



Ministry of Indigenous Relations and Reconciliation

2022

ESTIMATES BINDER

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**Speaking Notes
for**

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

Estimates Speech

BC Legislature

***Thursday, May 5, 2022
Douglas Fir Room***

KEY MESSAGES

- **We are deeply committed to advancing reconciliation in B.C. – guided by the UN Declaration and the Declaration Act, and in consultation and cooperation with Indigenous Peoples.**
- **Reconciliation is a provincial imperative – addressing the devastating impacts of colonization and dismantling systemic racism will take sustained effort from all of us.**
- **Budget 2022 provides dedicated, annualized funding through the Ministry of Indigenous Relations and Reconciliation that supports the advancement of reconciliation and implementation of the UN Declaration in B.C.**
- **Budget 2022 provides \$12.05 million over the next three years to establish the Declaration Act Secretariat, a dedicated body to support government’s obligations ensuring laws, policies and practices are consistent with the Act.**
- **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 2022, we are building an even stronger, more inclusive, and more just British Columbia – one that will create a better future for everyone.**

INTRODUCTION

- It is my pleasure and honour to speak in this House today about Budget 2022 ...

... and estimates for the Ministry of Indigenous Relations and Reconciliation.

- ACKNOWLEDGE TERRITORY: LEKWUNGEN [LUH-KWUNG-IN] PEOPLES AND SONGHEES AND ESQUIMALT NATIONS

[PAUSE]

- Joining me for Estimates are:
 - Deputy Minister Doug Caul,
 - Si Sityaawks [SEE-SIT-YOWks] - Jessica Wood – Associate Deputy Minister of the Declaration Act Secretariat,

- Ranbir Parmar, Assistant Deputy Minister and Executive Financial Officer, and
- Tracey Herbert, CEO of the First Peoples Cultural Council
- and:
 - Emily Arthur, Acting Assistant Deputy Minister of the Reconciliation, Transformation and Strategies Division,
 - Jennifer Melles, Assistant Deputy Minister of the Strategic Initiatives and Partnerships Division, and
 - Tom McCarthy, Assistant Deputy Minister of the Negotiations and Regional Operations Division.

[PAUSE]

- I am proud of the work of this ministry, and government as a whole.
- We are demonstrating our commitment to reconciliation in B.C. through tangible and meaningful action ...

...guided by the UN Declaration and the Declaration Act...

... and in consultation and cooperation with Indigenous Peoples.

[PAUSE]

- Reconciliation is a provincial imperative ...
- ... addressing the devastating impacts of colonization...
- ... and dismantling systemic racism ...

- It will take sustained effort from all of us.

[PAUSE]

- I acknowledge that May 5th, is Red Dress Day in Canada...

... a grassroots campaign to remember and honour Missing and Murdered Indigenous Women, Girls and Two-Spirit people and their families.

- A red dress is hanging on the balcony in this building.
- The silhouette is a physical reminder of the Indigenous people no longer with us – of the strength and power and human potential lost.
- It is a way to give voice to the voiceless.
- And it is way to use our own voices to say to Indigenous women, girls and two spirited people:

- “We see you. We honour you. And we will not tolerate violence against you.”
- In the past year, I have been working closely with communities as we speak truth to history.
- We respectfully stand in solidarity with survivors, intergenerational survivors and their families who are grieving after the confirmation of unmarked graves on the grounds of former residential schools.
- These findings are stark reminders of the atrocities of residential schools and reinforce our collective resolve to find answers for the generations of families who were forced to attend these institutions.

[PAUSE]

- The past two years have been a trying time – for everyone.

- The COVID-19 pandemic, the overdose crisis and the climate crisis...
- These threats are here, with the impacts all around us.
- We must work together with Indigenous Peoples – and each other – to dismantle the injustices of the past and present and to build a different future.

[PAUSE]

BODY

- Budget 2022 provides the Ministry of Indigenous Relations and Reconciliation with nearly \$178 million, which is a slight increase over Budget 2021.
- 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.

- This year's budget represents dedicated and dependable funding....

... funding that allows us to continue the long-term work to advance **tangible** reconciliation with Indigenous Peoples in B.C.

[PAUSE]

Secretariat

- An important change to our budget is new funding to create the Declaration Act Secretariat.
- Section 3 of the Declaration Act requires us to bring provincial laws into alignment with the UN Declaration ...

... and to do so in consultation and cooperation with Indigenous Peoples.

- Establishment of the new Declaration Act Secretariat is a strategy to ensure full implementation of the Declaration Act.
- This is a new dedicated body to help ensure policies and practices are consistent with the Declaration Act...

... and our laws are aligned with the UN Declaration in the context of section 35 of the Constitution Act.

- Budget 2022 provides \$12.05 million over the next three years to establish the Declaration Act Secretariat.
- We are fundamentally shifting our approach to how we both develop and implement provincial laws.

- This is resulting in an increasing number of legislative reforms.
- Ministries are engaging with Indigenous Peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported and directed centrally.
- On the alignment of laws, Indigenous people have told us they would like an orderly and consistent process across government.
- The secretariat will support constructive and cohesive advancement, and the tools and direction we need to be successful.
- It will ensure we are working appropriately and consistently with Indigenous peoples as we work in consultation and cooperation to bring forward new legislation...

... and engage in the process of prioritizing existing legislation for alignment with the UN Declaration.

[PAUSE]

Action Plan

- My highest priority over the last year was to deliver a Declaration Act Action Plan, which we released just over a month ago.
- As required by the Declaration Act, we developed the plan in “consultation and co-operation with Indigenous Peoples.”
- We spent nearly two years engaging deeply with First Nations and Indigenous Peoples ...

... we knew that how the action plan was developed was just as important as the plan itself

- The result is an 89-point cross-government action plan ...

... that reflects the priorities of Indigenous Peoples and ...

... will guide our work to implement the UN Declaration in B.C.

[PAUSE]

- Ministries across government are now working to implement the actions...

... which they will do in consultation and cooperation with Indigenous Peoples, as required by the Declaration Act.

- Not surprisingly, this ministry is involved in about a quarter of the actions.

- Many of these actions are underway, others are being incorporated into workplans and budget submissions.
- Our next step, other than working to implement the actions led by this ministry...

... is working with Indigenous Peoples to identify the tools, indicators and measures we need ...

... so we can track progress on the Declaration Act Action Plan, such as through the Declaration Act's annual reports

- We want to ensure this work is transparent and accessible so all can hold us accountable for the promises we have made.

[PAUSE]

New Fiscal Relationship Framework

- Like every government, First Nations need secure, long-term sources of revenue to fund their priorities...

... critical areas like infrastructure, services that build healthy communities, and the staff to get it done.

- We are committed to co-developing a new fiscal relationship framework that recognizes, respects and supports Indigenous Peoples' right to self-determination.

- A key action in the action plan is to develop a new fiscal relationship and framework with Indigenous Peoples in B.C. ...

... and we will be calling on the federal government to join us in this effort.

[PAUSE]

- A new fiscal relationship framework moves us away

from a short-term transactional approach toward a relationship based on trust and respect.

- We want to build a relationship where Indigenous Peoples can exercise their jurisdiction ...

... and have stable, long-term revenues that support self-determination and self-government.

- We recently announced a tangible example of our commitment ...

... a new model for forestry revenue sharing that we will co-develop with First Nations ...

... to replace the old Forest Consultation and Revenue Sharing Agreements program.

- This approach acknowledges that current forestry revenue sharing is inadequate.

- We know we need a new model ...
... one that aligns with the UN Declaration ...
... and meets commitments in the Declaration Act Action Plan.
- While this work unfolds, we have an interim enhancement to the existing revenue sharing program.
- It will more than double forestry revenues shared with First Nations, effective immediately.
- This is exciting work and co-developing a new fiscal relationship framework is simply the right thing to do.

Gaming

- The co-development of a new model for forestry revenue sharing is on top of 2018 revenue sharing

arrangement ...

- ... another tangible example of our commitment to a new fiscal framework.
- This 25-year agreement guarantees – entrenched in provincial legislation – seven per cent of net gaming revenue shared annually with First Nations.
- This funding is used to support self-government and self-determination...

... helping to build strong, healthy First Nations communities across B.C.

[PAUSE]

- Since the development of the gaming revenue sharing arrangement...
- ... the Province has transferred almost \$282 million to

First Nations.

- With this funding, First Nations are creating programs and undertaking projects such as
 - construction for new housing and community buildings,
 - childcare and supports for new parents,
 - initiatives to preserve and strengthen Indigenous languages,
 - mental health services,
 - supports for business ventures, and much more.

[PAUSE]

- Another tangible example of our commitment is the recent announcement of one-time \$74 million grant

to First Nations.

- This is on top of the \$282 million we have already transferred to First Nations.
- This grant is to assist in recovery and growth after the COVID-19 pandemic reduced First Nations' fiscal resources, including gaming revenues by almost 80 percent.

[PAUSE]

Treaties and other agreements

- Although Indigenous Peoples have many shared experiences, each and every Nation is unique...

...which mean reconciliation with one nation may be different from another's.
- We believe treaties and other agreements will be

more successful and enduring ...

... if we make sure they recognize the inherent rights of Indigenous Peoples...

... and they have the ability to evolve rather than being frozen in time.

- ... we are seeking to shift from short-term transactional arrangements to the co-development of long-term agreements ...

... that recognize and support reconciliation, self-determination, decision-making and economic independence.

- We approach this work with the intent of building successful partnerships that are responsive to individual First Nations and Indigenous communities...
- ... and help build mutually beneficial relationships that

will evolve and grow over time ... with Nations and Indigenous organizations as our partners.

- I am pleased to see that Budget 2022 allows us to meet our commitments to Nations and Indigenous organizations...
- ... so we can keep our promises, helping to build relationships based on trust and respect.

The economy

- B.C.'s leadership in reconciliation provides business and industry with a global competitive advantage...

... helping to attract private sector investment and in-demand talent.

- Advancing reconciliation aligns with Economic, Social and Governance – or ESG - frameworks for responsible investing ...

... and creates an environment that supports mutually beneficial relationships between First Nations and private sector businesses.

- Ensuring Indigenous Peoples as respected partners in the economy provides for more certainty and clarity for projects and investment decisions...

...supporting prosperous economies and healthy communities.

- Reconciliation and the economy go hand-in-hand,
... which is also why reconciliation is fundamental to our future
- Simply put, by working together, we get better outcomes.

- That is how we create opportunities for Indigenous peoples, B.C. businesses, communities and families everywhere.

[PAUSE]

CONCLUSION

- All I have mentioned are not a comprehensive list of all that we are doing to advance reconciliation in B.C.
- We have work underway throughout government, its agencies and Crowns, that is advancing reconciliation.
- Reconciliation is about working together in respectful partnerships that recognize the inherent rights of Indigenous peoples.
- This government is committed to doing just that...

... as we rebuild the province's economy after this pandemic...

... as we negotiate treaties and other constructive agreements that bring lasting change...

... as we implement the Declaration Act Action Plan...

... as we align and reconcile our provincial laws with the Indigenous rights and jurisdiction.

- I know this is a big task, but I am eager to move it forward.
- As we continue to advance reconciliation, we are seeing momentum – and hope - building throughout B.C. ...

... all levels of government ... in the private sector.

- And that is exciting.

[PAUSE]

- We all know, to build a better future than our past...

...we must make the province a place where the rights of Indigenous Peoples are respected...

... and First Nations, Métis and Inuit people can thrive.

- Thank you to my colleagues - and everyone in this Chamber - for your work advancing reconciliation ...

... helping right the injustices of the past .. and present.

[PAUSE]

- I look forward to our discussion today.

— END —

QUESTIONS & ANSWERS

Budget 2022 - MIRR

Updated: May 4, 2022

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 2022 provides dedicated, annualized funding through the Ministry of Indigenous Relations and Reconciliation that supports the advancement of reconciliation and implementation of the UN Declaration in B.C.**
- **Budget 2022 provides \$12.05 million over the next three years to establish the Declaration Act Secretariat, a dedicated body to support government's reconciliation efforts by ensuring laws, policies and practices are consistent with the Act.**
- **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 2022, we are building an even stronger, more inclusive, and more just British Columbia that will create a better future for Indigenous Peoples.**

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QUESTIONS & ANSWERS

Q1. What is the Ministry's budget for 2022/2023?

- Budget 2022 provides Ministry of Indigenous Relations and Reconciliation \$177.919 million, which is 0.3% more than Budget 2021.
- This dedicated and dependable funding allows us to continue the long-term work to advance reconciliation and implement the UN Declaration in B.C.

Q2. Where has Budget 2022 changed over Budget 2021?

- Budget 2022 includes a significant step towards meeting our government's commitment to reconciliation by creating a Declaration Act Secretariat, dedicated to coordinating government's reconciliation efforts and ensuring new legislation and policies are consistent with the Declaration on the Rights of Indigenous Peoples Act.
- Budget 2022 provides \$12.05 million over the next three years, \$3.2 million for 2022/2023, to establish the Declaration Act Secretariat.
- All of this supports our work with Indigenous Peoples to advance reconciliation and implement the UN Declaration.

Q3. What about Budget 2022 funding for other ministries' reconciliation activities?

- Budget 2022 provides funding across government for various initiatives that support reconciliation and the implementation of the UN Declaration. For example:
 - Working in partnership with the First Nations Health Authority to continue creating up to 15 First Nations Primary Care Centres throughout the province.
 - Supporting Aboriginal Head Start, which provides culturally based inclusive child care, early learning and family bonding opportunities for Indigenous children.
 - Funding for Indigenous-led emergency management in First Nations communities.
 - Increased access to justice for Indigenous people through a virtual Indigenous Justice Centre.
 - Connecting First Nations communities to high-speed internet and cell service.
 - Expanding the Indigenous Forest Bioeconomy Program to include a new Accelerator Program, which will help Indigenous partners commercialize and scale-up innovative forest-based products.

Q4. What is the role of the Declaration Act Secretariat?

- Ministries are engaging with Indigenous Peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported centrally.
- To ensure success, the Declaration Act Secretariat is a dedicated body to support government's reconciliation efforts by ensuring laws, policies and practices are consistent with the Act.
- In developing the plan for the secretariat, we have heard from First Nations leadership and legal experts on how best the new Secretariat can effectively coordinate and

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Ministry of Indigenous Relations and Reconciliation

support this cross-government obligation to align our laws, policies and practices with the UN Declaration.

- Si Sityaawks (Jessica Wood) is Associate Deputy Minister of the Declaration Act Secretariat.

Q5. Is there funding allocated for the actions included in the Declaration Act's action plan?

- The finalized action plan includes tangible, achievable actions in the areas of self-determination and self-government, rights and title, ending anti-Indigenous racism, and social, cultural and economic well-being.
- The implementation of specific actions, including associated funding, is the responsibility of the lead ministry/ministries of those actions.

Q6. Why does Budget 2022 have a decrease of \$1.434 million to fund treaty and other agreements?

- We are advancing our treaties and other government to government agreements to respond to the needs of individual nations, many of which entail multi-year financial commitments.
- Budget 2022 allows us to meet our multi-year commitments to existing treaties and other government-to-government agreements, and includes a financial commitment of \$115.629 million.

If pressed by what the \$1.434 million decrease in funding between Budget 2022 and Budget 2021

- Every year, the profile of payments changes.
- Budget 2022 allows us to fully meet our multi-year commitments to existing treaties and other government-to-government agreements.
- There is no budget cut.

Q7. Angela Polifroni, director of operations for Toquaht Nation, is quoted as saying she was pleased to see "Indigenous issues and acknowledgment of Indigenous jurisdictions" throughout the budget document, but noted that "fully-resourced implementation" of treaties is not possible based on the funds committed. What is your response?

- Budget 2022 allows us to meet our multi-year commitments to existing treaties and other government-to-government agreements, and includes a financial commitment of \$115.629 million.
- There is a significant increase to \$130 million planned for 2022/23 in the ministry budget for treaties and other agreements as noted in the service plan released on budget day.
- The funding increase scheduled for 2022/2023 is based on the work the ministry is doing with nations in regards to the timing of the implementation of specific programs.
- BC and Modern Treaty Nations have been working both individually and collectively through the Alliance of British Columbia Modern Treaty Nations to develop a framework and supporting fiscal policies to ensure resourcing is in place for the full implementation of modern treaties.

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- Budget 2022 provides Ministry of Indigenous Relations and Reconciliation \$177.919 million, which is 0.03% more than Budget 2021.
- 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, Metis or Indigenous Peoples as a whole.
- For example, we have shared \$356 million in gaming revenues since the gaming revenue sharing program began in 2019 (including the \$74M one time grant) directly with First Nations.
- These funds have been used towards construction of single-family homes, repairs and upkeep of community buildings and Elders' housing, strengthening community responses to COVID-19, and supports for post secondary education for community members including childcare for those students.
- This dedicated and dependable funding allows us to continue the long-term work to advance reconciliation and implement the UN Declaration in B.C.

Q8. Why is funding decreasing through the First Nations Clean Energy Business Fund?

- The First Nations Clean Energy Business Fund (FNCEBF) is supported by annual provincial rentals from eligible independent power projects.
- The project proponents pay the province to use water (water licenses) and rent land (land tenures) to use for their projects. It's the fees from these licenses and tenures that support the fund.
- When the projected revenue into the fund decreases, so does the amount available to support projects.
- Projections for 2022/23 indicate \$1.692 million decrease in revenues to the fund.
- We are continuing our commitment to support remote First Nations communities reduce their reliance on diesel-powered generators.

Q9. How are you supporting Indigenous language revitalization and culture?

- B.C. has incredible language diversity and is home to 34 First Nations languages, which make up more than half of all Indigenous languages in Canada.
- We are committed to supporting Indigenous languages and culture, which help address systemic social challenges and connect people to community, land and culture.
- For example, through a \$50-million multi-year investment in 2018, the First Peoples' Cultural Council is supporting Indigenous communities to reclaim their language and culture.
 - With this investment, First Nations completed over 470 language revitalization projects funded by the First Peoples' Cultural Council last year alone.

Q10. Will the ministry restore the level of funding to the First Citizens Fund seen five years ago?

- The First Citizens Fund revenue is interest-driven and recent low interest rates have affected revenue that supports programs. We will provide approximately \$1.6 million to support programs in 2022/2023, which is comparable to 2021/2022.

Q11. How does gaming revenue sharing with First Nations work?

- Like every government, First Nations need secure long-term 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.
- In September 2020, the Province and BC First Nations Gaming Commission jointly finalised a 25-year arrangement to share provincial gaming revenue.
- The arrangement provides 7% of net provincial gaming revenue to First Nations to be used to support self-government and self-determination, strong, healthy communities and services that make life better for families in First Nations communities across B.C.
- Each First Nation that participates in revenue sharing can use their gaming revenues to support priorities for its community.
- 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.
- Since the program began, the Province has transferred \$356 million in shared gaming revenues to First Nations. It has been used for programs and services in Indigenous communities according to their individual priorities.
- First Nations are creating programs and undertaking projects such as construction for new housing and community buildings, childcare and supports for new parents, initiatives to preserve and strengthen Indigenous languages, mental health services, supports for business ventures, and much more.

Q12. What is the Province going to do about the decline in gaming revenue and subsequent affect on First Nations?

- 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.
- First Nations were hard hit by the pandemic – and successive fires and floods – and have used funding from the gaming revenue sharing agreement to meet their immediate needs, impacting other community priority projects and initiatives.
- In 2020/21 due to the decline in gaming activity from public health measures to respond to the pandemic, First Nations gaming revenues were approximately \$74 million lower than anticipated.
- In April 2022, the Province provided a one-time \$74 million dollar grant to mitigate the loss of these revenues that have been a crucial support for First Nations governments.

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Ministry of Indigenous Relations and Reconciliation

- This one-time grant ensures that First Nations who were among the hardest hit by the pandemic won't be left behind during the recovery.
- It will continue support First Nations' priorities for social services, education, infrastructure, cultural revitalization and self-government capacity.
- This grant makes up for lost revenues that fund new community projects and programs and significant economic development that can benefit First Nations communities and beyond, bringing more prosperity to every part of the province.
- This renewed approach to revenue sharing is part of our commitment to create a new fiscal relationship with First Nations that supports self-government and self-determination.

Q13. Can you explain how the recently announce gaming revenue grant fits into these numbers?

- Through this grant, we are recognizing the COVID 19 impacts on First Nations share of gaming revenues - \$74 million.
- We have been proud to call gaming revenue a secure, long-term revenue stream for all First Nations governments across the province. And it still is, except when you have a once in a lifetime event like COVID-19.
- As a government, we made the decision to maintain Community Gaming Grants at pre-COVID levels to ensure continued funding to non-profit groups.
- Government also provided supports to municipalities including COVID-19 Safe Restart Grants and the deferral of school property tax remittance to help with cash-flow pressures.
- Supporting First Nations is completely consistent with these measures and it's the right thing to do.

Q14. Can you provide a breakdown of gaming revenue of funding?

- In 2019/20 and 2020/21 we transferred \$196.84M in total.
- In 2021/22 we transferred \$58,059,120.
- Last week we transferred the 22/23 amount, \$26,928,930. This is significantly less than they anticipated to receive. The decline in gaming revenues totalled \$73,941,070. We addressed this with the one-time grant.
- In total that's almost \$356M.
- We expect there may be additional adjustments to 2021/22 revenues. There has been a very strong recovery in the gaming sector and with the bounce, we expect that number might be adjusted upward.

Q15. What about funding for MNBC?

- Métis Nation BC and the Province share a commitment to strengthening our relationship and advancing reconciliation, and we are committed to continue building an on-going, positive relationship.
- The Province and Métis Nation British Columbia signed a Letter of Intent late last year. This is an opportunity to phase out the Métis Nation Relationship Accord II and

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develop a partnership that respects self-determination through a “whole of government” approach.

- As part of our work, we are undertaking a ‘whole of government’ review, which will include developing shared priorities and reviewing current funding and future needs.
- During the development of the Declaration Act Action Plan, we released a consultation draft for input from Indigenous Peoples, Nations, and organizations. We were encouraged to receive feedback from both Métis people and Métis Nation BC.
- Action 4.2 of the Declaration Action Plan includes a commitment to “Advance a collaborative, whole-of-government approach in the partnership between the Métis Nation of British Columbia and the Province of B.C., respecting Métis self-determination and working to establish more flexibility and sustainability in funding.”
- We take a distinctions-based approach in our relationships with Indigenous peoples – and our relationship with Métis in B.C. Any funding, programs, and services will be different from our relationships with First Nations. Similarly, our relationship with the Métis in B.C. will be different than what other governments have with Métis within their jurisdiction.

If asked:

- This ministry’s funding to the Métis Nation British Columbia in 2020/2021 was \$665,000. We also committed \$745,000 in 2021/2022 funding up to February 2022.
- If our budget is approved, we will continue to support MNBC’s governance capacity with \$400,000 and we anticipate that many of the other Ministries will be continuing their program support for MNBC.

DECLARATION ACT ACTION PLAN MIRR SPECIFIC ACTIONS

Q16. What is the status of Action 1.1 - In partnership with the Government of Canada, establish a new institution designed and driven by First Nations to provide supports to First Nations in their work of nation- and governance-rebuilding and boundary resolution in accordance with First Nations laws, customs and traditions?

- We are working together with First Nations to find the best way forward, while recognizing that leadership for this work rightfully belongs to First Nations and not to the Province.
- In 2019, the First Nations Leadership Council solicited the development of initial ideas and perspectives on the development of an Indigenous Commission.
- This was followed in spring 2020 with an all-Nations forum on shared territory overlaps where initial ideas about an Indigenous Commission were shared.
- Unfortunately, this forum was cut short by the beginning of the pandemic, but a virtual version was held in the fall of 2021 and the Province remains supportive of Nations continuing this work.

Q17. What is the status of Action 1.2 - Shift from short-term transactional arrangements to the co-development of long-term agreements that recognize and support reconciliation, self-determination, decision-making and economic independence?

- Every Nation must decide the path to reconciliation that is right for them – that is critical to self-determination.
- We are committed to government-to-government relationships where we proactively negotiate the implementation of rights and title, as partners.
- Together, First Nations, Canada, and B.C. are creating innovative agreements that are flexible and better suited to addressing the needs of individual nations.
- In the last few years, we have signed unique and diverse agreements with First Nations that exemplify this action including Lake Babine, Gitanyow, Heiltsuk, Snuneymuxw and others.
- Progress is also being made in treaty negotiations.
- In 2019, the provincial and federal governments and the First Nations Summit finalized a new policy to guide treaty negotiations in the province.
- The new policy aims to base treaties on a recognition of the inherent rights of Indigenous Peoples, and states explicitly that treaties do not require Indigenous Peoples to extinguish their rights.

Q18. What is the status of Action 1.3 - Utilize sections 6 and 7 of the Declaration Act to complete government-to-government agreements that recognize Indigenous self-government and self-determination?

- Sections 6 and 7 of the Declaration Act enable government to enter into unique agreements with a wide range of Indigenous Governing Bodies beyond Indian Act Bands or Treaty Nation governments.
- In most cases, these agreements will set out a process and a role for Indigenous Governing Bodies in making statutory decisions different from what is currently set out in legislation.
- These types of agreements are intended to improve predictability and transparency of certain decisions and will provide a clearer process for how decisions are made.
- In June 2021, the government started negotiations with the Tahltan Central Government on the first consent-based decision-making agreement ever to be negotiated under the *Declaration Act*.
- We are engaged in discussions with other First Nations who have expressed interest in exploring potential agreements.

Q19. What is the status of actions 1.4 - Co-develop with Indigenous Peoples a new distinctions-based fiscal relationship and framework that supports the operation of Indigenous governments, whether through modern treaties, self-government agreements or advancing the right to self-government through other mechanisms - and action 1.5 - Co-develop and implement new distinctions-based policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous Peoples (incl. Finance)?

Government Communications and Public Engagement
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- Government committed to a new fiscal relationship with Indigenous peoples through the Draft 10 Principles and 2018 Concrete Actions Document.
- The first major initiative was the 25-year gaming revenue sharing arrangement that provides approximately \$100 million annually to all First Nations.
- In late April, we also announced a commitment to co-develop a new forestry revenue sharing model from the ground up with First Nations.
- Working with First Nations, we expect to finalize an engagement plan and begin the forestry engagement in September 2022.
- We are moving away from the short-term transactional approach of the past toward a new fiscal framework that recognizes, respects and supports Indigenous Peoples' right to self-determination.
- We recognize that there is much work to do with respect to co-developing a new fiscal relationship and framework that supports the operation of Indigenous governments.
- The Action Plan to implement the Declaration of the Rights of Indigenous Peoples Act includes a commitment to this work over the next five years.
- This will also include collaboration with the federal government.
- There are many evolving pieces that we all will need to consider, including the development of varying and evolving models of Indigenous self-government structures.
- It is important we understand how these pieces relate to each other as well as how they relate to the work we have ahead to align provincial laws with the United Nations' Declaration Principles.

Q20 What is the status of Action 2.1 - Create a dedicated secretariat to coordinate government's reconciliation efforts and to ensure new legislation and policies are consistent with the Declaration Act?

- The Declaration Act Secretariat is being established to support government's reconciliation efforts to align legislation with the UN Declaration, and to do so in consultation and cooperation with Indigenous Peoples.
- In developing the plan, we heard from First Nations leaders and legal experts on how the new Secretariat can effectively coordinate and support our work to align laws, policies and practices with the UN Declaration.
- We have appointed Si Sityaawks - Jessica Wood - as Associate Deputy Minister of the Declaration Act Secretariat.

Q21. What is the budget for the Secretariat other than salaries?

- Budget 2022 provides \$12.05 million to establish the Declaration Act Secretariat.
- Ministries are engaging with Indigenous Peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported centrally.
- Reconciliation is a cross-government responsibility, and every Ministry in government will be tapping into the expertise and advice of the Secretariat.

Q22. What is an agreement under Section 7 of the Declaration Act? Action 2.4 states government will negotiate new joint decision-making and consent agreements under section 7 of the Declaration Act that include clear accountabilities, transparency and

administrative fairness between the Province and Indigenous governing bodies. Seek all necessary legislative amendments to enable the implementation of any section 7 agreements?

- Shared decision-making is a general term that encompasses several different decision-making processes, including collaboration, consensus, joint and consent-based decision-making.
- Section 7 of the Declaration Act provides a mechanism for the Province to negotiate for joint and consent decision-making agreements with Indigenous governing bodies.
- With joint decision-making, there is ultimately one decision, jointly made, reached through an agreed-upon process by a joint body.
- A consent decision-making process involves the Indigenous governing body making a decision before the provincial statutory decision. Consent agreements will have clearly articulated criteria to inform decision making by the parties with the goal of avoiding different outcomes.

Q23. Do you have any Section 7 agreements underway?

- Yes, we are in preliminary discussions with a number of First Nations and are in the final stages of entering into an agreement under section 7 of the Declaration Act - the first one ever to be made under Section 7 of the Declaration Act.
- This agreement will set out how the Province and proponent, Skeena Resources Ltd., can work effectively with Tahltan decision-makers to advance the Eskay Mine Project, while recognizing the rights, values, traditions, knowledge and cultural practices of the Tahltan Nation.
- This agreement provides for greater clarity and transparency in decision-making, while supporting Tahltan's self-government and economic independence and contributing to economic development and investment confidence.
- This agreement with Tahltan Nation is a tangible example of how implementing the Declaration Act can support transparency and predictability and demonstrate that reconciliation and economic development go hand in hand.

Q24. When did negotiation start and what did they entail?

- In June 2021, the Tahltan Central Government (TCG) and the Province started negotiations on the first consent-based decision-making agreement ever to be negotiated under the Declaration on the Rights of Indigenous Peoples Act.
- The negotiations focussed on reaching an agreement under Section 7 related to environmental assessment approvals needed to restart Eskay Creek Mine in Tahltan Territory.
- Negotiations include:
 - provisions for how the parties will work together while strictly adhering to the principles of administrative fairness, transparency, process predictability, accountability and shared liability;
 - detailed regulatory process steps including roles and responsibilities for proponents, the Province and Tahltan;
 - Tahltan and provincial interests, decision-making, information requirements, policies;

Government Communications and Public Engagement
Ministry of Indigenous Relations and Reconciliation

- specific references to address perceived or real conflict of interest for Tahltan given their investment in one of the projects;
- dispute resolution and shared liability provisions; and
- principles for achieving efficiency in the regulatory process.

Q25. How does Action 2.5 - Co-develop and employ mechanisms for ensuring the minimum standards of the UN Declaration are applied in the implementation of treaties, agreements under sections 6 and 7 of the Declaration Act and other constructive arrangements with First Nations - differ from 2.4 above?

- The Province works with a wide range of Indigenous organizations and Nations to help develop and implement agreements that align with the UN Declaration.
- The principle of co-development applies broadly in this work and can take the form of an overarching policy, such as the 2019 tripartite Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia or creating mandates for individual issues in a negotiation.
- Methods to address Action 2.5 include formal processes such as:
- Regular engagement with the First Nations Leadership Council or the Alliance of British Columbia Modern Treaty Nations;
- The tripartite Lands Working Group that is continuing work on Schedule A lands topics under the Recognition and Reconciliation of Rights Policy for Treaty Negotiations; and
- As well as provisions embedded in individual agreements with First Nations.

Q26. What is the status of Action 2.6 Co-develop strategic-level policies, programs and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovative and evolving partnerships that support integrated land and resource management. (Ministry of Land, Water and Resource Stewardship, Ministry of Indigenous Relations and Reconciliation, Ministry of Environment and Climate Change Strategy, Ministry of Forests, Ministry of Energy, Mines and Low Carbon Innovation, BC Oil and Gas Commission)?

- Shared decision-making means working in partnership with First Nations and coming to a consensus about how we care for British Columbia's resources.
- It's important for the B.C. government to respect Indigenous knowledge and consider the cumulative effects that decades of development have had on the land.
- The B.C. government endorses regional collaborative stewardship as part of our commitment towards co-management and shared stewardship with Indigenous governments.
- We support the expansion of collaborative stewardship and Indigenous Stewardship Forums to allow First Nations and the B.C. government to integrate this work into shared decision-making and co-management frameworks, including the use of cumulative effects assessments.

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- The regional forum model will evolve through the establishment of new forums and partnerships where there is an identified need and willingness by First Nations and the B.C. government.

Q27. What is the status of Action 4.20 - Advance a collaborative, whole-of-government approach in the partnership between the Métis Nation of British Columbia and the Province of B.C., respecting Métis self-determination and working to establish more flexibility and sustainability in funding?

- Métis people are integral to the rich cultural fabric of British Columbia – and to all of Canada.
- Métis Nation BC (MNBC) is a political organization that advocates on behalf of the more than 90,000 people in B.C. who self-identify as Métis.
- The Province is committing to advancing a collaborative, whole-of-government approach in partnership with MNBC, one that respect Métis self-determination and working to establish more flexibility and sustainability in funding
- In November 2021, the Province and MNBC signed a letter of intent that outlines the shift to be ensure Métis peoples' culture, language and history are reflected in the development of policies, practises, programs and legislation in B.C.
- Our next steps to this partnership include co-developing and formalizing a new Working Table that will allow for collaboration, accountability and cross-government engagement.

Q28. What is the status of actions 4.21 - 4.24 – work to support urban Indigenous peoples, including an annual meeting and cross government review (incl. Social Development)?

- Initial funding has gone out to start the engagement process in the next six months. We will be working with our key Indigenous partners including the BC Association of Aboriginal Friendship Centres (BCA AFC), Urban Indigenous leaders and Coalitions, and key provincial ministry partners to move forward on this action.

Q29. What is the status of actions 4.29 and 4.3 – Establish an Indigenous-led working group to develop a strategy for the revitalization of Indigenous languages in B.C., including potential legislative supports and support Indigenous language revitalization through sustainable funding (incl. Education and Child Care and Advanced Education Skills and Training)?

- Revitalization efforts are imperative to protect Indigenous languages from extinction. The Province works with Indigenous Peoples across B.C., on many fronts, to protect and preserve Indigenous languages.
- We will be working with our ministry partners and relevant Indigenous partners to move forward on these actions to establish an Indigenous-led working group to develop a strategy for the revitalization of Indigenous languages in B.C., including potential legislative supports.
- 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 Minister of Canadian Heritage, Pablo Rodriguez.

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Ministry of Indigenous Relations and Reconciliation

- The Ministry of Indigenous Relations and Reconciliation has been actively working with the First Peoples' Cultural Council and engaged with Treasury Board on funding solutions. We are also working alongside the federal government to develop a long-term sustainable funding model for the First Peoples' Cultural Council.

Q30. What is the status of Action 4.49 - Review existing provincial mandates to enhance treaty self-governing Nations' fiscal capacity to deliver services to their citizens?

- British Columbia has been collaborating with the Alliance of BC Modern Treaty Nations to develop new treaty fiscal policy for Cabinet's consideration through the BC Collaborative Fiscal Policy Process.
- A new policy would support treaty fiscal arrangements that ensure:
 - Modern Treaty Nations are appropriately resourced to fully implement their Treaties;
 - British Columbia's fiscal procedures reflect the jurisdiction and autonomy of Modern Treaty Nation governments and tripartite nature of treaties ; and,
 - Modern Treaty Nations can meaningfully participate in the development of new fiscal policies and programs.
- Any new policy resulting from the Collaborative Fiscal Policy Process will also apply to First Nations in final stages of treaty negotiations.

Q31. What would this review look like?

- Treaty and self-governing Nations have responsibilities to deliver programs and services to their members, and we are working to review provincial mandates to ensure they support Nations in meeting these responsibilities.
- The federal government continues to play a fundamental role in funding treaty and self-governing Nations, but within that relationship we are committed to reviewing provincial mandates for fiscal arrangements to enhance treaty and self-governing Nations' fiscal capacity to deliver programs and services to their citizens.
- We are working collaboratively with our Modern Treaty partners to review and define the provincial fiscal relationship, the resources available to nations to fulfil their roles and responsibilities under treaties and other agreements, the gaps in fiscal resources that may remain, and the appropriate mechanisms to meet any identified gaps.
- This work will take time and require a whole-of-government approach to finalize.

Ministry of Indigenous Relations and Reconciliation

February 2022 – 22/23 Estimates

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MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2022 Budget Highlights

Ministry Budget

- MIRR's 2022/23 budget is \$177.919M. **This represents a \$0.510M or 0.3% increase from the previous year.** The net budget increase is comprised of:
 - o \$0.379M net increase in the Ministry Operations Vote;
 - o (\$1.434M) net decrease in government transfers under the Treaty and Other Agreements Vote;
 - o \$3.213M increase to establish the Declaration Act Secretariat;
 - o \$0.044M increase in government transfers under the First Citizen Fund;
 - o (\$1.692M) decrease in the First Nations Clean Energy Business Fund.
- This budget will continue to allow MIRR to effectively deliver its mandate.
 - o The \$0.379M increase in the Ministry Operations Vote is made up of:
 - \$0.233M increase for legal services chargebacks;
 - \$0.102M increase for 1 FTE to support Forest Carbon Offset Protocol 2.0;
 - \$0.029M to fund salary increments of Budget 2021 approval for Implementation Resources;
 - \$0.015M to fund salary increments of Budget 2021 approval for Minister's Office.
 - o (\$1.434M) net decrease in the Treaty and Other Agreements vote to match funded agreement costs. Reduction primarily due to LNG payments being moved out to 2023/24.
 - o \$3.213M increase to Establish the Declaration Act Secretariat
 - o The First Citizen Fund increase of \$.044M is primarily due to a small increase in investment fund revenues.
 - o The First Nations Clean Energy Business Fund net expenditure decrease of (\$1.692M) 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	2021/22	\$Change	2021/22 Restated	2022/23	\$ Change	% Change
Vote 33 - Ministry Operations	50,740	(1,304)	49,436	49,815	379	0.7%
Vote 34 - Treaty & Other Agreements Funding	117,063	-	117,063	115,629	(1,434)	(1.2%)
Vote 35 - Declaration Act Secretariat	-	-	-	3,213	3,213	100.0%
Sub-Total	167,803	(1,304)	166,499	168,657	2,158	100%
First Citizens Fund	1,642	-	1,642	1,686	44	2.7%
First Nations Clean Energy Business Fund	9,268	-	9,268	7,576	(1,692)	(18.3%)
Total	178,713	(1,304)	177,409	177,919	510	0.3%



Ministry of
Indigenous Relations
and Reconciliation

Budget 2022

Ministry of Indigenous Relations and Reconciliation

Minister Briefing
February 2022



Ministry of
Indigenous Relations
and Reconciliation

Ministry Budget 2021/22 – 2024/25

	2021/22	2022/23	2023/24	2024/25
Ministry Operations	\$000			
Negotiations and Regional Operations Division	15,341	15,341	15,341	15,341
Strategic Partnerships and Initiatives Division	18,337	18,439	18,441	18,443
Reconciliation Transformation and Strategies	3,260	3,260	3,260	3,260
Executive and Support Services	12,498	12,775	12,791	12,791
Total Ministry Operations	\$49,436	\$49,815	\$49,833	\$49,835
<i>Changes from Budget 2021</i>		\$379	\$397	\$399
<i>Changes Year over Year</i>		\$379	\$18	\$2
Treaty and Other Agreements Funding	117,063	115,629	130,760	123,057
Declaration Act Secretariat	0	3,213	4,394	4,441
First Citizens Fund Special Account	1,642	1,686	1,672	1,664
First Nations Clean Energy Business Fund Special Account	9,268	7,576	7,170	7,295
Total Ministry Budget	\$177,409	\$177,919	\$193,829	\$186,292
<u>Operations Budget Changes from Budget 2021</u>				
resource to support Forest Carbon Offset Protocol 2.0 (1FTE)	\$0	\$102	\$104	\$106
Legal services charge backs	\$0	\$233	\$233	\$233
Prior Year Approval:				
Implementation Resources (salary increments)	\$0	\$29	\$29	\$29
Ministers Office (salary increments)	\$0	\$15	\$31	\$31
Total Operations Changes		\$379	\$397	\$399
Percent Change to Operations from Budget 2021		1%	1%	1%

Treaty & Other Agreements

2021/22 – 2024/25

	2021/22	2022/23	2023/24	2024/25
Treaty and Other Agreements Vote	\$000			
Treaty	3,484	3,915	4,135	4,555
Non-Treaty	23,062	23,062	22,025	22,025
IFE	60,000	60,000	60,000	60,000
LNG	12,824	9,519	25,357	16,894
Revenue Sharing (Gross)	106,060	136,421	143,620	129,572
Revenue Offset	(\$88,367)	(\$117,288)	(\$124,377)	(\$109,989)
Total Treaty & Other Vote	\$117,063	\$115,629	\$130,760	\$123,057
<i>Changes from Budget 2021</i>		(\$1,434)	\$13,697	\$5,994
<i>Changes Year over Year</i>		(\$1,434)	\$15,131	(\$7,703)
Agreement Budget Changes from Budget 2021				
Liquified Natural Gas Agreements		(\$3,305)	\$12,533	\$4,070
Non Treaty		\$0	(\$1,037)	(\$1,037)
Treaty		\$431	\$651	\$1,071
Revenue Sharing (Net)		\$1,440	\$1,550	\$1,890
Total Treaty & Other Changes		(\$1,434)	\$13,697	\$5,994
Percent Changes to Treaty & Other from Budget 2021		-1%	12%	5%

2021/22 Restatement

	2021/22 Bluebook	2021/22 Restated
Ministry Operations	\$000	
Negotiations and Regional Operations Division	15,341	15,341
Strategic Partnerships and Initiatives Division	18,834	18,337
Reconciliation Transformation and Strategies	3,260	3,260
Executive and Support Services	13,305	12,498
Total Ministry Operations	\$50,740	\$49,436
<i>Changes from Budget 2021</i>		<i>(\$1,304)</i>
<u>Operations Budget Changes due to NRM Reorganization</u>		
Strategic Consultations Initiatives Team and Transforming First Nations Consultation Information (TFNCI) System:		
Salary, benefits, operational & overheads (5FTEs)		(\$537)
TFNCI System maintenance contracts		(\$180)
TFNCI System amortization		(\$587)
Total Operations Changes		(\$1,304)

Financing Transactions 2021/22 – 2024/25

	2021/22	2022/23	2023/24	2024/25
Schedule D - Inventory	32,570	34,260	18,574	22,945
Schedule E - Gaming	58,059	101,000	109,000	110,000
	90,629	135,260	127,574	132,945

Budget 2022 Highlights

- Creation of the Declaration Act Secretariat (22 FTEs) \$12.048M over the fiscal plan.
- \$0.312M over the fiscal plan (1FTE) under the CleanBC Roadmap to build capacity to support the development of forest carbon offset projects to finalize a new Forest Carbon Offset Protocol (FCOP 2.0)
- (\$1.304M) per fiscal transferred to Ministry of Land, Water and Resource Stewardship for the Strategic Consultation Initiatives Team (5 FTEs) and the Transforming First Nations Consultation Information (TFNCI) System as part of the NRM reorganization.
- Other Financing Transactions:
 - \$34.260M in 22/23 to fund planned land purchases
 - \$101.000M in Gaming Revenue Sharing payments in 22/23

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Withheld pursuant to/removed as
Government Financial Information

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
Budget 2022 Estimates Summary

By Core Business																						
\$000s																						
Budget 2022 Decisions												Budget 2022 Decisions for Out Years										
	Estimates 2021/22	TFNCI	Restated Estimates 2021/22	Declaration Act Secretariat	Legal Services Chargeback	CleanBC Roadmap	Spending Plan Adjustments	Implementation Resources (B2021)	Minister's Office (B2021)	Spending Plan Adjustments (B2021)	Estimates 2022/23	Declaration Act Secretariat	CleanBC Roadmap	Spending Plan Adjustments	Implementation Resources (B2021)	Minister's Office (B2021)	Spending Plan Adjustments (B2021)	2023/24 Estimates	Declaration Act Secretariat	Climate Action Initiatives	Spending Plan Adjustments	2024/25 Estimates
Ministry Operations																						
Negotiations and Regional Operations	15,341	-	15,341								15,341							15,341		-		15,341
Strategic Partnership and Initiatives	18,834	(497)	18,337			102					18,439		2					18,441		2		18,443
Reconciliation, Transformation and Strateg	3,260	-	3,260								3,260							3,260		-		3,260
Minister's Office	978	-	978						15		993						16	1,009				1,009
Executive and Support Services	12,327	(807)	11,520		233			29	-		11,782							11,782		-		11,782
Sub-Total	50,740	(1,304)	49,436	-	233	102	-	29	15		49,815	-	2	-	-		16	-	49,833	2		49,835
Treaty and Other Agreements																						
Treaty and Other Agreements Funding	3,482		3,482				201			230	3,913				5			215			420	4,553
Non Treaty Funding	113,581		113,581				(17,784)			15,919	111,716			26,895				(11,984)			(8,123)	118,504
Sub-Total	117,063	-	117,063	-	-	-	(17,583)	-	-	16,149	115,629	-	-	26,900	-	-		(11,769)		-	(7,703)	123,057
Declaration Act Secretariat	-		-	3,213							3,213	1,181							47			4,441
First Citizens Fund	1,642		1,642				62			(18)	1,686			27				(41)			(8)	1,664
First Nations Clean Energy Business Fund	9,268		9,268		-		(1,264)			(428)	7,576			292			-	(698)			125	7,295
TOTAL MINISTRY	178,713	(1,304)	177,409	3,213	233	102	(18,785)	29	15	15,703	177,919	1,181	2	27,219	-	16	(12,508)	193,829	47	2	(7,586)	186,292

Restated Estimates 2021-22:

\$1.304M transfer for the Transforming First Nations Consultations Information (TFNCI) System and 5 FTEs to the new Ministry of Land, Water and Natural Resource Operations

Budget 2022 Decisions:

Declaration Act Secretariat represent approval of 22 FTEs to establish an independent Declaration Act Secretariat

The ministry received a budget lift to support **legal service chargebacks** from the Ministry of Attorney General

Budget adjustment for **CleanBC Roadmap** to build capacity to support Forest Carbon Offset Protocol 2.0 (1 FTE)

First Citizen Fund annual **spending plan adjustment** based on projected increases/decreases in investment fund revenues; First Nations Clean Energy Fund annual **Spending Plan Adjustment** based on the forecast for how much money will be returned to the Fund through land and water rents associated with power projects and the Treaty and Other Agreements annual **Spending Plan Adjustments** are to fund the ministry to match agreement costs with the ability to go to Treasury Board throughout the year if needed.

Budget 2022 and Prior Year Decisions for Out Years

Declaration Act Secretariat represent approval of 22 FTEs to establish an independent Declaration Act Secretariat

Budget adjustment for **CleanBC Roadmap** to build capacity to support Forest Carbon Offset Protocol 2.0 (1 FTE)

First Citizen Fund annual **spending plan adjustment** based on projected increases/decreases in investment fund revenues; First Nations Clean Energy Fund annual **Spending Plan Adjustment** based on the forecast for how much money will be returned to the Fund through land and water rents associated with power projects and the Treaty and Other Agreements annual **Spending Plan Adjustments** are to fund the ministry to match agreement costs with the ability to go to Treasury Board throughout the year if needed.

out year adjustments for **Implementation Resources** represent salary increments for approval of 15 FTEs to implement the Declaration act and signed agreements

Out year adjustments for salary increments to the **Minister's Office** B2021 approval to better align spending and add 1 FTE

Ministry of Indigenous Relations and Reconciliation

2022/23 – 2024/25 Service Plan

February 2022



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

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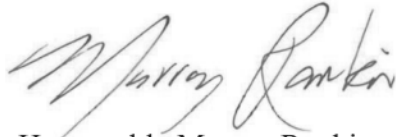
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Published by the Ministry of Indigenous Relations and Reconciliation

Minister's Accountability Statement



The *Ministry of Indigenous Relations and Reconciliation 2022/23 – 2024/25 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 cursive script, reading "Murray Rankin".

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation
February 22, 2022

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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 Peoples¹ by working in respectful partnerships that recognize inherent rights.

Reconciliation is important to everyone as we work together to address historic wrongs through the lens of 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 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 Ministry leads these efforts in consultation and cooperation with Indigenous Peoples, working closely with other organizations across government.

The Declaration Act supports government in deepening relationships with Indigenous Peoples by requiring that provincial laws be aligned with the UN Declaration, providing new direction around shared decision making, and allowing flexibility for the Province to enter into agreements with a broad range of Indigenous governments.

The Ministry achieves its reconciliation commitments 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.

The Ministry furthers reconciliation with Indigenous Peoples by collaboratively developing policy and practices, and negotiating and implementing agreements, partnerships, and treaties. The Ministry's focus is to build lasting relationships with Indigenous Peoples by working toward flexible agreements that can evolve over time and developing collaborative approaches to policy making.

The Ministry engages with Indigenous governments, communities, and 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.

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

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

Strategic Direction

In 2022/2023, the Government of British Columbia will continue its whole-of-government response to the COVID-19 pandemic with a focus on protecting the health, social and economic well-being of British Columbians. Building on our economic, environmental, and social strengths while looking to seize opportunities to improve outcomes for all British Columbians will be an important aspect of each ministry's work as we respond to COVID-19 and recover from devastating floods and wildfires. The policies, programs and projects developed over the course of this service plan period will align with the five foundational principles established by Government in 2020: putting people first; working toward lasting and meaningful reconciliation; supporting equity and anti-racism; ensuring a better future through fighting climate change and meeting our greenhouse gas reduction targets; and supporting a strong, sustainable economy that works for everyone.

This 2022/23 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 [November 2020 Minister's Mandate Letter](#).

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

- Support First Nations-led investigations into former residential school sites and enhance health and wellness resources to address the trauma of residential school findings.
- Work with other ministries on initiatives that support First Nations and Indigenous partners to address the health impacts of the COVID-19 pandemic.
- Partner with the BC Assembly of First Nations to promote Indigenous-led economic development opportunities.
- 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 support to Aboriginal Friendship Centres and other urban Indigenous organizations that support Indigenous People living in urban areas B.C.

Performance Measure	2019/20 Baseline	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
1.1 Cumulative number of community ¹ well-being initiatives	16	22	24	28	32

Data source: Ministry of Indigenous Relations and Reconciliation

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

Linking Performance Measure to Objective

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.

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 a new fiscal relationship in partnership with Indigenous Peoples and the Ministry of Finance.
- Work with partner ministries to advance CleanBC objectives, including collaborating with Indigenous communities and businesses to identify and implement new energy efficiency and clean economy opportunities and to help Indigenous communities adapt to and recover from the impacts of climate change.
- Make space for an increased role for Indigenous communities and organizations in delivering services to Indigenous Peoples.
- Collaborate with, align, and leverage opportunities with the federal government.
- Partner with First Nations on further opportunities for revenue sharing.

Performance Measure	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
1.2 Number of new opportunities ¹ for First Nations to participate in revenue sharing	2	4	4	4

Data source: Ministry of Indigenous Relations and Reconciliation

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

Linking Performance Measure to Objective

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 transparent 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 and implementation of the *Declaration on the Rights of Indigenous Peoples Act*.

Key Strategies

- Support government ministries and agencies to integrate reconciliation into their policy and operations, including cross-government implementation of the *Declaration on the Rights of Indigenous Peoples Act* and the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*.
- Work in partnership with Indigenous Peoples, in line with government agencies, to implement the Action Plan required under the Declaration Act.
- Work with ministry partners to support efforts to engage with Indigenous Peoples to advance reconciliation initiatives within their respective ministry mandates, including alignment of provincial policy and legislation with the Declaration Act.
- Establish a Secretariat to assist government to achieve its alignment of laws obligations under the Declaration Act.
- Ensure that the diversity of Indigenous voices are brought into government planning, processes, policies, and practices.

Performance Measure	2021/22 Forecast	2022/23 Target	2023/24 Target	2024/25 Target
2.1 Delivery of reporting obligations related to the Declaration Act	1	1	1	1

Data source: Ministry of Indigenous Relations and Reconciliation

Linking Performance Measure to Objective

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 commitments, the Ministry outlines on an annual basis measures taken towards implementing the Action Plan and alignment of laws.

The Ministry will be reviewing opportunities to develop a performance measure in line with the Declaration Act for future reporting years. This effort will include reviewing potential measures aligned with the action plan and supportive or complementary to the function and role of the Secretariat, as identified in the Minister's Mandate Letter.

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, develop new approaches to negotiations to move from short-term, transactional arrangements to long-term agreements that recognize and support reconciliation, self-determination, and economic independence.
- Develop a whole-of-government approach to recognize and enter into decision-making agreements with Indigenous governing bodies as outlined in the Declaration Act.
- Engage with partner agencies and the Alliance of BC Modern Treaty Nations to identify implementation priorities and develop new approaches that improve treaty relations in British Columbia.
- Develop a cross-sector approach to strengthen and promote collaborative negotiation and agreement processes that advance reconciliation objectives in partnership with Indigenous Peoples.

Discussion

The Ministry had committed to reviewing its performance measure under this objective in the [2021/22 Ministry of Indigenous Relations and Reconciliation Service Plan](#). This work has not yet resulted in a measure that is ready for the current reporting year.

The Ministry is considering additional opportunities for consultation to develop and refine the upcoming performance measure and is working to prepare this measure for the 2023/24 reporting cycle and will begin reporting on it as soon as is practicable.

The Ministry of Indigenous Relations and Reconciliation will continue to report on outcomes of the work committed to under this objective in the Annual Service Plan Report.

Financial Summary

Core Business Area	2021/22 Restated Estimates ¹	2022/23 Estimates	2023/24 Plan	2024/25 Plan
Operating Expenses (\$000)				
Negotiations and Regional Operations Division	15,341	15,341	15,341	15,341
Strategic Partnerships and Initiatives Division	18,337	18,439	18,441	18,443
Reconciliation Transformation and Strategies Division	3,260	3,260	3,260	3,260
Executive and Support Services	12,498	12,775	12,791	12,791
Treaty and Other Agreements	117,063	115,629	130,760	123,057
Declaration Act Secretariat	0,000	3,213	4,394	4,441
First Citizens Fund	1,642	1,686	1,672	1,664
First Nations Clean Energy Business Fund	9,268	7,576	7,170	7,295
Total	177,409	177,919	193,829	186,292
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Executive and Support Services	1	3	3	3
Total	1	3	3	3
Other Financing Transactions (\$000)				
British Columbia First Nations Gaming Revenue Sharing Limited Partnership Receipts	(58,059)	(101,000)	(109,000)	(110,000)
British Columbia First Nations Gaming Revenue Sharing Limited Partnership Disbursements	58,059	101,000	109,000	110,000
Land Transfers Disbursements	32,570	34,260	18,574	22,945
Total Receipts	(58,059)	(101,000)	(109,000)	(110,000)
Total Disbursements	90,629	135,260	127,574	132,945
Total Net Cash Requirements (Source)	32,570	34,260	18,574	22,945

¹ For comparative purposes, amounts shown for 2021/22 have been restated to be consistent with the presentation of the 2022/23 Estimates.

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

Appendix A: Agencies, Boards, Commissions and Tribunals

As of February 22, 2022, 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. through collaborating with government to guide implementation of the Declaration on the Rights of Indigenous Peoples Act and the Truth and Reconciliation Commission Calls to Action that affect women. The Council also supports the inclusion of Indigenous Gender-Based Analysis+ across government and is working to support the development of B.C.'s Action Plan to end gender-based violence.

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 treaties, agreements, partnerships, and other social and economic initiatives.

MINISTRY SUMMARY

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	Estimates 2021/22 ¹	Estimates 2022/23
VOTED APPROPRIATIONS		
Vote 33 — Ministry Operations.....	49,436	49,815
Vote 34 — Treaty and Other Agreements Funding.....	117,063	115,629
Vote 35 — Declaration Act Secretariat.....	—	3,213
STATUTORY APPROPRIATIONS		
First Citizens Fund Special Account.....	1,642	1,686
First Nations Clean Energy Business Fund Special Account.....	9,268	7,576
OPERATING EXPENSES	<u>177,409</u>	<u>177,919</u>
CAPITAL EXPENDITURES²	<u>1</u>	<u>3</u>
LOANS, INVESTMENTS AND OTHER REQUIREMENTS³	<u>32,570</u>	<u>34,260</u>
REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES⁴	<u>—</u>	<u>—</u>

NOTES

¹ For comparative purposes, figures shown for the 2021/22 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 2022/23 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)

	2021/22	2022/23 ESTIMATES		
OPERATING EXPENSES	Net	Gross	External Recoveries	Net
Core Business				
Negotiations and Regional Operations Division.....	15,341	15,343	(2)	15,341
Strategic Partnerships and Initiatives Division.....	18,337	18,441	(2)	18,439
Reconciliation Transformation and Strategies Division.....	3,260	3,262	(2)	3,260
Executive and Support Services.....	12,498	12,777	(2)	12,775
Treaty and Other Agreements Funding.....	117,063	232,916	(117,287)	115,629
Declaration Act Secretariat.....	—	3,215	(2)	3,213
First Citizens Fund Special Account.....	1,642	1,686	—	1,686
First Nations Clean Energy Business Fund Special Account.....	9,268	7,578	(2)	7,576
TOTAL OPERATING EXPENSES	<u>177,409</u>	<u>295,218</u>	<u>(117,299)</u>	<u>177,919</u>
CAPITAL EXPENDITURES	Capital Expenditures	Capital Expenditures	Receipts and P3 Liabilities	Net
Core Business				
Executive and Support Services.....	1	3	—	3
TOTAL	<u>1</u>	<u>3</u>	<u>—</u>	<u>3</u>
LOANS, INVESTMENTS AND OTHER REQUIREMENTS	Net	Disbursements	Receipts	Net
Core Business				
Treaty and Other Agreements Funding.....	32,570	34,260	—	34,260
TOTAL LOANS, INVESTMENTS AND OTHER REQUIREMENTS	<u>32,570</u>	<u>34,260</u>	<u>—</u>	<u>34,260</u>
REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES	Net	Disbursements	Receipts	Net
Core Business				
Treaty and Other Agreements Funding.....	—	101,000	(101,000)	—
TOTAL REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES	<u>—</u>	<u>101,000</u>	<u>(101,000)</u>	<u>—</u>

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2021/22

Estimates
2022/23

VOTE 33 — 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	15,341
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Voted Appropriation Description: This sub-vote provides for the participation in the negotiation 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 the negotiation of agreements with the federal government to cost share treaties and other arrangements with First Nations. This sub-vote also provides for cross-government coordination of 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 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.....	18,337	18,439
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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, including revenue sharing. This sub-vote also supports community support and emergency management; provides for implementation of agreements with the federal government to cost share treaties and other arrangements with First Nations; provides for all activities supporting the closing and bringing into effect of agreements with First Nations, including the development of legislation, 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, the 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, relationship building, cultural initiatives, community development and innovation, support to Indigenous leadership and advisory bodies, and for administration of the First Citizens Fund, the First Nations Clean Energy Business Fund special account, and related transfers. This sub-vote also provides support for the policy development of a new fiscal relationship framework and accompanying revenue-sharing policy frameworks 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 2021/22	Estimates 2022/23
RECONCILIATION TRANSFORMATION AND STRATEGIES DIVISION		
Voted Appropriation		
Reconciliation Transformation and Strategies Division.....	3,260	3,260
<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, the Truth and Reconciliation Commission of Canada: Calls to Action, and supports 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 and collaboration, including the development of education, tools, and resources for the public service and external engagement approaches. 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 to lead the necessary transformation associated with this vision. This sub-vote also provides for the development of treaty and non-treaty-related governance mandates, including supporting treaty and non-treaty-related policy work; 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.....	978	993
Corporate Services.....	11,520	11,782
	12,498	12,775
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, service, and internal communications planning efforts; 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.		
VOTE 33 — MINISTRY OPERATIONS	49,436	49,815

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

	Estimates 2021/22	Estimates 2022/23
VOTE 34 — 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.....	3,482	3,913
Non Treaty Funding.....	113,581	111,716
	<u>117,063</u>	<u>115,629</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 34 — TREATY AND OTHER AGREEMENTS FUNDING	117,063	115,629

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

VOTE DESCRIPTIONS

(\$000)

Estimates
2021/22Estimates
2022/23

VOTE 35 — 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
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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 35 — DECLARATION ACT SECRETARIAT

—

3,213

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

STATUTORY DESCRIPTIONS

(\$000)

Estimates
2021/22Estimates
2022/23

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.....	1,642	1,686
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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.....	9,268	7,576
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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	29,144	30,703
Operating Costs	8,422	9,977
Government Transfers	225,917	251,755
Other Expenses	2,458	2,940
Internal Recoveries	(156)	(157)
External Recoveries	(88,376)	(117,299)
TOTAL OPERATING EXPENSES.....	177,409	177,919

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

SPECIAL ACCOUNTS¹

(\$000)

	Estimates 2021/22	Estimates 2022/23
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.....	716	716
OPERATING TRANSACTIONS		
Revenue.....	1,642	1,686
Expense.....	(1,642)	(1,686)
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.....	716	716

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 2021/22 is based on the 2020/21 *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 2021/22	Estimates 2022/23
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 clean energy power projects through sharing of revenue government receives from those projects or through facilitating the participation of First Nations in the clean energy sector, including supporting First Nation equity positions in those projects. The account also provides for administration costs of the account. 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.....	8,236	7,389
OPERATING TRANSACTIONS		
Revenue.....	8,421	7,478
Expense.....	(9,271)	(7,579)
Internal and External Recoveries.....	3	3
Net Revenue (Expense).....	(847)	(98)
FINANCING TRANSACTIONS		
Receipts.....	—	—
Disbursements.....	—	—
Capital Expenditures.....	—	—
Net Cash Source (Requirement).....	—	—
PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR ².....	7,389	7,291

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 2021/22 is based on the 2020/21 *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 2021/22	Estimates 2022/23
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.....	32,570	34,260
Receipts.....	—	—
Net Cash Requirement (Source).....	<u>32,570</u>	<u>34,260</u>

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

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

	Estimates 2021/22	Estimates 2022/23
TREATY AND OTHER AGREEMENTS FUNDING		
BRITISH COLUMBIA FIRST NATIONS GAMING REVENUE SHARING LIMITED PARTNERSHIP — Disbursements are provided 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 as per the formula set out in 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.....	58,059	101,000
Receipts.....	(58,059)	(101,000)
Net Cash Requirement (Source).....	—	—

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

(\$000)

VOTE 33 Ministry Operations

Description	Total 2021/22 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
Negotiations and Regional Operations Division	15,341	10,935	65	2,777	—	13,777	—	665	—	516	71	297	—	—	—
Strategic Partnerships and Initiatives Division	18,337	6,937	—	1,761	—	8,698	—	256	—	1,126	14	102	—	—	—
Reconciliation Transformation and Strategies Division	3,260	2,124	—	539	—	2,663	—	54	—	23	8	15	—	—	—
Executive and Support Services	12,498	3,091	—	808	56	3,955	35	157	3,052	364	337	675	—	—	1
Minister's Office	978	642	—	185	56	883	—	85	—	—	10	15	—	—	—
Corporate Services	11,520	2,449	—	623	—	3,072	35	72	3,052	364	327	660	—	—	1
Total	49,436	23,087	65	5,885	56	29,093	35	1,132	3,052	2,029	430	1,089	—	—	1

VOTE 34 Treaty and Other Agreements Funding

Description	Total 2021/22 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
Treaty and Other Agreements Funding	117,063	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Treaty and Other Agreements Funding	3,482	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Non Treaty Funding	113,581	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	117,063	—	—	—	—	—	—	—	—	—	—	—	—	—	—

VOTE 35 Declaration Act Secretariat

Description	Total 2021/22 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
Declaration Act Secretariat	—	1,164	—	296	—	1,460	—	280	300	253	42	205	—	—	—
Total	—	1,164	—	296	—	1,460	—	280	300	253	42	205	—	—	—

Statutory Appropriations

Description	Total 2021/22 Operating Expenses	50	51	52	54	Total Salaries and Benefits	55	57	59	60	63	65	67	68	69
First Citizens Fund	1,642	—	—	—	—	—	—	—	—	—	—	—	—	—	—
First Nations Clean Energy Business Fund special account	9,268	120	—	30	—	150	—	—	—	98	—	—	—	—	—
Total	10,910	120	—	30	—	150	—	—	—	98	—	—	—	—	—

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2022/23 Operating Expenses
—	—	—	1	1,550	—	—	—	—	—	—	17	17	—	(1)	(1)	(1)	(1)	(2)	15,341
—	—	—	—	1,498	275	—	8,106	8,381	—	—	15	15	—	(151)	(151)	(1)	(1)	(2)	18,439
—	—	—	—	100	500	—	—	500	—	—	—	—	—	(1)	(1)	(1)	(1)	(2)	3,260
—	—	238	583	5,442	—	—	940	940	—	—	2,441	2,441	—	(1)	(1)	(1)	(1)	(2)	12,775
—	—	—	—	110	—	—	—	—	—	—	—	—	—	—	—	—	—	—	993
—	—	238	583	5,332	—	—	940	940	—	—	2,441	2,441	—	(1)	(1)	(1)	(1)	(2)	11,782
—	—	238	584	8,590	775	—	9,046	9,821	—	—	2,473	2,473	—	(154)	(154)	(4)	(4)	(8)	49,815

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2022/23 Operating Expenses
—	—	—	—	—	126,221	—	106,696	232,917	—	—	—	—	—	(1)	(1)	(1)	(117,286)	(117,287)	115,629
—	—	—	—	—	—	—	3,915	3,915	—	—	—	—	—	(1)	(1)	(1)	—	(1)	3,913
—	—	—	—	—	126,221	—	102,781	229,002	—	—	—	—	—	—	—	—	(117,286)	(117,286)	111,716
—	—	—	—	—	126,221	—	106,696	232,917	—	—	—	—	—	(1)	(1)	(1)	(117,286)	(117,287)	115,629

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2022/23 Operating Expenses
—	—	11	198	1,289	—	—	—	—	—	—	467	467	—	(1)	(1)	(1)	(1)	(2)	3,213
—	—	11	198	1,289	—	—	—	—	—	—	467	467	—	(1)	(1)	(1)	(1)	(2)	3,213

70	72	73	75	Total Operating Costs	77	79	80	Total Govt Transfers	81	83	85	Total Other Expenses	86	88	Total Internal Recoveries	89	90	Total External Recoveries	Total 2022/23 Operating Expenses
—	—	—	—	—	—	—	1,686	1,686	—	—	—	—	—	—	—	—	—	—	1,686
—	—	—	—	98	5,335	—	1,996	7,331	—	—	—	—	—	(1)	(1)	(1)	(1)	(2)	7,576
—	—	—	—	98	5,335	—	3,682	9,017	—	—	—	—	—	(1)	(1)	(1)	(1)	(2)	9,262

Ministry of Indigenous Relations and Reconciliation

2022/23 Estimates

Questions and Answers

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Ministry of Indigenous Relations and Reconciliation

2022/23 Estimates

1. What is the Ministry's budget for 2022/2023?

- Budget 2022 provides Ministry of Indigenous Relations and Reconciliation \$177.919 million, which is 0.3% more than Budget 2021.
- This dedicated and dependable funding allows us to continue the long-term work to advance reconciliation and implement the UN Declaration in B.C.

2. Where has Budget 2022 changed over Budget 2021?

- Budget 2022 includes a significant step towards meeting our government's commitment to reconciliation by creating a Declaration Act Secretariat, dedicated to coordinating government's reconciliation efforts and ensuring new legislation and policies are consistent with the Declaration on the Rights of Indigenous Peoples Act.
- Budget 2022 provides \$12.05 million over the next three years, \$3.2 million for 2022/2023, to establish the Declaration Act Secretariat.
- All of this supports our work with Indigenous Peoples to advance reconciliation and implement the UN Declaration.

3. What about Budget 2022 funding for other ministries' reconciliation activities?

- Budget 2022 provides funding across government for various initiatives that support reconciliation and the implementation of the UN Declaration. For example:
 - Working in partnership with the First Nations Health Authority to continue creating up to 15 First Nations Primary Care Centres throughout the province.

- Supporting Aboriginal Head Start, which provides culturally based inclusive child care, early learning and family bonding opportunities for Indigenous children.
- Funding for Indigenous-led emergency management in First Nations communities.
- Increased access to justice for Indigenous people through a virtual Indigenous Justice Centre.
- Connecting First Nations communities to high-speed internet and cell service.
- Expanding the Indigenous Forest Bioeconomy Program to include a new Accelerator Program, which will help Indigenous partners commercialize and scale-up innovative forest-based products.

4. What is the role of the Declaration Act Secretariat?

- Ministries are engaging with Indigenous Peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported centrally.
- To ensure success, the Declaration Act Secretariat is a dedicated body to support government's reconciliation efforts by ensuring laws, policies and practices are consistent with the Act.
- In developing the plan for the secretariat, we have heard from First Nations leadership and legal experts on how best the new Secretariat can effectively coordinate and support this cross-government obligation to align our laws, policies and practices with the UN Declaration.
- Si Sityaawks (Jessica Wood) is Associate Deputy Minister of the Declaration Act Secretariat

5. Is there funding allocated for the actions included in the Declaration Act's action plan?

- The finalized action plan includes tangible, achievable actions in the areas of self-determination and self-government, rights and title, ending anti-Indigenous racism, and social, cultural and economic well-being.
- The implementation of specific actions, including associated funding, is the responsibility of the lead ministry/ministries of those actions.

6. Why does Budget 2022 have a decrease of \$1.434 million to fund treaty and other agreements?

- We are advancing our treaties and other government to government agreements to respond to the needs of individual nations, many of which entail multi-year financial commitments.
- Budget 2022 allows us to meet our multi-year commitments to existing treaties and other government-to-government agreements, and includes a financial commitment of \$115.629 million.

If pressed by what the \$1.434 million decrease in funding between Budget 2022 and Budget 2021

- Every year, the profile of payments changes.
- Budget 2022 allows us to fully meet our multi-year commitments to existing treaties and other government-to-government agreements.
- There is no budget cut.

7. Angela Polifroni, director of operations for Toquaht Nation, is quoted as saying she was pleased to see "Indigenous issues and acknowledgment of Indigenous jurisdictions" throughout the budget document, but noted that "fully-resourced implementation" of treaties is not possible based on the funds committed. What is your response?

- Budget 2022 allows us to meet our multi-year commitments to existing treaties and other government-to-government agreements, and includes a financial commitment of \$115.629 million.
- There is a significant increase to \$130 million planned for 2022/23 in the ministry budget for treaties and other agreements as noted in the service plan released on budget day.
- The funding increase scheduled for 2022/2023 is based on the work the ministry is doing with nations in regards to the timing of the implementation of specific programs.
- BC and Modern Treaty Nations have been working both individually and collectively through the Alliance of British Columbia Modern Treaty Nations

to develop a framework and supporting fiscal policies to ensure resourcing is in place for the full implementation of modern treaties.

- Budget 2022 provides Ministry of Indigenous Relations and Reconciliation \$177.919 million, which is 0.03% more than Budget 2021.
- 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, Metis or Indigenous Peoples as a whole.
- For example, we have shared \$355 million in gaming revenues since the gaming revenue sharing program began in 2019 (including the \$74M one time grant) directly with First Nations.
- These funds have been used towards construction of single-family homes, repairs and upkeep of community buildings and Elders' housing, strengthening community responses to COVID-19, and supports for post secondary education for community members including childcare for those students.
- This dedicated and dependable funding allows us to continue the long-term work to advance reconciliation and implement the UN Declaration in B.C

8. Why is funding decreasing through the First Nations Clean Energy Business Fund?

- The First Nations Clean Energy Business Fund (FNCEBF) is supported by annual provincial rentals from eligible power projects.
- The project proponents pay the province to use water (water licenses) and rent land (land tenures) to use for their projects. It's the fees from these licenses and tenures that support the fund.
- When the projected revenue into the fund decreases, so does the amount available to support projects.
- Projections for 2022/23 indicate \$1.692 million decrease in revenues to the fund.
- We are continuing our commitment to support remote First Nations communities reduce their reliance on diesel-powered generators.

9. How are you supporting Indigenous language revitalization and culture?

- B.C. has incredible language diversity and is home to 34 First Nations languages, which make up more than half of all Indigenous languages in Canada.

- We are committed to supporting Indigenous languages and culture, which help address systemic social challenges and connect people to community, land and culture.
- For example, through a \$50-million multi-year investment in 2018, the First Peoples' Cultural Council is supporting Indigenous communities to reclaim their language and culture.
 - With this investment, First Nations completed over 470 language revitalization projects funded by the First Peoples' Cultural Council last year alone.

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

- The First Citizens Fund revenue is interest-driven and recent low interest rates have affected revenue that supports programs. We will provide approximately \$1.6 million to support programs in 2022/2023, which is comparable to 2021/2022.

11. How does gaming revenue sharing with First Nations work?

- Like every government, First Nations need secure long-term 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.
- In September 2020, the Province and BC First Nations Gaming Commission jointly finalised a 25-year arrangement to share provincial gaming revenue.
- The arrangement provides 7% of net provincial gaming revenue to First Nations to be used to support self-government and self-determination,

strong, healthy communities and services that make life better for families in First Nations communities across B.C.

- Each First Nation that participates in revenue sharing can use their gaming revenues to support priorities for its community.
- 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.
- Since the program began, the Province has transferred \$356 million in shared gaming revenues to First Nations. It has been used for programs and services in Indigenous communities according to their individual priorities.
- First Nations are creating programs and undertaking projects such as construction for new housing and community buildings, childcare and supports for new parents, initiatives to preserve and strengthen Indigenous languages, mental health services, supports for business ventures, and much more.

12. What is the Province going to do about the decline in gaming revenue and subsequent affect on First Nations?

- 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.
- First Nations were hard hit by the pandemic – and successive fires and floods – and have used funding from the gaming revenue sharing agreement to meet their immediate needs, impacting other community priority projects and initiatives.
- In 2020/21 due to the decline in gaming activity from public health measures to respond to the pandemic, First Nations gaming revenues were approximately \$74 million lower than anticipated.

- In April 2022, the Province provided a one-time \$74 million dollar grant to mitigate the loss of these revenues that have been a crucial support for First Nations governments.
- This one-time grant ensures that First Nations who were among the hardest hit by the pandemic won't be left behind during the recovery.
- It will continue support First Nations' priorities for social services, education, infrastructure, cultural revitalization and self-government capacity.
- This grant makes up for lost revenues that fund new community projects and programs and significant economic development that can benefit First Nations communities and beyond, bringing more prosperity to every part of the province.
- This renewed approach to revenue sharing is part of our commitment to create a new fiscal relationship with First Nations that supports self-government and self-determination.

13.Can you explain how the recently announce gaming revenue grant fits into these numbers?

- Through this grant, we are recognizing the COVID 19 impacts on First Nations share of gaming revenues - \$74 million.
- We have been proud to call gaming revenue a secure, long-term revenue stream for all First Nations governments across the province. And it still is, except when you have a once in a lifetime event like COVID-19.
- As a government, we made the decision to maintain Community Gaming Grants at pre-COVID levels to ensure continued funding to non-profit groups.
- Government also provided supports to municipalities including COVID-19 Safe Restart Grants and the deferral of school property tax remittance to help with cash-flow pressures.
- Supporting First Nations is completely consistent with these measures and it's the right thing to do.

14.Can you provide a breakdown of gaming revenue of funding?

- In 2019/20 and 2020/21 we transferred \$196.84M in total.
- In 2021/22 we transferred \$58,059,120.

- Last week we transferred the 22/23 amount, \$26,928,930. This is significantly less than they anticipated to receive. The decline in gaming revenues totalled \$73,941,070. We addressed this with the one-time grant.
- In total that's almost \$356M.
- We expect there may be additional adjustments to 2021/22 revenues. There has been a very strong recovery in the gaming sector and with the bounce, we expect that number might be adjusted upward.

15. What about funding for MNBC?

- Métis Nation BC and the Province share a commitment to strengthening our relationship and advancing reconciliation, and we are committed to continue building an on-going, positive relationship.
- The Province and Métis Nation British Columbia signed a Letter of Intent late last year. This is an opportunity to phase out the Métis Nation Relationship Accord II and develop a partnership that respects self-determination through a “whole of government” approach.
- As part of our work, we are undertaking a ‘whole of government’ review, which will include developing shared priorities and reviewing current funding and future needs.
- During the development of the Declaration Act Action Plan, we released a consultation draft for input from Indigenous Peoples, Nations, and organizations. We were encouraged to receive feedback from both Métis people and Métis Nation BC.
- Action 4.2 of the Declaration Action Plan includes a commitment to “Advance a collaborative, whole-of-government approach in the partnership between the Métis Nation of British Columbia and the Province of B.C., respecting Métis self-determination and working to establish more flexibility and sustainability in funding.”
- We take a distinctions-based approach in our relationships with Indigenous peoples – and our relationship with Métis in B.C. Any funding, programs, and services will be different from our relationships with First Nations. Similarly, our relationship with the Métis in B.C. will be different than what other governments have with Métis within their jurisdiction.

If asked:

- This ministry's funding to the Métis Nation British Columbia in 2020/2021 was \$665,000. We also committed \$745,000 in 2021/2022 funding up to February 2022.
- If our budget is approved, we will continue to support MNBC's governance capacity with \$400,000 and we anticipate that many of the other Ministries will be continuing their program support for MNBC.

16. MIRR's 2022/23 budget is \$177.919 million. This is an \$0.510 million increase (0.03%) from the previous year. What is it being spent on?

- \$3.213M increase to establish an independent Declaration Act Secretariat,
- \$0.233M increase to support Ministry of Attorney General legal services chargebacks
- \$0.102M increase for 1 FTE to support climate action initiatives.
- \$0.044M increase for Budget 2021 out year adjustments (\$0.029M to fund salary increments for Implementation Resources and \$0.015M Minister Office);
- (\$1.434M) net decrease in the Treaty and Other Agreements vote.
- \$0.044M increase to the First Citizens fund
- (\$1.692M) decrease to the First Nations Clean Energy Business fund

17. The Treaty & Other Vote has decreased by a net of (\$1.434M) over Budget 2021. Why?

- The ministry budget is funded to match signed agreement costs.
- Payments to First Nations have increased by \$27.487M over 2021/22:
 - \$0.431M increase in treaty payments,
 - \$30.361M increase in revenue sharing; offset by:
 - (\$3.305M) decrease in non-treaty payments, primarily due to LNG agreements planned for 2022/23 pushed to 2023/24
 - (\$28.921M) increase in revenue recovery

Type of Payment	2021/22	2022/23	Change
Treaty	\$ 3.484	\$ 3.915	\$ 0.431
Non Treaty	\$ 95.886	\$ 92.581	\$ (3.305)
Revenue Sharing	\$ 106.060	\$ 136.421	\$ 30.361
Total Payments to First Nations (Gross Budget)	205.43	232.917	27.487
Forestry (FCRSA)	\$ (45.800)	\$ (45.800)	\$ -
Oil & Gas (EBA)	\$ (0.825)	\$ (11.507)	\$ (10.682)
Mining (ECDA)	\$ (40.851)	\$ (59.522)	\$ (18.671)
Resort (R/ECDA)	\$ (0.889)	\$ (0.457)	\$ 0.432
Total Revenue Recovery	\$ (88.367)	\$ (117.288)	\$ (28.921)
Net Budget Treaty & Other Agreements	\$ 117.063	\$ 115.629	\$ (1.434)

18. 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 2022/23 are \$34.260M, which is a \$1.690M increase from 2021/22.
- 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 \$101.000M in 2022/23. This is gross amount before any prior year adjustments.
- Financing transaction costs were added in Budget 2021.

19. What does the funding in the First Citizens Fund support?

- The First Citizens Fund is a special fund within government's Consolidated Revenue Fund and the monies do not come from the ministry budget.
- As fund revenue is interest-driven, recent low interest rates have affected revenue that supports programs and will provide approximately

\$1.6 million to support programs in 2022/23 which is comparable to 2021/22.

- 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.

20. How was the ministry impacted by the natural resource ministries re-organization?

- (\$1.304M) and the 5 FTEs of the Strategic Consultation Initiatives team including the Transforming First Nation Consultation Information (TFNCI) System was transferred from Strategic Partnerships and Initiative Division (SPID) and Executive Support Services (ESS) to the new Ministry of Land, Water and Resource Stewardship.

21. How many staff are employed in the Minister's Office and what is the total salary budget? What are the salaries per position?

- 2022/23 supports a total of 9 FTEs including Minister
 - Total salary budget is \$0.883 million. Salaries and benefits per position are:

Personal Information

	Leg Sal-Indemnities (PA)	22,000
Total		795,547

22.What is the Minister's compensation?

- Information on compensation is available on the following website:
<https://www.leg.bc.ca/content-committees/Pages/Remuneration.aspx#basiccompensation>

The compensation is broken into 2 parts:

- Basic Compensation as an MLA is \$111,024
- Top-up of 50% for being a Minister is \$55,512
- Ministerial salaries are subject to a hold back of 20%. Half is accrued to meeting the government's bottom line and the other half by delivering on those accountabilities that are attributed to my ministry
- Total \$166,536 (20% holdback of \$33,307)

23.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, 2021 to February 22, 2022 are: \$25,798 and proactively disclosed each month.
- Significantly less in 2020/21 due to COVID-19

24. How many other organizations does MIRR directly contribute funds to, and how much will be provided in 2022/2023?

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

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

- MIRR has budgeted approximately \$15.3 million for the negotiations of agreements (treaty and non treaty).
- MIRR has budgeted \$115.6 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.

26. Were there any audits of MIRR programs?

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

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

- The ministry spent \$0.013 million in Fiscal 20/21.
- From April 1 2021 to Feb 21, 2022, the ministry has spent \$0.111 million on travel.

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

- As of February 1, 2022, MIRR had 280 staff in 9 locations around the Province.
- Locations include:

Cranbrook	3	Smithers	10
Fort St John	7	Surrey	7
Kamloops	8	Victoria	231
Nanaimo	9	Williams Lake	4
Prince George	1		

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

Year	Average FTE burn
2021/22 – January YTD Average	244.05
2020/21 – March YTD Average	229.40
2019/20 - March YTD Average	235.35
2018/19 – March YTD Average	227.67
2017/18 - March YTD Average	226.65

30. How many FTEs were approved to support the Declaration Act Secretariat?

- Budget 2022 provides \$12.048M over the fiscal plan to establish an independent Declaration Act Secretariat.
- This includes funding for 22 FTEs, as detailed in the table below:

Type of Position	Classification	# of FTEs
Associate Deputy Minister	Assoc DM	1.0
Senior Executive Assistant	SEA (15 plus 10%)	1.0
Director of Operations	Band 3	1.0
Assistant Deputy Minister	ADM level2	1.0
Admin Assistant	Clerk 11	1.0
Project & Systems Director	Band 3	1.0
Director of Communication and Engagement	Band 3	1.0
Project & Systems Coordinator	AO 18	1.0
Communications and Engagement Coordinator	CO21	1.0
Executive Director Finance, Economics	Band 5	1.0
Executive Director Social, Justice and Policing	Band 5	1.0
Executive Director Natural Resources Sector	Band 5	1.0
Senior Analyst (3 FTE's)	PA 27 +3.3% TMA	3.0
Policy and Consultation Analyst (3 FTE's)	AO24	3.0
IYP (3)	Grid 13	3.0
CSNR - Financial Analyst	FO18	1.0
		22.0

**IYP - Indigenous Youth Intern Program*

31.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.

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

2021/22 Budget	2022/23 Budget	Change	Reason
\$2.209M	\$2.209M	0.00	No change

33.Why are you (Cabinet Ministers) in line for a 10% pay hike? Why is the balanced budget holdback being removed?

- Defer answer to Ministry of Finance Estimates

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
OPERATING BUDGET - 2021/22 to 2024/25

By Core Business

\$000s									
	2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Plan	Change	2023/24 Plan	Change	2024/25 Plan
Ministry Operations									
Negotiations and Regional Operations	15,341	-	15,341	-	15,341	-	15,341	-	15,341
Strategic Partnerships and Initiatives Division	18,834	(497)	18,337	102	18,439	2	18,441	2	18,443
Reconciliation, Transformation & Strategies	3,260	-	3,260	-	3,260	-	3,260	-	3,260
Executive and Support Services	13,305	(807)	12,498	277	12,775	16	12,791	-	12,791
Sub-Total	50,740	(1,304)	49,436	379	49,815	18	49,833	2	49,835
Treaty and Other Agreements Funding	117,063	-	117,063	(1,434)	115,629	15,131	130,760	(7,703)	123,057
Declaration Act Secretariat	-	-	-	3,213	3,213	1,181	4,394	47	4,441
First Citizens Fund Special Account	1,642	-	1,642	44	1,686	(14)	1,672	(8)	1,664
First Nations Clean Energy Business Fund Special Account	9,268	-	9,268	(1,692)	7,576	(406)	7,170	125	7,295
	178,713	(1,304)	177,409	510	177,919	15,910	193,829	(7,537)	186,292

2021/22 Changes include:

transfer of the Strategic Consultation Initiatives team (5 FTEs) and the Transforming First Nations Consultations Information (TFNCI) System to Ministry of Land, Water and Natural Resource Operations

2022/23 Changes include - Increase of \$0.510M

Ministry Operations - increase of \$0.379M

- \$0.233M increase for legal services chargebacks;
- \$0.102M increase for 1 FTE to support CleanBC Roadmap;
- \$0.029M to fund salary increments of Budget 2021 approval for Implementation Resources;
- \$0.015M to fund salary increments of Budget 2021 approval for Minister's Office.

Treaty and Other Agreements Funding - Net decrease of (\$1.434M)

- \$0.431M increase in Treaty payments
- (\$3.3051M) decrease in LNG payments
- 1.440M net increase in revenue recoveries to fund revenue sharing agreements

First Citizens' Fund - increase of (\$0.044M)

The First Citizen Fund increase of (\$0.044M) is due to increase of investment fund revenues.

First Nations Clean Energy Business Fund - decrease of (\$1.692M)

- (\$1.692M) decrease due to lower projected revenue sharing payments for clean energy projects

Declaration Act Secretariat - increase of \$3.213M

- \$1.460M increase to create the Declaration Act Secretariat (22 FTE's - some FTE's funded by contingency access for first year)
- \$1.453M increase to create operating budget to fund operating expenses for the Declaration Act Secretariat
- \$0.300M increase to create legal budget for the Declaration Act Secretariat

2023/24 Changes include - Increase of \$15.910M

Ministry Operations - increase of \$0.018M

- \$0.002M increase to salaries and benefits
- \$0.016M increase to fund the Minister's Office

Treaty and Other Agreements Funding - Net increase of \$15.131M

- \$15.131M increase to match funded agreement costs

Declaration Act Secretariat - increase of \$1.181M

- \$1.181M increase to fund the Declaration Act Secretariat

First Citizens' Fund - decrease of (\$0.014M)

The First Citizen Fund decrease of (\$0.014M) is due to decreased investment fund revenues.

First Nations Clean Energy Business Fund - decrease of (\$0.406M)

- The First Nations Clean Energy Business Fund expenditure decrease of (\$0.406M) is due to:
- decrease in land and water rents associated with power projects being returned to the fund

2024/25 Changes include - decrease of (\$7.537M)

Ministry Operations - increase of \$0.002M

- \$0.002M increase to salaries and benefits

Treaty and Other Agreements Funding - Net decrease of (\$7.703M)

- (\$7.703M) decrease to match funded agreement costs

Declaration Act Secretariat - increase of \$0.047M

- \$0.047M increase to fund the Declaration Act Secretariat

First Citizens' Fund - decrease of (\$0.008M)

The First Citizen Fund decrease of (\$0.008M) is due to decreased investment fund revenues.

First Nations Clean Energy Business Fund - increase of \$0.125M

- The First Nations Clean Energy Business Fund expenditure increase of \$0.125M is due to:
- increase in land and water rents associated with power projects being returned to the fund.

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MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

OPERATING BUDGET - 2021/22 to 2022/23

by Group Account Classification (GAC)

(\$000s)				
Group Account Classification	2021/22	2022/23	Increase	% Change
All Votes & Special Accounts	Restated	Estimates	(Decrease)	
Salaries and benefits	29,144	30,703	1,559	5.3%
Operating costs	8,422	9,977	1,555	18.5%
Government transfers	225,917	251,755	25,838	11.4%
Other expenses	2,460	2,942	482	19.6%
Recoveries	(88,534)	(117,458)	(28,924)	(32.7%)
Total Operating Budget	177,409	177,919	510	0.3%

Variance Explanations:

Salaries and Benefits: Increased by \$1.559M

- \$0.084M increase to support Clean BC initiatives (1 FTE)
- \$1.460M increase to support the Declaration Act Secretariat (22 FTEs)
- \$0.015M salary increment to support the Minister's Office (Budget 2021)

Operating costs: Increased by \$1.555M

- \$0.003M increase to support Clean BC Initiatives
- \$0.233 increase to Legal Services Budget for increased Legal Services chargebacks
- \$1.289M increase to support the Declaration Act Secretariat
- \$0.029M net increase for new FTEs to support Implementation of agreements and Declaration Act
- \$0.001M increase for the First Nations Clean Energy Business fund for ongoing database administration

Government transfers: Net increase of \$25.838M (See Tab 5 - Government Transfers listing)

- \$30.361M increase in projected revenue sharing payments
- \$0.431M increase in Treaty agreement funding due to tax sharing projections
- \$0.044M increase to The First Citizen fund due to increased investment fund revenue; off set by;
- (\$3.305M) decrease to LNG agreement payments due to when projects come on line
- (\$1.693M) decrease to the First Nations Clean Energy Business Fund forecast for how much money will be returned to the Fund through land and water rents associated with power projects as they come on-line and shared with First Nations

Other Expenses: Increased by \$0.482M

- \$0.015M increase to support Clean BC Initiatives
- \$0.467M increase to support the Declaration Act Secretariat

Recoveries: net increase of \$28.924M

- (\$28.921M) increase in projected revenue sharing recovery

2021/22 to 2024/25

Operating Budget Changes by STOB

						\$000s				
Vote 33- Ministry Operations		2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
50	Base Salaries and Overtime	23,390	(382)	23,008	79	23,087	14	23,101	1	23,102
51	Supplementary Salary Costs	65	-	65	-	65	-	65	-	65
52	Employee Benefits	5,962	(97)	5,865	20	5,885	4	5,889	1	5,890
54	Legislative Salaries - Indemnities	56	-	56	-	56	-	56	-	56
Total Salaries & Benefits		29,473	(479)	28,994	99	29,093	18	29,111	2	29,113
55	Boards, Commissions, Courts Fees	35	-	35	-	35	-	35	-	35
57	Public Servant Travel Expenses	1,137	(5)	1,132	-	1,132	-	1,132	-	1,132
59	Centralized Management Services	2,819	-	2,819	233	3,052	-	3,052	-	3,052
60	Professional Services	2,209	(180)	2,029	-	2,029	-	2,029	-	2,029
63	Information Systems - Operating	444	(16)	428	2	430	-	430	-	430
65	Office and Business Expenses	1,101	(7)	1,094	(5)	1,089	-	1,089	-	1,089
67	Advertising	-	-	-	-	-	-	-	-	-
68	Statutory Advertising and Publications	-	-	-	-	-	-	-	-	-
69	Utilities Materials and Supplies	1	-	1	-	1	-	1	-	1
70	Operating Equip, Vehicles and Other	-	-	-	-	-	-	-	-	-
73	Amortization Expenses	815	(587)	228	10	238	-	238	-	238
75	Building Occupancy Charges	559	-	559	25	584	-	584	-	584
Total Operating Expenditures		9,120	(795)	8,325	265	8,590	-	8,590	-	8,590
77	Transfers - Grants	775	-	775	-	775	-	775	-	775
79	Entitlements	-	-	-	-	-	-	-	-	-
80	Transfers Under Agreement	9,046	-	9,046	-	9,046	-	9,046	-	9,046
Total Grants and Transfers		9,821	-	9,821	-	9,821	-	9,821	-	9,821
81	Trsf Payment Between Votes	-	-	-	-	-	-	-	-	-
84	Interest Costs - Non Public Debt	-	-	-	-	-	-	-	-	-
85	Other Expenses	2,488	(30)	2,458	15	2,473	-	2,473	-	2,473
Total Other Expenditures		2,488	(30)	2,458	15	2,473	-	2,473	-	2,473
88	Recoveries - Internal	(154)	-	(154)	-	(154)	-	(154)	-	(154)
89/90	Recoveries - External	(8)	-	(8)	-	(8)	-	(8)	-	(8)
Total Recoveries		(162)	-	(162)	-	(162)	-	(162)	-	(162)
TOTAL MINISTRY OPERATIONS		50,740	(1,304)	49,436	379	49,815	18	49,833	2	49,835
Percent Change						0.8%	0.0%		0.0%	

2021/22 Restatement: decrease of (\$1.304M) due to transfer of overheads supporting Strategic Consultation Initiatives Team (5 FTEs) and maintenance and amortization for Transforming First Nations Consulting Information (TFNCI) System to the Ministry of Land, Water & Resource Stewardship

2022/23 changes: \$0.379M increases

Salary & Benefits \$0.099M increase:

\$0.084M to fund 1FTE under CleanBC Roadmap to build capacity to support the development of forest carbon offset projects to finalize a new Forest Carbon Offset Protocol (FCOP 2.0)

\$0.015M increase to support the Minister's Office

Operating Expenditures \$0.265M increase

\$0.233M increase for legal services chargebacks

\$0.029M net increase for new FTEs to support Implementation of agreements and Declaration Act

\$0.003M operating expenses to support new FTE

Other Expenditures \$0.015M increase

\$0.015M operating expenses to support new FTE

2023/24 changes: \$0.018M increase

Salaries & Benefits: \$0.018M increase

\$0.016M increase to support the Minister's Office

\$0.002M increase to fund step increment of new FTE to support CleanBC initiatives

2024/25 changes - \$0.002M increase

Salaries & Benefits: \$0.002M increase

\$0.002M increase to fund step increment of new FTE to support CleanBC initiatives

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2021/22 to 2024/25

Operating Budget Changes by STOB

Vote 33 - Strategic Partnerships and Initiatives Division						\$000s			
		2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	2024/25 Plan
50	Base Salaries and Overtime	7,252	(382)	6,870	67	6,937	1	6,938	6,939
51	Supplementary Salary Costs	-	-	-	-	-	-	-	-
52	Employee Benefits	1,841	(97)	1,744	17	1,761	1	1,762	1,763
54	Legislative Salaries - Indemnities	-	-	-	-	-	-	-	-
Total Salaries & Benefits		9,093	(479)	8,614	84	8,698	2	8,700	8,702
55	Boards, Commissions, Courts Fees	-	-	-	-	-	-	-	-
57	Public Servant Travel Expenses	261	(5)	256	-	256	-	256	256
59	Centralized Management Services	-	-	-	-	-	-	-	-
60	Professional Services	1,126	-	1,126	-	1,126	-	1,126	1,126
63	Information Systems - Operating	18	(6)	12	2	14	-	14	14
65	Office and Business Expenses	108	(7)	101	1	102	-	102	102
67	Advertising	-	-	-	-	-	-	-	-
68	Statutory Advertising and Publications	-	-	-	-	-	-	-	-
69	Utilities Materials and Supplies	-	-	-	-	-	-	-	-
70	Operating Equip, Vehicles and Other	-	-	-	-	-	-	-	-
73	Amortization Expenses	-	-	-	-	-	-	-	-
75	Building Occupancy Charges	-	-	-	-	-	-	-	-
Total Operating Expenditures		1,513	(18)	1,495	3	1,498	-	1,498	1,498
77	Transfers - Grants	275	-	275	-	275	-	275	275
79	Entitlements	-	-	-	-	-	-	-	-
80	Transfers Under Agreement	8,106	-	8,106	-	8,106	-	8,106	8,106
Total Grants and Transfers		8,381	-	8,381	-	8,381	-	8,381	8,381
81	Trsf Payment Between Votes	-	-	-	-	-	-	-	-
84	Interest Costs - Non Public Debt	-	-	-	-	-	-	-	-
85	Other Expenses	-	-	-	15	15	-	15	15
Total Other Expenditures		-	-	-	15	15	-	15	15
88	Recoveries - Internal	(151)	-	(151)	-	(151)	-	(151)	(151)
89/90	Recoveries - External	(2)	-	(2)	-	(2)	-	(2)	(2)
Total Recoveries		(153)	-	(153)	-	(153)	-	(153)	(153)
TOTAL MINISTRY OPERATIONS		18,834	(497)	18,337	102	18,439	2	18,441	18,443
Percent Change						0.6%		0.0%	0.0%

2021/22 Restatement: net decrease of (\$0.497M) due to transfer of Strategic Consultation Initiatives Team (5 FTEs) to the Ministry of Land, Water & Resource Stewardship

2022/23 changes - increase of \$0.102M

Salary & Benefits \$0.084M increase:

\$0.084M to fund 1FTE under CleanBC Roadmap to build capacity to support the development of forest carbon offset projects to finalize a new Forest Carbon Offset Protocol (FCOP 2.0)

Operating Expenditures \$0.003M increase

\$0.003M operating expenses to support new FTE

Other Expenditures \$0.015M increase:

\$0.015M operating expenses to support new FTE

2023/24 changes: increase of \$0.002M

Salary & Benefits \$0.002M increase:

\$0.002M increase to fund step increment of new FTE to support CleanBC initiatives

2024/25 Changes: increase of \$0.002M

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2021/22 to 2024/25

Operating Budget Changes by STOB

					\$000s				
Vote 33 - Negotiations and Regional Operations		2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change 2024/25 Plan
50	Base Salaries and Overtime	10,935	-	10,935	-	10,935	-	10,935	- 10,935
51	Supplementary Salary Costs	65	-	65	-	65	-	65	- 65
52	Employee Benefits	2,777	-	2,777	-	2,777	-	2,777	- 2,777
54	Legislative Salaries - Indemnities		-	-	-		-	-	-
Total Salaries & Benefits		13,777	-	13,777	-	13,777	-	13,777	- 13,777
55	Boards, Commissions, Courts Fees		-	-	-		-	-	-
57	Public Servant Travel Expenses	665	-	665	-	665	-	665	- 665
59	Centralized Management Services	-	-	-	-	-	-	-	-
60	Professional Services	516	-	516	-	516	-	516	- 516
63	Information Systems - Operating	71	-	71	-	71	-	71	- 71
65	Office and Business Expenses	297	-	297	-	297	-	297	- 297
67	Advertising		-	-	-		-	-	-
68	Statutory Advertising and Publications		-	-	-		-	-	-
69	Utilities Materials and Supplies		-	-	-		-	-	-
70	Operating Equip, Vehicles and Other		-	-	-		-	-	-
73	Amortization Expenses	-	-	-	-	-	-	-	-
75	Building Occupancy Charges	1	-	1	-	1	-	1	- 1
Total Operating Expenditures		1,550	-	1,550	-	1,550	-	1,550	- 1,550
77	Transfers - Grants	-	-	-	-	-	-	-	-
79	Entitlements	-	-	-	-	-	-	-	-
80	Transfers Under Agreement	-	-	-	-	-	-	-	-
Total Grants and Transfers		-	-	-	-	-	-	-	-
81	Trsf Payment Between Votes	-	-	-	-	-	-	-	-
84	Interest Costs - Non Public Debt		-	-	-		-	-	-
85	Other Expenses	17	-	17	-	17	-	17	- 17
Total Misc. Expenditures		17	-	17	-	17	-	17	- 17
88	Recoveries - Internal	(1)	-	(1)	-	(1)	-	(1)	- (1)
89/90	Recoveries - External	(2)	-	(2)	-	(2)	-	(2)	- (2)
Total Recoveries		(3)	-	(3)	-	(3)	-	(3)	- (3)
TOTAL MINISTRY OPERATIONS		15,341	-	15,341	-	15,341	-	15,341	- 15,341
Percent Change									

2022/23 changes: no changes

2023/24 changes: no changes

2024/25 changes: no changes

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2021/22 to 2024/25

Operating Budget Changes by STOB

					\$000s						
Vote 33 - Reconciliation, Transformation & Strategies			2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
50	Base Salaries and Overtime		2,124	-	2,124	-	2,124	-	2,124	-	2,124
51	Supplementary Salary Costs			-		-		-		-	
52	Employee Benefits		539	-	539	-	539	-	539	-	539
54	Legislative Salaries - Indemnities			-		-		-		-	
Total Salaries & Benefits			2,663	-	2,663	-	2,663	-	2,663	-	2,663
55	Boards, Commissions, Courts Fees			-		-		-		-	
57	Public Servant Travel Expenses		54	-	54	-	54	-	54	-	54
59	Centralized Management Services			-		-		-		-	
60	Professional Services		23	-	23	-	23	-	23	-	23
63	Information Systems - Operating		8	-	8	-	8	-	8	-	8
65	Office and Business Expenses		15	-	15	-	15	-	15	-	15
67	Advertising			-		-		-		-	
68	Statutory Advertising and Publications			-		-		-		-	
69	Utilities Materials and Supplies			-		-		-		-	
70	Operating Equip, Vehicles and Other			-		-		-		-	
73	Amortization Expenses			-		-		-		-	
75	Building Occupancy Charges			-		-		-		-	
Total Operating Expenditures			100	-	100	-	100	-	100	-	100
77	Transfers - Grants		500	-	500	-	500	-	500	-	500
79	Entitlements			-		-		-		-	
80	Transfers Under Agreement			-		-		-		-	
Total Grants and Transfers			500	-	500	-	500	-	500	-	500
81	Trsf Payment Between Votes			-		-		-		-	
84	Interest Costs - Non Public Debt			-		-		-		-	
85	Other Expenses			-		-		-		-	
Total Misc. Expenditures				-		-		-		-	
88	Recoveries - Internal		(1)	-	(1)	-	(1)	-	(1)	-	(1)
89/90	Recoveries - External		(2)	-	(2)	-	(2)	-	(2)	-	(2)
Total Recoveries			(3)	-	(3)	-	(3)	-	(3)	-	(3)
TOTAL MINISTRY OPERATIONS			3,260	-	3,260	-	3,260	-	3,260	-	3,260
Percent Change					-		-		-		-

2022/23 changes : no changes

2023/24 changes: no changes

2024/25 changes: no changes

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2021/22 to 2024/25

Operating Budget Changes by STOB

\$000s									
Vote 33 - Executive and Support Services	2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
50 Base Salaries and Overtime	3,079	-	3,079	12	3,091	13	3,104	-	3,104
51 Supplementary Salary Costs		-	-	-	-	-	-	-	-
52 Employee Benefits	805	-	805	3	808	3	811	-	811
54 Legislative Salaries - Indemnities	56	-	56	-	56	-	56	-	56
Total Salaries & Benefits	3,940	-	3,940	15	3,955	16	3,971	-	3,971
55 Boards, Commissions, Courts Fees	35	-	35	-	35	-	35	-	35
57 Public Servant Travel Expenses	157	-	157	-	157	-	157	-	157
59 Centralized Management Services	2,819	-	2,819	233	3,052	-	3,052	-	3,052
60 Professional Services	544	(180)	364	-	364	-	364	-	364
63 Information Systems - Operating	347	(10)	337	-	337	-	337	-	337
65 Office and Business Expenses	681	-	681	(6)	675	-	675	-	675
67 Advertising		-	-	-	-	-	-	-	-
68 Statutory Advertising and Publications		-	-	-	-	-	-	-	-
69 Utilities Materials and Supplies	1	-	1	-	1	-	1	-	1
70 Operating Equip, Vehicles and Other		-	-	-	-	-	-	-	-
73 Amortization Expenses	815	(587)	228	10	238	-	238	-	238
75 Building Occupancy Charges	558	-	558	25	583	-	583	-	583
Total Operating Expenditures	5,957	(777)	5,180	262	5,442	-	5,442	-	5,442
77 Transfers - Grants	-	-	-	-	-	-	-	-	-
79 Entitlements	-	-	-	-	-	-	-	-	-
80 Transfers Under Agreement	940	-	940	-	940	-	940	-	940
Total Grants and Transfers	940	-	940	-	940	-	940	-	940
81 Trsf Payment Between Votes	-	-	-	-	-	-	-	-	-
84 Interest Costs - Non Public Debt		-	-	-	-	-	-	-	-
85 Other Expenses	2,471	(30)	2,441	-	2,441	-	2,441	-	2,441
Total Other Expenditures	2,471	(30)	2,441	-	2,441	-	2,441	-	2,441
88 Recoveries - Internal	(1)	-	(1)	-	(1)	-	(1)	-	(1)
89/90 Recoveries - External	(2)	-	(2)	-	(2)	-	(2)	-	(2)
Total Recoveries	(3)	-	(3)	-	(3)	-	(3)	-	(3)
TOTAL MINISTRY OPERATIONS	13,305	(807)	12,498	277	12,775	16	12,791	-	12,791
Percent Change			(6.1%)		2.2%		0.1%		-

2021/22 Restatement: decrease of (\$0.807M) due to transfer of overheads supporting Strategic Consultation Initiatives Team (5 FTEs) and maintenance and amortization for Transforming First Nations Consulting Information (TFNCI) System to the Ministry of Land, Water & Resource Stewardship

2022/23 changes: \$0.277M increase

Salary & Benefits \$0.015M increase:

\$0.015M increase to support the Minister's Office

Operating Expenditures \$0.262M increase

\$0.233M increase for legal services chargebacks

\$0.029M net increase for new FTEs to support Implementation of agreements and Declaration Act

2023/24 changes: \$0.016M increase

Salaries & Benefits: \$0.016M increase

\$0.016M increase to support the Minister's Office

2024/25 changes - no changes

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2021/22 to 2024/25

Operating Budget Changes by STOB

				\$000s			
Vote 34 - Treaty & Other Agreement Funding		2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	2024/25 Plan
50	Base Salaries and Overtime	-	-	-	-	-	-
51	Supplementary Salary Costs	-	-	-	-	-	-
52	Employee Benefits	-	-	-	-	-	-
54	Legislative Salaries - Indemnities	-	-	-	-	-	-
Total Salaries & Benefits		-	-	-	-	-	-
55	Boards, Commissions, Courts Fees	-	-	-	-	-	-
57	Public Servant Travel Expenses	-	-	-	-	-	-
59	Centralized Management Services	-	-	-	-	-	-
60	Professional Services	-	-	-	-	-	-
63	Information Systems - Operating	-	-	-	-	-	-
65	Office and Business Expenses	-	-	-	-	-	-
67	Advertising	-	-	-	-	-	-
68	Statutory Advertising and Publications	-	-	-	-	-	-
69	Utilities Materials and Supplies	-	-	-	-	-	-
70	Operating Equip, Vehicles and Other	-	-	-	-	-	-
73	Amortization Expenses	-	-	-	-	-	-
75	Building Occupancy Charges	-	-	-	-	-	-
Total Operating Expenditures		-	-	-	-	-	-
77	Transfers - Grants	95,860	30,361	126,221	7,199	133,420	119,372
79	Entitlements	-	-	-	-	-	-
80	Transfers Under Agreement	109,570	(2,874)	106,696	15,021	121,717	113,674
Total Grants and Transfers		205,430	27,487	232,917	22,220	255,137	233,046
81	Trsf Payment Between Votes	-	-	-	-	-	-
84	Interest Costs - Non Public Debt	-	-	-	-	-	-
85	Other Expenses	-	-	-	-	-	-
Total Misc. Expenditures		-	-	-	-	-	-
88	Recoveries - Internal	(1)	-	(1)	-	(1)	(1)
89/90	Recoveries - External	(88,366)	(28,921)	(117,287)	(7,089)	(124,376)	(109,988)
Total Recoveries		(88,367)	(28,921)	(117,288)	(7,089)	(124,377)	(109,989)
TOTAL		117,063	(1,434)	115,629	15,131	130,760	123,057
Percent Change				(1.2%)		13.1%	(5.9%)

2022/23 Changes:

(\$1.434M) net decrease in the Treaty and Other Agreements vote is the result of:

- \$27.487M net increase for agreements with First Nations, \$30.361M increase in revenue sharing, \$0.431M increase in treaty payments, (\$3.305M) decrease in non-treaty payments ; off set by
- \$28.921M net increase in recoveries associated with revenue sharing payments (no change to Forest Consultation & Revenue Sharing Agreements (FCRSA), \$18.239M net increase in Economic/Resort & Community Development Agreements (ECDA & R/ECDAS) and \$10.682M increase in Economic Benefits Agreements (EBA)

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2021/22 to 2024/25

Operating Budget Changes by STOB

				\$000s						
Vote 35 - Declaratrion Act Secretariat				2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
50	Base Salaries and Overtime			-	1,164	1,164	890	2,054	36	2,090
51	Supplementary Salary Costs			-	-	-	-	-	-	-
52	Employee Benefits			-	296	296	226	522	9	531
54	Legislative Salaries - Indemnities			-	-	-	-	-	-	-
Total Salaries & Benefits				-	1,460	1,460	1,116	2,576	45	2,621
55	Boards, Commissions, Courts Fees			-	-	-	-	-	-	-
57	Public Servant Travel Expenses			-	280	280	-	280	-	280
59	Centralized Management Services			-	300	300	-	300	-	300
60	Professional Services			-	253	253	-	253	-	253
63	Information Systems - Operating			-	42	42	(9)	33	-	33
65	Office and Business Expenses			-	205	205	(58)	147	-	147
67	Advertising			-	-	-	-	-	-	-
68	Statutory Advertising and Publications			-	-	-	-	-	-	-
69	Utilities Materials and Supplies			-	-	-	-	-	-	-
70	Operating Equip, Vehicles and Other			-	-	-	-	-	-	-
73	Amortization Expenses			-	11	11	119	130	-	130
75	Building Occupancy Charges			-	198	198	12	210	-	210
Total Operating Expenditures				-	1,289	1,289	64	1,353	-	1,353
77	Transfers - Grants			-	-	-	-	-	-	-
79	Entitlements			-	-	-	-	-	-	-
80	Transfers Under Agreement			-	-	-	-	-	-	-
Total Grants and Transfers				-	-	-	-	-	-	-
81	Trsf Payment Between Votes			-	-	-	-	-	-	-
84	Interest Costs - Non Public Debt			-	-	-	-	-	-	-
85	Other Expenses			-	467	467	1	468	2	470
Total Misc. Expenditures				-	467	467	1	468	2	470
88	Recoveries - Internal			-	(1)	(1)	-	(1)	-	(1)
89/90	Recoveries - External			-	(2)	(2)	-	(2)	-	(2)
Total Recoveries				-	(3)	(3)	-	(3)	-	(3)
TOTAL MINISTRY OPERATIONS				-	3,213	3,213	1,181	4,394	47	4,441
Percent Change				(100.0%)		#DIV/0!		36.8%		1.1%

2022/23 changes : \$3.213M increase

Salary & Benefits \$1.460M increase:

\$1.460M to fund 22 FTEs to establish the Declaration Act Secretariat, hiring lag built into approval with contingency available to cover overages

Operating Expenditures \$1.289M increase

\$1.289M operating expenses to support new Secretariat

Other Expenditures \$0.467M increase:

\$0.467M overhead expenses to support onboarding 22 FTEs, includes space planning and central agency chargebacks
\$0.064M operating expenses to support new Secretariat

2023/24 changes: \$1.181M increase

Salary & Benefits \$1.116M increase:

\$1.116M to fund 22FTEs to establish the Declaration Act Secretariat

2024/25 changes: \$0.047M increase

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2021/22 to 2024/25

Operating Budget Changes by STOB

		\$000s					
		2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	2024/25 Plan
First Citizens' Fund							
50	Base Salaries and Overtime	-	-	-	-	-	-
51	Supplementary Salary Costs	-	-	-	-	-	-
52	Employee Benefits	-	-	-	-	-	-
54	Legislative Salaries - Indemnities	-	-	-	-	-	-
Total Salaries & Benefits		-	-	-	-	-	-
55	Boards, Commissions, Courts Fees	-	-	-	-	-	-
57	Public Servant Travel Expenses	-	-	-	-	-	-
59	Centralized Management Services	-	-	-	-	-	-
60	Professional Services	-	-	-	-	-	-
63	Information Systems - Operating	-	-	-	-	-	-
65	Office and Business Expenses	-	-	-	-	-	-
67	Advertising	-	-	-	-	-	-
68	Statutory Advertising and Publications	-	-	-	-	-	-
69	Utilities Materials and Supplies	-	-	-	-	-	-
70	Operating Equip, Vehicles and Other	-	-	-	-	-	-
73	Amortization Expenses	-	-	-	-	-	-
75	Building Occupancy Charges	-	-	-	-	-	-
Total Operating Expenditures		-	-	-	-	-	-
77	Transfers - Grants	-	-	-	-	-	-
79	Entitlements	-	-	-	-	-	-
80	Transfers Under Agreement	1,642	44	1,686	(14)	1,672	1,664
Total Grants and Transfers		1,642	44	1,686	(14)	1,672	1,664
81	Trsf Payment Between Votes	-	-	-	-	-	-
84	Interest Costs - Non Public Debt	-	-	-	-	-	-
85	Other Expenses	-	-	-	-	-	-
Total Misc. Expenditures		-	-	-	-	-	-
88	Recoveries - Internal	-	-	-	-	-	-
89/90	Recoveries - External	-	-	-	-	-	-
Total Recoveries		-	-	-	-	-	-
TOTAL		1,642	44	1,686	(14)	1,672	1,664
Percent Change				2.7%		(0.8%)	(0.5%)

Notes:

The changes in the First Citizen Fund are due to changes in the interest received on the principal investment.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2021/22 to 2024/25

Operating Budget Changes by STOB

\$000s							
First Nations Clean Energy Business Fund	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
50 Base Salaries and Overtime	120	-	120	39	159	-	159
51 Supplementary Salary Costs	-	-	-	-	-	-	-
52 Employee Benefits	30	-	30	11	41	-	41
54 Legislative Salaries - Indemnities	-	-	-	-	-	-	-
Total Salaries & Benefits	150	-	150	50	200	-	200
55 Boards, Commissions, Courts Fees	-	-	-	-	-	-	-
57 Public Servant Travel Expenses	-	-	-	-	-	-	-
59 Centralized Management Services	-	-	-	-	-	-	-
60 Professional Services	97	1	98	(98)	-	-	-
63 Information Systems - Operating	-	-	-	-	-	-	-
65 Office and Business Expenses	-	-	-	-	-	-	-
67 Advertising	-	-	-	-	-	-	-
68 Statutory Advertising and Publications	-	-	-	-	-	-	-
69 Utilities Materials and Supplies	-	-	-	-	-	-	-
70 Operating Equip, Vehicles and Other	-	-	-	-	-	-	-
73 Amortization Expenses	-	-	-	-	-	-	-
75 Building Occupancy Charges	-	-	-	-	-	-	-
Total Operating Expenditures	97	1	98	(98)	-	-	-
77 Transfers - Grants	5,991	(656)	5,335	242	5,577	87	5,664
80 Transfers Under Agreement	3,033	(1,037)	1,996	(600)	1,396	38	1,434
Total Grants and Transfers	9,024	(1,693)	7,331	(358)	6,973	125	7,098
81 Trsf Payment Between Votes	-	-	-	-	-	-	-
84 Interest Costs - Non Public Debt	-	-	-	-	-	-	-
85 Other Expenses	-	-	-	-	-	-	-
Total Misc. Expenditures	-	-	-	-	-	-	-
88 Recoveries - Internal	(1)	-	(1)	-	(1)	-	(1)
89/90 Recoveries - External	(2)	-	(2)	-	(2)	-	(2)
Total Recoveries	(3)	-	(3)	-	(3)	-	(3)
TOTAL	9,268	(1,692)	7,576	(406)	7,170	125	7,295
Percent Change			(18.3%)		(5.4%)		1.7%

Notes:

The changes in the First Nations Clean Energy Business Fund are primarily due to projected forecast for how much money will be returned to the Fund through land and water rents associated with power projects as they come on-line and due to additional government investment

2022/23 (\$1.692M) decrease

(\$1.692M) spending plan adjustment, to match projected revenues

2023/24 (\$0.406M) decrease

(\$0.358M) spending plan adjustment, to match projected revenues

(\$0.048M) Administration decreased from \$0.248M in 2022/23 to \$0.200M

2024/25 \$0.125M increase

\$0.125M spending plan adjustment to match projected revenues

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MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

CAPITAL BUDGET - 2021/22 to 2024/25

\$000s

	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
Ministry Operations							
Land	-	-	0	-	-	-	-
Furniture & Equipment	1	2	3	-	3	-	3
MINISTRY CAPITAL	1	2	3	-	3	-	3

Changes in 2022/23 Budget include: Central agency decision to increase capital placeholder from \$1K to \$3K. At this time the ministry does not have any planned capital purchases in this category

2023/24 Budget No changes

2024/25 Budget No changes

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

LOANS, INVESTMENTS AND OTHER REQUIREMENTS - 2021/22 to 2024/25

\$000s

	2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
Other Financing Transactions (Schedule D Inventory)									
Treaty and Other Agreements Receipts	0	0	0	0	0	0	0	0	0
Treaty and Other Agreements Disbursements	32,570	0	32,570	1,690	34,260	-15,686	18,574	4,371	22,945
Ministry Other Financing Transactions (Schedule D Inventory) Total Net Cash Requirement	32,570	0	32,570	1,690	34,260	-15,686	18,574	4,371	22,945

Changes year over year due to planned private land purchases to support agreements

LAND TRANSFERS - Disbursements represent expenditures for acquisition, administration and disposal of land as a result of the settlement of treaties, incremental treaty and other agreements. Negotiation and implementation costs are funded through the ministry's voted appropriations.

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MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES

\$000s

	2021/22 Estimates	Change	2021/22 Restated	Change	2022/23 Estimates	Change	2023/24 Plan	Change	2024/25 Plan
Other Financing Transactions (Schedule E)									
Treaty and Other Agreements Receipts	(58,059)	-	(58,059)	(42,941)	(101,000)	(8,000)	(109,000)	(1,000)	(110,000)
Treaty and Other Agreements Disbursements	58,059	-	58,059	42,941	101,000	8,000	109,000	1,000	110,000
Ministry Other Financing Transactions (Schedule E) Total Net Cash Requirement	0	0	0	0	0	0	0	0	0

Changes in all years due to:

Treaty and Other Agreements Receipts

- net income collected by the BC Lottery Corporation on behalf of the BC First Nation Gaming Revenue Sharing Limited Partnership

Treaty and Other Agreements Disbursements

- disbursements provided to the BC First Nations Gaming Revenue Sharing Limited Partnership

Disbursements are provided by the province to the BC First Nations Gaming Revenue Sharing Limited Partnership as per the formula set out in the Gaming Control Act of the actual net income (receipts) of the lottery corporation collected on behalf of the Partnership. Administration costs are funded through the ministry's voted appropriations.



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". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Horgan
Premier

Budget 2022 Briefing Note

Ministry of Indigenous Relations and Reconciliation

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Issue: Budget Transfer Summary

Recommended Response:

The Lands and Natural Resource Operations Secretariat completed a comprehensive analysis of the natural resource sector that led to the creation of a new ministry and the reorganization of several programs across government.

Specifically, IRR transferred Transforming First Nation Consultation Information (TFNCI) program and corresponding budget of \$1.304M to the new Ministry of Land, Water and Resource Stewardship.

Key Facts:

Transforming First Nation Consultation Information (TFNCI) will transform how consulting with First Nations is managed within government. Project deliverables will bring together consultation information, maps, processes, and systems across government into a unified system.

Program Function	EMLI	
	Budget	FTEs
Transforming First Nation Consultation Information (TFNCI)	-1,304,000	-5
Total transfers	-1,304,000	-5

Date Prepared/Revised: «add date»

Ministry Executive Sponsor:

Name: Ranbir Parmar

Phone: 778 698-3756

Program Contact for Issue:

Name: Michelle Roland

Phone: (778)698-3752

Key Messaging – Metis Budget Response

- Métis Nation BC and the Province share a commitment to strengthening our relationship and advancing reconciliation, and we are committed to continue building an on-going, positive relationship.
- During the development of the Declaration Act Action Plan, we released a consultation draft for input from Indigenous Peoples, Nations, and organizations. We were encouraged to receive feedback from both Métis people and Métis Nation BC. We look forward to seeing their insights and perspectives in the action plan when it is released in the near future.
- The Province and Métis Nation British Columbia signed a Letter of Intent late last year. This is an opportunity to phase out the Métis Nation Relationship Accord II and develop a partnership that respects self-determination through a “whole of government” approach.
- As part of our work, we are undertaking a ‘whole of government’ review, which will include developing shared priorities and reviewing current funding and future needs.
- We take a distinctions-based approach in our relationships with Indigenous peoples – and our relationship with Métis in B.C. Any funding, programs, and services will be different from our relationships with First Nations. Similarly, our relationship with the Métis in B.C. will be different than what other governments have with Métis within their jurisdiction.

Intergovernmental Communications; Government Financial Information

ADVICE TO MINISTER

<p style="text-align: center;">ESTIMATES NOTE (2022) Confidential</p> <p style="text-align: center;">Ministry of Indigenous Relations and Reconciliation</p> <p style="text-align: center;">Date: April</p>	<p style="text-align: center;">ISSUE TITLE:</p> <p style="text-align: center;">Procurement Practices including Direct Award Contracts</p> <p style="text-align: center;">Fiscal 21/22 ending March 31, 2022</p>
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KEY MESSAGES:

- **Key message #1** – The Province is committed to obtaining best value for taxpayers when contracting for services.
- **Key message #2** – The Province's procurement is based on the principles of fair and open public sector procurement – competition, value for money, transparency, accountability and economies of scale.
- **Key message #3** – There are certain circumstances where it makes financial and business sense to award contracts directly.
- **Key message #4** – All Ministry procurement is subject to corporate policy as stated in Chapter 6 of the Core Policy and Procedures Manual.
- **Key message #5** – The Ministry awarded **49** contracts and **436** government transfers valued at **\$203,453,417**.
- **Key message #6** – **45%** of Ministry contracts for regular business activities were awarded through a competitive process, accounting for **53% (\$2,041,142)** of ministry contract dollars.
- **Key message #7** – **55%** of Ministry contracts were directly awarded for regular business activities, accounting for **47% (\$1,796,393)** of ministry contract dollars.
- **Key message #8** – **100% (\$199,615,882)** of Ministry transfers were directly awarded.
- **Key message #9** – The single largest Ministry transfer was directly awarded to the **First Peoples' Cultural Foundation** accounting for **14% (\$25,000,000)** of Ministry transfer dollars (Appendix B).

ADVICE TO MINISTER

KEY POINTS AND BACKGROUND:

- For fiscal **21/22**, **no** formal vendor complaints were filed under the Vendor Complaint Review Program pertaining to the Ministry.
- The Ministry has a process in place to ensure contracts are awarded based on a fair and open tendering process as per government policy. Specifically:
 - The Ministry has a website which provides up-to-date information on procurement and links to training resources;
 - The Ministry has a hierarchical contract approval process based on the dollar value of the contract.
- Contracts of a material value may be negotiated and directly awarded in limited circumstances, including the following:
 - **Public sector organization** – The contract is with another government organization;
 - **Sole Source** – The Ministry can strictly prove that only one contractor is qualified and available to provide the goods/services;
 - **Emergency** – An unforeseeable emergency exists and the goods/services could not be obtained in time by any other means;
 - **Confidentiality** – The acquisition is of a confidential or privileged nature;
 - **Security** – A competitive process, such as open bidding, would interfere with the Ministry's ability to maintain security or confidentiality;
 - **Under \$25,000** (Services and Construction) – A contract is less than \$25,000 and a competitive process was not cost effective or reasonable;
 - A transfer payment may be direct awarded where a competitive process is not appropriate or to benefit a specific target population;
 - **Notice of Intent** – A contract may be direct awarded after posting a Notice of Intent on BC Bid, thus advising the vendor community of the intent to direct award. Vendors have the opportunity to challenge the proposed direct award; or
 - **Exception** allowable under a **trade agreement** or direct award permitted under another corporate policy or legislation.

ADVICE TO MINISTER

The table below lists the largest **10** of the **27** direct award contracts:

Supplier Name	Procurement Code	Description	Contract Value/ Encumbrance
Hope Johnston & Associates Law Corporation	Security, order, etc.	Wet'Suwet'En Facilitation	\$ 400,000
Pottinger Gaherty Environmental Consultants Ltd.	Confidentiality	Phase 2 Environmental Site Assessment at Cattle Ranch In Cariboo Region	271,700
Brownsey, Kenneth Lorne	Sole source	Chief Negotiator for Blueberry First Nations	160,000
Positive Deviance Inc.	Sole source	TLE Settlement Negotiations	150,000
Belleau, Charlene	Confidentiality	Indigenous Liaison	140,000
Hwitsum, Lydia	Confidentiality	Indigenous Liaison	85,000
Roshan Danesh Law Corporation	Confidentiality	Declaration on the Rights of Indigenous Peoples Act - Strategic Advisor	82,500
Chamberlin, Robert Leigh	Sole source	Treaty 8 Industry and Regional Leader	80,000
Dobb, Allen John	Sole source	Treaty/Reconciliation Negotiations Support	55,000
McElhanney Ltd.	Confidentiality	Detailed Site Investigation at a Cattle Ranch Southwest of 100 Mile House	47,585
<i>Sum of all other direct award contracts</i>			324,608
Total			\$ 1,796,393

ADVICE TO MINISTER

APPENDIX A – ANALYSIS OF DIRECT AWARDS FOR CONTRACTS

In fiscal 21/22 as at March 31, 2022, **27** direct award contracts were entered into with a total value of **\$1,796,393**. This accounts for **47%** of Ministry contract dollars.

The contracts were directly awarded by the Ministry as allowed under corporate Core Policy, as follows:

- 8 contracts totalling \$681,535 were directly awarded as being of a confidential or privileged nature.
- 15 contracts totalling \$671,310 were directly awarded for which the Ministry can strictly prove only one contractor was qualified and available to provide the goods/services.
- 1 contract totalling \$400,000 was directly awarded where a competitive process, such as open bidding, would interfere with the Ministry's ability to maintain security and confidentiality.
- 2 contracts totalling \$39,998 were directly awarded due to an unforeseeable emergency and the goods/services could not be obtained in time by any other means.
- 1 contract totalling \$3,550 was directly awarded under another Corporate Policy or Legislation.

ADVICE TO MINISTER

APPENDIX B – TOP 10 DIRECT AWARD TRANSFERS, BY DOLLAR VALUE

Supplier Name	Procurement Code	Description	Contract Value/ Encumbrance
First Peoples' Cultural Foundation	Shared Cost Arrangement (Financial Assistance)	First Peoples' Cultural Foundation	\$ 25,000,000
Cheslatta Community Trust	Shared Cost Arrangement (Financial Assistance)	Cheslatta Carrier Nation settlement agreement	11,000,000
Tsilhqot'In National Government	Shared Cost Arrangement (Financial Assistance)	Tsilhqot'In National Government	10,000,000
Secretariat of the Haida Nation	Shared Cost Arrangement (Financial Assistance)	Good faith measure capital transfer advance agreement, 2022	9,420,000
Sts'Ailes	Shared Cost Arrangement (Financial Assistance)	Sts'Ailes reconciliation agreement negotiations	5,420,000
Carrier-Sekani Tribal Council	Shared Cost Arrangement (Financial Assistance)	FCRSA 21/22 - Forest Consultation Resource Sharing Agreement	4,407,382
Sechelt Indian Band	Shared Cost Arrangement (Financial Assistance)	Shishshalh/ Residential Lands	4,000,000
Gitanyow Hereditary Chiefs	Shared Cost Arrangement (Financial Assistance)	Gitanyow incremental reconciliation pathway	4,000,000
Lake Babine Nation	Shared Cost Arrangement (Financial Assistance)	Lake Babine Nation foundation agreement	3,332,897
City of Prince Rupert	Shared Cost Arrangement (Financial Assistance)	Gitxaala LNG benefits - ferry services improvement funding	3,000,000
<i>Sum of all other direct award transfers</i>			120,035,603
Total			\$182,596,862

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: May 2, 2022 Minister Responsible: Hon. Murray Rankin	Declaration on the Rights of Indigenous Peoples Act
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TOP MESSAGE:

- **We are deeply committed to advancing reconciliation in B.C. – guided by the Declaration on the Rights of Indigenous Peoples (Declaration Act) and with meaningful consultation and cooperation with Indigenous Peoples.**

KEY MESSAGES:

- **On Nov. 28, 2019, B.C. became the first jurisdiction in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) 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 first discovery at the former B.C. residential school site in Kamloops last May, 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, which is increasing our contribution to reconciliation. For example:**
 - **We are hard at work aligning legislation with the UN Declaration. We have amended several laws and many more legislative changes are planned for future sessions.**
 - **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.**

Confidential Issues Note - ADVICE TO MINISTER

- **We are working in consultation and cooperation with Indigenous Peoples on the third annual report, a requirement of Declaration Act.**
- **We are committed to continuing to work together to build an even stronger, more inclusive, and more just B.C. – one that will create a better future for everyone.**

If asked about alignment of laws/Section 3

- **The Declaration Act mandates government to bring provincial laws into alignment with the UN Declaration and to do so in consultation and cooperation 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.**
- **Several bills were passed in fall 2021 that amended existing legislation to align with the UN Declaration. For example, amendments that:**
 - **supported First Nations jurisdiction over education, which includes enabling First Nations to certify and regulate teachers in their own schools;**
 - **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.**
 - **This amendment also requires that the UN Declaration be used to assist in resolving disputes over the meaning of provincial acts and regulations; and**
 - **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.**
- **Numerous bill are being have been tabled in spring 2022 spring session, including:**
 - **the amendments to the Wildlife Act, an important step towards co-management of wildlife, and**
 - **the introduction of anti-racism data legislation, which will help government identify inequities in programs and services, address barriers and pave the way to a more equitable**

Confidential Issues Note - ADVICE TO MINISTER

province.

If asked about the action plan/Section 4:

- **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 plan address systemic issues that infringe on the human rights of Indigenous peoples and perpetuate inequities in areas such as social, economic and health outcomes, over representation in the justice and child welfare systems, lower rates of education, higher rates of homelessness and other systemic issues.**
- **The Declaration Act Action Plan was developed through two years of intensive engagement to ensure it aligned with the priorities of Indigenous Peoples in B.C.**
- **Each ministry in government will work in consultation and cooperation with Indigenous Peoples to deliver on their specific actions.**
 - **In April 2022, the Ministry of Attorney General released new guidelines for the Crown that take a distinctions-based approach to litigation that advances meaningful reconciliation. The directives are an action item (2.3) in the Declaration Act Action Plan.**
- **The Province will report annually on progress made on the Action Plan to ensure transparency and accountability over the next five years and beyond.**

If Asked about Section 5, Annual Reports

- **The Province reports on progress made to implement the Declaration on the Rights of Indigenous Peoples Act through the annual reports. This is a requirement of section 5 of the Declaration Act.**
- **The annual reports are developed in consultation and cooperation with Indigenous Peoples in B.C. and publicly released by June 30. The reports ensure the provincial government's work is transparent and accountable.**
- **Our first annual report outlined progress made towards implementation from the date on which the Declaration Act was brought into force - November 28, 2019 - until March 31, 2020 - end of the fiscal year.**

Confidential Issues Note - ADVICE TO MINISTER

- The second annual report highlights significant initiatives related to the implementation of the UN Declaration and speaks to how the Province works with Indigenous peoples to mutually assess achievements in a meaningful way.
- I look forward to presenting the third report soon. It will cover activities from April 1, 2021 – March 31, 2022
- Advice/Recommendations

•

- Metrics for the action plan will be a key part of future annual reports

If asked about Section 7 shared decision-making agreements:

- We are advancing agreements that share statutory decision-making with First Nations.
- Section 7 of the Declaration Act provides a mechanism for the negotiation of joint and consent-based decision-making agreements with Indigenous governing bodies..
- The Province and Tahltan Central Government are presently negotiating a shared decision-making agreement under Section 7 related to environmental assessment approvals for the restart of the Eskay Creek Mine.
- Agreements under Section 7 of the Declaration Act help address the legacy of colonialism by allowing the Province to work shoulder-to-shoulder with First Nations on decisions that affect them.
- When finalized, this agreement would be the first decision-making agreement ever to be negotiated under the Declaration Act, providing a tangible example of how shared Crown-Indigenous decision-making can advance reconciliation and attract business investment and talent. In other words, that reconciliation is good for the economy.

Confidential Issues Note - ADVICE TO MINISTER

If asked about the Declaration Act Secretariat

- **By passing the Declaration Act, we have ensured that embedding the UN Declaration into our laws, policies and practices is a cross-government undertaking.**
- **We know this work must be done in consultation and cooperation with Indigenous Peoples.**
- **In developing this new agency, we heard from First Nations leadership and legal experts on how best the new Secretariat can effectively coordinate and support our work to align our laws, policies and practices with the UN Declaration.**
- **Budget 2022 provides \$12.05 million over the next three years to establish the Declaration Act Secretariat, a dedicated body to support government's reconciliation efforts**
- **Ministries are engaging with Indigenous Peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported centrally.**
- **We have appointed *Si Sityaawks* (Jessica Wood) as Associate Deputy Minister of the Declaration Act Secretariat.**

BACKGROUND

- The Declaration on the Rights of Indigenous Peoples Act (Declaration Act) passed unanimously in the B.C. legislature on Nov. 26, 2019. B.C. is the first jurisdiction in Canada to have passed legislation to implement the UN Declaration.
- All 2020 ministerial mandate letters commit ministers to advance reconciliation, guided by the Declaration Act. Ministers' mandate letters in 2017 tasked all ministers with implementing the UN Declaration and Truth and Reconciliation Commission's Calls to Action.
- The Minister of Indigenous Relations and Reconciliation's 2020 mandate letter also includes direction to develop and action plan in collaboration with Indigenous partners as required under the Declaration Act. Further, to bring a plan to Cabinet for a secretariat by the end of 2021 to that will assist ministries in the alignment of B.C. laws with the UN Declaration.

Declaration Act

- 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.

Confidential Issues Note - ADVICE TO MINISTER

- **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; it was not part of how the Province 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 learn and align work with the legislation, and ministries are now consulting and cooperating with Indigenous Peoples on key policy and legislation earlier and more deeply.
 - Cabinet Confidences; Advice/Recommendations
-
- 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.
 - A Declaration Act Secretariat has also been created to coordinate and assist the cross-government effort to work in consultation and cooperation with Indigenous peoples to align laws with the UN Declaration as per section 3 of the Declaration Act.

Confidential Issues Note - ADVICE TO MINISTER

Section 4: Action plan

- Between July 2020 and February 2021, the B.C. government consulted and cooperated 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 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.
- The deadline for feedback was extended from July 31 to Sept. 15 due to the substantial impacts of summer wildfires and residential school recoveries.
 - Since June 11, B.C. 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 BC Assembly of First Nations, Union of BC Indian Chiefs and First Nations Summit.
- The Declaration Action Plan was released March 30, 2022.

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.
- 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 2021, our government started negotiations with the Tahltan Central Government on the first consent-based decision-making agreement ever to be negotiated under the Declaration Act.
- The negotiations are intended to support ongoing work to collaboratively achieve long-term comprehensive reconciliation and land-use predictability in Tahltan territory.

Comm Contact	Program Contact(s)	ED	Other	ADM
Peggy Kulmala	Stephanie Mannix	Ashley Dryburgh/ Richard Grieve	Jessica Wood, DAS	Emily Arthur

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2022 Estimates Note

TOPIC: Declaration Act Secretariat

KEY MESSAGES

- **By passing the Declaration Act, we have ensured that embedding the UN Declaration into our laws, policies and practices is a cross-government undertaking.**
- **Ministries are engaging with Indigenous peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported centrally.**
- **To ensure success, the Declaration Act Secretariat (The Secretariat) has been established as a dedicated body to support government's reconciliation efforts by ensuring laws, policies and practices are consistent with the Act.**
- **The Secretariat guides and assists ministries in meeting the alignment of laws obligations, collaborate within government on changes to government's legislative and policy processes, and help establish government's legislative priorities related to the alignment of laws.**
- **The Secretariat helps to reinforce and demonstrate to Indigenous peoples, government partners and stakeholders, and the public, the concrete steps the B.C. government is taking to implement the Act.**
- **We have appointed Si Sityaawks (Jessica Wood) as Associate Deputy Minister of the Declaration Act Secretariat.**

BACKGROUND

The Minister of Indigenous Relations and Reconciliation was instructed in his 2020 Mandate Letter to "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 legislation and policies are consistent with the *Declaration on the Rights of Indigenous Peoples Act*."

The commitment to establish a Secretariat recognizes that implementation of the Declaration Act, the UN Declaration and Constitutionally protected title and rights requires an integrated, "whole of government" effort. This effort will require significant facilitation, coordination, and guidance which the Secretariat can help to provide.

In developing the plan for the new Secretariat, we have heard from First Nations leadership and legal experts on how best the Secretariat can effectively coordinate and support this cross-government obligation to align our laws, policies and practices with the UN Declaration.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2022 Estimates Note

The immediate priority of the Secretariat is to coordinate and assist the cross-government effort to work in consultation and cooperation with Indigenous peoples to align laws with the UN Declaration as per section 3 of the Declaration Act:

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.

The Secretariat:

- is distinct from IRR but falls under the responsibility of the Minister of IRR
- focused on Indigenous recruitment for an estimated staff of 18-22 public servants
- be led by an associate deputy minister who is working directly with the Minister of IRR and reports to the Deputy Minister to the Premier.

The Secretariat will have four core functions:

- Focus on Section 3 of the Declaration Act by providing assistance and guidance to Ministries to:
 - Meet consultation and cooperation obligations in development and reform of legislation
 - Ensure alignment of legislation with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Develop processes and measures to support the alignment of laws
- Inform government legislative agenda
- Engage with Indigenous Peoples to gather input on:
 - Their experiences working with Ministries in relation to the alignment of laws, and
 - To facilitate systemic shifts to ensure obligations under Section 3 can be met.

The Secretariat is creating an Advisory Forum that will provide advice to the Secretariat. The Advisory Forum is chaired by the Minister of IRR and membership will include at least three (non-political) Indigenous experts in the UN Declaration, the Minister of Attorney General and representation from the P&P Secretariat. The Advisory Forum will ensure that Indigenous expertise and experience with meeting the standards in the UN Declaration is brought into government.

Following the establishment of the Secretariat, the expected initial priority areas are the following:

- Recruitment/Staffing – Indigenous exclusive postings
- Develop cross-government guidance and advice on consultation and co-operation.
- Together with ministries, recommend for Cabinet approval which laws to prioritize for comprehensive alignment with the UN Declaration.
- Develop measures through which a review of laws will take place.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2022 Estimates Note

- Maintain a schedule, based on input from ministries and Indigenous peoples and organizations, that identifies existing laws that are a priority for review and alignment with the UN Declaration.

Primary Contact

Jessica Wood

Associate DM

Declaration Act Secretariat

Cell: Government

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 30, 2022 Minister Responsible: Hon. Murray Rankin	Declaration Act: Consultation and cooperation
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TOP MESSAGE:

- True, honest and meaningful reconciliation has never been more important to us all in these troubled times – the confirmation of unmarked burial sites at former residential schools, the intense heat waves and wildfires, the droughts and devastating floods, and the ongoing pandemic – they are all reasons why we must walk and work together.

KEY MESSAGES:

- The Declaration on the Rights of Indigenous Peoples Act mandates government to bring provincial laws into alignment with the UN Declaration and to do so in consultation and cooperation with Indigenous Peoples.
- While we expect many provincial laws will need alignment with the UN Declaration, some will not.
- We keep the requirements of the Declaration on the Rights of Indigenous Peoples Act top of mind when considering new or amended legislation.
- Across government, ministries are consulting and cooperating earlier and more deeply on proposed legislation than we ever have before.
- Several bills were passed in fall 2021 that amended existing legislation to align with the UN Declaration. For example, amendments that:
 - supported First Nations jurisdiction over education, which includes enabling First Nations to certify and regulate teachers in their own schools;
 - 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.
 - This amendment also requires that the UN Declaration be used to assist in resolving disputes about the meaning of provincial acts and regulations; and

Confidential Issues Note - ADVICE TO MINISTER

- **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.**

If asked about a Declaration Act Secretariat:

- **We know embedding the UN Declaration into our laws, policy, programs and practices needs to be a cross-government undertaking.**
- **We also know this work must be done in true collaboration and consultation with Indigenous Peoples.**
- **Although across government ministries are consulting and cooperating with Indigenous Peoples on key policy and legislation earlier and more deeply, it makes sense this engagement is coordinated centrally.**
- **To that end, a Declaration Act Secretariat has created to coordinate across government to support this work.**

If pressed about engagement with rights and title holders:

- **While we have worked closely to meet our obligations when it comes to Treaty partners, and we are engaging more and more with First Nations and Indigenous partners.**
- **We continue to strengthen our collaboration on policy and legislation with Indigenous Peoples.**
 - **We are working with the BC Alliance of Modern Treaty Nations, the First Nations Leadership Council - who receive their mandates through their chiefs' assemblies - and other First Nations organizations, committees, and council as well as Métis Nation British Columbia and others.**
- **We acknowledge that our core responsibility is with the rights and title holders and we continue to seek opportunities to do so effectively and predictably.**

BACKGROUND

The way the B.C. government consults and cooperates with Indigenous Peoples in the development of legislation has been criticized by Indigenous leadership and in the House.

Confidential Issues Note - ADVICE TO MINISTER

Indigenous leaders have been critical about how government consults and cooperates with Indigenous Peoples when developing legislation. For example:

- Ministries have presented their engagement with Indigenous political organizations as sufficient in meeting their requirements under the Declaration Act.
- The First Nations Leadership Council (FNLC) has stated that any engagement with the organizations that comprise FNLC - First Nations Summit, Union of BC Indian Chiefs, Assembly of First Nations - is not a substitute for the proper and required engagement with First Nations rights and title holders.
- While Government works with the FNLC, to take advantage of their leadership, expertise, political presence and shared mandates – it is not a substitute for engaging directly with Rights and Title holders.
- Treaty Nations have provisions within their treaties on matters related to notification on legislation. The Declaration Act provides opportunity to expand how we meet the requirements more comprehensively and constructively.

Sponsoring ministers are having their bills scrutinized by Opposition members, with targeted questions about how the legislation responds to specific articles of the UN Declaration and what level of consultation and cooperation has occurred. For example:

- Fall 2021 session: On October 5, 2021, the Opposition Critic repeatedly asked the sponsoring minister for the Early Learning and Child Care Act how many First Nations communities – and specifically which ones – were engaged in the development of the legislation.
- Spring 2021 session: Concerns were raised in the House about Firearms Act amendments over impacts to treaty rights not previously considered, which resulted in a late amendment.
- Summer 2020 session: Due to the targeted questions, the Clean Energy Amendment Act and Mental Health Amendment Act were withdrawn.

General

The 2019 Declaration on the Rights of Indigenous Peoples (Declaration Act) commits the B.C. government to aligning provincial laws with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and to do so in consultation and cooperation with Indigenous Peoples.

Ministries must therefore demonstrate that, where warranted, consultation and cooperation has occurred with Indigenous Peoples, which can include broad engagement, e.g. Indigenous Peoples in B.C. and/or targeted engagement with Indigenous partners and organizations, such as:

- First Nations rights and title holders,
- Indigenous political organizations (e.g. the First Nations Leadership Council and Métis Nation BC) and First Nation-mandated councils (e.g. BC First Nation Forestry Council),
- Indigenous subject matter experts, and
- service organizations (e.g. BC Association of Aboriginal Friendship Centres).

Confidential Issues Note - ADVICE TO MINISTER

Ministries are now consulting and cooperating with Indigenous Peoples earlier and more deeply than ever before. For example, an emerging best practice is ministries establishing Memorandums of Understanding with Indigenous partners that map out approaches to consultation and cooperation in relation to their legislation.

As another example of the provincial government's changing engagements with Indigenous Peoples, in June 2021, the B.C. government began negotiations with the Tahltan Central Government on the first consent-based decision-making agreement ever to be negotiated under section 7 of the Declaration Act. Section 7 is a mechanism that enables the Province and Indigenous governing bodies to share statutory decision-making authority.

Ministries and their GCPE offices are responsible for creating and reviewing messaging, QAs and other relevant materials outlining the consultation and cooperation activities undertaken during development of their legislation. The Ministry of Indigenous Relations and Reconciliation (MIRR) and GCPE-MIRR can review materials to confirm alignment with the Declaration Act and overall government reconciliation actions if needed, but are not responsible for final approval of materials for programs, policies, services and legislation led by other ministries.

Terminology

Consultation and cooperation as used in the Declaration Act is taken from the UN Declaration. Its meaning has been the subject of advice from the [United Nations Expert Mechanism on the Rights of Indigenous Peoples](#), which states:

Use in the [UN] Declaration of the combined terms “consult and cooperate” denotes a right of indigenous peoples to influence the outcome of decision-making processes affecting them, not a mere right to be involved in such processes or merely to have their views heard. It also suggests the possibility for indigenous peoples to make a different proposal or suggest a different model, as an alternative to the one proposed by the Government or other actor.

Rights and title refers the inherent rights of Indigenous Peoples that are protected under section 35 of the Canadian Constitution. These rights are not clearly defined and they can differ from Nation to Nation – their nature depends on where and how each Nation lived as a society prior to colonization. Typically, these rights can include rights to land, subsistence resources and related activities (e.g. hunting), self-determination, self-government, and cultural practices and customs such as language and religion. The B.C. provincial government partners with Métis organizations, however, Métis do not have legally recognized land-based rights in B.C., although they do in other provinces such as Manitoba.

Indigenous Nations is an umbrella term that includes First Nations, Inuit and Métis and should not be used when referring to a matter related to First Nations rights and title.

Comm Contact	Program Contact(s)	Other ministry(ies)	ADM
Peggy Kulmala	Richard Grieve, Krista Gunnarsen	NA	Jennifer Melles/Jessica Wood

Ministry of Indigenous Relations and Reconciliation Date: May 3, 2022 Minister Responsible: Hon. Murray Rankin	Distinctions Based Approach
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TOP MESSAGE:

- **We are taking concrete steps to ensure the diverse and distinct rights of Indigenous Peoples are respected and reflected in provincial policies, practices, and legislation.**

KEY MESSAGES:

- **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 (UN Declaration).**
- **Each of these Indigenous peoples has 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.**
- **The Province takes a distinctions-based approach in its relations with First Nations, Métis, and Inuit peoples.**
- **The Province has affirmed the requirement to take such an approach in the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous People and the Declaration on the Rights of Indigenous Peoples Act (Declaration Act).**
- **A distinctions-based approach requires that the Province's dealings with First Nations, Métis and Inuit peoples be conducted in a manner that acknowledges, respects and upholds the distinct rights of each.**

BACKGROUND

- All "Aboriginal peoples of Canada" have rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982* and all Indigenous peoples have human rights that are expressed in the UN Declaration.
- Not all rights are uniform or the same among or between all Indigenous peoples.
- This requires that the Province's dealings with First Nations, Métis and Inuit Peoples be conducted in a manner that acknowledges the specific rights, interests, priorities and

Confidential Issues Note - ADVICE TO MINISTER

concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments.

- The Province's relationship and engagement with First Nations, Métis and Inuit peoples will require different approaches and result in different outcomes.
- For example, in November 2021, we formalized a new partnership with Métis Nation British Columbia, that will provide greater inclusivity of Métis peoples' culture and history and better address the specific social, cultural and economic needs of Métis people in B.C.
- Even within those distinctions, each First Nation has its own distinct identities and cultures and BC seeks to respect those distinctions.
- A distinctions based approach can create tension between Indigenous Governing Bodies and organizations who represent Indigenous Peoples in BC. This can be further complicated by the historic disenfranchisement of Indigenous peoples, especially women, under the Indian Act and significant urban based Indigenous peoples.
- Canada has also adopted a distinctions-based approach. It was initially put forward as part of the Principles Respecting Canada's Relationship with Indigenous Peoples. "Section 35 contains a full box of rights, and holds the promise that Indigenous nations will become partners in Confederation on the basis of a fair and just reconciliation between Indigenous peoples and the Crown."

From Action Plan:

- The Province is committed to a distinctions-based approach.
- In the action plan, a wide range of terminology is used in the goals, outcomes and actions referring to Indigenous peoples including: "Indigenous Peoples," "First Nations," "Indigenous Nations," and others.
- Effort has been made to use this terminology consistently and coherently using a distinctions-based approach; wherever possible, reference to First Nations, Métis and Inuit Peoples are made intentionally to reflect these distinctions.
- There are currently some variances in use throughout the action plan for several reasons; for example, out of respect for the diversity of preferences among Indigenous Peoples, or to reflect and remain consistent with terminology used in existing commitments, agreements and other constructive arrangements.
- A distinctions-based approach must be applied in the interpretation and implementation of the action plan. Some of the actions referencing Indigenous Peoples may, through implementation, come to be more aptly focused on First Nations and/or Métis people.

Communications Contact: Leanne Ritchie

Program Area Contact(s): Emily Arthur, Jennifer Melles

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2022 Estimates Note
INDIGENOUS GOVERNING BODIES

TOPIC: Indigenous governing bodies

KEY MESSAGES

- **Indigenous governing bodies are an expression of Indigenous peoples' self-determination and section 6 of the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) allows the Province to enter into agreements with Indigenous peoples through the bodies that they have identified to represent them.**
- **The responsibility for defining or authorizing Indigenous governing bodies lies with the section 35 rights holders.**
- **The Province will want confidence that when it enters into an agreement with an Indigenous governing body that it can carry out the responsibilities set out in the agreement.**
- **We look to the Indigenous governing body to provide us with information that confirms they represent the section 35 rights holders.**
- **Examples of the type of information could be community ratification, assembly resolutions, or other mechanisms demonstrating accountability, legitimacy and transparency to their communities.**

BACKGROUND

- The Declaration Act defines an Indigenous governing body as “an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by Section 35 of the *Constitution Act, 1982*.”
- Section 6 of the Declaration Act provides the authority for government to enter into agreements with Indigenous governing bodies.
- Section 7 of the Declaration Act provides the statutory basis for entering into joint or consent based decision-making agreements with Indigenous governing bodies.

Primary Contact

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 26, 2022 Minister Responsible: Hon. Murray Rankin	Cross-government Reconciliation Accomplishments
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TOP MESSAGE:

- We are deeply committed to advancing reconciliation in B.C. – guided by the UN Declaration on the Rights of Indigenous Peoples, the Declaration Act, and with meaningful consultation and cooperation with Indigenous Peoples.

KEY MESSAGES:

- We are hard at work aligning legislation with the UN Declaration. We have already amended several laws and many more legislative changes are planned for future sessions.
- 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.
- We are co-developing a new forestry revenue sharing model with First Nations as the next step toward a new fiscal relationship.
- In addition, we are continuing our work on reconciliation in many important areas such as forestry, gaming revenue, language, housing, justice and as well as working to advance treaties and government-to government agreements.
- We are proving that by working together, we are building an even stronger, more inclusive, and more just British Columbia – one that will create a better future for everyone.

If asked about alignment of laws/Section 3:

- The Declaration Act mandates government to bring provincial laws into alignment with the UN Declaration and to do so in consultation and cooperation 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.
- Several bills were passed in fall 2021 that amended existing legislation to align with the UN Declaration. For example,

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amendments that:

- 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.
 - This amendment also requires that the UN Declaration be used to assist in resolving disputes about the meaning of provincial acts and regulations; and
- 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.
- Numerous bill are being tabled in 2022 spring session, including:
 - amendments to the Wildlife Act, an important step towards co-management of wildlife, and
 - new anti-racism data legislation, which will help government identify inequities in programs and services, address barriers and pave the way to a more equitable province.

If asked about the action plan/Section 4:

- The Declaration Act Action Plan, released March 30, 2022, was developed through two years of intensive engagement to ensure it aligned with the priorities of Indigenous Peoples in B.C.
- Each ministry in government will work in consultation and cooperation with Indigenous Peoples to deliver on their specific actions.
 - In April 2022, the Ministry of Attorney General released new guidelines for the Crown that take a distinctions-based approach to litigation that advances meaningful reconciliation.
 - The directives are an action item (2.3) in the Declaration Act Action Plan.
- The Province will report annually on progress made on the Action Plan to ensure transparency and accountability over the next five years and beyond.

If asked about Section 7 shared decision-making agreements:

- We are advancing agreements that share statutory decision-making with First Nations.
- Section 7 of the Declaration Act provides a mechanism for the negotiation of joint and consent-based decision-making agreements with Indigenous governing bodies..

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- The Province and Tahltan Central Government are presently negotiating a shared decision-making agreement under Section 7 related to environmental assessment approvals for the restart of the Eskay Creek Mine.
- Agreements under Section 7 of the Declaration Act help address the legacy of colonialism by allowing the Province to work shoulder-to-shoulder with First Nations on decisions that affect them.
- When finalized, this agreement would be the first decision-making agreement ever to be negotiated under the Declaration Act, providing a tangible example of how shared Crown-Indigenous decision-making can advance reconciliation and attract business investment and talent. In other words, that reconciliation is good for the economy.

If asked about a Declaration Act Secretariat:

- By passing the Declaration Act, we have ensured that embedding the UN Declaration into our laws, policies and practices is a cross-government undertaking.
- We know this work must be done in consultation and cooperation with Indigenous Peoples.
- In developing this new agency, we heard from First Nations leadership and legal experts on how best the new Secretariat can effectively coordinate and support our work to align our laws, policies and practices with the UN Declaration.
- Budget 2022 provides \$12.05 million over the next three years to establish the Declaration Act Secretariat, a dedicated body to support government's reconciliation efforts.
- Ministries are engaging with Indigenous Peoples on policy and legislation earlier and more deeply, and it makes sense this work is supported centrally.
- We have appointed Si Sityaawks (Jessica Wood) as Associate Deputy Minister of the Declaration Act Secretariat.

If asked about New Fiscal Relationship/new forestry revenue sharing model:

- First Nations governments, like all governments, require revenues to deliver programs and services to their citizens. A new fiscal relationship moves us away from a short-term transactional approach based on legal quid pro quos toward a relationship based on respect where First Nations have stable, long-term revenues that support self-determination.
- We took an important step toward a new fiscal relationship in 2019 by committing to share gaming revenues. As a next step, we have

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recently announced our commitment to co-develop a new model for forestry revenue sharing to replace the existing FCRSA program.

- This approach acknowledges that current forestry revenue sharing is inadequate – we need a new model that aligns with UNDRIP and meets commitments in the Declaration Act Action Plan.
- We have also announced an interim enhancement to the existing revenue sharing program, which will – at a minimum – double rates for current agreement holders.
- This interim enhancement will be effective immediately and sends a strong signal of our commitment to meaningfully engage with First Nations on the broader co-development of a new forestry revenue sharing model.

If asked about residential school support:

- We respectfully stand with residential school survivors, their families and communities who are seeking truth and justice for the children that never came home.
- Sites across the province still hold unanswered questions for survivors, their families and communities, and our government is committed to a process of truth telling, healing and justice.
- First Nations are in the best position to make decisions about this work and we are taking their guidance on how best to move forward.
- We have allocated funding for undertaking work at every Indian Residential School site and Indian Hospital site in BC.
 - \$475,000 for each of the 18 Residential School and 3 Hospital sites in B.C. This funding is for those communities who have these sites in or near their communities and who have been identified as the lead community or coordinating body to advance a search of these sites.
 - \$7 million to 14 First Nations and Tribal Councils across B.C.

If asked about gaming revenues:

- In September 2020, the Province and BC First Nations Gaming Commission jointly developed a 25-year arrangement to share provincial gaming revenue.
- The agreement provides 7% of net provincial gaming revenue to First Nations to be used to support self-government and self-determination, strong, healthy communities and services that make life better for families in First Nations communities across B.C.
- The Province has transferred almost \$356 million in shared gaming revenues to First Nations which is being used for programs and

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services in Indigenous communities according to their individual priorities.

- First Nations are creating programs and undertaking projects such as: planning new housing, upgrading community water distribution, improving internet connectivity, securing a loan to construct a daycare and installing a commercial sized freezer to provide consistent food distribution to community members throughout the year.
- Part of our commitment to stable funding for First Nations' governments included a \$74 million one-time grant to assist in recovery and growth after the COVID pandemic reduced gaming revenues by almost 80 percent.

If asked about language revitalization:

- B.C. has incredible language diversity and is home to 34 First Nations languages, which make up more than half of all Indigenous languages in Canada.
- We are committed to supporting Indigenous languages and culture, which help address systemic social challenges and connect people to community, land and culture.
 - For example, through a \$50-million multi-year investment in 2018, the First Peoples' Cultural Council is supporting Indigenous communities to reclaim their language and culture.
 - With this investment, First Nations completed over 470 language revitalization projects funded by the First Peoples' Cultural Council last year alone.
 - B.C. public post-secondary institutions are offering an increasing range of Indigenous language courses and programs, including the first-of-its-kind bachelor's degree of Nsyilxcn language fluency by UBC Okanagan in partnership with the Nicola Valley Institute of Technology and the En'owkin Centre in Penticton.

If asked about K-12 education:

- We are committed to working with community partners and Indigenous Peoples to strengthen curriculum and to add to our global and collective effort to end systemic racism. For example, over the last two years the Ministry of Education and Child Care:
 - is building Indigenous content into all grades and subjects in B.C.'s new curriculum and are working to ensure the curriculum accurately and fairly reflects the rich history of Indigenous people in B.C.;

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- is implementing a new graduation requirement that will ensure all students complete Indigenous-focused coursework before they graduate from B.C.'s K-12 education system.
- is making legislative changes to support First Nations to certify and regulate teachers working in their own schools.
- has introduced a new professional standard that requires teachers to commit to truth, reconciliation and healing, and designated a non-instructional day for teachers to focus on Indigenous student achievement; and
- launched the Equity in Action project to respond to the “racism of low expectations” through an anti-racism strategy that addresses obstacles to educational success for Indigenous learners.
- We are leading the way as the only jurisdiction in Canada with a tripartite agreement that ensures an equitable education for First Nations students living on reserve.
 - Indigenous student six-year completion rates are at an all-time high, with 72% of Indigenous students graduating from high school in 2020/21.
- Although progress is being made, we know we have much more to do.
- We will continue to work with Indigenous rightsholders and partners to tear down systemic colonial barriers in our communities and to improve outcomes for Indigenous learners.

If asked about housing:

- We know Indigenous Peoples face disproportionate challenges when it comes to finding and securing a safe, affordable, and culturally affordable place to call home.
- In 2018, we announced the Indigenous Housing Fund – an investment of \$550 million over 10 years to build and operate 1,750 new units of social housing both on- and off-reserve.
- With this commitment, B.C. became the first province in Canada to invest provincial funds into on-reserve housing – a federal jurisdiction.
- As of December 2021, there were more than 1,250 Indigenous Housing Fund homes open or underway in communities throughout B.C.

If asked about justice reform:

- We are committed to working with Indigenous Peoples to address the over-representation and incarceration and provide culturally

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appropriate supports.

- In 2020, we worked with the BC First Nations Justice Council to develop and endorse the First Nations Justice Strategy – a bold new approach to the criminal justice system that reflects the vision and priorities of First Nations communities throughout B.C.
- Three Indigenous justice centres are now open in Merritt, Prince George and Prince Rupert, providing culturally-appropriate and regionally-tailored services to local Indigenous Peoples.
- In addition, the virtual Indigenous Justice Centre offers Indigenous Peoples access to services such as legal advice and representation for criminal and child protection matters, advocacy, information and referrals to help them navigate the justice system.
- Budget 2022 announced \$12 million to continue the digitization of justice services that were implemented during the COVID-19 pandemic, including online traffic court, virtual bail, and a virtual Indigenous Justice Centre.

If asked about connectivity:

- Since 2017, the Province has invested \$190 million towards connectivity infrastructure projects, including the expansion of the Connecting British Columbia program. This includes a one-time grant as part of StrongerBC: BC's Economic Recovery Plan.
- The Connecting British Columbia program and the Government of Canada's Universal Broadband Fund allocated Rogers up to \$4.5 million towards the \$11.6-million cost of installing cellular infrastructure in the remaining 252 kilometres of weak signal strength between Prince Rupert and Smithers on Highway 16 (the Highway of Tears).
- This project responds to recommendations from the Highway of Tears Symposium and the National Inquiry into Missing and Murdered Indigenous Women and Girls to help make Highway 16 safer for Indigenous women, girls, and two-spirit people.
- BC Budget 2022 announced \$289 million in new funding over the next five years to further expand high-speed internet access throughout the province, bringing total investments to expand connectivity to remote, rural, and Indigenous communities to over \$509 million by 2026/27.

If asked about modernizing forestry:

- Our government's new vision for forest care is one where Indigenous peoples are full partners in sustainable forest management.

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Consistent with the BC Declaration Act, we're respecting Indigenous rights and creating new opportunities for shared decision-making.

- Recent changes to forestry legislation were based on years of feedback from First Nations, including the BC First Nations Forest Strategy.
- These changes provide us with new tools to advance reconciliation – such as shared decision-making on forest landscape plans and redistributing forestry tenures to First Nations.
- We are currently engaging with First Nation rights and title holders to finalize old growth deferral areas, with many requesting more time to incorporate local and Indigenous knowledge
- And we're continuing to have important conversations with rights and title holders across B.C. about our Intentions Paper, *Modernizing Forestry Policy in British Columbia: Setting The Intention and Leading the Forest Sector Transition*.

If asked about racism in health care:

- We know racism is harmful for people and damaging for care. Systemic racism exists; it persists in our health-care system; and it is damaging to the health and wellness of people in our province – especially Indigenous people, as shown by the 2020 report, *In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care*.
- Advancing the recommendations of *In Plain Sight* will occur in alignment with the commitments of the Declaration Act, in particular where legislative change has been identified as a highlighted need.
- Over the past year, the Province has made important steps to root out Indigenous-specific racism, stereotyping and discrimination in B.C.'s health-care system and ensure a culturally safe health-care system for Indigenous Peoples.
- Foundational to this work are the voices of Indigenous leaders. We will work very closely with our First Nations health governance partners and Métis leadership to make our health-care system safe and welcoming to Indigenous peoples.
- Budget 2022 announced \$45 million to implement primary care networks and bring additional traditional wellness providers closer to Indigenous communities. With this funding, the Province, working in partnership with the First Nations Health Authority, will support the operations of up to 15 First Nations Primary Health Care Centres.

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If asked about the treaty process:

- **We believe treaties will be more successful and enduring if we make sure they embed a recognition of the inherent rights of Indigenous Peoples, rather than seeking to extinguish those rights, and they have the ability to evolve rather than being frozen in time.**
- **Together, First Nations, Canada and B.C. are creating innovative agreements that are flexible and better suited to addressing the needs of individual nations.**
- **B.C. has explicitly clarified that extinguishment has no place in Crown-Indigenous agreements.**
- **Treaties will do the opposite. They will establish a constitutionally protected commitment to a relationship that will evolve and grow over time, without extinguishment.**
- **We are currently in advanced treaty negotiations with several Nations including: Kitselas [KIT-se-las] and Kitsumkalum [KIT-sum-kay-lum], K'omoks [KO-mox], Te'mexw [te-MUCK] and Pacheedaht [pak-eeed-AAT].**

If asked about government-to-government agreements:

- **We are shifting from short-term transactional arrangements to the co-development of long-term agreements that recognize and support reconciliation, self-determination, decision-making and economic independence. For example:**
 - **Lake Babine Nation and the Province have signed a collaborative agreement to advance reconciliation, social and community well-being, and regional economic growth under environmental assessment legislation. The agreement sets out how the Environmental Assessment Office and Lake Babine Nation will work together on future environmental assessments for projects in the Nation's territory.**
 - **The hisiikcumyin [his-SEE-to-me-un] agreement with Tla-o-qui-aht [T-LAY-qwat] First Nation confirms we will work side-by-side to address matters that are most important to the community and the region as a whole.**
 - **We returned three parcels of land totalling 616 hectares of land to the shíshálh [SEE-shah] Nation for economic development and contributed \$9 million to support plans to build and operate new affordable housing. In addition, in co-operation with the Nation, the Province restored traditional names along the Sunshine Coast to reflect the language, culture and heritage of the shíshálh.**

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- **The Province returned approximately 102.1 hectares of land near Blue Lake to Xatsúll [hat-sooth] First Nation as part of ongoing treaty negotiations. We also purchased ranch lands for the Nation for \$8 million, which included Crown land range tenure, cattle, hay and equipment.**

If asked about cannabis retail:

- **The Province launched the B.C. Indigenous Cannabis Product program in January 2022, which was developed in collaboration with the First Nations Leadership Council.**
- **The program highlights cannabis products from B.C.-based Indigenous producers in private retail stores and BC Cannabis Stores as well as online, helping consumers easily identify Indigenous products and make purchasing decisions.**
- **Currently there are four agreements in place with Lhtako Dené Nation, Williams Lake First Nation, Snuneymuxw First Nation and Cowichan Tribes, and discussions are underway with other interested communities.**

If asked about the distinction-based approach:

- **We are taking concrete steps to ensure the diverse and distinct rights of Indigenous Peoples are respected and reflected in provincial policies, practices, and legislation.**
 - **For example, in November 2021, we formalized a new partnership with Métis Nation British Columbia, that will provide greater inclusivity of Métis peoples' culture and history and better address the specific social, cultural and economic needs of Métis people in B.C.**

BACKGROUND

- The Declaration on the Rights of Indigenous Peoples Act (Declaration Act) passed unanimously in the B.C. legislature on Nov. 26, 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).
- All ministerial mandate letters commit ministers to advance reconciliation, guided by the Declaration Act. Ministers' mandate letters in 2017 tasked all ministers with implementing the UN Declaration and Truth and Reconciliation Commission's Calls to Action.
- The Minister of Indigenous Relations and Reconciliation's 2020 and 2021 mandate letter also includes direction to develop and action plan in collaboration with Indigenous partners as required under the Declaration Act.
- Minister Rankin's 2021 mandate letter also included bringing a plan to Cabinet for a secretariat by the end of 2021 to that will assist ministries in the alignment of B.C. laws with the UN Declaration, which some see as a requirement to have one established by end 2021.

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The final action plan, as required under Section 4, was originally said to be released late 2021, but was released March 30, 2022. There has been increasing criticism due to the lack of progress under Section 3 of the Act, the alignment of laws to UN Declaration. There are criticisms that these and other delays are indicative of governments lack of commitment to implement the UN Declaration and advance reconciliation in B.C.

Comm Contact	Program Contact(s)	Other Ministries	ADM
Peggy Kulmala	Juanita Berkhout, Stephanie Mannix/Ashley Dryburg, Richard Grieve, and Ricardo Toledo.	AEST, DAS, EDUC, CITZ, MAG, HLTH, FLNRO and PSSG	Jennifer Melles, Emily Arthur, Tom McCarthy

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: January 31, 2022 Minister Responsible: Hon. Murray Rankin	Declaration Act: Free, Prior and Informed Consent (FPIC)
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TOP MESSAGE:

- Free, prior and informed consent is about engaging with Indigenous peoples on proposed activities in their territory right from the beginning.

KEY MESSAGES:

- The Declaration Act gives us more tools to get to an orderly, structured, transparent process for working with Indigenous peoples toward decisions that benefit everyone.
- This can help us move away from conflict, drawn-out court cases and uncertainty, and move forward with collaboration and respect.
- Engaging with First Nations early on creates opportunities for Indigenous peoples, industry, businesses, communities and families everywhere.
- Respectful partnerships foster predictability, good jobs, and opportunities, while protecting the environment and respecting the rights of Indigenous peoples.

If asked about veto:

- The word veto is not mentioned in the UN Declaration, nor is veto contemplated in the Declaration Act.
- We are expected to consult and cooperate in good faith, as called for in the UN Declaration, when considering decisions that affect Indigenous peoples.
- Doing so ensures that there is transparency and clarity in the processes, so that everyone knows from the get-go what is expected. When you have due process, that is not a veto.
- There is a better chance of agreement by working together - involving Indigenous peoples right from the start.

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If asked if a project can go forward without consent of the affected Nation:

- **The Province is expected to consult and cooperate in good faith, as called for in the UN Declaration, when considering decisions that may affect Indigenous peoples.**
- **There may be occasions when a disputed project goes forward, and there may be occasions when a project does not.**
- **Every project is unique, with many factors that go into the decision-making process.**
- **Engaging with Indigenous peoples on proposed activities in their territories from the beginning of the development process ensures that everyone knows from the get-go what is expected.**

If asked whether elected or hereditary leadership takes precedence:

- **Supporting the right for Indigenous peoples to make decisions that are best for their communities is central to the Declaration on the Rights of Indigenous Peoples Act.**
- **That right was eroded by the colonial policies of the federal Indian Act.**
- **It is not for the Province to decide who makes those decisions. That is work for Nations and their members to take on themselves.**
- **Under the Declaration Act, the Province can enter into agreements with Indigenous peoples through the governing bodies that they have identified to represent them.**
- **We look to the Indigenous governing body to provide the information that confirms they represent the section 35 rights holders – for example community ratification, assembly resolutions, or band council resolutions.**
- **Our role as the provincial government is to decide whether to enter into an agreement with the Indigenous governing body, when, and for what purpose.**
- **When we enter into such agreements, we will want confidence that the Indigenous governing body can carry out the responsibilities set out in the agreement.**

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If asked how consent is achieved in cases of overlap:

- **The issues around shared territory and overlap have been longstanding.**
- **The work of government and Indigenous nations in this area needs to continue and will.**
- **The Declaration Act won't fix the issue of overlap, but it gives the provincial government and Indigenous Nations a platform to continue to engage in those conversations.**

BACKGROUND

- The question of whether free, prior and informed consent equates to a veto has dominated public discourse on the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) in Canada, and has persisted since the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) passed in Nov. 2019. **See also separate issues note on Declaration Act**
- Several provisions in the UN Declaration refer to governments obtaining the right to free, prior and informed consent of affected Indigenous peoples, including the following.
 - Article 19 - requirement to consult to obtain free, prior and informed consent before adopting legislative or administrative measures that may affect Indigenous peoples;
 - Article 32 (2) - requirement to consult in order to obtain free, prior and informed consent prior to approval of any project affecting the lands, territories and other resources of Indigenous peoples.
- In a number of Supreme Court of Canada cases, the courts have been clear that government's duty to consult and accommodate, arising from section 35 of the Constitution Act, 1982, does not equate to an Aboriginal "veto."
- Consent can also be required under modern treaties where the consent of the treaty nation is required before the government can authorize certain matters on treaty land. Government must also seek the consent of an Indigenous nation in relation to decisions over land to which there is a court declaration of Aboriginal title.
- A recent Federal Court of Appeal Decision in favour of the Trans-Mountain pipeline expansion set out indicators for deep consultation, stating Indigenous peoples are provided "the opportunity to make submissions for consideration; formal participation in the decision-making process; provision of written reasons to show that Indigenous concerns were considered and to reveal the impact they had on the decision; and dispute resolution procedures like mediation or administrative regimes with impartial decision-makers."
- The court also noted

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- "imposing too strict a standard of 'perfection', 'reasonableness' or 'meaningfulness' in assessing whether the duty to consult has been adequately met would de facto create a veto right."
- "The applicants' submissions are essentially that the project cannot be approved until all of their concerns are resolved to their satisfaction. If we accepted those submissions, as a practical matter there would be no end to consultation, the project would never be approved, and the applicants would have a de facto veto right over it."
- Leave to appeal this decision was dismissed by the Supreme Court of Canada.

Comm Contact	Program Contact(s)	Other Ministries	ADM(s)
Peggy Kulmala	Richard Grieve	N/A	Jessica Wood

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 21, 2022 Minister Responsible: Hon. Murray Rankin	Former Residential School and Hospital Sites Response
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TOP MESSAGES:

- We respectfully stand in solidarity with survivors, intergenerational survivors and their families who are grieving after the confirmation of unmarked graves on the grounds of former residential schools.
- These findings are stark reminders of the atrocities of residential schools and reinforce our collective resolve to find answers for the generations of families who were forced to attend these institutions.

KEY MESSAGES:

- Former residential school sites across the province hold unanswered questions for survivors, intergenerational survivors, families, and communities.
- Our government is supporting First Nation-led processes that facilitate truth telling, healing, and justice.
- First Nations are in the best position to make decisions about the future of these sites, and we will continue to take their guidance on each step forward.
- Supporting a community-led approach ensures that the work is grounded in the ceremonies and cultural protocols appropriate to each Nation and puts survivors and families at the center of the process.
- We have allocated \$475,000 for each of the 18 Indian Residential School sites and three Indian Hospital sites in B.C. to make sure communities have the support they need to move ahead in their own way and at their own pace.
- We are working with the federal government to make sure communities have all resources available to them for this work.
- Charlene Belleau is working closely with communities in her role as a First Nations Liaison. Charlene has been critical for facilitating dialogue among communities and assisting communities as they navigate complex and sensitive issues that surface in these investigations.
- We honour the unwavering strength, leadership, and resilience of communities as they do the difficult, but necessary, work of finding answers for those families that lost loved ones and to honour the spirits of the children that never came home.

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If asked about Provincial funding

- Our government has set aside \$10.5 million in funding to support First Nations-led investigations at the sites of former Indian Residential Schools and Indian Hospitals throughout B.C.
- The provincial funding is multi-year and fully flexible to meet the diverse needs of communities.
- The provincial funding complements funding provided by the federal government.
- We have already allocated \$9.1 million to 18 First Nations and Tribal Councils. This funding is supporting work on 18 of the 21 sites in B.C.
- We have heard clearly from First Nations that the health and safety of survivors, their families and community members is a top priority.
- We know that Indigenous-led mental health and wellness services have experienced an increase in demand in response to the emotionally triggering nature of the ongoing findings at former residential schools.
- The Province has allocated \$1.5 million in funding to assist Indigenous service providers as they respond to the immediate wellness, cultural and mental health needs of Indigenous peoples throughout British Columbia.
- The funding enhances existing services provided by the Indian Residential School Survivors Society, Tsow-Tun-Le-Lum [TSOW-tun LAY-lum] Society and Métis Nation BC. This will ensure survivors can access culturally safe and trauma-informed supports when and where they need them.
- We are working with First Nations Health Authority and Indigenous Services Canada to coordinate health and wellness supports as part of the response.
- A key priority for First Nations is accessing residential school records in the possession of federal, provincial and church archives. The ability to access these records is critical to truth telling and healing.
- The Province is supporting collaborative work with partners to expedite the review and release of records related to the administration of residential schools in B.C.

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BACKGROUND

- In May 2021, Tk'emlúps te Secwépemc announced their discovery, with the use of ground-penetrating radar (GPR), of approximately 200 unmarked graves at the former Kamloops Indian Residential School. (The number was initially reported as 215, which has led to 215 being used as a symbolic number for many residential school memorials.)
- In June 2021, the Lower Kootenay Band announced 182 unmarked graves were located using GPR near the site of St. Eugene's Mission School in Cranbrook.
- 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 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 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 funding supports a range of activities, including planning, engagement with former students, families and communities, mental health and wellness supports, cultural supports, archival research, and policy development. In certain cases, provincial funding has been provided to carryout surveys of sites using GPR.

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.
- The Province has 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.
- 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 fund provides \$475,000 for a range of activities related to investigations at each of the 18 residential school sites and three largest Indian hospital sites in B.C. This funding is intended to complement and fill gaps in the federal funding.
- The Residential School Response Fund also includes \$1.5 million for urgently needed mental health and wellness and cultural supports for Indigenous people throughout B.C. The funding was announced on Sept. 27, 2021 and was allocated as follows:
 - \$750,000 for the Indian Residential School Survivor Society to sustain and scale up its 24/7 crisis support line. This funding will be administered through the First Nations Health Authority (FNHA).
 - \$500,000 for Tsow-Tun Le Lum to provide more in-person mental health and wellness and cultural supports. This funding will also be administered through FNHA.

Confidential Issues Note - ADVICE TO MINISTER

- \$250,000 to Métis Nation BC (MNBC) to expand an existing program called Métis Counselling Connection and to enable ongoing engagement and support for Métis survivors and intergenerational survivors.
- The provincial funding is fully flexible and responsive to community needs with no deadline.
- 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 is working with UBC and the Royal BC Museum to move ahead with the review and release of residential school records in the possession of the provincial government. This includes the records of the Oblates of Mary Immaculate and the Sisters of St. Ann – two catholic church entities that had a hand in operating 10 residential schools in B.C.

Intergovernmental Communications

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

Communications Contact: Kaitlyn Engholm

Program Area Contact(s): Matthew Kinch

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 27, 2022 Minister Responsible: Hon. Murray Rankin	Wet'suwet'en MOU Funding - Status
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TOP 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 over 20 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 UNDRIP and a key objective of the Declaration Act.
- Resolving these issues will help avoid conflicts on the land, heal the community, and support work together that will benefit everyone who lives in the region.

KEY MESSAGES - FUNDING:

- The Province has 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 support capacity for further work on Wet'suwet'en priorities, such as eco-system monitoring, landscape-level planning, and enable 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.
- Intergovernmental Communications
- 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.

Confidential Issues Note - ADVICE TO MINISTER

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

- 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:

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.
- 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 November 18/19, 2021.
- Technical discussions have continued 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 under the MOU: 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
-

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.

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- 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 (WMC) has launched human rights complaints to the BC and Canadian Human Rights Commissions alleging gender discrimination. Directors of the WMC 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.

Communications Contact: Leanne Ritchie

Program Area Contact(s): Stewart Dickson, Tom McCarthy

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Updated: May 2, 2022 Minister Responsible: Hon. Murray Rankin	Wet'suwet'en reconciliation/ CGL Protests
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TOP MESSAGE

- This is critical work. We are addressing matters of Wet'suwet'en rights and title outstanding since the Delgamuukw-Gisday-wa decision more than 20 years ago.

KEY MESSAGES:

- This is an incredibly challenging 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 and Coastal GasLink representatives together to find a resolution.
- In response, government has and continues to work to engage the Wet'suwet'en Hereditary Chiefs and CGL in a dialogue with the aim of finding a peaceful resolution to the conflict.

If asked about Feb. 17 vandalism:

- The attack this week on a CGL work site is reprehensible. The damage and destruction are disturbing to all British Columbians.
- The B.C. government understands the seriousness of this violent and criminal act. The RCMP is conducting a thorough investigation to identify and apprehend those responsible.
- Intimidation and violence should be condemned by all British Columbians.

If asked if Indigenous People were evicted from their lands during RCMP enforcement in November 2021:

- No one was evicted from their lands.
- We recognize that the Houses hold Wet'suwet'en title, represented by Hereditary Chiefs, and we are committed to implementing that title.
- I understand that Justice Church has provided for Wet'suwet'en people who were arrested to continue to practice their Aboriginal rights, with the exception of certain exclusion areas close to the worksites and equipment.

Confidential Issues Note - ADVICE TO MINISTER

If asked about next steps:

- 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 over 20 years ago.
- Some Hereditary Chiefs are opposed to the pipeline project while the 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 Memorandum of Understanding (MOU) to reconcile Wet'suwet'en rights and title in the Yintah.
- There will be many important questions that need answering and much healing will be required.
- 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 UNDRIP 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.
- The Province has provided 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 Province and Wet'suwet'en have formed an advisory council to ensure input from broader community in the negotiations, to ensure transparency.

If asked about government action to resolve the dispute:

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- Government has and continues to work to engage the Wet'suwet'en Hereditary Chiefs and CGL in a dialogue with the aim of finding a peaceful resolution to the conflict.
- Ministers and senior government staff have had many conversations via phone, sent letters and met in person with representatives of both the nation and the company.
- In early September, 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.
- In the past few months we have sent invitations to both elected and Hereditary Leaders for a Summit to address Wet'suwet'en reunification and to determine how BC can support them.
- Also in September, B.C. engaged Miles Richardson as an interlocutor to encourage dialogue among the parties. Mr. Richardson has also had many, many conversations with the company, 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 de-escalate the situation and reaffirmed their commitment to the tripartite MOU to reconcile Wet'suwet'en rights and title in the Yintah.
- I have also heard from the elected Chiefs of the Wet'suwet'en who called for an end to the blockade, and wanted to ensure their people working on the project are safe and the community can continue to benefit from the agreements they worked incredibly hard to reach with both government and the company.
- I can assure British Columbians that our government is working very hard to engage the company and Hereditary Chiefs in a dialogue with the aim of finding a peaceful resolution to this complex problem.

If asked about work on the MOU:

- Our government is working to address matters of Wet'suwet'en rights and title outstanding since the Delgamuukw-Gisday-wa decision more than 20 years ago.
- An MOU was signed in May 2020 between ten Wet'suwet'en Hereditary Chiefs and the provincial and federal governments.

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- 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 Coastal Gaslink project.
- The Province remains committed to this work.
- The Province has 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 former Lake Kathlyn School property, which the community bought through a \$1.23-million grant from the Province in 2020.
- 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.
- 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.
- I have 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

If asked about the MOU funding:

- The Province provided a \$7.22-million grant to Wet'suwet'en Hereditary Chiefs to create governance capacity, engage in unity-building activities and facilitate ongoing discussions under the 2020 MOU.
- The funding is intended to support the Wet'suwet'en in their work on an internal engagement process to advance unity-building, which will be inclusive of all Wet'suwet'en members.
- It is also meant to support new staff and initiatives that ensure Wet'suwet'en Nation can participate meaningfully in collaborative stewardship and

Confidential Issues Note - ADVICE TO MINISTER

management of land and resources in Wet'suwet'en territory – for example with water stewardship, wildlife programs and eco-system monitoring.

- Some of the new funding has also been earmarked to renovate a recently purchased former school property to be used for a new Wet'suwet'en Nation government building with administration offices and community resources.

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 about working with Hereditary and/or elected Chiefs:

- Ultimately it is for the Wet'suwet'en people to resolve their own governance matters – 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.
- I can also say that Wet'suwet'en Hereditary Chiefs have expressed a commitment to reunification.
- They have committed to engaging with all clan members, to ensure transparency around the negotiations and to support this work to build a strong and united Nation.

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.

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- 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.

Intergovernmental Communications

- 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 government working to address climate change and supporting LNG development:

- Our government is committed to ensuring our oil and gas royalty system is aligned with our climate goals and provides a fair return to British Columbians.
- That means eliminating outdated, inefficient fossil fuel subsidies in our current system.
- We've launched the first comprehensive review of the royalty system in nearly 30 years.
- In the weeks ahead, we'll be releasing a discussion paper and public consultation period to ensure all British Columbians can have their say.
- We are committed to fixing our system by eliminating outdated, inefficient fossil fuel subsidies and ensuring our royalty system serves the best interests of British Columbians.

If asked about journalists being arrested:

- Freedom of the press is fundamental to our democracy. Journalists have a right to do their jobs independently.
- Politicians don't direct the police. They don't decide who gets arrested and who gets released. That's the way it should be in a democracy.

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- When people believe the police have acted inappropriately, there are complaints processes available.
- This includes the courts and the Civilian Review and Complaints Commission for the RCMP.

If asked about First Nations having different opinions of the project/arrests:

- 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.
- Security Concern; Intergovernmental Communications

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. That is the work we are engaged in now.

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

- Ultimately it is for the Wet'suwet'en people to resolve their own governance matters – that is central to self-determination.
- Governance matters and reunification within Wet'suwet'en Nation is an important element in the MOU, and is essential for moving forward successfully.
- Intergovernmental Communications
- 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 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.
- 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.

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

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

CGL Vandalism – Feb. 17

- On Feb. 17, 2022 an attack occurred at a CGL worksite at the Morice River drill site. The RCMP release is available [here](#).
- Following the attack, Wet'suwet'en Chiefs Express 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, Press release is available [here](#).
- On Feb. 23, 2022, 119 Wet'suwet'en members wrote to Chief Woos and Molly Wickham

Confidential Issues Note - ADVICE TO MINISTER

“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’suwe’ten nation-wide meeting followed by an All-Clan Bahlats as soon as possible.

Enforcement – November 2021

- On Sunday, Nov. 14, the Gidumt’en provided Coastal GasLink (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). This road provides essential access for CGL to and from the workforce lodges and construction sites in the territory.
- 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 Thursday, Nov. 18, the RCMP announced it was moving forward with a rescue and enforcement operation. The details of that operation were announced [here](#).
- Since notice of the RCMP enforcement, social media posts from Gidumt’en supports focused on the RCMP and enforcement actions. There was a total of 14 individuals arrested, as indicated the RCMP’s follow-up announcement [here](#). Enforcement actions continued on Friday, Nov. 19, resulting 15 people being arrested for breaching the court injunction. The details are available [here](#) in the RCMP news release.
- Also of note, two independent journalists have been arrested, prompting criticism from the Canadian Association of Journalists and other supporters online.
- 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.
- CGL has been commenting on recent events on their website, [here](#). It includes photos and videos of damage done to the access roads.
- The provincial government released a statement on Monday, Nov. 15, requesting that individuals involved in illegal blockades work to deescalate the situation. It included details of the provincial government’s efforts to engage in good faith with the Office of the Wet’suwet’en. That statement is available [here](#).

Media Reporting

- As noted, there is lots of information being made available from the RCMP, CGL, protestors and their supporters. Mainstream media and more advocacy focused media area all actively covering the escalation of the events in the Yintah and RCMP arrests.

Confidential Issues Note - ADVICE TO MINISTER

- The RCMP have clarified several assertions made on social media including:
 - Police are not using excessive force. Their enforcement operations are documented by body cameras for both court and complaint purposes.
 - No ‘attack dogs’ were deployed in enforcing the injunction. Police dogs are used in an observation capacity only.
 - Many protestors are from out of province and country and are not Wet’suwet’en members.
 - RCMP are not preventing food and medical supplies to be brought in and they are permitting HCs and Elders to cross the Access Control Point at the 27.5 km mark of the MFSR.

Opposition Comments

- Skeena Liberal MP Ellis Ross shared a video on social media on Sunday, Nov. 21 stating that ‘self appointed’ Hereditary Chiefs claim birthright to lead versus elected leaders who are voted in by the community; he contends the Queen doesn’t. He also states that non Indigenous protestors and the NDP are exploiting the tension between hereditary and elected leaders in First Nations communities for their own agendas. Also posted that WFN people and elected leaders have been trying to be heard for years and been ignored and insulted by outsiders and the NDP. Ross also accuses the NDP of “playing politics with Aboriginal rights and title”.
- Green Party MLA Adam Olsen posted that removing Indigenous Peoples from their lands violates UNDRIP Article 10 and the government is incongruent with its support of addressing climate change while continuing LNG development. He accuses the NDP of saying one thing and doing another. In QP on Nov. 22, he accused government of ‘hiding behind the injunction’, questioning why reconciliation is taking so long, accused the government of acting in bad faith and disceiving British Columbians, and exploiting Indigenous communities.

First Nation statements/comments

- On Nov. 14, the elected Chief and Council of the Wet’suwet’en First Nation issued a statement calling for an immediate end to the escalating conflict. The statement says a few members of the Gidimt’en Clan who claimed to evict CGL and the RCMP do not represent the collective views of the Clan or of most Wet’suwet’en people. The statement says “the Wet’suwet’en people have given their support to this project and expect to realize benefits for our people. We went through long and complex processes of consultation with our members, government, and the industry before agreeing to participate. Despite numerous opportunities to work together, the small group of Hereditary Chiefs who oppose the project, as well as their Office of the Wet’suwet’en, refused to engage and neither they, nor their non-Indigenous supporters, have offered any meaningful alternatives.”
- On Nov. 20, Haisla Chief Councillor Crystal Smith issued a statement saying “Haisla Nation Council has supported the development of LNG projects for years, and any attempts to hold back these projects and their pipelines, holds our Nation back too.” However, Haisla member Brandi Moran doesn’t support the RCMP action and posted a video noting her concerns.
- On Nov. 20, the Haida Nation issued a statement noting it stands firmly with the Gidimt’en Clan as they uphold Wet’suwet’en law in opposition of the Coastal Gaslink pipeline project on their territory.

Ministry/Minister Engagement

- Minister Rankin met with Wet’suwet’en Hereditary Chiefs in early Sept. 2021 at KM27 of the MFSR, the location of the Gidimt’en direct action camp.

Confidential Issues Note - ADVICE TO MINISTER

- During the federal election campaign, Hereditary Chief Woos called on federal party leaders to visit Wet'suwet'en territory and in a video posted to social media is critical of Prime Minister Trudeau and Premier Horgan for failing to visit the territory to meet and of the tripartite Memorandum of Understanding (MOU) to implement Wet'suwet'en title and rights signed in May 2020 for being overly simplistic. He also mentions concerns with the parameters established for the \$7 million in provincial funding, indicating the Hereditary Chiefs have directed it not be spent for the time being. He criticizes both levels of government for expecting the Wet'suwet'en to reconcile with themselves internally, when it should be governments reconciling.
- Negotiators with the Office of the Wet'suwet'en advised provincial negotiators in August that Wet'suwet'en Hereditary Chiefs are embarking on a three-month internal engagement process with house groups on the MOU and the path forward for negotiations. This is expected to inform the priorities for the funding and for negotiations.

Interim measures term sheet

- 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 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.

Confidential Issues Note - ADVICE TO MINISTER

- The next agreement, which will affirm title, had an original deadline of August 14, 2020.
- A tripartite joint statement was issued on Aug. 13, 2020, reiterating a commitment from all parties to continue the negotiations.
- External community engagement is underway, with the first quarterly Regional Engagement Group meeting held on Sept. 10, 2020, and subsequent meetings on February 11 and June 3, 2021. A Core Advisory Council first met on Feb. 10, 2021 and has been meeting monthly since.

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.

Provincial negotiators

- Former NDP MP and lawyer Murray Rankin was B.C.'s representative in reconciliation discussions beginning in April 2019, and he later joined the MOU negotiations.

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- Former NDP MP Nathan Cullen served as a liaison for the Province beginning in February 2020.
- The government has been criticized by the Opposition and media for these contracts.
- The ministry immediately terminated their contracts in September 2020 when they announced their intentions to run in the provincial election.
- Both were appointed as Cabinet ministers in November 2020 following the October 2020 provincial election.
- 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.

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.
- 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.
- Intergovernmental Communications
- 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.

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- 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.

Lake Kathlyn school purchase

- Office of the Wet’suwet’en was the successful bidder to purchase the former Lake Kathlyn school in Smithers, which now houses a childcare facility with 130 children. They intend to use the school as a government administration building for Wet’suwet’en Nation
- \$1.23 million in provincial funding was provided for the purchase as part of the ongoing reconciliation talks between the Province and Wet’suwet’en Hereditary Chiefs.
- Wet’suwet’en announced the purchase to local media on Feb. 20, 2020, but did not include information about the Province’s role.
- Parents of the daycare expressed concerns to the daycare operator about the centre’s future. The Ministry and Office of the Wet’suwet’en met with the school district and daycare operator on Feb. 12, 2020, to provide information and discuss transition plans for the building’s use.
- As part of the sale, the existing lease, which runs through June 2021, must be honoured. Business Information

Communications contacts: Leanne Ritchie

Program area contacts: Tom McCarthy/Stuart Dickson

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Ministry of Indigenous Relations and Reconciliation Date: April. 26, 2022 Minister Responsible: Hon. Murray Rankin	Blueberry River First Nations Response to Burke Decision
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RECOMMENDED RESPONSE:

TOP MESSAGE:

- The Province is committed to working as quickly as possible with Blueberry River First Nations to ensure policies recognize and respect treaty rights while promoting a strong and sustainable regional economy.

Key Messages

- Our government is committed to advancing lasting reconciliation with Blueberry River First Nations and other Treaty 8 First Nations.
- We are working together to create and implement a new way of managing land, wildlife and resources in Treaty 8 territory
- As the BC Supreme Court made clear, the Province is responsible to address cumulative impacts in a way that prevents further unjustified infringement and ensures the Nations' ability to meaningfully exercise their Treaty 8 rights.
- We understand that the required changes are creating uncertainty for all of us, and decision-making delays have put strain on the natural resource sector.
- The Province has established a strategic solutions table with industry to develop ways to address cumulative effects and restore the land.
- We will continue to provide updates to industry, local governments and Northeast residents on these discussions and will seek input where appropriate.

If asked about the initial agreement

- The Province and Blueberry River reached an initial agreement in October 2021.
- The initial agreement set the stage for the next phase of negotiations, provided immediate-term stability and certainty for forestry and oil and gas tenure holders and provided cultural, restoration and wildlife funding:
 - \$35 million for Blueberry River to undertake activities to heal the land, create jobs for community members and hire service providers in the

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northeast region.

- \$30 million for Blueberry River to protect their Indigenous way of life, including educational activities and work on cultural areas, traplines, cabins and trails.
- 195 forestry and oil and gas projects which were permitted prior to the court decision – and where activities had not started – have been allowed to proceed.

If asked about the status of negotiations

- Over the past several months we have been working with Blueberry River and other Treaty 8 First Nations to reach a long-term agreement that advances changes to land and resource management in the northeast, while providing local economic stability and certainty.
- A meaningful solution that addresses decades of cumulative impacts and prevents further infringement takes time.
- The parties have started an interim process for reviewing applications and decision-making, both for applications that have been received over the last several months and those that will come in in the near term.
- Negotiations continue on broader, longer-term measures related to conservation areas, development planning, cumulative effects management, restoration investments and wildlife management, among others.

If asked about provincial authorizations/permits in the immediate term

- We recognize the uncertainty and challenges we are all facing right now, and the stress this may be generating for some.
- The Province and the BC Oil and Gas Commission (BCOGC) acknowledge that there have been delays in application decision making, as decision-makers must apply caution and scrutiny and consider the court's finding of infringement in their decisions on provincial authorizations for natural resource activities.
 - Per the court's order, the Province cannot authorize permits or projects in the claimed territory that breach Treaty 8 promises, or unjustifiably infringe on the Nation's exercise of its treaty rights.
- The Province and the BCOGC continue to focus on immediate-term needs and longer-term approaches with Blueberry River and Treaty 8 Nations.

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If asked about effects on other areas of the province

- As we move forward, we will consider the broader implications of the decision, including the criticisms of the processes to assess and manage cumulative impacts.

If asked about Site C

- The Province and Blueberry River have agreed to discuss establishing a separate negotiation table related to Site C.
- The Province and BC Hydro will continue working with Blueberry River and all other Treaty 8 Nations on ongoing consultation as construction proceeds in a manner that supports the project's construction schedule.
- The Site C project is in the sixth year of construction and more than 50 per cent complete.
- Construction on all major components of the project is well underway.
- BC Hydro has obtained most of the provincial permits required to complete project construction.
- This includes the environmental assessment certificate issued in 2014, along with water licenses and associated land grants issued in 2016.
- A number of provincial permits are still required for the project.

If asked about the effect on the regional economy

- This is a significant decision, and we recognize the social and economic implications.
- We are confident we will arrive at a negotiated solution with Blueberry River First Nations, and with Treaty 8 Nations.
- Reconciliation is critical to building a strong economy – one that is sustainable, inclusive and innovative.
- Business and industry have a key role in the success of this work through partnerships and collaboration.
- By working together, we get better outcomes. That is how we create opportunities for Indigenous peoples, B.C. businesses, communities and families everywhere.

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BACKGROUND

- On June 29, 2021, the B.C. Supreme Court declared the Province breached the rights of Blueberry River First Nations (Blueberry River). The decision stated that the cumulative effects of provincially authorized industrial activities in Blueberry River's territory has infringed its ability to meaningfully exercise its Treaty 8 rights to hunt, fish and trap in accordance with a traditional Indigenous way of life.
- The court said the Province cannot continue to authorize activities that infringe on BRFN's treaty rights but stayed this declaration for six months while the province negotiates with BRFN to determine new approval processes that recognize and respect treaty rights.
- The Attorney General announced July 28, 2021, that the Province would not appeal the decision.
- The court decision has caused considerable uncertainty about how the Province is proceeding with resource authorizations in BRFN and Treaty 8 territory, including concerns about mill shutdowns and other impacts on industrial activity in the area, which includes oil and gas, forestry, agriculture and electricity generation (e.g. Site C).
- The Province is negotiating with both BRFN as well as other Treaty 8 Nations (a cross-agency ADM level task force). Negotiations are focused on immediate and longer-term measures to improve land and resource management.
- The Treaty 8 Table has agreed to an interim-process for reviewing the backlog of applications in Treaty 8 territory. Discussions continue with Blueberry regarding how to address the backlog of applications.
- In the meantime, decisions on provincial authorizations for natural resource activities are expected to be delayed, as decision-makers must apply caution and scrutiny and consider the courts finding of infringement in their decision. After the six-month time period, the Province cannot authorize any permits or projects in the claimed territory that further infringes on BRFN's treaty rights.

Initial Agreement

- On October 7, 2021, the Province and BRFN announced an initial agreement that provided \$65 million in funding to BRFN for healing the land and investing in wildlife, culture and capacity building activities for the Nation and \$4.123 million to cover BRFN's legal costs. It also included \$2.1 million for capacity funding for the seven other Treaty 8 Nations and \$0.7 million for ministry resourcing.
- As part of the initial agreement, BRFN agreed not to obstruct 195 forestry and oil and gas projects which were permitted prior to the court decision, and where activities had not yet started, to proceed. Twenty authorizations in the claim area are in locations which are of cultural significance to BRFN and have been deferred. Eight forestry-related permits and 12 oil and gas-related permits have been affected by deferrals. All affected permit holders have been notified.
- The Province and BRFN are now working towards a second agreement that includes prioritizing an interim approach for reviewing new applications and decision-making that recognizes and

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respects Treaty 8 rights as directed by the court.

- Negotiations also include broader, longer-term solutions that heal the land, protect Treaty 8 rights and an Indigenous way of life. Discussions are exploring conservation areas, development planning, cumulative effects management, restoration investments and wildlife management, among others

Litigation background

- Blueberry River filed a civil claim in BC Supreme Court against the Province in March 2015 alleging the cumulative impacts of decades of oil and gas development, seismic surveying, pipelines, roads, forestry, agriculture, and work camps have led to irreversible damage to their lands and waters, significantly infringing on their ability to hunt, trap, fish and pursue cultural and economic activity, as protected under Treaty 8.
- This is the first case in B.C. where a First Nation has filed litigation over broad-based “industrial development” and alleged cumulative effects.
- June 2017, B.C. Supreme Court denied a broad based BRFN injunction to limit industrial development while the case proceeded to court. The court said that BRFN has shown there was a serious issue to be tried and sufficiently established irreparable harm to their treaty rights; however, the harm to BRFN, when weighed against the harm to other parties, was not sufficient to grant the injunction.
- An initial adjournment agreement was reached in June 2018 which suspended court proceedings while BRFN and the Province attempted to use new processes to manage resource development concerns in BRFN territory. It was extended in 2019.
- While the Province and BRFN made progress on restoration and wildlife management elements, other areas remained un-resolved and negotiations were stopped.
- Key challenges included the approach to restoration, overlap concerns from other Treaty 8 Nations and consultation processes for oil and gas projects.

Communications Contact: Holly Tally

Program area contacts: Tom McCarthy, Cory Waters, Dale Morgan; Chris Jones

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Ministry of Indigenous Relations and Reconciliation Date: May 2, 2022 Minister Responsible: Hon. Murray Rankin	COVID-19 and Indigenous Peoples in B.C.
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TOP MESSAGE:

- Our top priority is the safety of everyone in B.C., and in Indigenous communities, we are all focusing on the health and safety of Elders and knowledge-keepers.

KEY MESSAGES:

- Evidence shows that Indigenous Peoples are disproportionately impacted by COVID-19, both in rate of positive cases and in hospitalizations and deaths.
- That's why Indigenous Peoples received priority access to vaccines, including booster shots, earlier this year.
- The First Nations Health Authority, Métis Nation BC and the BC Association of Aboriginal Friendship Centres have an integral role in supporting vaccine immunization clinics that are culturally safe and respectful.
- The B.C. government and First Nations Health Authority have been working in partnership with First Nations, regional health authorities, Emergency Management BC to help make sure communities have the supports and information they need whenever there are positive cases, clusters or outbreaks.

If asked about First Nations vaccinations:

- Throughout the pandemic, Immunize BC, the Ministry of Health, the office of B.C.'s Provincial Health Officer and the First Nations Health Authority have worked closely together to ensure the health and safety of Indigenous Peoples in British Columbia.
- Indigenous-led vaccination clinics have been created across the province in a variety of Indigenous settings, including friendship centres and Indigenous health clinics.
- We have been prioritizing First Nations communities where there have been recent transmissions with vaccination teams providing first and second doses as well as boosters to Elders and seniors.
- The overall vaccination rates of Indigenous Peoples are less than

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those of the non-Indigenous population.

- **The First Nations Health Authority and Office of the Provincial Health Officer are engaging with First Nations leaders to increase vaccination rates.**
- **Vaccination continues to be the best way to protect people and communities from COVID-19.**

If asked about support for Indigenous Peoples living in urban areas:

- **During the pandemic, Friendship Centres have faced huge spike in demand from people who need help with food, shelter, childcare, counselling and many other supports.**
- **The Province provided \$7.8 million in COVID-19 in extra relief funding to support all 25 friendship centres across B.C.**
- **The funding is helping to provide supports like meals and food hampers, care packages for seniors and education kits for children.**
- **Friendship Centres provide essential supports to Indigenous Peoples living in urban areas, particularly Elders who are critical knowledge-keepers of language and culture and particularly vulnerable to COVID-19.**

BACKGROUND

- Indigenous Peoples are experiencing a disproportional impact from COVID-19 when compared to the non-Indigenous population. Those who self-identified as Indigenous experienced three times the rate of hospitalizations and four times the rate of deaths.
- Contributing factors include overcrowded homes, underlying health conditions, a lack of capacity to handle outbreaks – especially in more rural and remote First Nations communities – along with a lack of trust in the health care system.
- First Nations have remained very vigilant and proactive in both preventative and response measures in many parts of B.C.
- During the pandemic, Indigenous nations in B.C. have expressed high levels of concern for community members' health due to their experience during previous pandemics and a higher incidence of members with underlying health conditions.
- Given the substantial impacts of past pandemics, Indigenous Nations have been vigilant and proactive in both preventative and response measures in many parts of B.C., including having declared states of local emergency and activation of emergency operations centres.
- As the vaccination levels have increased province-wide the restrictions and friction points have decreased substantially.

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FNHA Snapshot (As of April 19, 2022)

- There are 20,209 First Nations COVID-19 cases (19,933 lab diagnosed cases and 276 epi-linked cases). This is an increase of 17 cases among First Nations people in BC since the last published report.
- Out of the 20,209 cases, 8,641 (42.8%) are in or near community; 10,807 (53.5%) are off reserve. Information on in or near community/off reserve is not available for 761 (3.8%) cases.
- There have been 258 COVID-19 related deaths reported among First Nations living in BC since the beginning of the pandemic. Deaths were last updated as of April 1, 2022.
- There have been 2,146 (10.6%) First Nations people hospitalized due to COVID-19 since March 1, 2020. Of these, 935 hospitalizations are individuals who live in or near community and 1,207 off reserve. Information on in or near community/ off reserve is not available for four cases.

Vaccine distribution

- B.C.'s COVID-19 Immunization Plan was released in January 2021 and is aligned with the National Advisory Committee on Immunization (NACI) recommendations
- As of March 31, 2021 all Indigenous Peoples aged 18+ were eligible to receive a vaccine, and the Province worked in partnership with the First Nations Health Authority and other Indigenous partners to reduce vaccine hesitancy and support culturally safe vaccine opportunities.
- Indigenous-led vaccination clinics were held throughout the province to support cultural safety, with partner logos visible to support culturally safe spaces.
- The Ministry of Health worked closely with First Nations Health Authority, regional health authorities, First Nations leaders and communities, the Red Cross and other experts in logistics to ensure effective and efficient vaccine distribution into every B.C. community.
- While many Indigenous communities have high vaccine uptake, some specific communities continue to struggle with low vaccination rates.
- FNHA reports:
 - more than 121,200 individuals 18+ years of age and more than 20,200 individuals aged 5-17 years have received at least one dose of a COVID-19 vaccine in First Nations communities, as well as outside of communities by regional health authorities. These individuals are First Nations people, as well as some non-First Nations people who were vaccinated in community. Of these individuals, more than 111,200 First Nations people 18+ years of age and more than 15,800 First Nations individuals 5-17 years old have received at least two doses. Of these individuals, more than 58,900 First Nations people 5+ years of age have received third doses.
 - As of April 20, 84.6% of 18+ years and 79.5% of 5+ years status and status-eligible First Nations people in BC have received at least one dose of a COVID-19 vaccine.
 - As of April 18, 2022, 91% of eligible people five and older in BC have received their first dose of COVID-19 vaccine and 88% (4,359,332) have received their second dose.

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COVID-19 financial supports for Indigenous Nations and Peoples:

- The Province acknowledges the need to work together to make a difference in the lives of Indigenous Peoples through ongoing investments in COVID recovery, affordable housing, Indigenous language and culture, childcare, mental health and addictions, culturally safe health care, skills training, and economic development.
- Government ministries and agencies have been working together to ensure services and supports are available for Indigenous Peoples, including mental health services, housing, renters' relief and added support for food banks.
- Provincial response agencies, supported by the Ministry of Indigenous Relations and Reconciliation, have had numerous discussions, and dialogue is ongoing, to address First Nations' concerns through increased funding and updating emergency re-imbursement policies over the course of the pandemic.
- April 2021, the federal government announced that the 2021 budget includes more than \$1.2 billion to specifically to support Indigenous communities in the fight against COVID-19.

Support to Friendship Centres

- The Province announced COVID-19 relief funding of \$7.8 million in Dec. 2020 for all 25 friendship centres in the province, flowed through the BC Association of Aboriginal Friendship Centres (BCAAFC).
- During the pandemic, friendship centres across B.C. are providing many essential services for urban Indigenous Peoples, including food security, shelter/housing, childcare, counselling and supports for Elders.
- In 2020, many First Nations directed their urban members to seek support from BCAAFC instead of returning home during the pandemic, which BCAAFC said led to a significant spike in demand for services from friendship centres.
- BCAAFC posted to social media on April 17, 2020, calling for urgent, immediate funding to support a sharp spike in demand due to the COVID-19 pandemic. They requested the Province provide \$687,250 in funding per month for food, sanitization, personal protective equipment and other equipment and supplies.
- The Ministry of Indigenous Relations and Reconciliation received approval to make almost the entire year's core funding for 25 friendship centres in B.C. available immediately.
- The BCAA receives \$2.1 million in core funding annually. They received \$1.9 million on April 28, 2020, for distribution to all 25 friendship centres. The small amount remaining was a routine 'hold-back' required under the arrangement until a final report is complete.

Comm Contact	Program Contact	Other Ministries	ADM
Peggy Kulmala	Cam Filmer	COVID-HLTH	Jennifer Melles

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: May 2, 2022 Minister Responsible: Hon. Murray Rankin	Flooding and Indigenous communities
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TOP MESSAGE:

- **We stand with the Nations and are working with our federal and provincial partners to support Nations' recovery and to prevent future flooding.**

KEY MESSAGES:

- **First Nations communities have been disproportionately impacted by consecutive wildfires and flooding events in recent years and have faced many challenges during COVID-19.**
 - **This is in addition to ongoing traumas including with the opioid crisis and residential schools.**
- **These events also underlined how critical it is to work side-by-side with First Nations communities to better support their emergency management needs.**
- **We're committed to working in true partnership with First Nations to advance reconciliation by improving emergency management supports.**

B.C. is also working closely with the First Nations Emergency Services Society, First Nations Health Authority, Indigenous Services Canada and other key Indigenous partners to strengthen First Nations emergency management supports in mitigation, preparedness, response and recovery.

BACKGROUND

- **Due to a series of severe weather events on Nov. 17, the B.C. government declared a provincial state of emergency. The order was to mitigate impacts on transportation networks and movement of essential goods and supplies, and to support the provincewide response and recovery.**
- **Many First Nations communities were severely affected by these severe weather events. Some were evacuated, others were cut off from the outside due to compromised road and related transportation infrastructure, e.g. bridges, jeopardizing access to essentials such as food, clean water and prescription medication.**
- **While some road access has been restored several First Nations are still experiencing partial evacuation orders. Canada and B.C. will continue to support these Nations.**

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Federal Provincial ministerial committee

- In December 2021, the Province and the federal government established the Committee of British Columbia and Federal Ministers on Disaster Response and Climate Resilience.
- The committee includes the First Nations Leadership Council.
- The committee will focus on joint efforts to respond, recover and rebuild after natural disasters such as the Nov. 2021 flooding.
- The committee has 4 priority areas: Indigenous emergency management, Interim Housing, Infrastructure, and Agriculture

Next steps

Declaration Act Action Plan

The Declaration Act Action Plan, released March 30, 2022, includes goals such as

The overall emergency management structure and regime in B.C. is revised, in collaboration with the government of Canada and Indigenous Peoples, to enhance Indigenous Peoples' emergency management outcomes through a strong tripartite approach.

BC Budget 2022

Budget 2022 provides over \$2.1 billion from 2021 through the end of this fiscal plan, including

- \$1.5 billion to help communities and build critical infrastructure back better after disastrous weather events in 2021, including:
 - \$400 million in 2022-23 for Emergency Management BC to support people and communities.
 - \$1.1 billion earmarked in contingencies for disaster recovery costs over the next three years to have the flexibility to be responsive and support communities as the costs of recovery become better known.
 - This is in addition to \$5 billion allocated by the Government of Canada to help response and recovery efforts in B.C.
- \$600 million in operating and capital funding for continuing the response to climate-related disasters, disaster prevention and recovery projects, and to support British Columbians through future emergencies.
 - \$145 million in new funding will strengthen B.C.'s emergency management and wildfire services:
 - The BC Wildfire Service will shift from a reactive to a proactive approach by moving to a year-round workforce that will deliver all pillars of emergency management: prevention and mitigation, preparedness, response and recovery.
 - Additional resources at Emergency Management BC will improve the public alerting system for wildfires and better support people and communities during climate-related events.
- An additional \$98 million over the fiscal plan to fund wildfire prevention work and maintain forest service roads used to respond to forest fires.

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- \$210 million to support community climate-change preparedness and emergency management, including through the FireSmart program, the Community Emergency Preparedness Fund, Indigenous-led emergency management priorities, and to support communities and First Nations to build more resilient dikes, floodplain mapping and other risk-reduction activities.
- Investing in proactive strategies with \$83 million to begin implementation of a new Climate Preparedness and Adaptation Strategy, which includes:
 - Expanding climate monitoring networks.
 - Working with local and Indigenous governments to lead climate resilience initiatives.
 - Developing an extreme heat response framework.
 - Expanding the River Forecast Centre and provincial floodplain mapping program.
 - Building data collection and expertise to pinpoint where and how to mitigate climate risks.
 - Investing in climate-ready transportation networks.
 - Providing \$30 million in grants to help safeguard B.C.'s watersheds.

Comm Contact	Program Contact(s)	ED	Other	ADM	DM
Peggy Kulmala	Janice Franklin	Cam Filmer	EMBC/TRAN	Jennifer Melles	Doug Caul

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: May 2, 2022 Minister Responsible: Hon. Murray Rankin	BC Wildfires and Indigenous Communities
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TOP MESSAGES

- **We stand with the Nations and are working with our federal and provincial partners to support Nations' recovery and to prevent future fires.**

KEY MESSAGES

- **First Nations communities have been disproportionately impacted by consecutive wildfires and flooding events in recent years and have faced many challenges during COVID-19.**
 - **This is in addition to ongoing traumas including with the opioid crisis and residential schools.**
- **These events also underlined how critical it is to work side-by-side with First Nations communities to better support their emergency management needs.**
- **We're committed to working in true partnership with First Nations to advance reconciliation by improving emergency management supports.**
- **B.C. is also working closely with the First Nations Emergency Services Society, First Nations Health Authority, Indigenous Services Canada and other key Indigenous partners to strengthen First Nations emergency management supports in mitigation, preparedness, response and recovery.**

If asked about support to fire prevention and safety:

- **The B.C. government strongly supports the efforts of local governments and First Nations to reduce wildfire risks in and around their communities by completing fuel management projects, developing Community Wildfire Resiliency Plans and implementing FireSmart principles.**

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BACKGROUND

- The 2021 fire season saw fires rage throughout B.C., with more than 1,600 fires burning nearly 900,000 hectares in the province, which triggered 181 evacuation orders and 304 evacuation alerts. The total cost of wildfire suppression from April 1 to Sept. 30, 2021 was about \$565 million.
- The 2021 wildfire season was complicated by the heat wave, current and prolonged drought conditions, and the ongoing COVID-19 pandemic, including new outbreaks in areas impacted by fires. There were two deaths tied to the wildfires and more than 600 from the heat waves.
- The Province declared a State of Emergency on July 20, which was lifted Sept. 13, 2021.
- The Ministry of Indigenous Relations and Reconciliation staffed the Provincial emergency coordination centre (PECC), various functional roles including Indigenous Persons Operations and are part of the Provincial recovery structure supporting Lytton First Nation and others. They participated on various Emergency Management BC (EMBC) coordination calls, and were available to provide strategic advice, guidance and participate in other response related needs as required.
- There were numerous advisories and warnings issued by the ministries and other organizations, including travel warnings (EMBC), heat warnings (HLTH), and drought (FOR).
- EMBC created a webpage with a listing of key resources people may need, including federal programs, at www.emergencyinfobc.ca > Recovery and Supports.

Advice/Recommendations; Intergovernmental Communications

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- Closures and restrictions in the backcountry, including closing to the Limited Entry Hunt in areas in or adjacent to fires. For background, closure requests were actioned in other major fire years to protect already stressed wildlife from hunting impacts. FLNRO announced backcountry road closures to aid wildlife recover Oct. 22, 2021.
- Advice/Recommendations; Intergovernmental Communications

Examples of progress:

- **Co-development of new legislation:** Engaging First Nations communities in regional dialogue sessions regarding modernizing the Emergency Program Act, incorporating lessons learned from COVID-19, the 2017/2018 wildfire seasons, the flooding in fall 2021, and recommendations from after-action reports and reviews. Examples: Abbott-Chapman, Tsilhqot'in National Government (TNG) report. These sessions are being co-designed with the First Nations Leadership Council.
- **First Nations Coordination Calls:** Daily First Nations coordination calls took place through the EMBC Provincial Regional Emergency Operations Centres during wildfire seasons, the flooding in fall 2021, and in support of the COVID-19 response.
- **Strengthening EMBC's partnership with First Nations Emergency Services Society (FNESS):** In support of Nations, EMBC continues to collaborate with FNESS on supports for First Nations EOCs including providing personnel and training.
- **Agreements**
 - In April 2019, EMBC, the First Nations Leadership Council (FNLC), ISC and the BC Wildfire Service signed a Memorandum of Understanding (MOU) that commits all parties to ongoing engagement. Through this MOU, a technical working group has been established with a work plan to support all areas of First Nations emergency management.
 - In February 2018, the signing of the Collaborative Emergency Management Agreement (CEMA) with the TNG to improve emergency management services and supports for Tsilhqot'in communities. A renewed version of this Agreement is being negotiated and is expected to be completed by February 2022. Cabinet Confidences; Cabinet Confidences; Advice/Recommendations;
 - On April 1, 2017, EMBC began implementing a 10-year, \$30-million service agreement with Indigenous Services Canada (ISC) to provide emergency management services and support to on-reserve First Nations communities. This agreement replaces a 1993 Letter of Understanding and allows EMBC to increase its capacity to better support First Nations communities.
- **First Nations Emergency Management Partnership Tables**
 - To strengthen relationships and support emergency planning in Indigenous communities, seven First Nations Emergency Management Partnership Tables were created in six regions.
 - In January 2021, EMBC led virtual partnership tables with over 300 participants from across B.C. The purpose of the partnership tables is to build capacity in Indigenous communities by bringing together First Nations, EMBC, ISC and First Nations Emergency Services Society representatives in regional planning and preparedness activities.

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- The development of the partnership tables is supported by EMBC's 10-year agreement with the Government of Canada to deliver enhanced emergency management services to First Nations communities in B.C. *Note, as of the date of this Issues Note, there has not yet been any partnership table meetings.*
- The activities of the partnership tables are co-developed by First Nations communities and EMBC to ensure both parties are equal participants.
- EMBC is enhancing the tripartite approach to the partnership table in collaboration with Nations for future events. This work is being informed by the All Chiefs Forum held in October 2021.

Next steps

Declaration Act Action Plan

The Declaration Act Action Plan, released March 30, 2022, includes goals such as

The overall emergency management structure and regime in B.C. is revised, in collaboration with the government of Canada and Indigenous Peoples, to enhance Indigenous Peoples' emergency management outcomes through a strong tripartite approach.

and supportive actions including:

Action 2.11: Integrate traditional practices and cultural uses of fire into wildfire prevention and land management practices and support the reintroduction of strategized burning. (Ministry of Forests, Emergency Management BC)

Legislative reform

The *Forests Statutes Amendment Act*, which became law in November 2021, included transformative shifts to the forest and range planning in B.C., by establishing the framework for an approach that is more focused on sustainability. The amendments also enhance government's ability to have management control over forest roads to protect public safety and the environment, improve wildfire management, and update compliance and enforcement authorities. Improvements made under these amendments were informed by the introduction of the Declaration Act and represent a step towards bringing provincial laws into harmony, over time, with the UN Declaration.

BC Budget 2022

Budget 2022 provides over \$2.1 billion from 2021 through the end of this fiscal plan, including

- \$1.5 billion to help communities and build critical infrastructure back better after disastrous weather events in 2021, including:
 - \$400 million in 2022-23 for Emergency Management BC to support people and communities.
 - \$1.1 billion earmarked in contingencies for disaster recovery costs over the next three years to have the flexibility to be responsive and support communities as the costs of recovery become better known.

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- This is in addition to \$5 billion allocated by the Government of Canada to help response and recovery efforts in B.C.
- \$600 million in operating and capital funding for continuing the response to climate-related disasters, disaster prevention and recovery projects, and to support British Columbians through future emergencies.
 - \$145 million in new funding will strengthen B.C.'s emergency management and wildfire services:
 - The BC Wildfire Service will shift from a reactive to a proactive approach by moving to a year-round workforce that will deliver all pillars of emergency management: prevention and mitigation, preparedness, response and recovery.
 - Additional resources at Emergency Management BC will improve the public alerting system for wildfires and better support people and communities during climate-related events.
- An additional \$98 million over the fiscal plan to fund wildfire prevention work and maintain forest service roads used to respond to forest fires.
- \$210 million to support community climate-change preparedness and emergency management, including through the FireSmart program, the Community Emergency Preparedness Fund, Indigenous-led emergency management priorities, and to support communities and First Nations to build more resilient dikes, floodplain mapping and other risk-reduction activities.
- Investing in proactive strategies with \$83 million to begin implementation of a new Climate Preparedness and Adaptation Strategy, which includes:
 - Expanding climate monitoring networks.
 - Working with local and Indigenous governments to lead climate resilience initiatives.
 - Developing an extreme heat response framework.
 - Expanding the River Forecast Centre and provincial floodplain mapping program.
 - Building data collection and expertise to pinpoint where and how to mitigate climate risks.
 - Investing in climate-ready transportation networks.
 - Providing \$30 million in grants to help safeguard B.C.'s watersheds.

Comm Contact	Program Contact(s)	Other Ministries	ADM
Peggy Kulmala	Cam Filmer	EMBC, FOR	Jennifer Melles

Confidential Issues Note - ADVICE TO MINISTER

- The Province provided provincial representation on the weekly ISC All Chiefs Calls.
- In addition to daily operational calls in North, Southwest and Central regions, EMBC hosted calls for First Nations in the Central regions daily or as needed at the request of Nations.
- Both EMBC and BCWS also worked with First Nations EOCs and the FNESS to address needs related to emergency response and recovery efforts, such as supporting recovery planning with Okanagan Indian Band and ongoing structural protection and FireSmarting with Lower Nicola Indian Band.
- FNESS staff were on site in Provincial Regional Emergency Operation Centres and the PECC. FNESS updated its EOC support website with resources available to impacted communities, including its [mapping tool](#).
- The First Nation Health Authority (FNHA) staff were in affected communities to support both physical and mental health needs and in the EMBC's regional offices to ensure information sharing. FNHA also supported an enormous number of residents with ESS (e.g. at Reception Centres) and providing air scrubbers to communities on request.
- EMBC and FNESS, along with the Justice Institute of BC, continue to collaborate on ESS training for Indigenous peoples.

Wildfire Recovery

- As was the case after the devastating 2017 and 2018 fire seasons, the recovery phase incorporates four key elements:
 - people and communities
 - economy
 - environment
 - infrastructure and reconstruction

FLNRO staff are addressing damage to the landscape. Examples of work that's already been done or is still underway include:

- completing Post-Wildfire Natural Hazard Risk Assessments, and identifying areas of risk for public safety and critical infrastructure;
- identifying high-risk areas that require rehabilitation work and creating an inventory of those areas;
- preparing rehabilitation "prescriptions" (such as returning fire guards to their natural state, reseeding burned areas, etc.); and
- assessing impacts on wildlife habitat.

Abbott-Chapman Report

- On Dec. 4, 2017, the B.C. Government launched an independent review of the 2017 wildfire and flooding events, co-chaired by George Abbott and Chief Maureen Chapman. Their team heard from those who were affected by the wildfires and flooding that year through a series of open houses.
- On Oct. 31, 2018, the B.C. government released its [action plan](#) to address the 108 recommendations contained in the resulting report: [Addressing the New Normal: 21st Century Disaster Management in B.C.](#) Since then, staff from multiple ministries have been working

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diligently to respond to the report's recommendations. As of Aug. 5, 2021, the Province has taken action on 99 of the 108 recommendations (or about 92% of the total) and completed 60. Intergovernmental Communications

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Comm Contact	Program Contact(s)	Other Ministries	ADM
Peggy Kulmala	Cam Filmer	EMBC, FLNRO, BCWS	Jennifer Melles

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date Reviewed: Jan. 25, 2022 Minister Responsible: Hon. Murray Rankin	Treaties in B.C. - Status
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TOP MESSAGE:

- **Treaties are a critically important pathway to meaningful reconciliation. They help to support strong, healthy, thriving communities that benefit people today and for generations to come.**

RECOMMENDED RESPONSE:

- **Together, First Nations, Canada, and B.C. are creating innovative agreements that are flexible and better suited to addressing the needs of individual nations.**
- **We believe treaties will be more successful and enduring if we make sure they embed a recognition of the inherent rights of Indigenous peoples, rather than seeking to extinguish those rights, and they have the ability to evolve over time rather than being frozen in time.**
- **With this new innovative approach, we can reach treaties that will support long-lasting relationships with Indigenous governments.**
- **We are currently in advanced treaty negotiations at several tables including: Kitselas and Kitsumkalum, K'omoks, Temexw Treaty Association[te-MUCK] and Pacheedaht [patch-ee-DAHT].**

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 reflected recent approaches to negotiation in line with the UN Declaration.**
- **The policy aims to base treaties on a recognition of the inherent rights of Indigenous peoples, and states explicitly that treaties do not require Indigenous peoples to extinguish their rights.**

BACKGROUND

- **From 2017 to 2021, 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-Principle stage, and directly to the final stage of negotiations (Stage 5). This approach ensures that the specific needs of a nation are met.**

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- 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.
- The provincial and federal governments and the First Nations Summit (the “principals” in B.C.’s treaty process) finalized a new tripartite treaty policy in 2019, which reflects recent approaches to negotiation that have emerged since 2017.
- The Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia helps modernize treaty-making by establishing a framework for treaty negotiations that reflects case law and the UN Declaration. *[see also Treaty Transformation Tripartite Policy IN]*
- In federal budget 2019, Crown-Indigenous Relations and Northern Affairs Canada (CIRNA) secured up to \$1.4 billion to forgive all outstanding comprehensive claim negotiation loans and to reimburse Indigenous groups that have already repaid these loans. Of this amount, up to \$919 million is allocated to forgiveness, effective March 31, 2020, and up to \$491 million is allocated to reimbursement which will be paid out in five equal installments, starting in fiscal year 2020-21.
- Under the BC Treaty process, where a large portion of comprehensive land claims are being negotiated, approximately \$546 million (or 59%) in outstanding loan debt was forgiven by the federal government.

Treaties

- B.C. is participating in approximately 63 different treaty tables involving 114 First Nations. Of these, 34 tables involving 68 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.
- B.C. has four modern treaties in effect with eight First Nations: Nisga’a treaty, Tsawwassen First Nation treaty, the Maa-nulth treaty (five First Nations) and the Tla’amin Nation treaty. The Nisga’a treaty was negotiated outside the BCTC process.
- Nisga’a Nation joined the Alliance of BC Modern Treaty Nations in Nov. 2019. Tsawwassen, Tla’amin and Maa-nulth First Nations formed the Alliance on July 24, 2018. The Alliance aims to advocate for improved treaty implementation on revenue sharing, police service agreements and co-management of fisheries, lands and resources.
- The Yale First Nation Final Agreement has been ratified by their community and the provincial and federal governments. On Feb. 1, 2016, Yale First Nation’s chief and council announced it would not implement its treaty, citing “critical flaws” in the agreement that can’t be resolved through the B.C. treaty process.

Advanced negotiations

- Kitselas/Kitsumkalum
 - Status: Advanced stage 5 treaty negotiations
 - Milestone: CN letter of understanding on conclusion of stage 5 negotiations
 - 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. Also developing an approach to shared decision-making within the traditional territory, outside of treaty lands.
- K’omoks
 - Status: Advanced stage 5 treaty negotiations
 - Milestone: Offer to conclude stage 5 negotiations.

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- 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. Also developing an approach to shared decision-making within the traditional territory, outside of treaty lands.
- Pacheedaht
 - Status: Advanced stage 5 treaty negotiations
 - Milestone: Offer to conclude stage 5 negotiations.
 - Innovations: Collaborative management and shared decision-making in Pacheedaht territory.
- Temexw
 - Status: Advanced stage 5 treaty negotiations
 - Milestone: Offer to Intergovernmental to conclude stage 5 negotiations.
 - Innovations: Approaches to treaty in urban environment and with Douglas Treaty nations.

Communications Contact: Stephen Binder

Program Area Contact: Robert Leece, Tom McCarthy

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2022 Estimates Note

TOPIC: 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.

Intergovernmental Communications

- 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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ADM Responsible

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date reviewed: January 26, 2022 Minister Responsible: Hon. Murray Rankin	Stakeholder Engagement
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TOP MESSAGE:

- **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.**

KEY MESSAGES:

- **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.**

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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.

Confidential Issues Note - ADVICE TO MINISTER

BACKGROUND:

- Negotiating tables have a large degree of independence on when stakeholder engagement begins and what form it should take. The greater the impact of a project on an Indigenous community or stakeholder, the more complex and extensive the engagement strategy will be.
- The B.C. government is responsible for stakeholder engagement across the province, working in close partnership with Indigenous partners and Canada where appropriate and mutually agreeable.
- Every negotiation is unique and there is no one-size-fits-all template for stakeholder engagement.
- The ministry continues to work to improve stakeholder engagement and has placed significant focus on this area since 2017.
- The goal is to be as transparent as possible with stakeholders and bring them into the discussions as early as possible.
- Due to the nature of some negotiations, it is necessary to have agreed upon proposed land areas with all First Nations impacted before releasing maps and details to local government, tenure holders and property owners. Other considerations include the status of the negotiations and the status of government's approval of the land transfers.

Shared First Nation claims

- One of the challenges of releasing information to stakeholders too soon is the issue of overlapping land or title claims from neighbouring First Nations.
- Disclosing details of one negotiation before all Nations are on the same page could prejudice other negotiations or create significant concern within Nations not yet at the table.
- Resolving these differences often takes significant time and can lead to stakeholders feeling they've been 'kept in the dark' for years about decisions that could impact their lifestyle and livelihoods.

Ministry Stakeholder Engagement Strategy

- A ministry Stakeholder Engagement Strategy guides the various ministries in facilitating meaningful and consistent engagement with stakeholders on policy and actions relating to negotiations and agreements with First Nations. Most engagement goes deeper than simply informing stakeholders of agreements, but rather actively listening and understanding of stakeholder concerns, as well as working to mitigate them where possible.
- There are six guiding principles that support the ministries' stakeholder engagement strategies
 - Communication – early and open engagement
 - Transparency – clear information and feedback
 - Collaboration – work together on outcomes
 - Inclusiveness – understand and involve
 - Integrity – foster respect and trust
 - Commitment – maintain engagement

Stakeholder engagement examples:

- Lake Babine Nation – Fee simple land transfer
 - Residents raised concerns in January 2020 regarding a large fee simple land transfer.
 - Following substantial engagement through spring and summer 2020, Lake Babine Nation and BC adjusted proposed areas for transfer, and built a strong relationship with the stakeholder group.
 - The dialogue has created an opportunity for positive interaction between resident groups and Lake Babine Nation, to build trust and further community reconciliation efforts.
 - <https://www.burnslakelakesdistrictnews.com/opinion/friends-of-babine-lake-association-agree-with-signing/>
- Northeast Treaty Land Agreements and Treaty Land Entitlement – Land Transfers

Confidential Issues Note - ADVICE TO MINISTER

- Ongoing stakeholder engagement is underway for Treaty Land Entitlements (TLE), which is intended to correct a historic wrong in the amount of land provided to Treaty 8 First Nations; and Tripartite Land Agreements (TLA), which are designed to accommodate First Nations for land used in constructing the Site C dam project.
- Local governments such as Chetwynd, Hudson Hope, and Fort St. John have provided letters of support for many TLE and TLA land transfers as a result of the public engagement process.
- There are over 80 TLE and TLA land parcels selected across the northeast region, and three have raised significant public concern: Charlie Lake, Red Creek and Summit Lake. Following public meetings in all three local communities to hear their concerns and incorporate their input, the concerns have largely been mitigated – though some opposition does still exist. Government expects to make the final decision to transfer these parcels as early as Spring 2021.
- Wet'suwet'en – community engagement
 - Residents initially expressed concern about being excluded from the discussion on implementation of Wet'suwet'en rights and title and about governance issues between elected Indian Bands and Hereditary Chiefs.
 - A jointly developed external community engagement process launched in August 2020 to engage the community. A regional engagement group with representation from local governments, industry, business and recreation groups has met twice (Sept. 2020 and Feb. 2021), and will meet quarterly. A smaller core advisory council was formed in Feb. 2021 and will meet monthly to receive regular updates on the negotiations. Engagement opportunities with the general public are also planned.
- Metlakatla
 - Maps of potential Metlakatla treaty lands were released publicly following the signing of the Transition to Stage 5 and Treaty Revitalization Agreement in February 2019.
 - There is some opposition to one particular parcel located on Smith Island.
 - Provincial negotiators have been engaging regularly with property owners on Smith Island.
- SXTA
 - Chilliwack River Valley residents have voiced concerns with proposed treaty land identified in the Valley. Concerns include the loss of Crown land, access to recreational areas, resource extraction and development, lack of input on future land use planning and impacts on property values.
 - Community engagement meetings were held in May and December of 2019 and will continue as negotiations with SXTA progress.
 - Post Creek community members raised concerns that a proposed transfer of lands may isolate their community and impede access to water and recreation sites. A liaison committee with Post Creek, BC and SXTA representatives has been established to foster ongoing engagement and address concerns.

*For more information on stakeholder engagement with Tsilhqot'in National Government and the declared title area please see the 'TNG tenure holders' issues note.

Communications Contact: Stephen Binder/Art Aronson/Chris Harbord Program Area Contact(s): Dale Morgan/Tom McCarthy

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date reviewed: April 25, 2022 Minister Responsible: Hon. Murray Rankin	Treaty Land Entitlement: Charlie Lake & Red Creek land parcels
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TOP MESSAGE:

- For more than 100 years, five First Nations in the Northeast have been without the rightful amount of land they were promised under their treaty – and the benefits from that land. We're making it right.

KEY MESSAGES:

- The provincial and federal governments are negotiating with Blueberry River First Nation – as well as four other Nations - to address a legal liability regarding lands that should have been provided to the First Nations as part of Treaty 8.
- Provincial Negotiators engaged extensively over several years with stakeholders, local governments, and area residents to make sure we understood their various interests before a final decision was made on the identified land parcels at Charlie Lake and Red Creek.
- I respect and deeply appreciate the work and passion community leaders put into working with the Province to make the best agreement possible.
- The Province has heard stakeholders' concerns and has taken steps to mitigate those concerns in practical ways.
- These include ensuring road access to recreation areas, and confirming environmental protections.

If asked about not meeting with community leaders before making a decision

- I respect and deeply appreciate the work and passion community leaders put into working with the Province to make the best agreement possible.
- We offered several opportunities to meet in early April to pass on the Province's decision in person, but were unable to secure a time with community leaders and stakeholder groups. We have some upcoming meetings scheduled in early May with community leaders and I am looking forward to the discussion at that time.
- I know there are those who are unhappy with the final decision. However, after multi-year consultations with stakeholders, local governments,

Confidential Issues Note - ADVICE TO MINISTER

community leaders and residents, I am convinced this is the best agreement for everyone.

If asked about environmental protections if BRFN develops the land

- Blueberry River First Nations has publicly indicated that the Charlie Lake South parcel would be used for an elders' facility and the Red Creek parcel would be used for housing, not for industrial purposes.

If asked about internal disagreements about the land parcels

- Blueberry River First Nations provided a signed Band Council Resolution by the Chief and all councilors indicating support for all five of their TLE land selections in March 2022. The new Chief has confirmed to the Province this communities interest in their TLE selections.

If asked about the ratification process for Blueberry River First Nations

- Blueberry River First Nation has initialed the agreements and now undergoes a community ratification process to confirm support for the TLE Agreements and land selections.
- It is important that Blueberry River First Nations' ratification process is respected, and the community is given the time and space to carry out this important process of self-determination without interference.

BACKGROUND

- The lands are proposed as part of a package that would help make up an historic shortfall of 2,695 hectares in the amount of reserve lands promised to BRFN under Treaty 8. These are called Treaty Land Entitlement (TLE) land claims.
- Blueberry River has identified five Crown land parcels for its TLE settlement: Pink Mountain, a selection south of IR 205, Dancing Grounds, Red Creek and Charlie Lake. The parcels comprise a total of 9,000 hectares. This amount of land includes the 2,695 hectares in Shortfall Lands, as well as 6,305 hectares in Additional Lands, which they may purchase at fair market value.
- Community members and land owners have been opposing the proposal to transfer land parcels on Charlie Lake and Red Creek to Blueberry River First Nation.
- On April 14, Minister Rankin wrote to inform many of the involved community members and steering committees that the Red Creek and Charlie Lake parcels would be included in the final draft of the BRFN TLE agreement.
- Within a few days, the Province had received several replies expressing anger and disappointment. Part of the reason for the disappointment was the perceived rush on the decision when participants believed there was an in-person meeting with the minister still to happen.

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- The Minister's Office did attempt to find a date to have a conference call to tell participants directly but unfortunately a time that worked for everyone could not be found.
- During the Northeast Roundtable on November 24th the province presented its "What We Heard from Stakeholders Report", which summarizes the engagement the provincial team has undertaken regarding Treaty Land Entitlement, with the intention to close overall parcel engagement and move to initialing the TLE agreement.
- Minister Rankin met with the Red Creek and Charlie Lake citizens in January of 2022 and In April attempted to meet with them again to discuss the decision at Red Creek and Charlie lake for TLE in April of 2022.
- After significant public and stakeholder engagement.
Intergovernmental Communications

Public Engagement on BRFN Land Selections

- The Charlie Lake and Red Creek parcels, proposed for transfer to Canada as Federal Indian Reserve, have generated strong local public sentiment and controversy.
- Local community members and landowners oppose the proposal to transfer land parcels on Charlie Lake and Red Creek to Blueberry River First Nation.
- Certain measures have been taken to mitigate stakeholder concerns about the parcels:
 - Creating a 100-to 200-metre wide Crown land buffer between the Red Creek parcel and subdivision residences for wind protection and to keep privacy.
 - Ensuring recreation users will have access through the Red Creek parcel by keeping the main road under provincial jurisdiction.
 - Confirming that federal environmental legislation and regulations will continue to protect the land parcels from environmental impacts.
- Provincial staff have held meetings with focused groups from both Charlie Lake and Red Creek, including meetings in late 2019 and early 2020 ahead of public open houses.
- Public open houses were held about Charlie Lake parcels (March 11, 2020) and Red Creek parcels (March 12, 2020) to share information about the parcels and learn about concerns and interests.
- Stakeholders raised concerns at the Charlie Lake open house; including environment and wildlife conservation and the provincial government's process where parcels were taken off the table, and then put back on. They indicate they would rather see Blueberry River select alternative parcels.

Blueberry River First Nation Leadership

- BRFN held an election on January 13, 2022 and elected a new chief, Judy Desjarlais.
- Previous to the election, a group of BRFN councillors filed a civil court claim against Chief Marvin Yahey for not having band council meetings and informing the community about the TLE process, land selections and agreements in negotiation.

Confidential Issues Note - ADVICE TO MINISTER

- There have been comments in both media and during public engagements that elements of Blueberry River community do not support some of the TLE land selections. It is unclear what effect a new chief will have on TLE land selections.

Media coverage

- www.alaskahighwaynews.ca/regional-news/treaty-land-open-houses-scheduled-for-march-1.24069081
- <https://www.alaskahighwaynews.ca/regional-news/charlie-lake/proposed-charlie-lake-reserve-lands-would-be-subject-to-environmental-rules-province-says-1.24096848>

Stakeholder Engagement Sessions

Date	Engagement Type	Attendance
Dec. 12, 2017	Face to Face with Red Creek residents	Consultant, Red Creek Residents and Stakeholders, Provincial Representatives for MIRR and FLNRO
February 8, 2018	Face to Face meeting with Red Creek residents	Consultant, Red Creek Residents and Stakeholders, Provincial Representatives for MIRR and FLNRO
April 19, 2018	Face to Face meeting with Red Creek residents	Consultant, Red Creek Residents and Stakeholders, Provincial Reps, FLNRO SDM on (s16/17) application
January 30, 2019	Northeast Roundtable Meeting; presented all of Blueberry's TLE parcels	Roundtable membership (captured in the meeting minutes)
October 18, 2019	Northeast Stakeholders Group meeting; general update	Red Creek Residents and Stakeholders, MIRR and FLNRO
Nov. 21, 2019	Small stakeholder Group for Red Creek	Red Creek Residents and Stakeholders, MIRR and FLNRO
January 21, 2020	Small stakeholder group for Charlie Lake	Charlie Lake residents and stakeholders, MIRR and FLNRO, BRFN negotiator and consulting community planner
February 11, 2020	Small stakeholder group for Red Creek	Charlie Lake residents and stakeholders, Blueberry community members, MIRR and FLNRO
March 11, 2020	Open House about Charlie Lake parcels	MIRR, Blueberry negotiation representatives, and stakeholders including local government representatives, Charlie Lake residents and members of the public
March 11, 2020	Open House about Red Creek parcel	MIRR, Blueberry negotiation representatives, and stakeholders including local government representatives, Red Creek residents and members of the public
April 6, 2020	Meeting with PRRD	Follow up from the Open House meetings
April 23, 2020	Meeting with Andy Ackerman and Jim Little	Provincial updates, discussing stakeholder interests and concerns (e.g., status of Blueberry leadership)
January 8, 2021	Meeting with Andy	Provincial updates, discussing stakeholder interests

Confidential Issues Note - ADVICE TO MINISTER

	Ackerman and Jim Little	and concerns (e.g., status of Blueberry leadership)
November 23, 2021	Meeting with Andy Ackerman, Jim Little, Charlie Lake and Red Creek representatives	MIRR presented the “What We Heard from Stakeholders Report”, which summarized the public engagement for proposed northeast land transfers and selections
November 24, 2021	Presentation to the Northeast Roundtable	MIRR presented the “What We Heard from Stakeholders Report”, which summarized the public engagement for proposed northeast land transfers and selections
December 6, 2021	Minister Rankin meeting with MLA Dan Davies	Minister met with MLA to indicate that the province is preparing to initial TLE Agreements, including BRFN. Discussed Red Creek and Charlie Lake constituents’ interests, and committed to a Minister meeting with stakeholder group.
January 24 2022	Minister Rankin phone call with Red Creek and Charlie Lake residents & Jim Little, Andy Ackerman	Call between Minister Rankin, Red Creek and Charlie Lake residents & Jim Little, Andy Ackerman, where Minister Rankin committed to connect with this group prior to making a decision on the BR TLE parcels.
April 14, 2022	Letter from Minister Rankin to Red Creek and Charlie Lake residents & Jim Little, Andy Ackerman	Letter outlines MO attempts to coordinate call with group, all dates offered did not suit, so Minister is moving forward with the selections.

Communications Contact: Stephen Binder
McCarthy

Program Area Contact(s): Tara Forest; Kai Elmauer, Dale Morgan; Tom

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2022 Estimates Note

TOPIC: Gaming Revenue Sharing with First Nations

KEY MESSAGES

- 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 2019, 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 invest in their communities' priorities.
- The Province has shared almost \$282 million in gaming revenues with First Nations which has been used towards construction for new housing and community buildings, childcare and supports for new parents, initiatives to preserve and strengthen Indigenous languages, mental health services, supports for business ventures, and much more.
- This renewed approach to revenue sharing is part of the Province's commitment to create a new fiscal relationship with First Nations that supports self-government and self-determination.

If asked about the decline in gaming revenue:

- First Nations were hard hit by the pandemic – and successive fires and floods – and have used funding from the gaming revenue sharing agreement to meet their immediate needs, impacting other community priority projects and initiatives.
- Adding to this challenge, gaming revenues for 2020-21 were approximately 70% lower than anticipated due to the temporary closure of casinos and other pandemic health measures.
- In April 2022, the Province provided a one-time \$74 million dollar grant 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.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2022 Estimates Note

BACKGROUND

- In the fall of 2020, the Province and First Nations leadership finalised a 25-year arrangement to share provincial gaming revenue with BC First Nations.
- This arrangement includes amendments to the *Gaming Control Act* to establish a 7% entitlement of 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 to BC First Nations 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 \$281,828,000 in shared revenue to First Nations.
- Due to extended casino closures during the pandemic, the initial payment made to the Limited Partnership in 2019 overestimated gaming revenue for the first two years of the arrangement by \$73.94M, with the primary shortfalls occurring in 2020/21. The Province has proactively mitigated this shortfall through a one-time grant which will ensure First Nations planned programs and services funded through gaming revenues will go uninterrupted.

Primary Contact

Ricardo Toledo, Chief Negotiator
Fiscal Negotiations Branch
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ADM Responsible

Jennifer Melles
SPID
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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 26, 2022 Minister Responsible: Hon. Murray Rankin	Forest Consultation and Revenue Sharing Agreements
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TOP MESSAGE:

- The Province has committed to co-develop a new forestry revenue sharing model with Indigenous Peoples.
- As an interim measure, existing forestry revenue sharing will more than double, effective immediately. Sharing forestry revenue with First Nations is an important part of our work to advance reconciliation.
- Our engagement with First Nations on the Forest Consultation and Revenue Sharing Agreements (FCRSAs) program has been valuable and provided feedback on a range of issues, including our current approach to forestry revenue sharing.

New Fiscal Relationship

- B.C. will co-develop a new forestry revenue sharing model with First Nations as part of its commitment to a new fiscal relationship that recognizes Indigenous governance and jurisdiction.
- This will enhance genuine collaboration and respectful government-to-government relationships in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.
- We are moving away from the short-term transactional approach of the past toward a new fiscal framework that recognizes, respects and supports Indigenous Peoples' right to self-determination.

Interim Enhancement

- To ensure First Nations see immediate benefits while the new forestry revenue sharing model is developed, B.C. is providing an interim increase to the rates under the existing forestry revenue sharing program.
- In the interim, the FCRSA rates will increase 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 will increase by an additional 3 percentage points to 11, 12 or 13 per cent.
- This will increase the amounts shared with First Nations by about \$63 million per year, starting immediately.
- By more than doubling forestry revenue sharing with First Nations, we are supporting First Nations governments to increase their economic and land

Confidential Issues Note - ADVICE TO MINISTER

management opportunities and advance the well-being of First Nations communities.

If pressed about changing the language in the agreements:

- The previous agreement template was created in 2010 and includes language that is inconsistent with our shared reconciliation priorities.
- The current language has been described as advancing the same models of forestry agreements put in place by the B.C. Liberals more than a decade ago. This has led to a view that the agreements are focused on legal interpretation and process. The updated language is focused on promoting relationships.
- This language has been updated to reflect that the parties will work together to resolve any issues while co-development of the new forestry revenue sharing model is underway.

BACKGROUND

Criticism of program

- 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.
- April 27, 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 Relationship (NFR). This broader NFR policy work will be undertaken in partnership with Indigenous Peoples under commitments in the Action Plan.
- The Declaration Act and Action Plan provide mechanisms for joint and consent-based decision-making to occur between the Province and First Nations related to the land base.
- Until that happens, the FCRSA program is in place to ensure there is existing benefit from forestry to First Nations.
- More recent criticism of the FCRSA program has centred on the agreement template, specifically the reporting requirements and non-interference provisions. This has led to a view that the agreements are focused on securing opportunities for continued harvesting as opposed to seeking reconciliation.
- The program was described as advancing the same models of forestry agreements put in place by the B.C. Liberals more a decade ago.
- Work is underway with the Ministry of Forests to look at options for modernizing aspects of the agreement to address some of the criticisms leveled at the agreement template.

Changes to FCRSA program and interim enhancement

- The Province has repeatedly heard, through various engagement initiatives with First Nations, including engagement on the BC Forest Strategy and the Forestry Intentions Paper, that the current model is inadequate and revenue percentages too low.

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- Under the existing formula, First Nations are eligible to share \$68.08M, or between 3 and 5 percent of forestry revenues for activities in their territories.
- The current revenue sharing program also needs a fundamental rethink to ensure it is designed in a way that is consistent with new fiscal relationship commitments and with the Declaration Act.
- The Province also needs to demonstrate meaningful commitment to co-developing a new model given the lack of action and the engagement fatigue that has developed around forestry revenue sharing over the years.
- For these reasons, B.C. is committing to co-develop a new forestry revenue sharing model with First Nations that will replace the existing FCRSA program.
- In the meantime, the Province is providing an interim FCRSA enhancement that is effective immediately and will be in place until a new forestry revenue sharing new model is complete.
 - In the interim, the FCRSA rates will increase 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 will increase by an additional 3 percentage points to 11, 12 or 13 per cent.
 - The interim formula, with an enhancement of \$62.67M per year, increases total revenue sharing up to \$130.754M by raising revenue sharing rates by 5%, with an additional 3% for BC Timber Sales revenue.
- Engagement on a new forestry revenue sharing model is expected to take at least two years. Interim enhancements will be in place for two years or possibly longer, until a new forestry revenue sharing model is in place.
- The interim enhancement will be implemented by updating individual FCRSA agreements, through direct engagement with agreement holders.
- B.C. will be sending letters to current agreement holders in the coming weeks with more information on how this process will work. The enhanced rates will be available effective April 1, 2022.
- Other eligible Nations who are not current agreement holders will also receive information about the process for entering new agreements that would incorporate the enhanced interim rates and the new language.

Program details

- FCRSAs provide First Nations communities with economic benefits returning directly to their communities, based on harvest activities in their territory.
- B.C. continues funding the program through the Treaty and Other Agreements Funding vote.
- This is a continuation of the current funding formula for forestry revenue sharing. Some First Nations have been critical of the status-quo approach.
- Current revenue sharing is based on a percentage of forest revenues from the Timber Harvesting Land base in the forest district(s) covered by a First Nation's territory and a return on the stumpage paid by a First Nation on Bill 28 volume in a direct award tenure:
 - 3% of forest revenues from district(s) and 35% return on Bill 28 stumpage paid by the nation; increases to

Confidential Issues Note - ADVICE TO MINISTER

- 4% of revenue and 50% stumpage return if they are in a Strategic Engagement Agreement; and
- 5% of revenue and 75% stumpage return if they are in a Reconciliation Agreement,
- Each agreement has provision for a minimum annual payment of \$35,000, should the calculation provide a payment that is less than \$35,000.
- \$58.6 million was paid to First Nations in fiscal year 21/22.
- Since 2015, the Province has engaged with First Nations through the First Nations Forestry Council on how to improve the FCRSA program, including sponsoring numerous regional workshops that focused on the FCRSA program and B.C.'s First Nations Forestry Strategy.
- Each year, Ministry of Indigenous Relations and Reconciliation (MIRR) staff work with their regional colleagues from the Ministry of Forests to notify industry stakeholders of the FCRSAs expiring or being negotiated in their region.
- Stakeholders are then notified that an FCRSA has been concluded by regions and stakeholder notification is added to the FCRSA checklist done for each signed FCRSA prior signoff.
- Stakeholder engagement also occurs at the FCRSA program level through established government/industry forums such as the Provincial Forestry Forum – First Nations Steering Committee. Regular MIRR status reports are provided to MLAs, which includes FCRSA updates.
- Typically, FCRSAs have a three-year term, after which they are renegotiated. Specific mandates are not required.
- There are 110¹ active FCRSAs (126 First Nations that provide First Nations with a share of revenue from harvesting activities within their territories).
- The current FCRSA program has been in place since 2010 and has provided more than \$450 million in payments to First Nations. In total, 161 First Nations have entered into agreements, which represents 81% of those eligible.

Communications contact: Kaitlyn Engholm

Program area contact: Paul Kerr, Altaf Kotadia (program stats)

1. 110 active FCRSAs as of April 26, 2022.

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: May 3, 2022 Minister Responsible: Hon. Murray Rankin	New Fiscal Relationship Framework
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TOP MESSAGE:

- The Province is committed to co-developing a new fiscal relationship framework with Indigenous Peoples.

KEY MESSAGES:

- We are committed to co-developing a new fiscal relationship framework that supports the operation of Indigenous governments and that recognizes, respects and supports Indigenous Peoples' right to self-determination.
- We are focused on enhancing genuine collaboration and respectful government-to-government relationships in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.
- As you know, the first major initiative was the 25-year gaming revenue sharing arrangement that provides approximately \$100 million annually to all First Nations.
- And just a few weeks ago we also announced a \$74 million grant to mitigate lost gaming revenue sharing due to the COVID-19 pandemic.
- In March, we released the *Declaration Act* Action Plan, which includes key actions relating to developing a new fiscal relationship. These include Actions 1.4 and 1.5 that commit to co-developing a new fiscal relationship framework and revenue sharing policy frameworks with Indigenous Peoples in BC.
- And just last week the Province announced it would co-develop a new forestry revenue sharing model with First Nations that is consistent with the UN declaration on the Rights of Indigenous Peoples.
- And as an interim step, we are more than doubling existing forestry revenue sharing effective immediately, providing First Nations with \$63 million in new revenues this current fiscal year.

BACKGROUND

Action Plan Commitments

- Action 1.4 – Co-develop with Indigenous Peoples a new distinctions-based fiscal relationship and framework that supports the operation of Indigenous governments, whether through modern treaties, self-government agreements or advancing the right to self-government through other mechanisms. This work will include collaboration with the Government of Canada.

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- Action 1.5 – Co-develop and implement new distinctions-based policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous Peoples.
- Action 4.49 – Review existing provincial mandates to enhance treaty and self-governing Nations' fiscal capacity to deliver services to their citizens.

Key NFR Accomplishments To-Date

- **2018 - Concrete Actions document with the FNLC** [includes commitment to a renewed fiscal relationship with Indigenous peoples with multi-streams of revenue]
- **2018 - The Draft 10 Principles to Guide the Province's Relationship with Indigenous Peoples** [acknowledges Indigenous governments need fiscal capacity to govern effectively]
- **2019 - Gaming Revenue Sharing** [more than \$100 million annually]
- **2019 - BC First Nations Forest Strategy** [acknowledged need for meaningful forestry revenue sharing]
- **2019 - Implemented the *Declaration Act***
- **2022 – Established a Shared Priorities Framework with the Modern Treaty Alliance** [includes commitment to establish new fiscal arrangements to fulfil treaty rights and obligations]
- **2022 - Finalized the *Declaration Act* Action Plan** [commits to co-developing a new fiscal relationship framework and policy frameworks for resource revenue sharing]

Communications contact: Kaitlyn Engholm

Program area contact: Richard Purnell, Ben Bisset

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Updated: April 21, 2022 Minister Responsible: Hon. Murray Rankin	Treaty 8 First Nations – Legal Action re Site C
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TOP MESSAGE:

- Our preference is to seek negotiated solutions where possible. We remain open to discussions with West Moberly First Nations and Blueberry River First Nations.

KEY MESSAGES:

- We recognize West Moberly is opposed to Site C and has the right to go to court.
- As of January 21, 2022, the trial that was scheduled to begin in March 2022 for the treaty infringement claim filed by West Moberly First Nations has been adjourned.
- The parties to the litigation are continuing confidential discussions to seek to settle this litigation.
- The Province is also interested in negotiating with Blueberry River First Nations about opportunities and potential benefits associated with the Site C project and how concerns may be addressed. Blueberry River First Nations has agreed to establish a negotiation table with the Province related to Site C.

If asked why the project went ahead under the current government:

- The decision to build Site C was made in 2014 by the former government. We have been clear that while it is not a project we would have chosen to start, we have been working to manage it in the best interests of all British Columbians.
- While the project has encountered challenges due to COVID-19 and geotechnical issues, it is not in the public interest stop a project that is more than 50% complete and pay \$10 billion with nothing to show for it.

If asked how the decision to build Site C aligns with UNDRIP:

- We have worked with First Nations through extensive consultation to mitigate impacts of the project including redesigning the Highway 29 realignment to reduce potential impacts on culturally important sites.
- BC Hydro has signed impact benefit agreements with the majority of Treaty 8 First Nations affected by the project and has worked to maximize opportunities for Indigenous contractors and employees.
- Approximately \$602 million in procurement opportunities have been awarded to Indigenous businesses.
- Throughout 2021, the project had an average of 350-400 Indigenous people working on the project at any given time, with about 320 Indigenous workers in December.

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If asked about claims of Site C safety risks:

- We have received comprehensive recommendations from international dam safety experts, Mr. Milburn and two other experts, for improving project management and have confirmed that the dam can be safely built.
- We accept all the recommendations and have already acted on many of them. We are retaining Mr. Milburn to provide oversight of these changes.
- BC Hydro has new leadership in the recent appointment of Doug Allen as BC Hydro Chair and new members on the Project Assurance Board to enhance its independence and expertise.

If asked about agreement with Prophet River First Nation:

- The Province was pleased to reach an agreement with Prophet River First Nation in 2020 as part of our commitment to address Site C concerns with affected First Nations.
- This agreement is a strong example of how we can work collaboratively to reach solutions through negotiations rather than court action.

If asked about Tripartite Land Agreements:

- As part of our commitment to transparency, we have begun discussions with stakeholders about proposed land transfers, protection measures and other elements of existing Site C Tripartite Land Agreements with Treaty 8 First Nations.

If asked about Site C and the Blueberry River First Nations/Yahey v. B.C. decision:

- On June 29, 2021, the B.C. Supreme Court ruled that the Province must work with Blueberry River First Nations to improve land management in their territory on Treaty 8 lands, while ensuring Blueberry River First Nations is able to meaningfully continue an Indigenous way of life, centred on hunting, trapping and fishing, which are all reliant upon a healthy environment.
- Blueberry River First Nations and the Province have reached an initial agreement that begins to support healing the land and helps provide more stability and certainty for forestry and oil and gas tenure holders in Blueberry territory in the immediate term.
- The Province and Blueberry River First Nations are continuing to negotiate long-term solutions for land management in their territory, and the parties have agreed to establish a separate negotiation table related to Site C.
- The Site C project is in the seventh year of construction and more than 50 per cent complete, with construction on all major components well underway.
- BC Hydro has obtained most of its provincial permits required to complete project construction.

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- **This includes the Environmental Assessment Certificate issued in 2014, along with water licenses and associated land grants issued in 2016.**
- **Several provincial permits related to the manner and timing of construction activities are still required for the project.**
- **BC Hydro will continue to engage with Treaty 8 Nations, including Blueberry River First Nations, for the balance of the permits required for the project.**

BACKGROUND:

- On Jan 15, 2018, Prophet River and West Moberly First Nations (WMFN) filed a civil claim against the B.C. government, BC Hydro and the Attorney General of Canada, claiming that the construction of Site C is a violation of their rights set out in Treaty 8.
- In Oct 2018, the BC Supreme Court denied an application by WMFN for an injunction to halt the construction of Site C pending determination of their civil claim.
- In Feb. 2019, the provincial government, BC Hydro, West Moberly and Prophet River First Nations entered into confidential discussions to seek alternatives to litigation.
- On Aug. 1, 2019, BC Hydro and the Province made a formal “without prejudice” offer to WMFN and PRFN following months of negotiations. WMFN subsequently terminated their participation in negotiations, but the Province and BC Hydro continued discussions with Prophet River First Nation (PRFN), which resulted in a settlement in February 2020. The Province continued to have the door open for renewed negotiations should WMFN choose to engage.
- In Sept 2019, WMFN subsequently amended their civil claim against the Province and BC Hydro. In addition to seeking an injunctive against Site C construction, WMFN included allegations of breaches of their Charter rights, violations of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), trespass, nuisance, and civil conspiracy, as well as monetary damages.
- Three court applications were ruled on April 30, 2021:
 - West Moberly’s application seeking reports and documents from the Province and BC Hydro concerning the work of Peter Milburn and dam safety experts was granted in part;
 - Canada, BC Hydro and the Province’s applications to strike the Plaintiff’s claim of civil conspiracy were granted, without leave to amend; and
 - BC Hydro’s application that West Moberly produce additional documents that included some traditional use interviews and personal records relating to their exercise of treaty rights was granted in part.
- On July 21-23, 2021, there was an examination for discovery with Chief Roland Wilson. The Province’s representative Les MacLaren was examined on September 21-22. Canada’s representatives were examined in the first two weeks of October. The parties have retained Corinn Bell as mediator and Robert Sharpe as a neutral advisor to attempt a mediation of the litigation.
- In October 2021, B.C., Canada, BC Hydro and WMFN (the parties) agreed to discussions to negotiate a path forward outside of the litigation, which led to a Memorandum of Understanding (MOU).
 - Elements of the WMFN MOU and the earlier signed Letter of Commitment (LoC) with PRFN align with discussions at the pan-Treaty 8 table – topics include land management, land use planning and protections.
- On January 21, 2022, the parties appeared at a case planning conference to advise that the parties have executed a confidential non-binding memorandum of understanding (MOU) and that WMFN is abandoning its application for injunctive relief as against the continued construction and operation of the Site C dam without prejudice to

Confidential Issues Note - ADVICE TO MINISTER

their claim for damages.

- The trial, which was scheduled for March 2022, has been adjourned and the parties have entered into an abeyance agreement. As discussed with the judge, the parties have agreed not to discuss the MOU publicly without the consent of the other parties.
 - The formal document that abandons the injunctive relief was filed with the courts on March 31, 2022. After filing, the document is now publicly on the record.
 - BC Hydro included information regarding the adjournment and negotiations in its 2021 annual progress report to the British Columbia Utilities Commission, which are public and spurred some media attention.

Intergovernmental Communications

Litigation against Site C

- On Oct. 24, 2018, BC Supreme Court denied an application by WMFN to grant an injunction that would have completely or partially halted construction of Site C, prior to a trial on their alleged infringements of WMFN Treaty 8 rights. The court directed the parties to agree on a schedule that would see the trial end by no later than mid-2023, in advance of reservoir flooding scheduled for the fall of 2023.
- On June 29, 2017, the Supreme Court of Canada dismissed the First Nations' application to appeal the rulings of the Federal Court of Appeal and BC Court of Appeal, which upheld the adequacy of the consultation and accommodation undertaken with WMFN and PRFN in relation to issuance of the provincial and federal environmental assessment certificates for Site C.
- On Oct. 31, 2016, the BC Supreme Court dismissed WMFN's and PRFN's petition to quash 29 permits based on allegations of insufficient consultation and accommodation. Among other findings, the court found that the two Nations had refused to engage in consultation and the Province was prepared to and attempted to engage in meaningful consultation.

Site C agreements

- In February 2020, PRFN reached an agreement with the Province and BC Hydro that will provide financial payments and land transfers as compensation for the construction and operational impacts of the Site C Project.
- A Tripartite Land Agreement between the Province, BC Hydro and PRFN includes a transfer of 2,500 acres of land from B.C. to PRFN. The lands are still to be identified.
- Under a letter of commitment from former Ministers Scott Fraser and Doug Donaldson, the provincial government will negotiate a woodland licence for the Nation as well as work with them on land use management and protection measures and renaming areas of cultural significance.
 - Since the WMFN Site C MOU is still confidential, it has not triggered PRFN to prompt questions about reaffirming LoC commitments. We do not anticipate PRFN requesting to reaffirm those commitments as a result of there being new ministers but do expect PRFN to hold the Province to commitments in past minister letters.
- A confidential Impact Benefits Agreement (IBA) between Prophet River and BC Hydro includes financial payments.
- IBAs have also been signed with: Doig River First Nation, Halfway River First Nation, McLeod Lake Indian Band, Saulteau First Nations, Duncan's First Nation, and Dene Tha' First Nation. Of the Treaty 8 Nations, only West Moberly and Blueberry River First Nations are without an IBA.
- BC Hydro and the Province have completed Tripartite Land Agreements (TLAs) with McLeod Lake, Doig River, Halfway River and Saulteau First Nations. Blueberry River First Nations began negotiations with B.C. and BC Hydro in the spring of 2017 but could not reach agreement.

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Safety concerns

- On Jan. 25, 2021, WMFN issued a news release, calling on Premier Horgan to stop Site C construction, calling it unsafe and unlawful. They asked for the release of a report prepared by Mr. Milburn, and the reports of two international dam safety experts. Those reports were subsequently provided to WMFN pursuant to disclosure requirements in the litigation.
- In an open letter to the Premier and Ministers, Chief Roland Willson of the WMFN called for a halt to construction of the dam while Cabinet considered whether to move forward with the project. WMFN said they may consider a court injunction to stop construction.
- Chief Willson urged the Premier to keep promises on UNDRIP implementation and uphold rights guaranteed by Treaty 8.

Site C decision to proceed

- On Feb. 26, 2021, in response to safety concerns, the Province announced it would continue with the Site C construction project, implementing all the recommendations of special adviser Peter Milburn, and based on the reports of two international dam-safety experts who evaluated BC Hydro's changes to planned construction due to geotechnical concerns. The projected total cost of the project was also announced as \$16 million.
- On Dec. 11, 2017, the Province announced that it would not terminate Site C – reluctantly – to avoid losing a tangible return on investment for the \$4 billion spent on the project so far, as well as avoiding rate hikes and \$150 million in annual debt servicing that would reduce funds for schools, hospitals and other infrastructure.
- The Province announced in 2017 it would launch a Site C turnaround plan to contain project costs while adding tangible benefits. The plan includes:
 - A new Project Assurance Board that will provide enhanced oversight.
 - A new community benefits programs to ensure project benefits assist local communities and increase the number of apprentices and First Nations workers hired onto the project.
 - A new BC Food Security Fund – based on Site C revenues – dedicated to supporting farming and enhancing agricultural innovation and productivity in the province.

Highway 29 realignment

- In December 2017, as part of its decision to complete Site C, the Province directed BC Hydro and the Ministry of Transportation to work with Treaty 8 First Nations to redesign the Highway 29 realignment at Cache Creek to reduce effects on potential burial areas and sacred places.
- In September 2018, after a comprehensive consultation process with property owners and Indigenous groups, BC Hydro announced a realignment option for the redesign of Highway 29 at Cache Creek East.
- On July 18, 2019, the B.C. Environmental Assessment Office held a meeting as part of the regulatory review process to consider approving the new Cache Creek East realignment route for construction.
- West Moberly First Nations continues to object to the new alignment despite the changes made to accommodate some of their concerns.
- The Highway 29 realignment work has begun with completion planned for 2023, prior to completion of the dam and flooding of the reservoir.

Communications contact: Kaitlyn Engholm

Program area contact: Dale Morgan; Andrea Jarman (MAG), Leah Groathead (MAG)

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Last updated: April 25, 2022 Minister Responsible: Hon. Murray Rankin	FPCC funding for language, arts and cultural heritage revitalization
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TOP MESSAGE:

- **Past colonial policy and the residential school system tried to extinguish Indigenous language and culture.**
- **Revitalization efforts are imperative to protect Indigenous languages from extinction. We work with First Nations across B.C., on many fronts to protect and preserve Indigenous languages.**

KEY MESSAGES:

- **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.**
- **Our government is supporting the important work of the First Peoples' Cultural Council to support Indigenous communities to reclaim their language and culture.**
- **Investing in First Nations languages as well as arts and cultural heritage revitalization is an important way to help address systemic social challenges and connect people to community, land and culture.**
- **Since the Province's \$50-million investment in 2018, First Nations communities have made remarkable progress. Over 2020/2021 even with the challenges of COVID-19:**
 - **First Nations in B.C. completed over 470 language revitalization projects funded by the Council.**
 - **Communities are developing language revitalization plans, have trained staff and implementing programs that are making a difference by documenting the languages and creating new speakers.**
- **The Council's work is building a foundation 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**

Confidential Issues Note - ADVICE TO MINISTER

are vital to nationhood and sovereignty.

If asked about continued funding for language, arts and cultural heritage revitalization past March 2022:

- **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 Minister of Canadian Heritage, Pablo Rodriguez.**
- **Our government remains committed to collaborating with the First Peoples' Cultural Council and the federal government to support the continuing work to revitalize and protect Indigenous languages across B.C.**

Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications

- In May 2022, the Province will announce that the First Peoples Cultural Foundation (FPCF) on behalf of the First Peoples' Cultural Council (FPCC) are receiving \$35.35 million to support First Nations languages, arts and cultural heritage revitalization and operations.
 - Funding is provided by Cabinet provincial ministries: Indigenous Relations and Reconciliation (\$32.6M - \$25M FPCF grant, \$7.6M to FPCC for operations), Advanced Education and Skills Training (\$2M) Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications
- Through a \$35-million multi-year investment, which builds upon the 2018 \$50-million multi-year investment, government will support the important work of the First Peoples' Cultural Council to support First Nations communities to reclaim and revitalize their languages, arts and cultural heritage.
- Based on the \$50 million investment in 2018, some outcomes include:
 - The number of language funding grants that communities have received have increased four-fold (from 112 in 2017/18 to 473 in 2020/21);
 - The number of people receiving language training is almost five times higher than previously (from 175 people being trained in 2017/18 to 864 in 2019/20 but 292 in 2020/2021 due to COVID-19 limitations);

Confidential Issues Note - ADVICE TO MINISTER

- 33 of the 34 Indigenous languages in B.C. are being documented and archived, as well as FPCC-funded work from Qualicum First Nation who are reviving their sleeping language; and,
- Over 4,150 language immersion opportunities were created in 2020/2021, supporting people on their journey to language fluency.

BACKGROUND

- MIRR's 2020 mandate letter includes a commitment to extend provincial 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.
- 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 Action Plan to implement the Declaration Act includes the following actions within FPCC's mandate, which will support First Nations language, arts and cultural heritage revitalization:
 - 4.29 Establish an Indigenous-led working group to develop a strategy for the revitalization of Indigenous languages in B.C., including potential legislative supports. (*Ministry of Indigenous Relations and Reconciliation, Ministry of Education and Child Care, Ministry of Advanced Education and Skills Training*)
 - 4.30 Support Indigenous language revitalization through sustainable funding. (*Ministry of Indigenous Relations and Reconciliation, Ministry of Advanced Education Skills and Training*)
 - 4.33 Co-develop a policy framework to support repatriation initiatives. (*Ministry of Tourism, Arts, Culture and Sport*)

Provincial Funding

- Cabinet Confidences; Advice/Recommendations; Intergovernmental Communications
- The Province allocated \$50 million in 2018 for three years to support the FPCC's work on language revitalization with First Nations. About \$10 million remained at the end of 2020/21, which was used to support language programs in 2021/22. FPCC indicated that the \$10 million remaining, did not cover the program funding needs First Nations were seeking.
- In 2021, the Province also contributed its regular annual operating funding of \$1.05 million to FPCC.
- Media stories last summer 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.
- By late summer, the federal government allocated an additional \$6.8 million to FPCC. With this additional investment, FPCC was able to increase funding through existing grant

Confidential Issues Note - ADVICE TO MINISTER

programs and approve funding for language projects that, to date, had received partial or no funding.

- Ministry staff at the Minister of Indigenous Relations and Reconciliation are currently working with FPCC and the federal government toward long-term sustainable funding needs for language programming in B.C.

Arts and cultural heritage

- In 2021 FPCC and the First Peoples Cultural Foundation received \$12.5M in provincial funding for cultural heritage, which includes \$5M for an endowment, and \$750,000 for repatriation initiatives.
- In 2020, with funding support from the BC Arts Council, the FPCC created an Indigenous Arts Scholarship. In September 2021, FPCC and the Ministry of Tourism, Arts, Culture and Sport announced 20 recipients for the 2021/2022 Indigenous Arts Scholarships.
 - 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.

Highlights of accomplishments as a result of 2018 investment

- 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.
- 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. New data points added to FirstVoices has significantly increased from 13,493 in 2018/19 to approximately 59,081 in 2019/20 and 58,150 in 2020/2021. Several new dictionaries were imported to FirstVoices, and large quantities of new archives contributed many words, phrases and associated audio files.
- In 2020/21, FPCC delivered 4,151 language immersion opportunities across B.C. through four program streams: the Mentor Apprentice Program; Language Nests; the BC Language Initiative, and the federally funded Indigenous Languages Grant.
- FPCC continues to expand 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 has increased the number of people receiving training so that more people can deliver mentor and apprentice training, language planning and documentation. FPCC has also delivered workshops to communities around the province.
- FPCC has 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 the 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.

Confidential Issues Note - ADVICE TO MINISTER

Other provincial Indigenous languages initiatives

- The Ministry of Education is collaborating with First Nations to support the development of 18 First Nations language curricula, with more in development.
- Indigenous content and perspectives have been built into B.C.'s public education system across all grades beginning in Kindergarten to ensure it accurately and fairly reflects the rich history, culture, knowledges and perspectives of Indigenous people in the province.
- In 2019, the Ministry of Advanced Education and Skills Training (AEST) provided \$2 million to support the implementation of the first two years of the Indigenous Language Fluency/Proficiency Degree. The Indigenous Language Fluency/Proficiency Degree Framework Partnership is a consortium led by the First Nations Education Steering Committee (FNESC) and includes the Indigenous Adult and Higher Learning Association and several public post-secondary institutions.
- In March 2021, the Bachelor of Nsyilxcn Language Fluency was launched in collaboration with the Nicola Valley Institute of Technology, the En'owkin Centre and the University of British Columbia – Okanagan. This was the first degree released under the Indigenous Language Proficiency and Fluency Degree Framework Partnership and five more are in development.
- With AEST support, public post-secondary institutions across B.C. offer a range of Indigenous language courses and programs, with many offered through the Aboriginal Community-Based Training Partnerships Program.

Federal funding

- Intergovernmental Communications; Government Financial Information
- In November 2021, FPCC's Language Program received an additional investment of \$6.86 million in new language funding from PCH for the 2021/22 fiscal year. This funding brought the total received by FPCC from the federal government in 2021/22 to \$14.6 million. With this additional investment, FPCC was able to increase funding through existing grant programs and approve funding for language projects that, to date, had received partial or no funding.
- Supported by the Indigenous Language Act, the additional \$6.86 million from Federal Budget 2021 funded immersion strategies, language planning, resource development and more to support the revitalization of the 34 First Nations languages in B.C.
- At this time, the federal government only funds FPCC for First Nations language revitalization. There is no federal funding allocated to FPCC for their arts and cultural heritage programs.

Communications Contact: Kaitlyn Engholm

Program Area Contact(s): Stephanie Gabel, ED: Juanita Berkhout

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 26, 2022 Minister Responsible: Hon. Murray Rankin	Métis Nation BC
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TOP MESSAGE:

- 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.

KEY MESSAGES:

- 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 interests, priorities and circumstances
- 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.
- Any measurement or evaluation of progress will be found in the advancement of shared priorities, such as will be found in the Declaration Act’s action plan and annual reports.

If asked about MNBC criticism relating to Budget 2022 funding for MNBC:

- There are many new and expanded programs outlined in Budget 2022 that will be available to Métis people, including new supports in childcare, justice, digital connectivity and health care.
- The Province and Métis Nation British Columbia signed a Letter of Intent late last year. This is an opportunity to phase out our previous agreement – called the Métis Nation Relationship Accord II - and develop a partnership that respects self-determination through a “whole of government” approach.

Confidential Issues Note - ADVICE TO MINISTER

- Next steps include co-developing a new Working Table that will allow for collaboration, accountability, and cross-government engagement.
- As part of our work, we will be developing shared priorities, reviewing current funding and future needs.
- According to MNBC, as of 2021/22, the BC government had committed ^{Intergovernmental} through its current agreements to support the Métis Nation British Columbia.

If asked about MNBC criticism about that Budget 2022 ignores distinction-based approach promised in Declaration Act

- Our government recognizes the importance of a strong relationship with Métis people, and we are committed to building an on-going, positive relationship.
- Any funding, programs, and services for Métis people will be different from our relationships with First Nations. Similarly, our relationship with the Métis in B.C. will be different than what other governments have with Métis within their jurisdictions.
- Negotiations outlined in the recently released Letter of Intent will move towards and coordinated approach to better understand and address the unique needs for Metis in BC.
- This ministry's funding to the Métis Nation British Columbia was \$745,000 in 2021/2022 and \$665,000 in 2020/2021.

If asked for comment on the Métis Nation British Columbia 2021 Report Card:

- Our government recognizes the importance of a strong relationship with Métis people, and we are committed to continue building an on-going, positive relationship.
- Evaluating the work of our government by individual ministries' annual funding to Métis Nation British Columbia alone does not capture the scope of the work underway nor the progress in building our relationship with Métis people in B.C.
- We take a distinctions-based approach in our relationships with Indigenous peoples – and our relationship with Métis in B.C., and any subsequent funding, programs and services, will therefore be different from our relationships with First Nations or Inuit in B.C.

Confidential Issues Note - ADVICE TO MINISTER

- **We will continue to engage with Métis Nation British Columbia to advance shared priorities and work together to support Métis people in B.C. with the social and economic opportunities that will help them to thrive and flourish.**

BACKGROUND

- 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.
- MNBC has more than 20,000 registered Métis citizens of the approximately 90,000 people in B.C. who self-identify as Métis.
- The Province released report on Métis health and wellness in B.C. in February 2022, 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 racism, the residential school system and discriminatory child welfare policies, which in turn have contributed to overall poorer health outcomes, such as:
 - 76% of Métis youth rated their overall health as good or excellent compared to 81% of non-Métis youth..
 - Métis adults and Elders, bear a disproportionate burden of disease compared with B.C.'s non-Métis population

BC Budget 2022:

- MNBC was critical of Budget 2022, 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:

- Copyright

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Declaration Act Action Plan

- The Declaration Act mandates government to develop and implement an action plan in consultation and cooperation with Indigenous Peoples in B.C.
- It was important that Indigenous Peoples had the opportunity to review the draft action plan before it is finalized, to confirm these are the right actions and nothing important is missing.

Confidential Issues Note - ADVICE TO MINISTER

To that end, we released a draft of the action plan for feedback June 2021.

- Minister Murray Rankin emailed all First Nations, Tribal Councils, and Métis Chartered Communities in B.C., Indigenous political organizations - such as the First Nations Leadership Council, Alliance of BC Modern Treaty Nations, and Métis Nation BC - and Indigenous organizations, inviting their feedback and offering to send them print packages to share with those without easy access to the internet within their communities.
- The Province offered 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.
- As a result, staff met with Indigenous organizations supporting Métis people in B.C. and sent them over a thousand print packages for sharing with those without easy access to the Internet.
- The Declaration Act Action Plan, released March 30, 2022, included numerous actions relating to Métis people in B.C., including four that specifically involve MNBC:

1.8 Recognize the integral role of Indigenous-led post-secondary institutes as a key pillar of B.C.'s post-secondary system through the provision of core funding, capacity funding and the development of legislation. This includes institutes mandated by First Nations, as well as a Métis post-secondary institute being developed by Métis Nation BC. (Ministry of Advanced Education and Skills Training)

3.13 Prioritize endorsement and implementation of the Métis Justice Strategy to reduce the substantial overrepresentation of Métis Peoples in and impacted by the justice system. This includes affirming Métis self-determination, and enabling the restoration of traditional justice systems and culturally relevant institutions. (Ministry of Attorney General, Ministry of Public Safety and Solicitor General)

4.20 Advance a collaborative, whole-of-government approach in the partnership between the Métis Nation of British Columbia and the Province of B.C., respecting Métis self-determination and working to establish more flexibility and sustainability in funding. (Ministry of Indigenous Relations and Reconciliation)

4.26 Strengthen the health and wellness partnership between Métis Nation British Columbia, the Ministry of Health and the Ministry of Mental Health and Addictions, and support opportunities to identify and work to address shared Métis health and wellness priorities. (Ministry of Health, Ministry of Mental Health and Addictions).

- MNBC issued a [news release](#) following the release of the action plan, which was generally positive.

Letter of Intent

Confidential Issues Note - ADVICE TO MINISTER

- On November 4, 2021, government and MNBC announced the signing of a new Letter of Intent. The Letter of Intent sets up a process to deepen the Provincial Government's understanding and integration of MNBC's priorities across all of government.
- The Letter outlines the Province and MNBC's understanding that they are shifting their relationship to a new "whole of government" approach to Métis relations as a partnership. 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.
- By signing the Letter of Intent, MNBC and the Province:
 - Acknowledge the opportunity to phase out the previous Métis Nation Relationship Accords and move to a new reconciliation agreement that is framed by the Declaration Act on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission Calls to Action and the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls to Justice.
 - Propose to co-develop a new Working Table which will be a hub for engagement with MNBC and government and have an approach that formalizes dialogue and integrates engagement on Métis Nation BC priorities across all of government
- There is no funding associated with the Letter of Intent.

2021 Report Card

- On August 11, 2021, MNBC released a [Report Card](#) as a follow up to the Tale of Two Nations.
- The MNBC report card compares the B.C. Government with Ontario by amount of funding to MNBC by individual ministry in 2020/2021.
- The report card, reduplicated below, gave failing grades for MIRR and HLTH/MMHA.

2020/2021	BC		ON	
	Actual	Report Card	Ontario	Grade
Ministry of Advanced Education and Skills Training	TBC	\$5.2M	\$380K	A+
Ministry of Attorney General	\$95K	\$95K	\$666K	C-
Ministry of Children and Families	TBC	\$1.2M	\$5M	D+
Ministry of Education	TBC	\$50K	\$800K	D-
Ministry of Indigenous Relations and Reconciliation	\$665K	\$474K	\$3M	F
Ministry of Health/Mental Health/Seniors	\$575K	\$575K	\$12M	F-
Report Card	TBD	\$7.59M	\$21.85M	

- NOTE: MIRR's funding to MNBC in 2020/2021 was \$665,667, not \$474,000, which includes \$385,000 under the Capacity Agreement, \$200,000 for Declaration Act engagement, \$80,000 for Unified Aboriginal Youth Collective, and \$667 for the Imagination Library. MIRR also committed \$745,000 in 2021/2022 funding up to February 2022.
- According to the 2016 Census, Ontario has a population of nearly 15 million with over 120,000 people who self-identified as Métis. In B.C., the population is just over 5 million, with 90,000 Métis. Ontario is the only province that has a tripartite agreement with Métis Nation Ontario, Canada and the Province of Ontario.

Confidential Issues Note - ADVICE TO MINISTER

- Canada, in 2020/2021, provided over Intergovernmental to MNBC, including over \$6 million as part of the COVID-19 response supports.
- Between April 2019 and February 2022, MNBC has received over \$1.8 million (\$745,000 in 2021/22; \$665,667 in 2020/21; and \$421,667 in 2019/20) from MIRR. The Province requires Métis Nation B.C. to report on deliverables for provincial funding annually.
- MNBC 2022 Budget Submission was for \$100 million to “support the much needed programs and services Métis people require from their government”.

2020 AGM

- 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.

2020 report

- In Oct. 2020, MNBC released a report, 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, despite the fact that it “will greatly impact the Métis Nation and will ultimately define the relationship that the Métis Nation will have with the BC Government.”
- The report also 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.

Comm Contact	Program Contact	Other Ministries	ADM
Peggy Kulmala	Carl Mashon, Susan Kelly	NA	Jennifer Melles

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2022 Estimates Note

TOPIC: 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, employment, education, children and families, Elders and youth) to Indigenous peoples living in urban areas as well as on-reserve.
- Accordingly, British Columbia (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.
- The Ministry of Indigenous Relations and Reconciliation's (MIRR) mandate letter speaks 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 services to support the health and well-being of Indigenous people living in urban areas as well as those living on-reserve throughout BC. Important to note is that approximately 80% of BC's Indigenous people live off-reserve and 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 to this, BC also provides the BCAAFC with just over \$900,000 per year for: youth-led engagement and learning 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

2022 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.
- BC also provided approximately \$84,000 in 2021 to purchase air conditioning units during the summer heat wave.
- The Minister's mandate letter speaks 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 also commence work with the BCAAFC on key actions linked to the Declaration Act Action Plan including Actions 4.21 – 4.24.

Primary Contact

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations & Reconciliation/
Ministry of Public Safety and Solicitor General

Updated: February 3, 2022

Minister Responsible: Hon. Rankin/Hon. Farnworth

Tiny House Warriors encampment

TOP MESSAGE:

- **Our government believes in a tolerant, welcoming, and inclusive society and recognizes the public's right to engage in peaceful protests and gatherings – and unlawful actions that jeopardize or affect the rights of others will not be tolerated.**

KEY MESSAGES:

- **Police will ensure public safety in our communities and anyone who encounters threats or harassment should call the police right away.**
- **Enforcement decisions and individual investigations occur at arm's length from government and government cannot interfere or direct police on such matters.**
- **This project is approved, regulated, and owned by the federal government, who must be part of the discussion on this situation.**

If asked about court cases involving protesters:

- **While this government supports the right to peaceful protests, we also support the rule of law and the judicial process.**
- **It would be inappropriate at this for me to comment at this time as matters are before the courts.**

If asked about the Simpcw concerns:

- **The Province is in discussions with Simpcw Nation, meetings have occurred with Kukpi7 Loring and council members several times over the past months.**
- **We understand the concerns of the Simpcw Nation and will continue to work with them to address their concerns.**

If asked about the provincial stance on the project:

- **The courts determined the project is legitimate and should proceed.**
- **The provincial government is responsible for issuing permits and monitoring compliance with environmental certificates – as well making sure everything possible is being done to protect the coast.**

Confidential Issues Note - ADVICE TO MINISTER

- **The project has a valid BC Environmental Assessment Certificate with 37 conditions and requires about 1,500 provincial permits.**

If asked about what the police are doing:

- **The RCMP will take necessary actions to help maintain the peace and keep people safe.**
- **Enforcement decisions and individual investigations occur at arm's length from government and government cannot interfere or direct police on such matters.**
- **While the police will respect lawful protests, they will also act according to the Criminal Code of Canada and direction of the courts, if necessary, to address unlawful conduct.**
- **Again, police exercise their discretion independently of government.**

BACKGROUND

- Tensions continue to escalate the Trans Mountain Expansion Project (TMEP) worker accommodation camp at Blue River.
- On Sept. 15, 2021 workers arrived on site to find the gate blocked and Tiny House Warriors (THW) protesters blocked movement of vehicles in the vicinity. A fence was cut and damaged, large rocks thrown at security and CCTV, and solar panels were damaged. There were physical confrontations with security, some injuries and five arrests. TMC suspended construction activities for the remainder of the day.
- Simpcw Nation has requested again that the Province remove the protestors from their territory.
- On January 13, 2022, a process server representing the Simp'cw FN Council attended to THW occupation on the Myrtle Lake Road in Blue River. The process server left documents with the THW camp occupants, which included a copy of a Band Council Resolution (BCR) calling for the eviction of specified individuals and the THW from the area. The RCMP advised that the document service was without notable incident.
- Individuals associated with the THW continue through the court process in a number of different proceedings involving various incidents in which their conduct led to charges including assaults, trespass and various breaches. These incidents occurred at TMX sites other than the workcamp located in Blue River.

Trans Mountain Expansion Pipeline Project

- Trans Mountain has obtained necessary federal and provincial authorizations to use a 17 hectare parcel of Crown land at Blue River for a worker accommodation camp.
- Trans Mountain installed perimeter fencing and issued notice of intent to begin construction of the camp, per conditions of the various authorizations, in July 2021. They commenced

Confidential Issues Note - ADVICE TO MINISTER

construction of access and tree clearing on the site. Trans Mountain was able to clear one of the three approved access points to the camp; two remain blocked by the THW encampment.

- Trans Mountain has obtained an injunction that applies to the length of the pipeline and associated works and grants them unimpeded access to the project.

Community response

- Residents and visitors of the community of Blue River and people working on the TMEP have experienced multiple negative interactions with protestors.
- The Thompson Nicola Regional District, Blue River Community Association, Trans Mountain and Simpcw First Nation have all previously asked the Province to have the THW removed.

Simpcw Nation

- Simpcw Nation supports TMEP and argues they are the rightful title holder of the area within the broader Secwepemc Nation. Simpcw has entered into partnership agreements with Trans Mountain to provide security services and operate the camp located at Blue River.
- Simpcw members have been the subject of harassment and threats by THW, and regard THW as unwelcome squatters.
- All incidents have been reported to police, but Simpcw are frustrated with what they perceive as a lack of action on the part of the Province and increasingly concerned that interactions will escalate as camp construction and operation gets underway.
- Simpcw asserts that while it is part of the larger Secwepemc Nation, they hold the Aboriginal Title, recognizing that other Secwepemc Nations also have Aboriginal Rights over the area.
- Other Secwepemc Nations argue that all of the member Nations have a say in what happens over the entire territory. Simpcw also asserts that as they have no hereditary leadership structure, the elected council speak for the entire territory and jurisdiction is not limited to activities on reserve.
- The Union of BC Indian Chiefs released [another statement](#) August 2021 in support of the THW and have made inquiries to the Province regarding the permitted activities occurring at Blue River.
- Simpcw has indicated that they will take whatever means are necessary to facilitate the removal of the protest camp and ensure safety of their members and the residents of Blue River. They have been reporting all negative interactions with protestors to the authorities and are prepared to issue an eviction notice if the Province will support them in enforcing it. Simpcw was previously not willing to take action themselves against the protestors.
- The Province met with Simpcw on September 8, 2021, where the Nation called again for the camp to be removed to protect the safety and security of their members and requested a meeting with provincial decision makers (ministers or Premier).
- The Province, TMC, and Simpcw met on September 10, 2021. Simpcw reiterated their request to have the encampment removed. TMC stated they feel the existing injunction is adequate for their current needs and they will not seek to expand it at this time.

Confidential Issues Note - ADVICE TO MINISTER

- Ministers Rankin and Ralston along with Ian Anderson of TMC met with Chief Loring on September 20, 2021.
- Minister Rankin and representatives from PSSG met with Simpcw Chief and Council at the request of the Nation for a detailed report of the community-wide frustration and allegations of violence against the Tiny House Warriors on November 26, 2021.
- The Simpcw passed a BCR in late 2021 calling for the eviction of the THW and named individuals from the Blue River camp. This was served on the THW in January 2022 without incident

Tiny House Warriors

- THW are a group that claim to represent the Secwepemc Nation in opposition to the TMEP. They have occupied an encampment of six tiny houses blocking the Murtle Lake Road and access to TMEP planned worker accommodation camp near Blue River, B.C., since July 2018.
- The asserted leaders of the THW movement are members of the Neskonlith Indian Band, a Secwepemc Nation which has publicly expressed support for THW. THW oppose the project due to climate change and the historical impacts of worker accommodation facilities with respect to missing and murdered Indigenous women and girls.
- THW issued a call to action and invited protesters to join the camp from Sept. 10 to 14, 2021. Approximately 20 individuals knocked down a fence and sat on it until removed by RCMP.
- Local government leaders from Thomson-Nicola Regional District, Clearwater and Blue River complained in 2020 about THW creating conflict and friction with residents and businesses in the area and asked for the Province to intervene in the situation and evict the group.
- The chiefs of the Simpcw and Tk'emlups te Secwepemc Nations issued a statement and media release on July 2, 2020, opposing the Tiny House Warriors occupation of their territory and calling for them to stand down. They have stated in the media that their Nations provided free, prior and informed consent for the TMEP pipeline to be built in their territory.
- On July 15, 2020, the two Nations wrote the Premier asking the government to work with them "to take the necessary, lawful steps to bring this occupation to a peaceful end." The Minister of Indigenous Relations and Reconciliation met with the Simpcw and Tk'emlups te Secwepemc leadership on Aug. 10, 2020.

Secwepemc Peace-making Process

- The Ministry of Indigenous Relations and Reconciliation (MIRR) is supporting a broader Secwepemc Peace-making Process (SPP) that aims to bring relevant Secwepemc communities together through a dispute-resolution process.
- The purpose of the SSP is the development of a Nation-based dispute resolution process within the 17 communities of the Secwepemc Nation, which supports Secwepemc governance.
- In 2020/21, MIRR contributed \$150,000 to the Secwepemc in support of the SPP.

Confidential Issues Note - ADVICE TO MINISTER

- The relevant Secwepemc communities developed both a SPP workplan and an interim report, which they shared with MIRR in March 2021.
- Summer 2021 was meant to continue to gather research from the identified areas within the work plan, however, due to the wildfires and residential school findings, gathering research and meeting in person was put on hold. Intergovernmental Communications
Intergovernmental
- Of note, although MIRR supports the SPP, it is not a process within which the BC Government has a role. Further, it is a process to handle dispute resolution, and is not focused on any one particular dispute, e.g. THW encampment nor TMEP.

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