## Ministry of Agriculture, Food and Fisheries BRIEFING NOTE FOR MINISTER FOR MEETING

Ref: 196608 Date: December 30, 2021

**Title:** Meeting with Canada primary agriculture producers

**Issue**: Canada's primary producers' priorities for the Next Policy Framework (NPF)

### Background:

A coordinated letter from 15 signatories, representing nearly 200,000 farm businesses and over \$70 billion in farm cash receipts across Canada, sent a letter to provinces, territories, and Canada (FPT) to outline their principles, objectives, results, and policy priorities. The letter also reiterates the signatories' commitment to work with FPT governments to support the development of the NPF.

In the letter, signatories are asking for the following to be considered in the NPF:

- An increase in funding to support programs that empowers the sector while keeping in pace with inflation
- Eliminate CAP program eligibility inequities (remove distinction between terrestrial agriculture and aquaculture, or producers of food and non-food commodities)
- Ensure policymaking is science-based and outcomes support the three pillars of sustainability
- Consensus on common objectives, specifically within business risk management (BRM).

The letter provides the following as priorities:

- Support for market development and promotion of agricultural products domestically and globally
- Continued support for AgriScience Clusters and Projects
- BRM programs that provide confidence and support regardless of farm type, commodity produced, scale or region. Supply disruptions must be factored into updated BRM programming.
- Environmental measures to enhance the industry's competitiveness and economic viability.
- Continued support for value-added activities.
- Continued support for public trust, specifically in community engagement that allows for dialogue between producers and the general public, building trust and capacity in science-based regulations, and supporting the development and maintenance of tools and data that tell the story of Canadian agriculture and food products.

Lastly, the signatories advocate for a seamless transition in programming from current CAP to the NPF.

### First Nations Considerations:

The letter did not include First Nations signatories, however, the development of NPF does include engagement with First Nations and considers how First Nations interests and needs can be met. The letter requests foundational support to enable dialogue between producer groups, Indigenous farmers, and their communities.

#### Discussion:

The *Guelph Statement* includes the following priorities:

- Tackling climate change and environmental protection to support GHG emission reductions and the long-term vitality of the sector while positioning producers and processors to seize economic opportunities from evolving consumer demands
- Continued and targeted investments in science, research and innovation to address key challenges and opportunities
- Supporting sustainable agriculture and economic growth by creating the conditions for Canadian businesses to meet evolving challenges of the interconnected domestic and global marketplace
- Building sector capacity and growth through realizing the potential of value added agri-food and agri-products
- Enhancing resiliency to anticipate, mitigate and respond to risks, including a robust suite of Business Risk Management programs

Signatories envision an NPF that supports an environmentally sound, socially responsible, and economically viable agriculture sector. The *Guelph Statement* commits FPTs to advancing sustainable agriculture and agri-food by reflecting the principles of sustainable development to meet the needs of today and grow for tomorrow.

### Suggested Response:

- B.C. appreciates the letter from signatories and their commitment to supporting the development of the NPF. The feedback received from signatories is like feedback B.C. received during engagement with stakeholders.
- B.C. is aligned with the recommendations proposed by the signatories.
- B.C. is looking forward to further discussions with signatories and incorporating their feedback into the NPF.

- B.C. will continue to work closely with Canada on engagement with stakeholders. B.C. welcomes dialogue with signatories, individually, or as a group. The comments and suggestions provided in the letter will be considered by the NPF development team, and further engagement opportunities will be shared as soon as they are known.
- B.C. looks forward to drafting multi-lateral framework agreements based on the *Guelph Statement*.

Contact: Sarah Burger, A/Intergovernmental relations manager 778-698-5645									
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### BRIEFING NOTE FOR DECISION

**DATE:** July 14, 2020

PREPARED FOR: Minister Scott Fraser, Ministry of Indigenous Relations and Reconciliation and

Minister Lana Popham, Ministry of Agriculture

**ISSUE:** Whether or not to support land transfers on Crown land that is within the

Agricultural Land Reserve (ALR) to conclude Treaty Land Entitlement (TLE)

negotiations

#### RECOMMENDED OPTION:

Support the transfer of all Crown ALR lands that overlap TLE land parcels proposed to become Federal Indian Reserves under the TLE negotiated agreements.

### BACKGROUND:

In 1914, five Treaty 8 First Nations in northeast BC were not provided the correct allotment of land for Federal Indian Reserve (IR), as defined under the Treaty, because of a miscounting of the First Nation's population. This shortfall of reserve land has resulted in a specific claim against the Treaty 8 by Halfway River, West Moberly, Doig River, Blueberry River, and Saulteau First Nations (TLE First Nations). TLE specific claims are not uncommon and have been settled in Alberta and Saskatchewan providing a precedent for how TLE can be resolved. Settlement requires providing the shortfall of reserve land that was not provided at the date of first survey. In 2016, after 10 years of negotiation and engagement, Canada offered TLE First Nations s.16 million for loss of use of the shortfall reserve land and defined the amount of shortfall reserve land the Province of BC must provide to the TLE First Nations.

The Provincial cabinet-approved TLE mandate allows transferring a shortfall quantum<sup>s.16; s.17</sup> **shortfall lands**) of Crown land to Federal IR and provides an opportunity for First Nations to purchase an additional quantum <sup>s.16; s.17</sup> of Crown land. The Province's mandate also provides for purchased land to be negotiated for transfer to Federal IR. Any lands that transfer to the Federal IR system will no longer be subject to the *Agricultural Land Commission Act* (ALCA), **effectively removing the lands from the ALR**.

The ALR has been a cornerstone of AGRI's mandate for the last 46 years to protect agricultural land and encourage food production. The renewed mandate in the recent Minister of Agriculture's Mandate letter emphasizes the expectation of substantive progress to revitalize the ALR and the Agricultural Land Commission.

The TLE First Nations have chosen TLE land parcels near their community, within areas of cultural significance, for conservation purposes and in areas of potential economic opportunity. The Province's interest has been in avoiding parks, protected areas, high value agricultural land, environmentally sensitive sites and minimizing third party interests. Provincial negotiators are now working through a process of understanding the overlapping tenures, interests and obligations on each parcel of proposed TLE land parcels.



Through the engagement process AGRI staff provided a high-level assessment of agricultural values and made recommendations as part of their parcel-by-parcel review of TLE lands selections, ranking them from high to low agricultural value. The analysis identified \$\cdot^{\sigma.13}\$; \$\sin^{\sin}\$ of ALR land overlapping TLE parcels that are proposed for transfer to Federal IR under the TLE mandate \$\sin^{\sin}\$; \$\sin^{\si

AGRI staff have been clear that they are willing to work with First Nations and are in partnership with other provincial agencies, such as the First Nations Health Authority, to enhance food security and development opportunities in Indigenous communities. As such, AGRI has developed several programs that support Indigenous governments, organizations and businesses to identify and develop agriculture and agri-food opportunities. This includes a Minister's Indigenous Advisory Group to provide strategic advice and inform priorities on the advancement of a new relationship between Indigenous Peoples and AGRI. These programs and services can support TLE First Nations as they develop plans for lands received under the TLE settlement agreements.

### DISCUSSION:

The Ministry of Indigenous Relations and Reconciliation (MIRR), has engaged with the Ministry of Agriculture, and Treaty 8 First Nations to address lands proposed for transfer to Federal IR where TLE parcels overlap with ALR.

There are two categories of land proposed for transfer to Federal IR under the TLE mandate: shortfall and additional lands. The Province is legally required to provide TLE shortfall lands. These lands represent the land not provided at the date of first survey and First Nations are extremely reluctant to make changes to these parcels, regardless of overlapping provincial interests.s.13; s.16 s.13; s.16

s.13; s.16

The additional land parcels proposed for transfer to Federal IR are currently not developed or used for agricultural or industrial purposes. The First Nations may intend to use these additional lands for agriculture purposes and First Nations will likely engage with AGRI and other ministries to assist in developing any future business endeavours on these lands. s.13; s.16 s.13; s.16

AGRI and MIRR will continue working together to ensure that TLE First Nations know there are agricultural services and programs for First Nations to access should they wish to develop future agricultural businesses on their own terms on their TLE settlement lands.



### **OPTIONS:**

### **OPTION 1:**

Support the transfer of all Crown ALR lands that overlap TLE land parcels proposed to become Federal Indian Reserves under the TLE negotiated agreements.

s.13; s.16

### **OPTION 2:**

Support the transfer of all TLE shortfall lands to Federal IR. Use high value ALR as a determinate of the decision to not transfer additional land parcels to Federal IR, on a parcel-by-parcel basis. s.13; s.16

### **OPTION 3:**

Do not support the transfer of shortfall and additional lands to Federal IR when those lands overlap ALR.



### **RECOMMENDATION:**

s.13; s.16

Minister Scott Fraser

Minister Indigenous Relations and Reconciliation

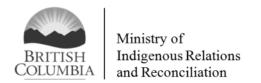
### Attachments/Appendices:

- Appendix 1: ALR Summary
- Appendix 2: TLE Summary
- Appendix 3: Overlapping TLE/ALR table
- Appendix 4: Map

### PREPARED BY:

Dale Morgan, Regional Executive Director Ministry of Indigenous Relations and Reconciliation Negotiations and Regional Operations Division (250) 219-7095 Minister Lana Popham Date Minister of Agriculture



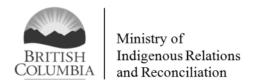


Appendix 1: Summary s.13; s.16	ALR	
[s.13; s.16		
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Appendix 2: TLE Summary s.13; s.16		

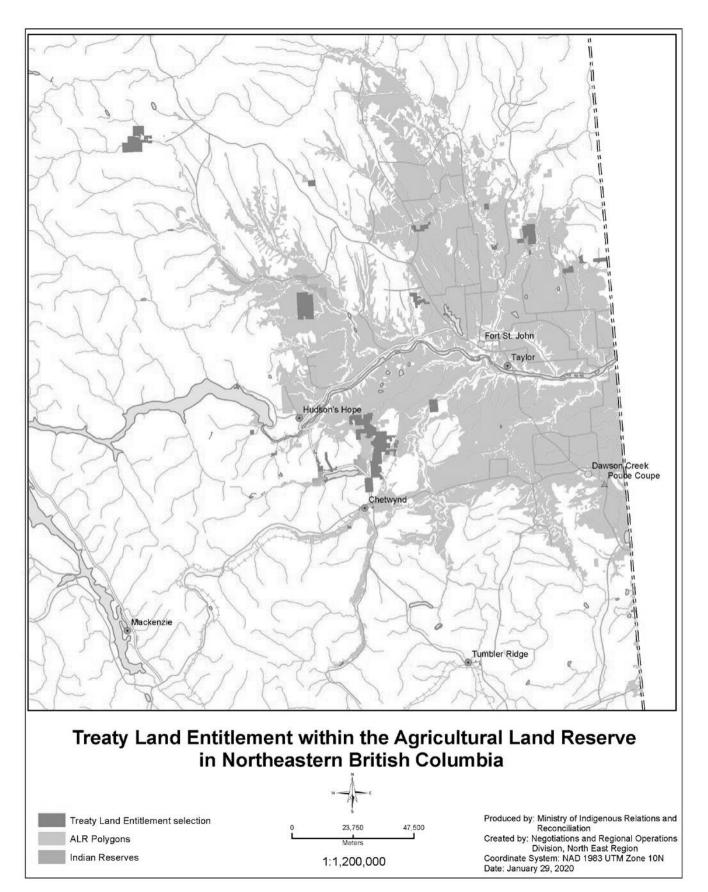
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### Appendix 3: Overlapping TLE/ALR Parcel Review<sup>1</sup>





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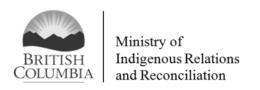
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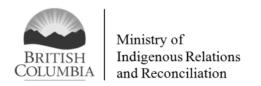


**Appendix 1: Summar**(\*s.13; s.16 **ALR** 

# Appendix 2: TLE Summary<sup>s.13; s.16</sup> s.13; s.16

First Nation	Total TLE	Total TLE	Shortfall/ALR	Additional Lands/
	Shortfall	Additional Lands	Overlap	ALR Overlap
First Nation	Lands (ha)	(ha)	(ha)	(ha)





### Appendix 3: Overlapping TLE/ALR Parcel Review<sup>1</sup>

