

BRIEFING NOTE FOR INFORMATION

DATE: March 17, 2015

PREPARED FOR: Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation

MEETING: With Grand Chief Ed John, Robert Phillips and Cheryl Casimer, First Nations Summit political executive

ISSUE: Issues related to treaty negotiations

SUMMARY:

- Tsilhqot'in: BC continues to work with the Tsilhqot'in Nation, its Chiefs and community members to meet the commitments made in the BC-Tsilhqot'in National Government (TNG) Letter of Understanding (LOU), signed in September 2014, which will result in a protocol agreement. s.16 s.16
- Overlap: We appreciate your serious efforts to resolve these issues. I acknowledge the substantial benefit gained by all when First Nations have addressed these issues directly. Where there may be opportunities for further collaboration in resolving overlap-related concerns, we continue to be open to such discussions.
- New Federal authorities and expediting the treaty process: We are keen to find ways to streamline and expedite the process, in ways that ensure we achieve robust and durable agreements. As we look to exploring innovative approaches and acquiring the necessary mandates, we also look to federal negotiators to engage in fisheries, migratory birds, fiscal and tax negotiations in a timely fashion.

BACKGROUND:

As one of the Principals in the British Columbia Treaty Commission process, the First Nations Summit (FNS) represents the wide range of First Nations participating in the treaty process. The Maa-Nulth and Tsawwassen Final Agreements are in effect. Tla'amin Nation and Yale First Nation are both working toward Effective Dates of April, 2016 and Lheidli T'enneh intends to hold a second ratification vote on its 2006 Final Agreement. Four First Nations are in Final Agreement negotiations and 44 First Nations are in Agreement in Principle (AIP) negotiations.

The FNS respects the choice taken by each First Nation in pursuing reconciliation in the manner most appropriate to its community. In addition, many First Nations who are members of FNS are also members of the Union of BC Indian Chiefs. Information flows rapidly between the groups.

From the inception of the treaty process, First Nations, through the FNS, agreed it was their responsibility to resolve overlapping or shared territory issues. As BC now has several treaties in effect and as incremental treaty agreements have also produced land transfers, the resolution of overlapping or shared territories has become a more clear priority for First Nations. Further, the Tsilhqot'in decision produced a more specific discussion of the attributes of Aboriginal title. In addition, as the Crown engages in its required consultation process for treaty-related land offers or dispositions, the matter of overlap takes on greater prominence.

DISCUSSION:

s.16, s.17

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Withheld pursuant to/removed as

s.16;s.17



Ministry of
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BRIEFING NOTE FOR INFORMATION

DATE: March 24, 2015

PREPARED FOR: Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation

ISSUE: Providing Clarity on Treaty First Nations and Regional Growth Strategies

SUMMARY:

- s.13,s.14,s.16

- s.14,s.16

s.14,s.16

s.14,s.16

s.14,s.16

MARR and MCSCD staff are now working together on communication materials for discussions with First Nations, Union of BC Municipalities staff and local government representatives.

- **The issue of the relationship between TFN land-use planning and RGS was first discussed during the Tsawwassen final agreement negotiations. In that case, the issue was resolved through treaty language that deemed Tsawwassen First Nation's community plans consistent with the Greater Vancouver Regional District's RGS.**
- **To support the provincial interest in harmonization of land use planning between TFNs and regional districts, the parties can enter into agreements setting out details of how they will work together on RGS matters. Some TFNs will prefer to defer the development of these agreements until after a treaty is in effect.**

BACKGROUND:

Part 25 of the *Local Government Act* provides authority to regional districts to create RGSs, which are coordinated land-use planning schemes lasting a minimum of 20 years.

Under the Act, all "affected local governments" must accept and comply with the regional district's RGS requirements, such as creating a regional context statement identifying how the municipality's official community plan will be made consistent with the RGS. If they do not, there is a dispute resolution process, including possible arbitration, which could result in an affected local government being required to accept and be bound by a RGS.

s.13,s.14,s.16



DISCUSSION:

The rights and jurisdiction of TFN governments are protected by the Constitution, whereas local governments are established by provincial legislation; each has different areas of jurisdiction, so that including both under the same definition is problematic. s.14,s.16

s.14,s.16

To support the provincial interest in harmonization of land use planning between a TFN and a regional district, the parties can enter into agreements setting out the details of how they will work together on matters related to RGSs. Some TFNs will prefer to defer these agreements until after the treaty is in effect.

MARR staff are currently working with MCSCD on follow-up communication materials for use by the Minister and ministry staff in discussions with First Nations, Union of BC Municipalities staff, and local government representatives.

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