the shíshálh Nation, the Southern Dakelh Nation Alliance, and the Tahltan Central Government.
- These agreements do not yet include Canada, but have identified or continue to work to identify opportunities for federal involvement that will similarly lead to tripartite reconciliation.

Primary Contact

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE Ministry of Indigenous Relations and Reconciliation Date: March 14, 2023 Minister Responsible: Hon. Murray Rankin	First Nation Land Return
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KEY MESSAGES

- **The Province is committed to returning land in recognition of inherent rights to self-determination and self-government.**
- **Finding negotiated paths to return land to First Nations sooner is at the heart of reconciliation.**
- **The existing legislation is primarily intended to manage, rather than transfer land.**
- **The system is broken and not set up for this process. We are committed to creating the systems needed to return land to First Nations.**

If pressed:

- **There is significant work underway to review and make recommendations to enable more efficient land transfers to First Nations.**
- **Since 2017, we've made strides in getting Crown land back to First Nations, having more than tripled our commitments.**

Key Facts

In 2019, the Yellowhead Institute released a Red Paper called Land Back, which garnered national and international attention regarding "how Canada dispossesses Indigenous peoples from the land, and in turn, what communities are doing to get it back."

The report notes that disparity of Crown Land holdings in B.C. compared to treaty or reserve land (counted as federal land.)

- BC includes 95 million hectares of land.
- Current figures show 94 per cent of land in B.C. is Crown land (89.3 million hectares).
- 4.6 per cent is private land
- 1.1 per cent is federal Crown land
- 0.27 per cent is Treaty land

Current land commitments include over 420,000 hectares offered to First Nations through a variety of agreement types. This includes lands included in land and cash offers through current treaty negotiations, comprehensive reconciliation agreements, settlement or accommodation lands, and other agreements. Of

ADVICE TO MINISTER

this, there are 100,000 hectares that have met agreement milestones and these lands are actively being returned to First Nations in fee simple or being transferred to Canada to be added to reserve.

Fee simple land transfers:

- There are a multitude of factors that affect fee simple land transfer complexity and overall timelines. These can include whether land negotiations are complete at agreement signing, parcel size and geography, number and types of interests and/or encumbrances on the land, First Nation consultation and engagement with the public and stakeholders.
- Fee simple land to be returned to First Nations must be cleared of all existing interests (e.g., crown land tenures) prior to title being raised in the name of the First Nation.

In Nov. 2022, CBC launched a Podcast called Land Back with Gitxsan investigative journalist Angela Sterritt and supported by a CBC production team. On Dec 6, 2022, she interviewed Canada's Crown Indigenous Relations Minister Mark Miller and asked about the land in B.C. being 90 per cent Crown and what the plan for it was?

Miller: "This is something that I think we need to have more conversations about. That figure came from the Royal Commission on Aboriginal Peoples' report. Canada does have a duty to identify and work with third party interests to make sure those are respected as well and those are some painful conversations. But at the same time with the B.C. government, again with 90 per cent of land being held by [the] B.C. government is something. We have a good partnership with them and [that] is something they are willing to move forward on. I think we are on the cusp of important land transfers as part of settlement, and it is something I am optimistic about. As we look out across the country, there are some very serious conversations that needs to be had with our provincial counterparts. And with communities as we look to alternatives to very simple monetary settlements or the very wonky and slow additions to reserves process as communities seek to move out legitimately from underneath the racist cloak of the Indian Act."

Host Angela Sterritt has extended multiple invites for Ministers from the B.C. government to be guests on the podcast which first published an episode on the CBC podcast network November. 1, 2022. The podcast has highlighted a number of land back initiatives, and an episode entitled "The Bridge" highlighted the Together we Paddle agreement signed by MIRR and the Leq'a:mel, Matsqui, and Sumas (LMS) Nations in 2021 committing to the return of 61 hectares of land. The work to establish ownership is ongoing and MIRR staff has provided support to LMS to confirm the transfer approach and particularly survey, which LMS is leading with funding from BC, is adequate for their end goal to establish housing initiatives.

On Dec. 22, 2022, CBC Radio's Stephen Quinn also interviewed Chris Statnyk, lawyer specializing in Aboriginal Law and Shiri Pasternak is the co-founder of Yellowhead Institute and co-author of its Land Back report.

Statnyk said: "The provincial Crown claims to own and have authority over 94 per cent of the land, and that includes the right to extract resources from these lands. Federal land holdings account for about one per cent with the remain five per cent of land in B.C. is what we call private land or fee simple land and in the past it was the B.C. government being the culprit of taking that land giving it to settlers."

Pasternak said: "B.C. controls land in a number of ways. One is that there is no process or official way to show Aboriginal title claim. The other is violence, ...at the barrel of a gun."

Statnyk added: "It is largely tied up in B.C. regulatory processes that needs to be overhauled to respect and Aboriginal Law.

In Jan 2023, Angela Sterritt followed up with a story on We Wai Kai and the concerns they had been waiting for three years for land promised to them in a 2019 Incremental Treaty Agreement.

Chief Ronnie Chickite said: "To us this was a big deal, we had a big celebration. To us, we were

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expecting this to come back to us within a year.” “They are holding us back. We bought a logging company for this region for that specific plot of land.” “I believe that it’s bureaucratic issues, there are people in the background holding us back. “

We Wai Kai has partnered with the province on pilot projects with the goal to accelerate the land transfers.^{Intergovernmental Communications}

Intergovernmental Given the complexities of the land package, We Wai Kai is one of the ministry’s most resourced land transfer files.

We Wai Kai has expressed interest in logging the parcels and wishes to access the lands while administrative work to return land takes place. B.C. is actively working to determine the best mechanism for early access.

In March 2023, Toronto based lawyer Lorraine Land, who specializes in Indigenous rights and environmental law was quoted in Columbia Valley Pioneer newspaper article, *SISCENEM will be the first land returned to a First Nation: “The process to return it to the WSANEC Peoples will be anything but simple since no system currently exists to transfer land back to Indigenous communities. Most challenges stem from long-standing beliefs enshrined in the Doctrine of Discovery. It is the premise that the European settlers and colonizers believed Indigenous communities had no legal right or ability to own the lands that they lived on and stewarded, and instead, the right to take up those lands belonged to the Crown or state.*

Media Interest

There is significant media interest from local, regional, national and international sources. The media interest from an international level is largely driven by human rights interest groups and environmental organisations.

Communications contacts: Leanne Ritchie

Program area contacts: Ashlyn Schwaigger+ Jennifer Melles (SPID)

KEY MESSAGES
MIRR Stakeholder Engagement
March 2023

KEY MESSAGES:

- Agreements are more successful when everyone has had a chance to be heard.
- When stakeholders and key partners like local government can understand and provide input on key aspects of a negotiation, they are much more likely to support its objectives and outcomes.
- The goal of the ministry's stakeholder engagement is to strengthen relationships and understanding among Indigenous and non-Indigenous partners.
- Stakeholder engagement supports reconciliation with Indigenous Peoples by creating a broader understanding of what it looks like on the ground, including stewardship of the land.
- The Province's approach to stakeholder engagement reflects a commitment to communication, transparency, collaboration, and inclusiveness.
- Understanding stakeholder interests leads to better agreements.
- Engagement with the community also promotes stronger partnerships between First Nations, local governments, industry, and other stakeholders, and invites everyone to participate in reconciliation, leading to better opportunities for everyone.
- In recent years, B.C. has led stakeholder engagement processes regarding a land transfer to the Lake Babine First Nation, Wet'suwet'en, several land transfers with Treaty 8 First Nations and treaty lands SXTA Nations in the Fraser Valley.
- Settling matters of rights and title through negotiations rather than litigation brings more certainty and predictability for everyone in B.C.
- The best way to build a robust and sustainable economy is to work together to create economic and social opportunities for Indigenous peoples, business and industry, and all British Columbians.

If asked about secret/closed door negotiations:

- Any negotiation of potential transfer of Crown lands includes extensive stakeholder engagement for those who may be affected or have an interest in the area.

- The negotiation process takes time, and the Province begins engaging with stakeholders as soon as there is some clarity over areas that could be under consideration.
- The Province is committed to involving stakeholders in the process throughout the various stages of a negotiation, not just at the end.

If asked about input from tenure holders and landowners:

- Stakeholder feedback is a vital tool for creating strong and sustainable agreements that create opportunities for First Nations people and entire regions.
- The Province is committed to openness and transparency in the work to advance reconciliation through engagement with local governments and local stakeholders.

If asked about establishing regional roundtables/public forums for all negotiations:

- There is no standard template for public and stakeholder engagement, as every Nation and negotiation is unique.
- At any given time, the provincial government is involved in many different negotiations across the province, which are at different stages and have very different topics being discussed.
- Each negotiation requires a stakeholder engagement strategy tailored to the matter at hand.
- That means that each engagement strategy may look a little different.

If asked about transfer of private land:

- The Province does not include private lands in negotiations, except on a willing-seller, willing-buyer basis.
- The Province is committed to working with Indigenous Peoples to reconcile Aboriginal rights and title in a manner which balances the interests of all British Columbians.

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: February 09, 2023

Minister Responsible: Hon. Murray Rankin

Treaty 8 - Treaty Land Entitlement claims

ADVICE AND RECOMMENDED RESPONSE:

- B.C. and the federal government are honouring the terms of Treaty 8 and making good on lands owed to these First Nations since 1914.
- The provincial and federal governments have been negotiating with five Treaty 8 First Nations and we are now working to finalize the Treaty Land Entitlement agreements.
- Local government, stakeholders and regional communities have been fully engaged and the land selections have been finalized for most of the Treaty Land Entitlement lands selections. Province is committed to continued engagement at the local level via the Northeast Roundtable and regular community meetings.
- The settling of the Treaty Land Entitlement claims will mark a historic step towards reconciliation in the Peace River area.

If asked: How is the agreement ratified?

- After an agreement has reached its final draft, it is initialed by Canada, B.C. and the respective First Nation.
- The Nation then begins a ratification process ending in a community vote.
- If the agreement is ratified, Canada, B.C. and the Nation will officially sign the agreement and the process begins to transfer the lands.
- Transferring all the lands could take numerous years, depending on the specific nature of each parcel.

If asked: Have any of the TLE agreements been ratified by First Nations?

- Four Nations have ratified their respective TLE agreements: Blueberry River First Nations, Doig River First Nation, West Moberly First Nations and Halfway River First Nation.
- This is an important step closer to achieving a fully ratified, signed agreement and the lands transfer process to become real. There's still a process to go through, including an official signing by the First

Nation, B.C. and Canada before the agreements are final and the land transfer process can be completed.

- **We'll be working with Canada and all First Nations with Treaty Land Entitlement agreements to ensure the agreements are finalized as swiftly as possible.**

KEY FACTS:

Treaty Land Entitlement (TLE) claims are intended to settle land debt owed to First Nations who did not receive all the land they were entitled to under Treaty 8 in 1914. The five First Nations involved are Saluteau, West Moberly, Halfway River, Doig River and Blueberry River. Treaty 8 historic entitlements included a specific quantity of lands per person; however, at the time of the census, many First Nations were away on seasonal hunts and were missed in the count, which impacted their Treaty 8 land entitlements.

Public response to settling the Treaty obligations have been mostly positive. Residents from three areas have expressed significant concern over land selections: Charlie Lake, Red Creek and Summit Lake.

On June 20, 2022, Blueberry River First Nations and Doig River First Nation announced that their members had "voted overwhelmingly in favour of the Nations' negotiated Treaty Land Entitlement settlements." The Nations' announcement contained a history of TLE negotiations but no details of the agreements themselves. B.C. was not part of the announcement.

By October of 2022, the province has ratified and signed TLE Agreements with West Moberly, Halfway River, Doig River and Blueberry River First Nations. Canada has yet to sign the agreements but has completed all necessary internal processes needed for signing. Canada negotiators are signalling that the Federal Minister will ratify the TLE Agreements by March of 2023.

Stakeholder and Local Government Engagement

Treaty Land Entitlement has been discussed publicly since 2016, and public input and tenure holder engagement has been a cornerstone of the process. Every land selection has been presented in multiple formats: public presentations to local governments, Northeast Stakeholder Roundtable meetings, online via GovTogether website and community hall meetings.

At the Nov 24th, 2021 meeting of the Northeast Stakeholder Roundtable, the Province presented its "What we Heard Report" to summarize and wrap up the community and stakeholder engagement the provincial team has undertaken with respect to West Moberly, Halfway River, Doig River and Blueberry River TLE selections.

In November, of 2022 the Province held open houses at Moberly Lake to discuss with the public Saullteau's land selections. Currently, the Province and Canada are closing the consultation process on the Saullteau TLE agreement and moving towards developing a draft settlement agreement. There has been little public concern with Saullteau's land selections.

First Nation Opposition to Publishing Financial Details [Confidential Information]

The Province routinely publishes reconciliation agreements with First Nations, except in exceptional circumstances. The practice of making agreements public is important to counter the narrative that B.C. and First Nations are making agreements in secret.

On May 5, 2021, West Moberly First Nations met with the Minister Rankin who re-affirmed the Province's proposed approach to delay posting any individual settlement agreement for a minimum of three months or until all five TLE Nations have signed settlement agreements (up to 1 year after a particular settlement agreement is signed). Previous Minister of Indigenous Relations, Scott Fraser, had also agreed to this.

The Province will monitor public response during ratification and at the time of signing and will be ready to consider further delaying posting if the situation warrants. Doig River First Nation and West Moberly First Nations have mostly raised concerns about this work and have since agreed to the approach.

ADVICE TO MINISTER

Doig River First Nation and West Moberly First Nations wrote the Minister in Dec. 2020 and Jan. 2021 respectively to ask that the details of financial compensation provided by Canada and contained in the settlement agreement not be made public.

Both Nations state that their members have been exploited and racially abused in the past when financial settlements have been published. West Moberly First Nations points to documented harassment after the Caribou Recovery Partnership agreement was announced.

The financial settlement will come from the federal government, but B.C. will be a signatory to the agreements. B.C. is providing the lands portion of the settlement and neither Nation has an objection to publishing the bilateral lands agreements.

When the federal government signs the agreements, we will be celebrating the settlement and should be making it public. We will work with each Nation to develop the messaging.

Agreements [negotiation details are not public knowledge]

The TLE settlement consists of two types of agreements: settlement agreements and land agreements.

The settlement agreements release Canada and B.C. from future TLE obligations, contain details of the cash amounts Canada is contributing, and outline what the ratification process will look like.

Overall, there will be three settlement agreements as some of the Nations are negotiating together:

- Doig River and Blueberry River First Nations,
- West Moberly and Halfway River First Nations, and
- Saulteau First Nations.

Each Nation will also sign individual lands agreements. That is, one for each of Doig River, Blueberry River, Halfway River, West Moberly and Saulteau First Nations. The land agreements will contain details of which parcels of land are being transferred to each Nation.

After legal/executive reviews by all parties, First Nations governments must ratify the agreements through a membership vote.

The agreements will be initialed by all parties prior to going to the Nations for final ratification (membership vote). Once the agreements are ratified, there will be a full signing.

The West Moberly and Halfway River First Nations agreements are signed by the Province and the First Nations. The Federal Government provided confirmation on February 9, 2023 that the agreements has been approved and signed by Canada (scanned copies have not yet been shared to confirm the exact date of Minister Miller's signature).

The Doig River and Blueberry River First Nations agreements are signed by the Province and the First Nations and are awaiting the Federal Government to sign to execute the agreements.

Saulteau First Nations' agreement has been drafted and the Province is moving towards is targeting initialing the agreements in mid-February which will allow the First Nation to begin community ratification processes in late February-early March of 2023.

Treaty Land Entitlement (TLE)

There are two types of TLE land categories: Shortfall Lands and Additional Lands. Shortfall lands are owed for over 100 years as part of Treaty 8 for Federal Reserve creation. Additional lands are sold at fair market value as part of reconciliation for Treaty Land Entitlement as fee simple (private) or Federal Reserve land. All lands under consideration would come from what are currently provincial Crown lands.

8,432 ha of Shortfall Lands are the estimated amount of land owed to the five First Nations based on their populations in 1914. These lands will be transferred as Additions to Reserve.

Shortfall Lands provide all resources, both surface and subsurface. Any existing tenures on these lands that continue after the transfer will receive an equivalent federal tenure that will be negotiated between

the tenure holder, First Nation and the federal government. This primarily affects the oil and gas sector on only a few parcels.

Furthermore, approximately 40,000 ha of Crown lands are available for purchase as Additional Lands as a reconciliation gesture to help repair relationships, address a 100-year injustice, and provide economic, cultural and social opportunity to the First Nations.

Approximately 50% of the Additional Lands will become addition to reserves. These parcels will first be purchased then added to reserve via the federal "additions to reserve" policy.

Additional Lands only provide surface rights to the First Nation, subsurface rights are not included.

Negotiations have been ongoing between all the parties since 2004. The length of the negotiations continues to be a point of contention for the First Nations, and they are concerned that the delays in settling the TLE specific claim has compromised their economic, social and cultural opportunities.

The breakthrough in the negotiations occurred in April of 2016, when Canada offered nearly \$800 million to the five First Nations as part of a settlement for the nations' TLE claims, with funds used to purchase Additional Lands. This cash settlement is based on the estimated lost economic opportunity from the Shortfall Lands not provided at time of treaty. With the Federal cash offer and the clear understanding of the shortfall land quantum, B.C. was able to finalize a land offer and negotiate with each First Nations a quantum of Additional Lands.

Intergovernmental Communications

Media Interest: Provincial media interest has provided minimal to moderate coverage on TLEs in B.C. In June 2022, there were several articles published by regional outlets regarding the statement from Blueberry River and Doig First Nations that they have reached a TLE agreement. No provincial or federal government representatives were quoted.

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Program area contact: Dale Morgan, Alexandra Banford

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations &
Reconciliation

Date: Feb. 9, 2023

Minister Responsible: Hon. Murray Rankin

Gaming Revenue Sharing

ADVICE AND RECOMMENDED RESPONSE:

- Like every government, First Nations need secure long-term revenues to fund their priorities – critical things for every government, such as infrastructure, services that build healthy communities and the staff to get it done.
- In 2020, we reached a 25-year revenue-sharing agreement with First Nations in B.C., providing First Nations a 7% share in provincial gaming revenues to support, strong, healthy communities and services that make life better for families in First Nations communities across B.C.
- By the end of this fiscal, nearly \$315 million will have been shared with First Nations to support construction for new housing and community buildings, childcare and supports for new parents, initiatives to preserve and strengthen Indigenous languages, mental health services, strengthen business ventures, and much more.
- This renewed approach to revenue sharing is part of the Province's commitment to create a new fiscal framework with First Nations that supports self-government and self-determination.

If asked why did the Province provide a one-time \$74 million dollar grant?

- Gaming revenues for 2020-21 were approximately 70% lower than anticipated due to the temporary closure of casinos and other health measures related to the COVID-19 pandemic.
- Adding to this challenge, First Nations were hard hit by the pandemic – and successive fires and floods – and have used funding from gaming revenue sharing agreements to meet their immediate needs, impacting other community priority projects and initiatives.
- In April 2022, the Province provided a one-time \$74 million dollar grant – in addition to funds previously shared – to mitigate the loss of revenues that have been a crucial support for First Nations governments.

- **The grant was not required under the Long-Term Gaming Revenue Sharing Agreement – it was a decision made by government to ensure that First Nations who were among the hardest hit by the pandemic won't be left behind during the recovery.**

KEY FACTS:

In the fall of 2020, the Province and First Nations Leadership Council finalized a 25-year arrangement to share provincial gaming revenue with B.C. First Nations. This arrangement includes amendments to the Gaming Control Act to establish a 7% entitlement of British Columbia Lottery Corporation (BCLC) net income to First Nations and an additional seat for a First Nations' appointed director on BCLC's board of directors, and a Long-Term Revenue Sharing Agreement was signed which activates the entitlement and annual flow of revenues through the First Nations Gaming Revenue Sharing Limited Partnership.

The Partnership is the entity created by First Nations to receive, manage and distribute gaming revenues to First Nations governments and has established compliance and reporting requirements on the use of funds. All First Nations communities in B.C. are eligible to join the Partnership to access funding – which will include bands under the federal Indian Act, modern treaty First Nations and defined non-treaty self-governing Nations.

Funds may be used under six categories: health and wellness; infrastructure, safety, transportation, and housing; economic and business development; education, language, culture and training; community development and environmental protection; and capacity building, fiscal management and governance. All funds must be used for approved community purposes and direct distribution of gaming revenue to individuals is not permitted.

Annual payments are based on the estimated BCLC net income for that fiscal year, with any overpayments deducted from future year payments, or a top-up provided in the case of an underpayment for that fiscal year. So far, four annual payments have been made under the gaming revenue sharing arrangement, providing approximately \$241,000,000 in shared revenue to First Nations.

Due to extended casino closures during the height of the COVID-19 pandemic, the initial payment made to the Limited Partnership in 2019 overestimated gaming revenue for the first two years of the arrangement by \$73.94 million, with the primary shortfalls occurring in 2020/21. The Province has proactively mitigated this shortfall through a one-time grant in April 2022, which ensures First Nations planned programs and services funded through gaming revenues will go uninterrupted.

New Fiscal Framework

The Province committed to a new fiscal relationship with Indigenous Peoples through the Draft 10 Principles and the 2018 Concrete Actions Document. These documents form the foundation for the new fiscal framework, which is to be co-developed with Indigenous Peoples.

- In Sept. 2020, the Province announced the first major initiative to create a new fiscal framework, with the 25-year gaming revenue sharing arrangement, which is providing approximately \$100 million annually to First Nations.
- In April 2022, the Province announced a commitment to co-develop a new forestry revenue sharing model from the ground up with First Nations.
- In Nov. 2020, the Province released a provincial discussion paper addressed to First Nations to help guide engagement over the next year on developing a new fiscal framework and forestry revenue sharing.

Media Interest: There was significant media interest from provincial and regional outlets due to the April 2022 grant recovery announcement, which led to wide media coverage. There were a few articles that asked questions about why Nations had to use the gaming agreement for recovery efforts/wasn't there enough funding available. The majority of media coverage has been positive.

Communications Contact: Leanne Ritchie

Program Contacts: Jennifer Melles

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
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New Fiscal Framework – Principles and Objectives (‘Track 1’)

KEY MESSAGES

- **Indigenous governments – like all governments – require sources of revenue to deliver services and meet responsibilities to their citizens.**
- **As part of implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Government is committed to co-developing a new distinctions-based fiscal framework that supports the operation of Indigenous governments.**
- **In 2019, we took a first step by committing to annual gaming revenue sharing, which provides about \$100 million per year to First Nations. In April 2022, we provided an interim enhancement to forestry revenue sharing while a new model is built from the ground up with First Nations.**
- **Today, we are in the midst of an intensive co-development process with First Nations, focussed on the vision, principles, and objectives of the new fiscal framework. We are also co-developing options for a new forestry revenue sharing model with First Nations.**
- **We are drafting a ‘What We Heard’ report, which we hope to share with First Nations early April. This will be followed by another round of engagement in the late spring, based on a further discussion paper that will outline our co-developed principles and options for a new forestry revenue sharing model.**
- **Through our engagement, we have heard a clear message of change: the new fiscal framework must support a fundamental shift in the way we work together as governments, and support an integrated, rights-based approach to decision-making, stewardship, and benefits sharing.**
- **This is important, world-leading work. We want to move away from the short-term transactional approach of the past towards a new fiscal framework that recognizes, respects, and supports Indigenous peoples’ right to self-determination and self-government.**

BACKGROUND

A fiscal framework is a system for defining the financial relationship between governments. It addresses the revenue and expenditure functions and jurisdiction of each government and how intergovernmental transfers are structured.

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The current fiscal framework between the Province, Canada and Indigenous Peoples is based on a western social and economic worldview, focused primarily at the “Band” or community level, and often ad-hoc and transactional (e.g., funding is provided to facilitate resource development, meet legal obligations, resolve issues, etc.). Outside of the modern treaty process, there is little coordination between the provincial and federal governments.

The work of developing a New Fiscal Framework (NFF) has been considered urgent by government and First Nations:

- First Nations face economic and fiscal pressures and require new and enhanced sources of revenue.
- New revenue sharing approaches are needed to help alleviate Advice/Recommendations;
- The Province’s current transactional approach to First Nations capacity funding is a high-cost and less sustainable model. Business Information
- Co-development of a new fiscal framework represents an opportunity to work in a principled way to produce an outcome that is enduring, comprehensive, and rights based.

New Fiscal Framework Discussion Paper

In the fall of 2022, the Province shared a discussion paper with all First Nations. The discussion paper sets out the Province’s initial thinking on the vision and purpose of co-developing a NFF, details on the engagement process, and discussion questions. The NFF Discussion Paper identifies two simultaneous tracks of work in partnership with First Nations.

- Track 1 is the co-development of a new model of fiscal relations, including the vision, objectives, and principles, and how those will be applied comprehensively.
- Track 2 is the co-development of near-term changes to specific revenue-sharing streams. The initial focus of track 2 will be on forestry revenue sharing.

IRR and FIN are now compiling information gathered during the engagement phase into a ‘what we heard’ report to share with First Nations. There will be more opportunities for First Nations to be involved in this process with bilateral discussions, a virtual session on the ‘what we heard’ report, regional forestry engagement sessions, followed by another round of engagement in the spring with the release of an options paper. Advice/Recommendations; Cabinet Confidences
Advice/Recommendations; Cabinet Confidences

In parallel to engagement with First Nations, IRR and FIN have also initiated preliminary discussions with Business Information
Business Information

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MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
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New Fiscal Framework – Forestry Revenue Sharing ('Track 2')

KEY MESSAGES

- In April 2022, the Province committed to co-developing a new forestry revenue sharing model with First Nations as the next step towards a new, distinctions-based fiscal framework.
- As an interim measure, the Province increased revenue sharing rates under the existing forestry revenue sharing program. This more than doubled the amount of forestry revenue available for First Nations in 2022/23, and these interim rates will remain in effect for 2023/24.
- A new forestry revenue sharing model will be a central component of a new fiscal framework that recognizes Indigenous governance and jurisdiction.
- Since November 2022, we have been undertaking a co-development process with First Nations to identify principles and objectives for the new fiscal framework, as well as options for a new forestry revenue sharing model.
- From this engagement, we are building a 'What We Heard' report to share with First Nations.
- There will be a further round of engagement – including with public and industry – in the spring based on the release of a discussion paper outlining options for a new forestry revenue sharing model.
- This is important, world-leading work. We are moving away from the short-term transactional approach of the past towards a new fiscal framework that recognizes, respects, and supports Indigenous peoples' right to self-determination.

If asked why the current focus is on forestry:

- Our current work on forestry revenue sharing reflects the significance of the provincial forest economy, the large number of First Nations impacted, and a shared interest in advancing comprehensive agreements on forestry and forest stewardship.
- Forestry revenue sharing is only one component of a new fiscal framework with Indigenous peoples. We have already taken the initial step of jointly developing with First Nations a model for long-term gaming

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revenue sharing, providing approximately \$100 million annually to all First Nations.

- **As per our commitments in the Declaration Act Action Plan, our long-term goal is to co-develop a wholistic framework that comprehensively supports the operation of Indigenous governments and provides new revenue sharing arrangements and other fiscal mechanisms.**

BACKGROUND

- First Nations have consistently requested a larger share of revenue from forestry and other natural-resources activity in their territories than what is being offered.
- In April 2022, MIRR and the Ministry of Forests announced an interim enhancement to the program while broader engagement on forestry revenue sharing policy takes place in the context of the New Fiscal Framework (NFF). This broader NFF policy work will be undertaken in partnership with Indigenous peoples under commitments in the Action Plan.
- The existing Forest Consultation and Revenue Sharing Agreement (FCRSA) program has remained in place to ensure there is existing benefit from forestry to First Nations while that work is underway.
- As an interim measure, the Province provided an FCRSA enhancement that came into effect in 2022/23 and will be in place until a new forestry revenue sharing new model is complete.
- Under the interim enhancement, the FCRSA rates increased by 5 percentage points, from 3, 4 or 5 per cent to 8, 9 or 10 per cent. The rate for BC Timber Sales revenues increased by an additional 3 percentage points to 11, 12 or 13 per cent.
- The interim formula, with an enhancement of \$62.67M in 2022/23, increased total revenue sharing up to \$130.75M last fiscal. The enhanced rates will continue in 2023/24 and are reflected in the Ministry's allocation under Vote 35.
- As of March 1, 2023, there are 96 active FCRSAs with 107 First Nations.
- Engagement on a new forestry revenue sharing model is expected to take at least two years. In November 2022, the Province shared a discussion paper with all First Nations, which provided preliminary ideas on the vision and purpose of a new fiscal framework, with an initial focus on forestry revenue sharing.
- IRR and the Ministry of Finance, in partnership with the Ministry of Forests, have been undertaking an engagement process with First Nations to identify principles for the new fiscal framework, as well as options for a new forestry revenue sharing model.
- Based on this engagement, ministries are now compiling feedback in a 'What We Heard' report, which will be sent to First Nations in March. In the late spring, a further paper containing options for a new forestry revenue sharing model will be broadly shared for comment by Indigenous Peoples, the public, and industry.
- Advice/Recommendations; Cabinet Confidences

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ADVICE TO MINISTER

<p style="text-align: center;">CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Indigenous Relations and Reconciliation Date: Feb. 10, 2023 Minister Responsible: Murray Rankin</p>	<p style="text-align: center;">New Fiscal Framework engagement</p>
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ADVICE AND RECOMMENDED RESPONSE:

- **Government committed to co-developing a new fiscal framework with Indigenous governments through the 2018 Concrete Actions Document.**
- **This commitment was reiterated in the Declaration Act Action Plan, released in March 2022.**
- **We are now working through a co-development process, which includes discussions on the principles, objectives and characteristics of a new fiscal framework – with an initial focus on forestry revenue sharing.**
- **The engagement and policy work takes time, effort and partnership with Indigenous Peoples.**
- **We are committed to this process and look forward to the many meaningful discussions ahead.**

If asked about discussion paper engagement:

- **In November 2022, we released a discussion paper to First Nations in B.C. to inform engagement with Nations on both a new fiscal framework and forestry revenue sharing.**
- **The paper outlined the Province's initial thoughts on what this could look like – and poses a number of questions for comment by First Nations.**
- **We had a number of successful conversations at the provincial Forestry Forum and the First Nations Leaders' Gathering in November...**
- **And delved deep into the discussion paper directly with First Nations in government-to-government meetings.**
- **In fact, since November we met with more than 70 First Nations on the New Fiscal Framework and discussion paper.**

- **Most recently, the ministry held a virtual information session on the discussion paper – attended by 43 representatives of First Nations and Indigenous organizations.**
- **From all this engagement, we are currently building a ‘what we heard’ report to share with First Nations.**
- **There will be more opportunities for First Nations to be involved in this process with bilateral discussions, regional forestry engagement sessions, followed by another round of engagement in the spring with the release of an options paper.**
- **We know these conversations are important to building relationships between the Crown and First Nations that recognize and implement Aboriginal rights and title.**

If asked about timelines / tracks of work:

- **The work of developing a new fiscal framework has been considered urgent by the Province and First Nations.**
- **To address this urgency, while also ensuring the work is done properly and comprehensively, we developed two simultaneous and interrelated tracks of work in partnership with First Nations.**
- **Track 1 is the co-development of a new model of fiscal relations.**
- **Track 2 is the co-development of near-term changes to revenue-sharing streams that can be implemented while track 1 is still being fully developed – including forestry revenue sharing.**

KEY FACTS:

Developing a new fiscal framework was first committed to as part of the 2018 Concrete Actions agreed to with the First Nations Leadership Council (FNLC). As a first step, in 2019, the Province began sharing seven percent of gaming revenues, providing First Nations with an estimated \$100 million annually.

Background

- On April 27, 2022, the Province announced an increase to revenues shared under the existing Forest Consultation and Revenue Sharing Agreement (FCRSA) program and new agreement language with a focus on a government-to-government relationship. The increase is an interim step intended to respond to longstanding feedback and to provide additional revenue to First Nations while a new model for forestry is being co-developed.
- On Nov. 4, 2022, the Province released a provincial discussion paper addressed to First Nations to help guide discussion over the next year on developing a new fiscal framework and a forestry revenue sharing model.

- Intergovernmental Communications

Engagement participation

- First Nations were invited to provide specific feedback on the discussion paper and the questions contained within from Nov. 4, 2022 to Jan. 31, 2023.
- During this engagement, six submissions were received through the EngageBC online form or via email. However, during this time more than 30 government-to-government meetings, with participation by more than 70 First Nations, took place between First Nations and Ministry of Indigenous Relations and Reconciliation (MIRR) staff.
- To build on the momentum created at the First Nations Leaders' Gathering, staff encouraged comment on the discussion paper via reminder emails to Nations and follow-up meetings.
- The ministry's NFF team presented on the NFF, including the discussion paper and co-development process, at the BC First Nations Forestry Council's Provincial Forestry Forum and First Nations Leaders' Gathering in Nov. 2022.
- In March 2023, the First Nations Forestry Council will host regional workshops where further opportunities for engagement on NFF and forestry revenue sharing will be aligned with other forest policy engagement.
- The ministry held the first virtual information session on the discussion paper on Jan. 24, 2023. 43 representatives from First Nations and First Nations organizations participated in the discussion.

Media Interest: There has been somewhat significant media interest in revenue sharing with First Nations, especially when a new agreement is unveiled (gaming grants in 2019 and Forest Consultation and Revenue Sharing Agreements in 2022). Media interest may spike when the public engagement begins in the spring. In addition, questions about B.C.'s management of Crown land and recognition of the economic component of Aboriginal title continue to come as part of CBC's Land Back podcast.

Communications Contact: Leanne Ritchie

Program Area Contact: Richard Purnell

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
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Distinctions-Based Approach

KEY MESSAGES

- The Province is committed to a distinctions-based approach.
- This requires that the Province's dealings with First Nations, Métis, and Inuit peoples be conducted in a manner that respects and acknowledges the distinct rights that derive from, and are tied to, their unique histories, cultural practices and traditions, laws, and relationships to land.
- Government has set direction for all ministries and agencies about the importance of taking a distinctions-based approach in dealings with First Nations, Modern Treaty Nations, Métis, and Inuit peoples through the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous peoples.
- We have re-affirmed this commitment to ensure that the distinctions-based rights of Indigenous peoples are respected, upheld and exercised through implementation of *The Declaration on the Rights of Indigenous Peoples Act (Declaration Act) Action Plan*.
- In addition, the Declaration Act Secretariat's recently released *Interim Approach to Implementing the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act* has provided direction to ministries and agencies highlighting that distinctions-based approaches are always required as part of meaningful consultation and cooperation.

BACKGROUND

- First Nations, Métis, and Inuit are the Indigenous peoples of Canada, with Aboriginal rights recognized and affirmed in section 35(1) of the *Constitution Act, 1982* and Indigenous human rights affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. Each of these Indigenous peoples has distinct rights.
- There is a significant body of jurisprudence confirming the existence of Aboriginal and treaty rights of First Nations in British Columbia. This includes a wide range of site-specific First Nations rights related to land and resources, including Aboriginal title and governance rights.
- The case law on rights that are not site-specific is underdeveloped relative to the case law on rights related to land and resources. There are likely non-site-specific Section 35 rights that can be exercised in BC by Indigenous peoples whose territory is outside of BC. This detail is critical to the correct application of a distinctions-based approach and to meeting legal obligations under s.35 of the *Constitution Act, 1982*.
- The following definition of a DBA was provided in the Declaration Act Action Plan:

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The Province is committed to a distinctions-based approach. This requires that the Province's dealings with First Nations, Metis and Inuit Peoples be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws and governments. Section 35 of the Constitution Act, 1982, recognizes and affirms the rights of Aboriginal Peoples of Canada, while all Indigenous Peoples have human rights that are expressed in the UN Declaration. However, not all rights are uniform or the same among or between all Indigenous Peoples. In many cases, a distinctions-based approach may require that the Province's relationship and engagement with First Nations, Metis and Inuit Peoples include different approaches or actions and result in different outcomes.

- The Ministry of Indigenous Relations and Reconciliation, with support of other ministries, provides advice on applying a distinctions-based approach. A high-level guidance document on applying a distinction-based approach for public service employees is currently in development.
- Within a distinctions-based approach, there is additional considerations for Modern Treaty Nations (MTNs) who have confirmed rights that are protected by comprehensive treaty legislation and Section 35 of the Constitution Act, 1982. BC has distinct obligations and relationships to MTNs as established rightsholders with lawmaking authority.
- Signed March 2022, the Shared Priorities Framework between the Province of British Columbia and the Alliance of BC Modern Treaty Nations includes activities to ensure the Province's relationships with MTNs are distinct and reflect their established rights.
- The Province and MNBC signed a Letter of Intent that commits the Parties to formalize dialogue and integrate engagement on Métis priorities across all of government through a new Metis Relations Working Table.

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ADDRESSING TREATY 8 FIRST NATIONS CUMULATIVE EFFECTS

KEY MESSAGES

- **The B.C. Supreme Court ruled in June 2021 that the Province had infringed on Blueberry River First Nations' treaty rights through cumulative impacts from extensive industrial development.**
- **The ruling also found that the Province had failed to effectively consider or address cumulative effects in its decision making.**
- **On January 18, 2023 the B.C. government and Blueberry River First Nations (Blueberry River) signed a historic agreement that provided collaborative land, water and resource stewardship to support Blueberry River members to meaningfully exercise their Treaty 8 rights**
- **In addition to the agreement with Blueberry River, the Province has signed Revenue Sharing Agreements and Letters of Agreement with the remaining T8 Nations.**
- **The signing of these agreements creates a new balance to balance responsible resource development with treaty rights, and has created pathways for managing cumulative effects that is allowing natural resource permitting to move ahead.**

BACKGROUND

- The Blueberry River Implementation Agreement is in response to the B.C. Supreme Court ruling that found that the Province had infringed Blueberry River's treaty rights due to cumulative impacts from years of extensive industrial development in the northeast.
- The court prohibited the provincial government from authorizing further activities and directed the parties to negotiate a collaborative approach to land management and natural resource development that protects Blueberry River's treaty rights.
- The agreement will transform how the Province and First Nations steward land, water, and resources together, and address cumulative effects in Blueberry River's Claim Area through restoring (healing) the land, protecting new areas from industrial development, and constraining development activities while a long-term cumulative effects management regime is implemented. This will be achieved through:
 - a) Establishment of a restoration fund;
 - b) An ecosystem-based management approach for future land-use planning in Blueberry River's most culturally important areas;
 - c) Limits on new petroleum and natural gas (PNG) development and a new planning regime for future oil and gas activities;
 - d) Protections for old forest and traplines during and through planning;

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- e) Wildlife co-management efforts, including moose management through licensed hunter restrictions to support population recover.
- Additionally, the Province and four Treaty 8 First Nations have worked closely to co-develop a set of proposed initiatives, “the Consensus Document,” including a commitment to develop an approach in partnership for the planning and management of lands and resources.
- The Consensus Document will address the cumulative impacts of industrial development on the meaningful exercise of Treaty 8 rights in the territory, restore the land, and provide stability and predictability for industry in the region.
- The initiatives set out in the Consensus Document build a path that meets the Crown’s obligations to uphold the constitutionally protected rights of Treaty 8 First Nations, restore the environment and support responsible resource development and economic activity in the northeast. Initiatives from this include:
 - a) A new approach to wildlife co-management that promotes improved shared understanding and management of wildlife;
 - b) New land-use plans and protection measures;
 - c) A “cumulative effects” management system, linked to natural resource landscape planning and restoration initiatives;
 - d) Pilot projects for planning and stewardship shared decision-making activities;
 - e) A multi-year, shared restoration fund to help heal the land;
 - f) A new revenue-sharing approach to support Treaty 8 First Nations community priorities; and
 - g) A proposal to build awareness about Treaty 8, through actions such as anti-racism training and collaborative promotion.
- The Province continues to have ongoing discussions with McLeod Lake Indian Band, Prophet River First Nation and West Moberly First Nations.

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Application to Decision Progress with All T8 Nations: January 2023

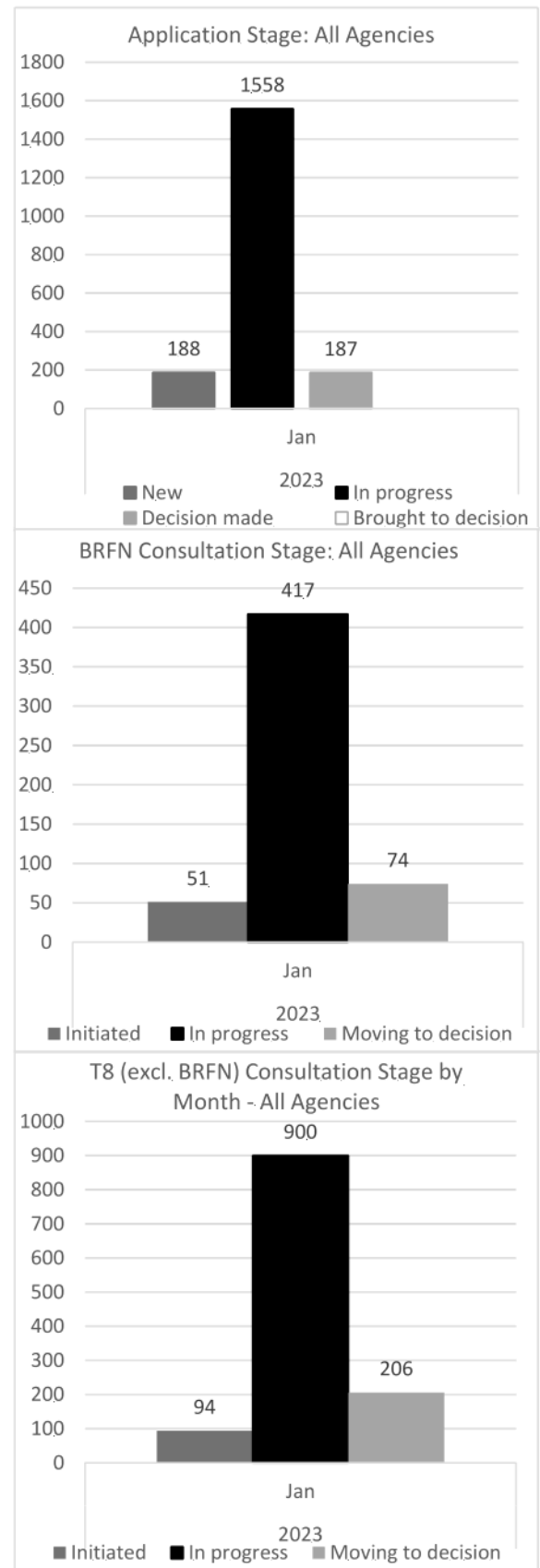
This new dashboard summarizes the monthly status of natural resource application processes within all Treaty 8 (T8) First Nations consultation areas as of January 2023. Reporting includes applications in FOR, ENV, MOTI, EMLI, EAO, OGC and IRR (Treaty Land Entitlement [TLE] and Tripartite Land Agreement [TLA]).

Interpretation Remarks

- The purpose of this report is to help track NRS agencies' progress following the backlog.
- Reporting presents cross-agency and agency-specific application tracking at key stages. Application stages are: new, in progress (includes technical review, in consultation, or awaiting decision), decision made, and brought to decision (for emergencies). Consultation stages are: initiated, in progress, and moving to decision.
- Number of *applications* "in progress" will not equal number of *consultations* "in progress" for two reasons. First, files often require consultation with BRFN and other T8 Nations so one file may be displayed in both consultation graphs. Second, a file may be "moving to decision" from the perspective of consultation reporting, but remain "in progress" from the perspective of application reporting as a decision has not yet been made.

Monthly Cross-Agency Reporting: Key Items

- Implementation of new BRFN consultation processes as per the BRFN Implementation Agreement has started. A cross-agency Director-level team will present new consultation options to Executive by end of February.
- Currently there are 1558 applications in progress across all agencies which includes some backlog files. In response to HRFN's request, agencies have been directed to respond to unaddressed areas of concern and information requests previously flagged by Nations.
- As a primary consultation ministry, FOR is often responsible for consultation on behalf of others. Due to FOR's workload and complexity of reporting, consultation tracking for FOR is not currently included. However, this item is targeted for reporting inclusion in upcoming months.



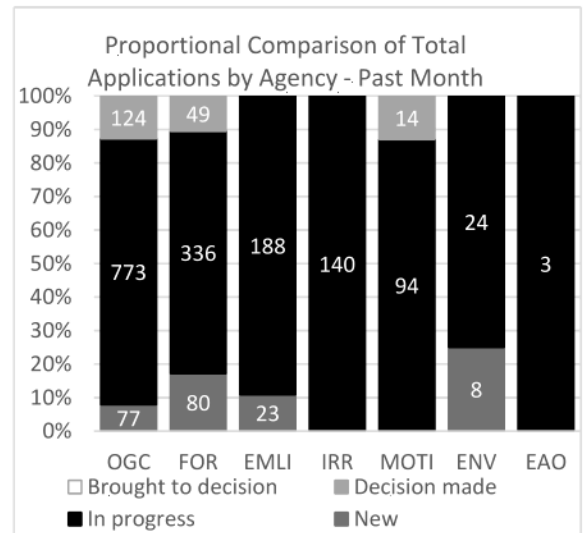
Agency/Ministry Detail

Note: agency totals are displayed in captions below each graph.

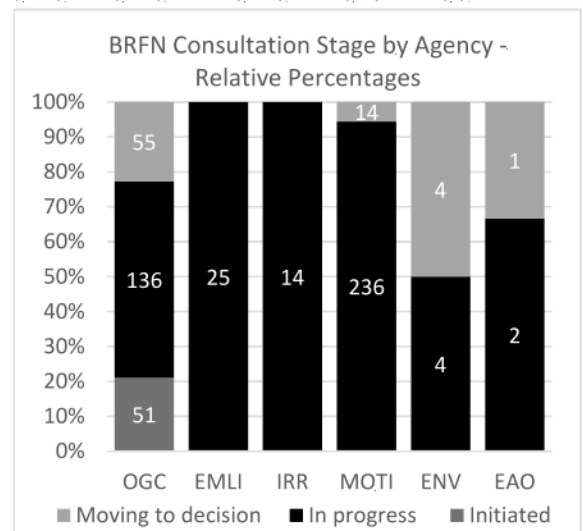
- FOR's numbers include typical business other than forest tenures and range activity. The volume of FOR's work has created reporting difficulties that are anticipated to be addressed with development of a viable reporting system through First Nations Consultation System (FNCS). FNCS training is underway, with implementation expected for March 2023. Once implemented, new consultation files are to be managed through FNCS, though consultations already in progress will not be captured by FNCS.
- EMLI Oil and Gas Division reports they expect to be able to move to decision with 55 files in February. In the T8 backlog process, all files have finalized consultation except 4 files with SFN and 10 with PRFN. All BRFN backlog consultation is complete.
- IRR is consulting on proposed land parcels for transfer through TLA and TLE. IRR reports potential for stale-dating in their processes as timelines for TLE parcel land transfers are approximately 10 years.
- EAO reports one file that has cleared consultation and is resting with their Minister for a decision.
- ENV, MOTI, and OGC have no additional comments.

Technical Notes

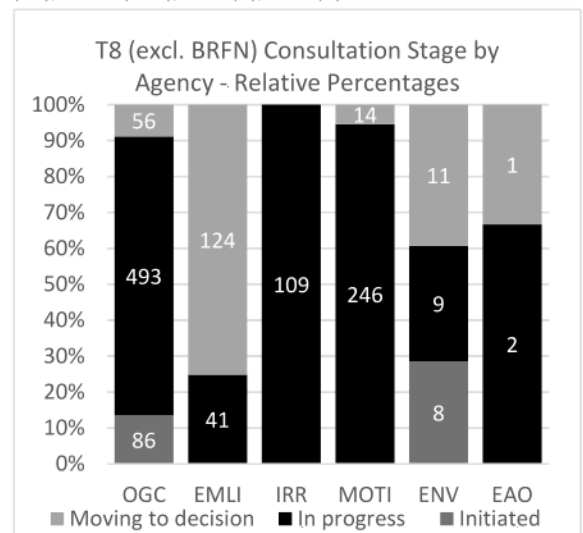
- Prioritizing reporting and geospatial functions in FNCS' development queue would allow for more detailed user-generated reports filtered by business line or Nation.
- FNCS development is being led by WLRS' RNRS Strategic Consultation Initiatives team with input from IRR, FOR, ENV, and EMLI. FNCS is a sophisticated tool that improves preparation, communication, and tracking of consultation which could be used to align consultation processes across multiple NRS agencies.
- Agencies can assist FNCS implementation by committing development funding and champions/trainers within business lines.
- Agencies currently retain responsibility for tracking individual files from receipt of application to final decision, providing information to a coordinated reporting portal. Data will improve as more refined systems are developed and implemented.



Total applications by agency: OGC (994), FOR (465), EMLI (211), IRR (140), MOTI (108), ENV (32), EAO (3).



BRFN consultations by agency: OGC (242), EMLI (25), IRR (14), MOTI (250), ENV (8), EAO (3).



T8 consultations by agency: OGC (635), EMLI (124), IRR (109), MOTI (260), ENV (28), EAO (3).

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and
Reconciliation

Date: Feb. 09, 2023

Minister Responsible: Hon. Murray Rankin

FPCC funding for language, arts, culture and heritage revitalization

ADVICE AND RECOMMENDED RESPONSE:

- Efforts to revitalize Indigenous heritage, languages, cultures and arts are imperative.
- We are working with First Nations across B.C. so they can fully enjoy and exercise their distinct rights to maintain, control, develop, protect, and transmit their cultural heritage, traditional knowledge and languages.
- B.C. has incredible language diversity and is home to 34 First Nations languages, which make up more than half of all First Nations languages in Canada.
- These are the original languages of this land and contribute to the unique diversity of the cultures of B.C.
- Through a \$34.75-million investment, our government is supporting the important work of the First Peoples' Cultural Council and the First Peoples' Cultural Foundation to support First Nations communities to revitalize their languages, cultures, arts and heritage.
- The partnership between the Cultural Council and the Foundation is laying the groundwork so that First Nations languages can be passed on to future generations. There is still much to do together to support communities in their work to restore their languages, which are vital to nationhood and sovereignty.

Additional messaging:

- Since the Province's \$50-million investment in 2018, First Nations communities have made remarkable progress. Even with the challenges of COVID-19, progress was made in 2021/22.
- Communities are developing language revitalization plans, have trained staff and are implementing programs that make a difference by documenting the languages and creating new speakers.

- Investing in First Nations languages as well as arts and cultural heritage revitalization is an important way to connect people to community, land, and culture.

If asked: Will B.C. continue funding Indigenous languages, arts, cultural heritage revitalization?

- We recognize the need for short- and long-term funding solutions to continue this important work and have been in discussions with the First Peoples' Cultural Council and federal Department of Canadian Heritage, including Minister Pablo Rodriguez.
- Our government remains committed to collaborating with the First Peoples' Cultural Council and the federal government to support the necessary work to revitalize and protect Indigenous languages, arts, and cultural heritage across B.C.

KEY FACTS:

Confidential: In early February 2023, MIRR was informed that TB has provided a preliminary decision for FPCC's permanent core operational funding. FPCC has been confidentially informed of this given the need to reflect this information in their 2023/24 Service Plan. This funding will be confirmed and made public on B.C. Budget Day.

Intergovernmental Communications

Announced in June 2022, our government provided a total of \$34.75 million to support the important work of the First Peoples' Cultural Council and the First Peoples' Cultural Foundation, who support First Nations communities to revitalize their languages, cultures, arts and heritage. The Ministry of Indigenous Relations and Reconciliation (MIRR) provided \$32.15 million in new funding to programming and operations:

- \$25 million provided to the First Peoples' Cultural Foundation for community-based grants in arts and heritage, as well as language revitalization training and technology, which will be administered over three years by FPCC, and
- \$7.15 million in new funding directly to FPCC for operations in 2022/23.

A part of the \$34.75 million funding announcement, the Ministry of Advanced Education and Skills Training also provided \$2.6 million to support the Youth Empowered Speakers (YES) Program, which combines Mentor-Apprentice immersion learning, internships and education funding to develop fluent language teachers and early childhood educators.

The UN Declaration Article 13.1 states: "Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons."

The Province's Declaration Act Action Plan to implement United Nations Declaration on the Rights of Indigenous Peoples includes actions within FPCC's mandate, specifically establishing an Indigenous-led working group to develop a strategy for the revitalization of Indigenous languages in B.C., including potential legislative supports, as well as supporting Indigenous language revitalization through

ADVICE TO MINISTER

sustainable funding. The Truth and Reconciliation Commission Calls to Action, and the National Inquiry into MMIWG Calls to Justice also support First Nations languages, arts, culture and heritage revitalization.

The First Peoples' Cultural Foundation (the Foundation) is a First Nations led, non-political, non-profit society established in 2000 to support the vitality of Indigenous languages, arts, and cultural heritage in B.C. Since its inception, the Foundation has partnered with FPCC to provide programming and funding to First Nations across the province.

Provincial and Federal Funding

Operational funding:

In 2022/23, MIRR contributed a total annual operating funding of \$7.6 million to FPCC.

Confidential: In early February 2023, MIRR was informed that TB has provided a preliminary decision for FPCC's permanent core operational funding. FPCC has been confidentially informed of this given the need to reflect this information in their 2023/24 Service Plan. This funding will be confirmed and made public on B.C. Budget Day.

Provincial Program Funding

FPCC and the First Peoples Cultural Foundation received \$12.5M in provincial funding for cultural heritage initiatives, which includes \$5M to establish an endowment.

FPCC receives annual funding from the Ministry of Tourism, Arts, Culture and Sports (TACS): \$1.725 million from the BC Arts Council (BCAC) and \$500,000 from Creative BC. With funding from BCAC, FPCC created an Indigenous Arts Scholarship in 2020. The scholarships support the development of Indigenous artists in B.C. with up to \$20,000 for full-time mentorship training and up to \$10,000 for students enrolled in post-secondary education. In September 2021, FPCC and TACS announced 20 scholarship recipients for 2021/22. Applications for 2023 closed in October 2022.

In 2022, TACS provided a one-time grant of \$750,000 to FPCC and the Foundation for repatriation initiatives.

In 2022, the Ministry of Post-Secondary Education and Future Skills (PEFS) signed a MOU with FPCC to deliver language revitalization initiatives that lead to employment. \$2.6M was provided for delivery of programming to March 2024 which will allow youth to learn their language while preparing for a career as early childhood immersion educators and language immersion teachers for Bachelor of Education students.

Federal Program Funding:

In 2021/22, FPCC received more than \$18.1 million from the federal Department of Canadian Heritage to support language revitalization. This was an increase from the anticipated \$14.6 million projected. Approximately \$6.6 million was deferred to be allocated in 2022/23 for a total of \$30 million toward First Nations languages.

Currently, the federal government only funds FPCC for First Nations language revitalization. There is no federal funding allocated to FPCC for their arts, culture and heritage programs.

Highlights of accomplishments because of 2018 language investment:

The Province allocated \$50 million in 2018 over four years to support FPCC's work on language revitalization with First Nations.

Based on the \$50-million, four-year investment, with contributions from the federal government:

- \$59.5 million in grants were provided to First Nations communities and organizations to support their language revitalization priorities.

- 10,834 language immersion opportunities were created supporting people on their journey to language fluency across B.C. through four program streams: the Mentor Apprentice Program; Language Nests; the BC Language Initiative, and the federally funded Indigenous Languages Grant
- 602 people have received training on FirstVoices and/or digitization. Communities digitized 88,894 language resources.
- The percentage of B.C. First Nations languages and dialects archived on FirstVoices.com has significantly increased. 33 of 34 languages have a FirstVoices archive and new data points and dictionaries added to FirstVoices has significantly increased.

The ongoing pandemic continued to create challenges at the community level and this impacted delivery of programming and training where in-person learning and engagement is a preference/requirement. While some outcomes are lower than expected, new approaches and technical skills were developed that enabled programming to reach a wider audience including urban and away-from-home participants.

Other FPCC Accomplishments

- The First Peoples' map, formally launched June 2021, is the first interactive online map in Canada that provides information about and supports Indigenous languages, arts and culture revitalization in B.C.
- FPCC expanded their Language Revitalization Coaching throughout the province. As of June 2020, coaches also assist with program delivery to ensure that work can continue in a safe way during the COVID-19 pandemic.
- FPCC developed several new resources to help people stay connected to First Nations language, arts and culture during the COVID-19 pandemic, including virtually visiting cultural spaces and online learning language opportunities.
- FPCC worked with federal and First Nations governments to drive Indigenous languages legislation introduced by the federal government in 2019 to reclaim, revitalize and maintain and revitalize Indigenous languages.
- Over \$8 million in arts grants have been provided over the last four years, with 7,338 individuals involved with arts projects.
- In two years, over \$5 million in cultural heritage grants have been distributed, with over 1,900 people being mentored and trained; and 491 Indigenous Cultural Heritage practices documented.

Media Interest: Media stories in summer/fall of 2021 stated the Province had cut language revitalization funding, with some First Nations reporting they were unable to continue language programs after the FPCC informed them there is not enough funding this year to meet all grant requests and they would be receiving reduced funding. FPCC continues to lobby the provincial and federal governments for long-term, sustainable funding for their programs.

For example, FPCC special advisor and Anishinabe First Nation member Cathi Charles Wherry said in a [2021 Saanich News article](#) that the council's efforts to preserve Indigenous languages need to be supported in an "ongoing and stable way," rather than them having to continually "knock on the door." The council receives the majority of its funding through fundraising, much of which goes directly back to First Nations, she said.

In a Nov 2021 [CBC news article](#), FPCC CEO Tracey Herbert stated "In April, we really felt that there was going to be a shortfall." The byline: "New money fills gap left after provincial government didn't renew funding earlier this year."

The June 2022 funding announcement received wide positive coverage from local and provincial media outlets.

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Program Area Contact(s): Stephanie Gabel, ED: Juanita Berkhout

ADVICE TO MINISTER

<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Indigenous Relations and Reconciliation</p> <p>Date: February 8, 2023</p> <p>Minister Responsible: Hon. Murray Rankin</p>	<p>Government's Relationship with Métis Nation BC</p>
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ADVICE AND RECOMMENDED RESPONSE:

- Through the Declaration on Rights of Indigenous Peoples Act, the Province is moving to ensure the diverse and distinct voices of all Indigenous Peoples B.C. – including the Métis – are reflected in provincial laws, policies, and practices.
- We recognize that the only way to address the specific social, cultural and economic needs of Métis people in B.C. – and all Indigenous Peoples – is to build strong partnerships together.
- Our government understands that there is no ‘one size fits all’ approach to advancing reconciliation and that our relationship with Métis people in British Columbia must be approached in a way that acknowledges their unique history, interests, priorities and circumstances.

Distinctions-based approach:

- Our relationship with Métis in B.C., and any subsequent funding, programs and services, will be different from our relationships with First Nations or Inuit in B.C.
- Similarly, our relationship with the Métis in B.C. will be different than what other governments have with Métis within their respective jurisdictions

If asked: about criticism relating funding for MNBC?

- The Province and Métis Nation British Columbia are working together towards a new partnership that supports Métis People and includes self-determination through a “whole of government” approach.
 - In late 2021, the Province and Métis Nation British Columbia signed a Letter of Intent. This is an opportunity to phase out our previous agreement – called the Métis Nation Relationship Accord II and work towards a modern agreement together.

- **We have a Working Table where we are working towards increased collaboration, accountability, and cross-government engagement.**
- **As part of this work, we are developing shared priorities, reviewing current funding and future needs.**
- **There are many new and expanded programs from government available to Métis people, including new supports in childcare, justice, digital connectivity and health care.**

KEY FACTS:

First Nations, the Métis, and Inuit are the Indigenous Peoples of Canada, with Aboriginal rights recognized and affirmed in section 35(1) of the *Constitution Act, 1982* and Indigenous human rights affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*. They have distinct rights that derive from, and are tied to, their unique histories, cultures, laws, legal orders, traditions, practices, political, social, economic structures, and relationships to land. In the *Declaration Act* Action Plan, there is a commitment for the Province to use a distinctions based approach in all of their work.

According to the 2021 Census, 97,865 people living in British Columbia (BC) identified as Métis.

Métis Nation British Columbia (MNBC) is a political organization representing 39 Métis chartered communities in the province and is the recognized governing body for Métis by the provincial and federal governments. According to Stats Canada's 2021 Census, 25,580 people reported being registered with MNBC and living in BC.

MNBC has undergone a change in leadership this past year with the election of a new President and Vice President and the appointment of a new Chief Executive Officer. These changes have resulted in a shift in the tone of the organization and the relationships with the new staff and leaders have been positive and productive.

Under previous leadership, MNBC released a report in October 2020, *A Tale of Two Nations: Highlighting the Inequities of Treatment of the Métis in B.C.* The report notes MNBC feels left out of the reconciliation process, including development of the Declaration Act and asserts that MNBC is underfunded in areas such as health care, skills training, education and rights for harvesting compared to First Nations. Examples cited include: MNBC receives \$100,000 for education while the First Nations Education Steering Committee receives \$4.3 million; MNBC receives \$200,000 for health care programs while the First Nations Health Authority receives \$60 million.

This report, combined with the distinctions-based approach outlined in the *Declaration Act* Action Plan and media releases like the MNBC press release headline: "Pan-Indigenous Funding Ignores Distinctions-Based Spirit of Declaration Act", has instigated a campaign by First Nations Leadership Council and some First Nations to lobby the Province to refute any Métis assertions of aboriginal rights in B.C. and to not engage or consult with MNBC on any provincial policies or legislation changes. This has included letters and the BCAFN Draft Resolution 03/2022 which includes the following language:

"Furthermore, the Métis are not first peoples in British Columbia with a territory or scope of rights in any way equivalent or similar to First Nations, as Métis rights and presence in British Columbia occurred after colonization and settlement."

The Province released a report on Métis health and wellness in B.C. in February 2022, (Métis Public Health Surveillance Program—Baseline Report, 2021) which was the result of years of research conducted through Métis Nation BC and the Office of the Provincial Health Officer. The report describes how Métis People have been adversely impacted by ongoing colonial violence, including systemic

ADVICE TO MINISTER

racism, the residential school system and discriminatory child welfare policies, which in turn have contributed to overall poorer health outcomes.

Following the release of the provincial Budget 2022, MNBC issued a news release with the headline “MNBC press release headline: “Pan-Indigenous Funding Ignores Distinctions-Based Spirit of Declaration Act”” which generated critical content and quotes including:

- “Budget 2022 reflects the government of British Columbia's commitment to supporting Indigenous peoples broadly,” said Lissa Dawn Smith, president of the Métis Nation of B.C. “But MNBC, which represents one-third of the province's Indigenous population, has fallen through the cracks -- again.”
- “A \$12-million commitment to establish a new *Declaration Act Secretariat* falls well short of what has been requested by Indigenous peoples in BC. ... None of the funds will be used to increase the capacity of Indigenous governments to interact with Victoria – something that has already been identified as a critical need,”
- “Budget 2022 lacks any distinct funding for Métis people in several key areas. Our MNBC government is working to advance including health, housing, women, youth, justice, digital connectivity, economic development and childcare.”

In March, 2022, the B.C. Government released the Declaration Act Action Plan. In response, MNBC issued a news release which was generally positive.

On October 27, 2021, the government and MNBC signed a Letter of Intent that sets up the process to deepen the Provincial Government's understanding and integration of MNBC's priorities across all of government. MIRR and MNBC have initiated a BC-MNBC Working Table as a hub for engagement with MNBC and government to formalize dialogue and integrate engagement on Métis Nation BC priorities across all of government

Indigenous Governing Body/Self-Government:

In May 2022, MNBC received a Letter of Decision from Indigenous Services Canada which stated that MNBC does not meet the requirements to be considered an Indigenous Governing Body (IGB) under the federal legislation. MNBC has filed a judicial review in an effort to overturn the decision.

At MNBC's 2020 AGM, held Feb 2021, they passed a resolution on self-government affirming MNBC as the official Métis Government of the self-governing Métis community in B.C. The accompanying news release asserts that the resolution authorizes the MNBC Board to enter into negotiations with the federal and provincial governments on signing self-government agreements setting out the fiscal arrangements as it exercises its inherent rights, authorities and jurisdictions, and as it maintains, strengthens, and develops its distinct political, legal, economic, social and cultural institutions of self-government.

Funding:

In 2022/23, MIRR provided the following supports to MNBC:

- \$400,000 – to support their core governance;
- \$60,000 – to support their work with the Unified Aboriginal Youth Collective; and
- \$500,000 – capacity for the BC-MNBC Working Table and for negotiation support funding for the reconciliation agreement negotiations identified under the Letter of Intent. An additional \$250,000 was added in February, 2023 to supplement the table and its work.

For a third year in a row, Métis Nation British Columbia (MNBC) submitted a formal budget submission request to the Province of British Columbia via the BC Legislatures' Select Standing Committee on Finance and Government Services. The 2023/2024 budget request asks for \$82.4 million to support Métis specific programs and services.

Between April 2019 and February 2022, MIRR provided MNBC over \$1.8 million (\$745,000 in 2021/22; \$665,667 in 2020/21; and \$421,667 in 2019/20). Other provincial ministries have also provided program funding. The Province requires Métis Nation B.C. to report on deliverables for provincial funding each year.

According to MNBC's website, Canada, in 2020/2021, provided over \$22 million to MNBC, including over \$6 million as part of the COVID-19 response supports.

Media Interest:

Some regional outlets since 2020 have been interested in how MNBC is encouraging residents who self-identify as Métis to register as a citizen of the Nation. The MNBC direction in the pieces are centered around the benefits of being part of MNBC and the services that will be offered.

Comm Contact	Program Contact	Other Ministries	ADM
Leanne Ritchie	Susan Kelly	NA	Jennifer Melles

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2023 Estimates Note

BC Association of Aboriginal Friendship Centres

KEY MESSAGES

- Our government recognizes the significant role that the BC Association of Aboriginal Friendship Centres (BCAAFC) and its 25-member Friendship Centres play in delivering a wide array of programs and services (e.g., health/wellness, employment, training/education, children and families, Elders and Youth) to Indigenous peoples living in urban areas.
- Accordingly, BC provides approximately \$3M in annual funding (subject to annual Treasury Board approval of the Ministry budget) to the BCAAFC to support these services.
- Also, in 2020, BC provided \$7.8M in one-time funding to the BCAAFC for COVID-19 relief, \$200,000 in 2021 in one-time funding to support BCAAFC's participation in Declaration Act engagement activities, as well as \$84,000 in 2021 to purchase air conditioning units during the summer heat wave.
- Both the Ministry of Indigenous Relations and Reconciliation's (MIRR) mandate letter and *Action 4.24 (Declaration Act Action Plan)* speak to the need to further expand government's support for Aboriginal Friendship Centres.
- Over the coming year, my ministry will engage in the necessary consultations to explore options to fulfil this commitment.
- My ministry will also commence work with the BCAAFC on key actions cited in the Declaration Act Action Plan, namely actions 4.21 to 4.24.

BACKGROUND

- The BCAAFC and its 25-member Friendship Centres provide essential programs and services to support the health and well-being of Indigenous people living in urban areas throughout BC. Important to note that approximately 80% of Indigenous people in BC live in urban areas.
- As part of BC's commitment to provide dedicated funding to Friendship Centres, in 2018, BC committed to providing \$2.15 million annually to the BCAAFC. This funding is an increase from previous years and is intended to help strengthen and improve capacity in Friendship Centres to deliver quality programs and services.
- In addition, BC also provides the BCAAFC with just over \$800,000 per year for a variety of key program areas, including: youth-led engagement and events; Elders initiatives; recreation and cultural programming; as well as growth and capacity building to help expand community partnerships and supports for Friendship Centres.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2023 Estimates Note

- Also, in 2020, BC provided the BCAAFC with \$7.8 Million in one-time funding to assist Friendship Centres in delivering culturally safe and appropriate supports, food security and other COVID-19 relief services.
- In 2021, BC provided \$200,000 one-time funding to the BCAAFC to support key engagement activities linked to the *Declaration Act* including funds to: inform the consultation draft action plan; provide input on priorities for alignment of BC laws; and provide input on the annual report.
- Both the Minister's mandate letter and *Action 4.24 (Declaration Act Action Plan)* speak to a commitment to: *"Expand our government's support for Aboriginal Friendship Centres that serve the needs of local Indigenous communities while playing a vital role in connecting urban Indigenous peoples from across the province to their home communities."* Over the coming year, MIRR will engage in the necessary consultations to explore options to fulfil this commitment.
- MIRR will also work closely with the BCAAFC to discuss and better understand particular issues they have recently conveyed related to funding, racism/discrimination, gender-based violence, mental health and addictions, capacity building training, urban Indigenous rights holders and overall programming.
- MIRR will include the BCAAFC on other key actions linked to the Declaration Act Action Plan including Actions 4.21 – 4.23.

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MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2023 Estimates Note

PERMITTING CHALLENGES

KEY MESSAGES

- Permitting and authorizing activities and statutory decision making on the land base are primary functions of effective land and resource management in the natural resource and transportation sector.
- Predictable, effective, and transparent permitting are key to achieving government's goals of reconciliation with Indigenous peoples, economic activity, and environmental sustainability.
- Significant strategic shifts in how we manage and authorize activities on the land base must occur to transform the permitting regime, and the transactional relationship with First Nations.
- Natural resource ministries are working in a unified way to improve programs and processes, while also bringing recommendations forward to government on transformative solutions.
- To support this work Budget 2023 provides funding to MIRR for the following:
 - \$171, 000 in 2023/24 to hire 2 full-time staff.
 - \$119, 000 will be received in 2024/25 for an additional full-time staff for a total of 3 FTEs

BACKGROUND

- The Ministry of Water, Land and Resource Stewardship is leading work across the natural resource ministries responsible for permitting and authorizations.
- Permitting for Housing and Connectivity BC are priority projects that are implementing strategic solutions with the intention of making the successes scalable.
- Budget 2023 included resourcing for MIRR to support cross-agency work on permitting solutions, with a focus on land returns and the development of tools to enable early access to committed lands in support of economic sustainability.

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