

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
EMERGENCY MANAGEMENT BC
BRIEFING NOTE FOR DECISION**

TO: Honourable Mike Farnworth, Minister of Public Safety and Solicitor General

ISSUE: The Recovery Funding program area, which administers the Disaster Financial Assistance (DFA) program in accordance with the Compensation and Disaster Financial Assistance Regulation (CDFAR), has received a third request for assistance to repair a structure and requires Minister determination as per S.14 the regulation.

BACKGROUND:

- The DFA program is administered by a core group of provincial staff. As a part of the recovery process, eligible applicants can expect to have a site visit conducted to review the damage. Site visits are contracted to HCM Catastrophe Management Inc. (HCM) who has been working with DFA for over 20 years to provide recommendation of eligible repairs.
- s.22 applied and was eligible to receive DFA in the farm owner category for damages relating to the 2017 & 2018 freshet seasons in the s.22 area. Due to the nature of these events both the 2017 and 2018 files were open and adjudicated simultaneously.
- The report related to the 2017 application identified eligible damages as erosion of the essential access to the home and fields in 2 locations. Compensation for repair was approved for \$s.22
- HCM report identified 2018 eligible damages as erosion of the essential access to the home and fields in two locations. The 2018 report addresses new damage with no overlap from the previous claim. Compensation was approved for \$s.22
- Part 2, Division 3, Section 14 of the CDFAR, multiple claims for assistance or repair states that:

“If assistance has been provided under this regulation on 2 occasions to repair, rebuild or replace a structure in a disaster-prone area, a claimant seeking assistance to repair, rebuild or replace the structure is ineligible to receive that further assistance unless the Minister determines that, after the second occasion, all corrective or preventive actions reasonably possible to avoid recurrence of the damage or destruction were taken.”
- An increase in the amount and severity of flooding events has resulted in third time applicants to the DFA program. As a result, we are required to seek Minister determination to remain in alignment with the regulation before administering disaster aid.

DISCUSSION:

- HCM report identifies 2020 eligible damage as erosion of the essential access to the home and fields in one location. The report confirms that there is no overlap of repairs from previous events as the driveway is large crossing over multiple parcels of land.

- Additionally, the property was viewed with consideration around the reasonability for improvements that could have prevented damage from the event. The attending evaluator does not believe the damages could have been predicted as they were caused by landslide. (Map – Attachment 1)
- DFA subject matter experts have reviewed all documents related to all three event years and have determined no action could have been taken to prevent this damage.

INDIGENOUS PEOPLES CONSIDERATIONS:

- N/A

OPTIONS:

[Recommended] Option 1: Approve a third request for assistance to repair a structure as per S.14 the regulation.

s.13

OTHER MINISTRIES IMPACTED/CONSULTED:

- N/A

RECOMMENDED OPTION APPROVED
or OPTION 1 APPROVED
(whichever fits best for the options presented)

DATE:



Minister signature block

August 30, 2021

PREPARED BY:

Rachelle Carey & Perminder Nijjar
A/Manager, Recovery Funding &
A/Recovery Officer
Recovery Funding Programs
(778)587-0485 s.17

REVIEWED BY:

	Initials	Date
DM	TR	August 23, 2021
ADM	KF (A/ADM)	August 21, 2021
ED	JI	August 16, 2021
Pgm Dir/Mgr.	RC	July 12, 2021

Attachment(s)

Map – Damaged Locations 2017-2020

Map of damaged locations 2017-2020 years
s.22

2017 & 2018 damage is identified in yellow
2020 damage identified in blue.

**MINISTRY OF PUBLIC SAFETY AND SOLICITOR GENERAL
EMERGENCY MANAGEMENT BC
BRIEFING NOTE FOR INFORMATION**

TO: Mike Farnworth, Minister of Public Safety and Solicitor General

ISSUE:

Update on the Nlaka'pamux Nation Tribal Council (NNTC) – BC-Canada Coordination Task Force on Wildfire Recovery and Rail Safety commitments and provincial supports to community recovery efforts for the September 2, 2021 meeting between Chief Matt Pasco, Minister Rankin and Minister Farnworth.

BACKGROUND:

- The Nlaka'pamux Nation is made up of sixteen Indigenous communities in the Fraser/Thompson Rivers Canyon area. The Nlaka'pamux Nation Tribal Council is a governing entity who represents the interests for four of those Nations: Boothroyd, Lytton, Oregon Jack Creek, and Skuppah.
- On June 30, 2021 wildfires began to overwhelm the Nlaka'pamux homeland with catastrophic impacts in and around Lytton (the "Fire"). The Fire required Lytton to be evacuated and remain evacuated. Many Nlaka'pamux have been directly affected, displaced from their homes, and dispersed throughout the homeland and beyond.
- Many complex inter-jurisdictional issues exist in emergency response. Clear structures, processes, actions, investments, and forms of co-operation that have not previously been in place are required for dealing with this and any future emergencies.
- On July 11, 2021, BC and Canada respectively wrote letters of commitment to NNTC outlining Commitments regarding fire recovery and rail safety – including the establishment of an Implementation Coordination Task Force – to develop and implement work plans for these Commitments (the "Letters").

DISCUSSION

- The NNTC-BC-Canada Coordination Task Force stood up on August 6th and has been meeting on a weekly basis. The Terms of Reference has been drafted, membership has been confirmed, and the Task Force is now in the process of establishing three working groups to carry out key commitments identified in the Letters. For clarity, these working groups and associated Commitments include:

1. **Build Back Better:** Supporting community recovery and rebuilding including through developing a short, medium, and long-term recovery and rebuilding plan. The plan will include the gathering of required information, identifying additional short, medium, and long-term funding requirements beyond the amounts in the Letters, and confirming timelines associated with the recovery and rebuilding effort.
 - s.12; s.13
 - **Mental Health Support:** Work with the First Nations Health Authority to identify how best to meet mental health support needs and develop a plan for providing mental health support for the communities
 2. **Comprehensive Framework Agreement:** Led by Crown-Indigenous Relations & Northern Affairs Canada (CIRNAC), develop a comprehensive framework agreement with the federal government to guide the recognition and implementation of Nlaka'pamux title, rights, jurisdiction, and laws in their relationship. The federal and NNTC representatives on the Task Force will oversee the creation of a working group that will be responsible for developing the framework by the stipulated date.
 3. **Political Accord:** Led by Ministry of Indigenous Relations & Reconciliation, support full implementation of the Political Accord between BC and NNTC, including making recommendations to the Leadership Table by September 30, 2021, that include clear structures and processes between the parties for dealing with future emergencies. The BC and NNTC representatives of the Task Force will work with Dr. Roshan Danesh to ensure that this work is completed by September 30, 2021.
- The Province has already flowed \$100K in funding to NNTC as well as \$100K in funding to First Nations Emergency Support Services (FNESS) as part of initial commitments.
 - Through the Emergency Management Assistance Program (EMAP), Indigenous Services Canada (ISC) has provided an additional \$1.8M in additional funding to FNESS to increase their ability to support communities impacted by wildfires. Canada has also provided NNTC with initial funding of \$2M to begin implementation of the Letter and support Lytton First Nation in immediate recovery needs.

- The Task Force will be meeting the morning of September 2; a verbal update can be provided prior to the meeting with Chief Pasco.

Provincial Support to Recovery:

- In parallel with the Province's work with the NNTC, the Province has been directly working with both the Lytton First Nation and the Village of Lytton in directly supporting those communities in their recovery activity as outlined below.
- The Province recognizes that successful community recovery is driven from within the community, with the key decisions made by the community and its leaders; the provincial and federal role is to provide support to those community decisions as appropriate within their mandates.
- Provincial support is predicated on a coordinated all-of-government approach; Emergency Management British Columbia (EMBC) is responsible for the cross-government coordination of community recovery, within their overall mandate of leading the management of provincial-level emergencies and disasters and supporting other authorities within their areas of jurisdiction.
- A provincial state of emergency was declared on July 20, 2021 and extended on August 3, 2021 in response to the ongoing wildfire situation. The Minister's Deputies Emergency Council (MDEC) activated on July 2, 2021. As per the Interim Disaster Recovery Framework, the Lytton Recovery ADM Committee was stood up on July 20, 2021 and an accompanying Deputy/Executive Director Working Group on August 17, 2021. Due to significant regional impacts beyond only Lytton and Lytton First Nation (LFN), both committees will begin to include a wider wildfire recovery focus in addition to Lytton/LFN.
- Disaster Financial Assistance (DFA) for First Nations communities and local governments was declared province-wide on July 2, 2021 in response to the wildfires.
- Evacuees were displaced from Kamloops to Abbotsford, with Resilience Centres in Kamloops and Skeetchestn.
- Emergency Support Services (ESS) has been available for evacuees since June 30, 2021 with a revised renewal date of October 1, 2021. If interim recovery supports are not confirmed by October 1, 2021 a decision on further extension of ESS will be required.

- Hazard assessments conducted in conjunction with the Ministry of Environment deem the area around Lytton and LFN hazardous to human health. Emergency Program Act (EPA) funds may be available to support re-entry work and safety provided they are pre-approved by EMBC
- EMBC's Community Recovery Branch continues to increase staff compliment in response to recovery need, including accepting staff supports from the Government of Alberta as of August 23, 2021 and creating dedicated teams for Okanagan Indian Band / Regional District of Central Okanagan (OKIB / RDCO) and Thompson-Nicola Regional District (TNRD) impacts
 - The Province is attending weekly recovery planning meetings with other partners [BC Housing, ISC, Urban Systems, FNESS, First Nations Health Authority (FNHA)]
 - The Province has assigned a Senior Recovery Specialist to support LFN and provided a re-entry coordinator to LFN at their request
 - EMBC and ISC are meeting weekly to coordinate funding to LFN for recovery needs

s.12; s.13

s.12; s.13

INDIGENOUS PEOPLES CONSIDERATIONS:

- The work undertaken by the Coordination Task Force is part of BC and Canada's commitment to working with NNTC in a government-to-government relationship and premised on the recognition and implementation of Nlaka'pamux Nation title, rights, laws, and jurisdiction. The standards of the United Nations Declaration on the Rights of Indigenous Peoples will be fully implemented in all aspects of the relationship between BC, Canada and NNTC including the implementation of the Letters

OTHER MINISTRIES IMPACTED/CONSULTED:

- Ministry of Health
- Ministry of Forests, Lands, Natural Resources and Rural Development
- Ministry of Indigenous Relations and Reconciliation
- Ministry of Environment

PREPARED BY:

Carol McClintock
Executive Director
Strategic Partnerships
EMBC

s.17

REVIEWED BY:

	Initials	Date
DM	TR	Sept 1/21
ADM	DP	Sept. 1/21

Attachment(s):

July 10, 2021 - Joint BC/Canada Commitment letter to NNTC
July 11, 2021 – Commitment letter to Chief Pasco



Gouvernement
du Canada

Government
of Canada



BRITISH
COLUMBIA

July 10, 2021

Nlaka'pamux Nation Tribal Council

Nlaka'pamux Nation Tribal Council Office
1632 St. Georges Road
Box 430
Lytton, B.C. V0K 1Z0

nlakapamux@nntc.ca

Dear Chiefs:

We are writing on behalf of the governments of Canada and British Columbia, following recent discussions in regards to the wildfires in British Columbia that have been devastating for your communities and families. At this critical moment, it is imperative that we listen to the voices of Indigenous leaders, such as that of the Nlaka'pamux Nation Tribal Council and engage meaningfully on a path forward that respects Indigenous peoples needs and priorities.

Over the past few days, government representatives and officials from Canada and British Columbia have met with you and other First Nation leaders impacted by the fires. Discussions have been about the concerns around the emergency response, cause of this fire, and how we can work together to improve the response and preparedness process. We are committed to working with you and other First Nation leaders to improve the experience in the short term, and working over the longer term for better outcomes.

In those discussions we heard clear concerns regarding safe rail operations, which are especially important in the context of extreme weather conditions, and the Government of Canada is taking immediate actions to address the concerns of communities that live and work near rail lines.

Transport Canada has issued a Ministerial Order to cease movement of trains between Kamloops and Boston Bar, British Columbia for 48 hours ending midnight local time Saturday July 10. This was done in the interest of safe railway operations and to protect public safety for the temporary return of residents to inspect their homes in Lytton.

To address the concerns regarding risks to community safety from rail operations in extreme weather conditions, Transport Canada will be issuing a new Ministerial Order requiring railways take additional measures to further protect against wildfires in the context of extreme weather conditions. Key provisions of this order will take effect at midnight local time Saturday (at the same moment the order to cease train operations expires). It will require railways to take additional actions to reduce fire risk and increase their capacity to immediately respond to any fire in the context of extreme weather conditions and fire risk. It will include targeted speed restrictions, increased equipment inspections and staging and deployment of additional fire prevention equipment for more rapid response to any fire along the right of way.

Transport Canada is committed to build on recent discussions with Indigenous leadership and local communities to develop a sustained structured process for engagement and consultations on issues related to rail safety and the impacts of rail operations on communities. As a first step, Transport Canada has invited First Nations representatives to participate in a live demonstration of the department's inspections of track and rail equipment in the area with Transport Canada rail safety experts. In the coming days we will follow up with sustained consultations on these issues, including a focused engagement with Indigenous groups, and local communities, along with CN and CP, on additional actions that can be taken to ensure safe rail operations in the context of the extreme weather conditions being seen in the region.

There are a number of investigations ongoing into the tragic Lytton area fire, led by the following agencies: BC Wildfire Services, BC Coroner's Office, the RCMP, and the Transportation Safety Board of Canada. We recognize the importance of trust and confidence in these investigations. Given the independence of these agencies from the governments of Canada and British Columbia, we will encourage these agencies to include processes where First Nation and local government voices are able to be heard.

To address other concerns raised by you and other First Nation leaders, the governments of Canada and British Columbia commit to the following:

- To continue to work with First Nation leaders on concrete steps in the short term to improve the emergency response process, especially around increasing communication and coordinating communication during emergencies.
- To immediately fund initial supports directly to affected households to help them get through this challenging time. We also acknowledge the importance of mental health supports and will work with you to identify how best to meet these needs.
- Recognizing the expertise of the First Nations' Emergency Services Society (FNESS), we will provide support to the Society for immediate surge capacity to deliver greater emergency response and preparedness, such as FireSmart programming, which is especially important since the risk of wildfires remains. Specifically, through its Emergency Management Assistance Program,

Indigenous Services Canada will also provide a requested \$1.8 million in additional funding to FNESS to increase the ability of this experienced emergency management partner to respond to this wildfire season. Indigenous Services Canada will also provide requested funding of \$248,000 to the First Nations Leadership Council (FNLC), to be divided equally among the organizations (the British Columbia Assembly of First Nations, First Nations Summit and Union of British Columbia Indian Chiefs) to address immediate response needs for the 2021 wildfire season.

- To supporting affected First Nations to identify and address the infrastructure needs resulting from damages sustained during the wildfires. We are committed to working closely and in partnership with both Indigenous and non-Indigenous communities to not only build back the infrastructure destroyed by the wildfires, but to build back better.
- To develop a longer-term approach in partnership that recognizes the benefits and expertise of First Nation leadership in Emergency Management by continuing the work identified in the MOU with the First Nations Leadership Council to develop a tripartite agreement on emergency management in British Columbia. Where local communities wish to undertake work to develop emergency management capacity and partnerships, we stand ready to undertake this work together. We recognize the need to work together as equal partners in order for no community to be left behind.
- To work with the First Nation Emergency Services Society to examine the core funding necessary for the Society and First Nations to be able to deliver emergency preparedness and response as identified in that tripartite agreement.
- To support these commitments above, Public Safety Canada is committed to working with First Nations to determine how it can best provide supports to federal, provincial and First Nation partners. Given the unprecedented risks that exist in British Columbia, these efforts will require a focus toward proactive prevention and mitigation efforts and forward-looking recovery measures. Public Safety Canada stands ready to support efforts to move forward on emergency preparedness, especially for First Nations that are at risk in the immediate fire season. Public Safety Canada is also ready to support building back better – with a view on how to better prepare for the kinds of wildfire risks seen already, so as to be better protected in the future.

We also want to be clear that we heard you when you discussed with officials about being directly contacted and communicated with. We are strongly committed to on-going discussions and engagements directly with you – the members of the Nlaka'pamux Nation Tribal Council – on the items above. Our governments are aligned to work with First Nation communities to specifically ensure that there are no jurisdictional issues that hinder progress on the commitments noted in this letter.

The governments of Canada and British Columbia are committed to strengthening the important relationship with Indigenous peoples and moving forward together along the shared path of reconciliation. We are committed to working to advance reconciliation

and renew the relationship with Indigenous peoples based on affirmation of rights, respect, cooperation and partnership. It is important that we find new ways of working together so we can build a path forward together.

In closing, we want to thank First Nations Leadership and organizations for the care and dedication they are focusing on communities. We look forward to continuing to work with you and other First Nation Leadership to address the commitments outlined in this letter to ensure that we advance together toward a better emergency preparedness and response.

Sincerely,



The Honourable Marc Miller, PC, MP
Indigenous Services of Canada
Government of Canada



Minister Mike Farnworth
Public Safety and Solicitor General
Government of British Columbia

Cc:

The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations

The Honourable Dominic LeBlanc, President of the Queen's Privy Council for Canada
and Minister of Intergovernmental Affairs

The Honourable Catherine McKenna, Minister of Infrastructure and Communities

The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness

The Honourable Omar Alghabra, Minister of Transport

The Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource
Operations and Rural Development

The Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation

The Honourable Rob Fleming, Minister of Transportation and Infrastructure



Ref. 52992

July 11, 2021

Matthew Pasco
Tribal Chair
Nlaka'pamux Nation Tribal Council

Dear Chief Matthew Pasco:

This is a follow up to the July 10, 2021, letter from British Columbia and Canada outlining commitments to, and next steps with, Indigenous leadership regarding wildfire recovery and rail safety. As we have discussed and in acknowledgement of the specific impacts of the Lytton fire on the Lytton First Nation, we offer this letter to guide the next steps with the Nlaka'pamux Nation Tribal Council (NNTC) and the Lytton First Nation regarding recovery from the devastating fire.

We agree that our 2017 Political Accord on Advancing Recognition, Reconciliation, and Implementation of Title and Rights provides us with the appropriate framework for the next steps outlined below. As per the 2017 Accord, the foundation of the government-to-government relationship between British Columbia and NNTC is the recognition and implementation of Nlaka'pamux Nation title, rights, laws, and jurisdiction. All relations between British Columbia and NNTC, including the implementation of the actions in this letter, will be based on this foundation.

In addition, as per the *Declaration on the Rights of Indigenous Peoples Act*, the standards of the United Nations Declaration on the Rights of Indigenous Peoples will be fully implemented in all aspects of the relationship between British Columbia and NNTC including the implementation of the actions outline in this letter.

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Ministry of
Indigenous Relations
and Reconciliation

Office of the
Minister

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Together through this letter we confirm the following:

1. British Columbia and NNTC will form a leadership implementation table that will be responsible for overseeing implementation of this letter and ensuring progress is being made for the Lytton First Nation on recovery from the Lytton fire. The table will consist of Chief Matt Pasco, Chief Janet Webster, Minister Farnworth, and Minister Rankin. The table will be established upon confirmation of this letter and will meet on a mutually agreeable frequency.
2. British Columbia and NNTC will form an implementation coordination task force consisting of three representatives of the NNTC and three representatives of British Columbia. The task force will be responsible for developing and implementing workplans for each of the commitments in the July 10, 2021 letter and this letter and tracking the completion of immediate, near, medium, and long-term deliverables. The task force will begin work by July 13, 2021 and will provide regular updates to the leadership implementation table.
3. British Columbia will provide NNTC initial funding \$100,000 to begin implementation of the actions in this letter. British Columbia acknowledges that substantially more funding will be needed to "build back better" the damage NNTC communities, and in particular the Lytton First Nation. British Columbia and NNTC will coordinate with Canada regarding funding of these needs.
4. British Columbia and NNTC recognize that enhanced health supports, including mental health supports, are amongst the urgent needs for those members of NNTC affected by the fires. British Columbia and the NNTC will work with the First Nations Health Authority to develop a plan, including funding, that builds on the current and ongoing supports. The parties will develop the plan by July 20, 2021.
5. British Columbia and NNTC recommit to the full implementation of their Political Accord, and specifically all the commitments in section 6. The Parties mutually appoint Dr. Roshan Danesh, QC to facilitate the full implementation of section 6, including making recommendations to the leadership implementation table by September 30, 2021 on recommendations that include clear structures and processes between the parties for dealing with future emergencies.
6. British Columbia and NNTC recognize that addressing the emergency situation that has occurred will require structures, processes, actions, investments, and forms of co-operation that have not previously been in place between them, and that they will work together in new ways to address all disputes and disagreements that may arise in the implementation of this letter.

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7. British Columbia and NNTC will coordinate with Canada in the implementation of this letter.

In addition to the commitments of the July 10, 2021 letter, we confirm our mutual understandings of the actions outlined above by signing below.



Murray Rankin, QC
Minister of Indigenous Relations
and Reconciliation



Mike Farnworth
Minister of Public Safety and Solicitor
General

Chief Matthew Pasco
Nlaka'pamux Nation Tribal Council Chair

Chief Janet Webster
Lytton First Nation

Chief Douglas McIntyre
Skuppah First Nation

Chief Mike Campbell
Boothroyd First Nation

CC: The Honourable Carolyn Bennett
Minister of Crown-Indigenous Relations

The Honourable Marc Miller
Minister of Indigenous Services

Doug Caul, Deputy Minister
Ministry of Indigenous Relations and Reconciliation

Rick Manwaring, Deputy Minister
Ministry of Forests, Lands, Natural Resource Operations and Rural Development

.../4

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Christine Massey, Deputy Minister
Ministry of Mental Health and Addictions

Tara Richards, Deputy Minister
Emergency Management BC
Ministry of Public Safety and Solicitor General

Speaking Notes for Minister Mike Farnworth

Meeting with Chief Pasco

4:15pm – September 2, 2021

- I want to open by acknowledging that I am honoured to be speaking with you from the traditional territory of the Lekwungun people and would like to gratefully acknowledge the Songhees and Esquimalt Nations.
- Thank you, Chief Pasco, for reaching out for a subsequent conversation on collaborative efforts to support recovery for Lytton First Nation and surrounding Nlaka'pamux Nations impacted by wildfires this summer.

- I would like to begin by acknowledging your leadership and support and the work of the Nlaka'pumux Nation Tribal Council-BC-Canada Coordination Task Force on Wildfire Recovery and Rail Safety to ensure wraparound supports to Indigenous communities in the immediate, mid, and longer term.
- The province recognizes that successful community recovery is driven from within the community, with the key decisions made by the community and its leaders; the provincial and federal role is to provide support to those community decisions as appropriate within their mandates.

- In October 2018, B.C. became the first Canadian province to adopt the United Nations' Sendai Framework. One of its key tenets is an “all of society” approach to emergency management to help build resilience at the individual and community levels.
- This includes the priority of ‘building back better’ to withstand future events, knowing that emergencies are trending in a direction where, from year to year, we need to be prepared and work together to adapt, respond, and recover from events like these devastating wildfires.

- The Modernization of the Emergency Program Act also will provide the legislative framework to build on these measures and will position B.C. as a leader in emergency management. We know that there will be a lot of lessons learned emerging from the wildfire season that can be addressed through changes in legislation. Emergency events do not differentiate jurisdictions. As such, we are working with Indigenous partners and Title and Rights holders to bridge those gaps, advance reconciliation, and enable greater collaboration because, as we have seen, we need to work together.

- The work undertaken by the Coordination Task Force is part of BC and Canada's commitment to working in a government-to-government relationship and premised on the recognition and implementation of Nlaka'pamux Nation title, rights, laws, and jurisdiction work, guided by our commitment to the Declaration on the Rights of Indigenous Peoples Act.
- I would like to acknowledge that we don't always get it right, but each emergency event and each season is an opportunity for us to learn and to seek opportunities for continuous improvement.
- I look forward to our discussion this afternoon.