



File: 292-30/IRR-2024-40751

September 20, 2024

**Re: Request for Access to Records
Freedom of Information and Protection of Privacy Act (FOIPPA)**

I am writing further to your request received by the Ministry of Indigenous Relations and Reconciliation. Your request is for:

Regarding the Order of the Lieutenant Governor in Council, Order in Council nos. 110 and 112, approved and Ordered March 7, 2024 on the recommendation of Minister Cullen and Minister Ralston and with the advice of the Executive Council including Ministers Osborne and Rankin, and on the recommendation of the Environment and Land Use Committee, of which Minister Osborne is Chair and Ministers Osborne, Rankin, Cullen and Ralston are members, copies of all records in the custody or control of each of you and your respective Ministries, and under the custody or control of the Environment and Land Use Committee which: Refer to Privateer Gold Ltd. in the context of the: Ehattesaht Hay-na Designated Area, the establishment of a Mining Deferral Area, the establishment of an area within which no registration of mineral or placer claims will be allowed, and the establishment of the Ehattesaht Hay-na Mining Deferral Area; refer to Privateer Gold Ltd. in relation to: the decision of Justice Ross of the Supreme Court of BC in the matter of Ehattesaht First Nation et al v. His Majesty the King in Right of the Province of British Columbia, Privateer Gold Ltd. et al delivered September 26, 2023, the proceedings in the British Columbia Court of Appeal Case File no. CA49430 between Ehattesaht First Nation et al and His Majesty the King in Right of the Province of British Columbia, Privateer Gold Ltd. et al commenced 25 October 2023; that contains information in relation to consultation between any person acting on behalf of the Province, and any other person or organization, related in any way to the: Ehattesaht Hay-na Designated Area, the establishment of a Mining Deferral Area, the establishment of an area within which no registration of mineral or placer claims will be allowed, and the establishment of the Ehattesaht Hay-na Mining Deferral Area; that contains information reviewed or relied upon by the Environment and Land Use Committee in

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the development of its recommendation to the Lieutenant Governor in Council to make Orders 110 and 112 under the Environment and Land Use Act s.7; that contains information related to a decision as to whether or not to inform, advise or consult Privateer Gold Ltd. prior to or upon the making of the recommendation to the Lieutenant Governor to make the Order No. 112 of March 7, 2024; a copy of all information provided to the Executive Council in relation to the Order in Council Nos. 110 and 112 of March 7, 2024 including information prepared with the purpose of informing the Executive Council in its deliberations, discussions and debate related to making a recommendation to the Lieutenant Governor to make the Orders; and a copy of the agreement between the Province and the Gitxaala Nation and Ehattesaht First Nation on how to approach the September 2023 Gitxaala v. British Columbia .B.C. Supreme Court ruling from Justice A. Ross, referenced in the News Release made by the Province on Thursday March 7, 2024. (Date Range for Record Search: From 9/1/2023 To 3/12/2024)

Some information has been withheld pursuant to section(s) 12 (Cabinet and local public body confidences), 13 (Policy advice or recommendations), 14 (Legal advice), 16 (Disclosure harmful to intergovernmental relations or negotiations), 17 (Disclosure harmful to the financial or economic interests of a public body) and 22 (Disclosure harmful to personal privacy) of FOIPPA. A complete copy of FOIPPA is available online at:

http://www.bclaws.ca/civix/document/id/complete/statreg/96165_00

Your file is now closed.

These records will be published on the BC Government's Open Information website a minimum of ten business days after release. To find out more about Open Information, please access the Open Information website at: www.gov.bc.ca/openinformation

The records located in response to your request will be delivered through the BC Secure File Transfer Service. Separate emails will follow from the BC SFT Notification Service directing you how to set up an account and where to obtain your records. A guide for using the SFTS is enclosed for your convenience.

If you have any questions regarding your request, please contact me at 778 698-2328. This number can also be reached toll-free at 1 833 283-8200. Please provide the FOI request number, IRR-2024-40751, in any communications.

You have the right to ask the Information and Privacy Commissioner to review this decision. I have enclosed information on the review and complaint process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler Barbon', with a stylized, flowing script.

Tyler Barbon, FOI Specialist
Information Access Operations

Enclosures

BC Government Secure File Transfer Service
Information Access Operations Ad-Hoc User Guide

Returning Users

If you are a returning user, please use your existing username and password. Passwords expire after 90 days. You can update your password at anytime.

New Users

Your records are provided to you via the Secure File Transfer Service (SFTS). You will need to setup a User Account to access to the STFS site.

You must log in to your temporary SFTS account within 7 days. After 7 days, your temporary SFTS account will expire and will no longer be accessible. If you are no longer able to access your account or records, please contact the FOI Analyst identified in your Response Letter for assistance.

Email Communication

1. The first email has your Response Letter attached.
 - This email is from the FOI Analyst at Information Access Operations who processed your file.
 - If your records are password protected, the response letter will contain your **password to open your records**.
2. The second email is the *New Package is Waiting* notification email.
 - This email will be received at the same time as the third email.
 - A hyperlink to the SFTS is contained in this email.
3. The third email is the *New User Account for the BC Secure File Transfer Service*
 - This email is sent only to users who are required to setup a STFS User Account.
 - If you are an existing user and your account is still active, you will not receive this email.
 - This email contains the following:
 - a **Hyperlink** to the SFTS site
 - a **Username** to access the SFTS site
 - a **temporary Password** to access the SFTS site
 - If you are unable to locate this email, please check your junk/spam folder. It is from BC Secure File Transfer Notification Service <DONOTREPLY>@gov.bc.ca.

Accessing Your Records

1. Setup your SFTS account.
 - Click on the URL hyperlink provided in your third email.
 - You will be redirected to the SFTS site.
 - If you are not redirected to SFTS site, it is accessible at: filetransfer.gov.bc.ca.
2. Enter your *Username* and *Password*.
 - These are provided in your third email.

3. Change your SFTS account password.
 - You will be required to do this as soon as you login.
 - Follow the instructions provided to you after you login to SFTS for the first time.
 - After you change your password, select "Finish." This will redirect you to your STFS Inbox.
4. Your records are now accessible.
 - Records will be available in SFTS for 35 days.
 - You can download your records up to 5 times.
 - To download your records:
 - Click on the records package
 - Click on the *Download* button beside the file(s)
 - If your records are password protected, you will require a password to open the pdf document.
 - *The password to open the pdf is located in your first email's Response Letter.*
 - It is recommended that you download and save your records so you do not have to return to the SFTS each time to view.
5. If your records are password protected, please consult your .pdf software's user manual on how to remove the password/encryption.
6. If your records are contained within a zipped file, you may need to download a zip program onto your computer in order to open and extract the records. There are free zip programs available to download, such as 7-Zip for Windows, or BetterZip for Mac.

Troubleshooting

- If the hyperlink to the SFTS site does not open, try to access the site on a different web browser such as Chrome, or Firefox or Safari.
- Your temporary SFTS account expires after 7 days unless the account is logged into again or receives a new package. Your account will be deleted 7 days after it has been marked as expired. Once it is deleted, you will need to have a new ad-hoc account created - contact the FOI Analyst identified in the response letter.
- If you have forgotten your password but your account is still active:
 - You can use the "Request a password change" link on the Login page.
 - An email will be sent to you providing you the URL to confirm the password change.
 - Passwords expire after 90 days.
- If you encounter technical issues, please call the technical support line at 250-387-7000 and select option 3. You will need to advise the representative that you are requesting assistance as an ad-hoc user of the BC Secure File Transfer Service.

<p>How to Request a Review with the Office of the Information and Privacy Commissioner</p>
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If you have any questions regarding your request please contact the analyst assigned to your file. The analyst's name and telephone number are listed in the attached letter.

Pursuant to section 52 of the *Freedom of Information and Protection of Privacy Act* (FOIPPA), you may ask the Office of the Information and Privacy Commissioner to review any decision, act, or failure to act with regard to your request under FOIPPA.

Please note that you have 30 business days to file your review with the Office of the Information and Privacy Commissioner. In order to request a review please write to:

Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
4th Floor, 947 Fort Street
Victoria BC V8W 9A4
Telephone 250 387-5629 Fax 250 387-1696

If you request a review, please provide the Commissioner's Office with:

1. A copy of your original request;
2. A copy of our response; and
3. The reasons or grounds upon which you are requesting the review.