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Withheld pursuant to/removed as

s.14 ; s.16

2015/16 Estimates Debate

Ministry of Forests, Lands and Natural Resource Operations

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Issue: Incorporating Aboriginal Title into Consultation and Accommodation-Tsilhqot'in Decision Impacts

Key Facts Regarding Issue:

- On June 26th 2014 the Supreme Court of Canada (SCC) handed down the Tsilhqot'in decision. As part of this decision the SCC declared Aboriginal Title to approximately 1,700 square kilometres in the Chilcotin. This is the first and only declaration of Aboriginal Title within BC and Canada.
- In response the Province has made adjustments to existing First Nation consultation processes to incorporate direction from the decision. FLNR is leading the establishment of regionally based multi-agency teams to ensure guidance from the decision is considered in the assessment of First Nation Interests, particularly strength of claim for Aboriginal Title.
- FLNR is working closely with Ministry of Aboriginal Relations and Reconciliation (MARR) in developing guidance for decision makers in determining appropriate accommodation measures when impacts to First Nation interests are identified.
- FLNR continues to support MARR in the negotiation of agreements with First Nations with the goal of building relationships.
- FLNR is currently working with MARR on an engagement plan with First Nations and Industry.

Advice and Recommended Response:

- The ministry is committed to respecting the Tsilhqot'in decision and is taking steps to ensure the decision is reflected in First Nation consultation.
- The ministry continues to use the principles established by the Haida decision to guide its approach to First Nation consultation.
- The ministry is working closely with MARR to develop guidance for staff undertaking First Nation consultation and making statutory decisions re access to, and activities on, the land base.
- The ministry continues to work closely with MARR in the negotiation of agreements with First Nations with the goal of furthering relationships and the establishment of mutually beneficial consultation processes.
- The ultimate goal is durable decisions that appropriately consider First Nation interests.

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