

## **QUESTIONS & ANSWERS**

### **Nlaka'pamux: Gateway 286, Merritt Visitors Centre land**

**March 20, 2019**

#### **Key Messages**

- **We continue to strengthen our government's relationship with the Nicola First Nations, as part of our commitment to support your economic and social development priorities.**
- **Sharing in long-term revenues and supporting opportunities for economic development like the Gateway project will help support strong and prosperous First Nations in the Nicola Valley, benefiting members of the Nations and the region as a whole.**
- **We have built a strong foundation for our government-to-government relationship through our ongoing agreement to collaboratively manage the Nicola Valley Watershed.**
- **We look forward to continuing to strength that relationship through further opportunities to foster regional prosperity.**
- **Regional development is vital for the economic and social health of Indigenous communities and all regions of our province, and the province is committed to supporting the Nicola First Nations in the important business opportunity they have identified in the Gateway lands.**
- **There is a statutory process that needs to be followed, as with any development application, before land can be transferred.**

## **Gateway Lands**

### **1. What First Nations are involved in the Gateway 286 project?**

- The five Nicola First Nations have an interest in pursuing this project. They are the Coldwater, Lower Nicola, Nooaitch [new-itch], Shacken and Upper Nicola bands.
- They are all based in the Nicola Valley.

### **2. What benefit does the Gateway 286 project bring to the five Nicola Nations?**

- For many years, the Nicola Chiefs have made it clear that they have an interest in the former Merritt Visitor Centre lands.
- They have spent more than 10 years working with their development corporation, Spayum Ltd, to assess the feasibility and long-term value of the lands to their communities.
- The Nicola Chiefs have also maintained dialogue with the local government.
- The First Nations have specific plans for the lands. Their application is currently going through a statutory process, and any questions should be addressed to the Nicola Chiefs directly.

### **3. What are the First Nations' plans for the lands?**

- That would be best answered by the First Nations themselves.
- It is our understanding that development plans aren't ready to be shared for business reasons.

### **4. Will the five nations get access to the Gateway 286 lands right away?**

- We are committed to supporting the Nicola Chiefs in business development opportunities, for the benefit of both the residents and visitors to the Nicola Valley.
- For the Gateway 286 lands, there is a statutory process that needs to be followed, as with any development application before land can be transferred. That process is expected to take 9-18 months.

### **5. If the application has to go through a long review process, why are you making this announcement now?**

- Today's signing of a Protocol Agreement is a commitment to take another step on the reconciliation path together: the Gateway 286 opportunity that the Nicola First Nations are pursuing is one aspect of our work together.
- We must follow through with a statutory process, which will involve engagement with neighbouring Nations and regional stakeholders.

- It is appropriate that we are transparent right from the start of the project.

## **6. How long is the statutory process?**

- The statutory process for applications has a number of individual stages which together could take between 9-18 months to complete.
- We are currently in the initial stage of the application being processed.
- Other stages include consultation with neighbouring First Nations, stakeholder engagement, public comment and engagement with other agencies.
- This is followed by a technical review and assessment.

## **7. What does the technical review and assessment period entail?**

- A whole range of topics can be covered during the technical review and assessment period. These could be as diverse as species at risk, drainage issues, geotechnical surveys, archaeological assessments and land valuations.
- It is important that all relevant information related to the application is gathered during this period to help inform the final decision.

## **8. Do other First Nations in the area support the proposed project?**

- Consultation with neighbouring First Nations will be initiated in the coming months, as part of the statutory decision-making process.
- The Nicola Chiefs are also engaging with neighbouring nations regarding their application.

## **9. Do neighbouring stakeholders support the proposed project?**

- As part of the statutory process, engagement with stakeholders will also be undertaken.

## **10. There's mention of a gravel pit in the footprint of the project. Will the nations get benefit from the gravel pit if their application is successful? Who currently owns/operates the gravel pit?**

- The gravel reserve is the responsibility of the Ministry of Transportation and Infrastructure. It is strategically placed at the junction of Highway 5 and Highway 97C and is an important resource for highway maintenance and operations.
- The gravel reserve is not part of the Nicola Nations application and is not part of any economic development plans the nations have.

**11. There's mention of the need for a Highway right of way and traffic analysis – what would that involve?**

- As part of the statutory process it is important that all factors are considered prior to a final decision.
- In applications of this type, it is typical to require the applicant to complete a traffic impact assessment to study the impact of additional traffic that could be generated by the proposed development.
- The Ministry of Transportation has started an engineering assessment to identify the impact of development, long term interchange improvements and development access options.
- This work is meant to complement any transfer of lands, not to slow the process down.

**12. How much land is involved with this project? Is it currently Crown land?**

- The land is approximately 11 hectares and includes Crown land and a highway right of way.

**13. What's the value of the land?**

- The value of the land hasn't been determined yet.

**14. Is anyone else interested in the land?**

- The Nicola First Nations' interest in this land is being advertised at the moment.
- It's possible other interested parties may come forward as a result of this advertising.

**15. Are there any tenure holders on the land currently?**

- There are a number of different interests and designations on the lands the Nicola Chiefs are interested in.
- These include, range, mineral claims, highway right-of-way, Agricultural Land Reserve, traplines, a Forest Recreation tenure (Goodey Creek Trails) and a weather station.
- One of the purposes of the technical review is to resolve any conflicts in these areas.

**16. Is there any provincial funding attached to this application?**

- There is no specific funding attached to this application.
- In 2016, the Province approved \$30,000 to the Nicola Nations, through Spayum Developments Ltd, to develop a plan to transition the old visitor centre facilities and lands at Gateway 286 to the nations should they be successful in their application.
- In 2018, the Ministry of Forests, Lands and Natural Resource Operations announced that Spayum Developments Ltd had been awarded \$79,350 under the Rural Dividend program to create a master development plan to guide the administration and development of the Gateway 286 lands.
- The master plan includes technical site assessments, a conceptual land-use plan and detailed servicing plans.

**17. What's the purpose of the protocol document that was signed on March 20?**

- The Province and the Nicola Chiefs signed a protocol document confirming their joint commitment to work together to grow the regional economy, including moving through the statutory decision-making process for the Gateway 286 lands as expeditiously as possible, and acknowledging the strength of the government-to-government relationship being built through partnerships like the collaborative watershed management MOU.

**Watershed Management**

**18. What is the Nicola Valley watershed MOU about?**

- The Nicola Watershed Pilot Memorandum of Understanding between the Province of B.C. and the Nicola Bands, signed in March 2018, is an agreement to work in partnership and explore opportunities to engage governments and stakeholders in the management and governance of water resources in the Nicola Watershed.
- The MOU demonstrates the government of B.C.'s commitment to true, lasting reconciliation, and to fully adopting the UN Declaration of the Rights of Indigenous Peoples.

**19. What progress has been made on the watershed management initiative?**

- In 2018, B.C. and the Nicola Chiefs signed an MOU to explore opportunities to engage governments and stakeholders in the management of water in the Nicola Watershed.

- We know that in recent years the watershed has experienced some complex water management issues related to water quality, water quantity and the health of aquatic ecosystems.
- The Province and the Nicola Chiefs are working in partnership and through engagement with stakeholders to sustainably govern water resources in the watershed.
- In the first year, the work has been focused on laying strong foundations and building relationships and trust through the Nicola Watershed Government-to-Government Forum for the work to come.
- On March 14 and 15, the Government-to-Government Forum held an Open House and a workshop to talk about the important issues facing the watershed and how to move forward.

## **20. Why is it important to have this agreement in place?**

- Cumulative impacts from watershed activities are a growing concern, and demand for water is expected to grow in the future.
- The MOU established a pilot project to explore opportunities to improve the management and governance of fresh water in the Nicola Watershed.
- We know changes are happening in the Nicola Watershed and we need to develop solutions together – solutions grounded in the valuable traditional knowledge that First Nations have of their watershed, lands and environment.
- Co-leadership with First Nations and better governance will lead to sustainable management and improved health of the Nicola Watershed.
- This is a long-term undertaking that seeks to build a robust collaborative partnership and the involvement of stakeholder and other levels of government.

## **Gaming Revenue Sharing**

### **21.How much will the Nicola First Nations receive in gaming revenues?**

- First Nations throughout B.C. will share in 7% of net revenue from gaming activities in the province.
- That will equate to close to \$100 million each year over the next three years and \$3 billion over the life of the 25-year agreement.
- Funding will be distributed through a B.C. First Nations limited partnership, which will be established in April by the First Nations Gaming Commission.
- Final funding amounts will be determined once the partnership has been established, but every First Nation community in the province is estimated to be eligible for revenue in the range of about \$250,000 to \$2 million annually.
- Each of the five Nicola First Nations will be eligible for this funding.

### **22.How will Nations access the funding?**

- The First Nations Gaming Commission is establishing a limited partnership, overseen by a First Nations-appointed board of directors, to serve as an umbrella organization to distribute the funds
- First Nations that sign onto the limited partnership – which will include bands under the federal Indian Act, modern treaty First Nations and defined non-treaty self-governing Nations – will be eligible for a share of the gaming revenue collected by the province.
- The limited partnership will be responsible for overseeing, managing and distributing gaming revenue to First Nations governments.

### **23.How will revenue be distributed among B.C.'s First Nations?**

- Funding will be distributed to communities based on the following formula developed by the First Nations Gaming Commission:
  - 50% base funding (divided equally among partnered First Nations, including modern treaty Nations, in B.C.);
  - 40% based on population (Indigenous peoples registered under the Indian Act and registered members of treaty Nations); and
  - 10% for geographically remote communities.

### **24.Can the Nicola First Nations pool their revenues together?**

- There won't be any restrictions that would prevent this.
- Once transferred, the revenues become First Nation-owned and – controlled.

## **25.Are there conditions for how the money may be spent by First Nations?**

- First Nations governments will determine their own priorities for these funds, which may be spent in six areas that support governance, capacity-building and strengthened program and service delivery:
  - health and wellness;
  - infrastructure, safety, transportation and housing;
  - economic and business development;
  - education, language, culture and training;
  - community development and environmental protection; and
  - capacity-building, fiscal management and governance.
- The intent is to allow for creative approaches to program design and service delivery within these broad categories.
- Direct distributions to individuals are not permitted.

## **26.How will revenue benefit members of First Nations?**

- This stable source of revenue will mean First Nations can undertake long-term planning and invest in the services their communities need.
- Depending on what a First Nation determines their priorities are, that could mean new services that benefit community members such as childcare, supports for new mothers or Elders, new housing, mental health services, road upgrades or supports for business ventures.
- It could also mean a First Nation can invest in its self-government capacity, hiring and training members to work on community-building activities such as community development, land-use planning, environmental protection and fiscal management.
- This funding supports each First Nation's right to self-government and self-determination, which means each Nation decides how to best use it.

## **27.What's the next step in this process?**

- The First Nations Gaming Commission is currently setting up the limited partnership, which is expected to be up and running in April.
- Once it is established, the Province will enter into the formal 25-year agreement, and funding will be transferred to the partnership in April.
- First Nations will then receive information directly about what steps they need to take to join the partnership.
- Some time is expected to be required to set up administrative processes for transferring the funding to Nations, which will be distributed as soon as possible thereafter.



## BRIEFING NOTE FOR INFORMATION

**DATE:** March 19, 2019

**PREPARED FOR:** Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development

**ISSUE:** BC Wild Salmon Strategy delivery resources

### BACKGROUND:

The federal government is responsible for managing fisheries. The management of freshwater fish and fisheries including anadromous trout and char has been delegated to the Province, mainly the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).

Habitat management, including that of wild salmon, is a provincial responsibility and falls primarily to FLNRORD. All wild salmon production is the result of functioning habitat. The ministry has a suite of tools (regulations, guidelines etc.) to ensure fish habitat is protected during land and water development.

The Ministry of Agriculture (AGRI) leads the Province's commercial interests in seafood and farmed salmon.

On March 8, 2019, the Province announced significant new commitments for salmon with the BC Wild Salmon Strategy (BCWSS). Funding to deliver on these initiatives was announced March 15, 2019, through the BC Salmon Restoration and Innovation Fund (BCSRIF), along with \$100M in partnership funding by Fisheries and Oceans Canada (DFO).

Currently no BCSRIF funding has been identified to support FLNRORD responsibilities in implementing the BCWSS.

### DISCUSSION:

AGRI has been B.C.'s national voice as the majority of salmon management issues have pertained to "how much can be harvested" (largely the responsibility of DFO) and "how much revenue can we create" (largely the responsibility of AGRI). The conversation has shifted to 'how we can increase abundance of declining wild salmon' (largely the responsibility of FLNRORD).

Current ministry resourcing reflects a time when wild fish stocks were healthier, and fisheries and salmon recovery were not a strategic priority of government. Aligning resourcing across government is required to deliver statutory accountabilities, collaborate with Indigenous peoples on the management of constitutionally recognized resources, and implement wild salmon recovery strategies. FLNRORD's accountabilities include:

- delegated statutory decision maker (SDM) under federal *Fish Act*;
- delegated SDM under *Wildlife Act*;
- lead with the First Nations Fisheries Council;
- treaty negotiations – fish;
- recreational fishery harvest allocation, permits, and licencing;
- angling regulations and fishing closures;
- aquatic species at risk recovery;
- Provincial hatchery programs and stock assessments;
- water use planning, watershed monitoring and management;
- habitat restoration and fish passage remediation;
- invasive aquatic species control;

- pacific salmon treaty delivery;
- riparian area regulation oversight and quality assurance;
- *Water Sustainability Act* implementation – critical environmental flow threshold and other sections related to fish;
- Sensitive Stream designations, Fisheries Sensitive Watershed designations and management and;
- *Land Act* designations and aquaculture tenures.

**NEXT STEPS:**

- FLNRORD will work closely with other provincial agency partners to identify and align resources to help deliver commitments in the BCWSS.

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