

## Confidential Issues Note - ADVICE TO MINISTER

s.13,s.16

### RECENT DISCUSSIONS:

- Sept. 22, 2017 the minister of Forest, Lands and Natural Resource Operations was briefed internally by staff on the tourism operator concerns.
- Oct. 2, 2017, Pat Corbett, former chair of the Cariboo Chilcotin Coast Tourism Association coordinated a meeting with the Association, tourism operators, and INAC representatives. FNLRO staff attended on behalf of the Province.

s.16

- MIRR's chief negotiator also talked to Keith Henry (Aboriginal Tourism of Canada) recently (date not specified) on how the issue could be moved forward.

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### BACKGROUND:

s.13,s.16

- The Aboriginal Title Area (ATL) encompasses a number of privately owned properties and lands submerged by water that are excluded from the declaration of title. Sections of two provincial parks are also partially within the Title Area.

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## Confidential Issues Note - ADVICE TO MINISTER

- The declaration of Aboriginal title includes the right to decide how the land will be used, the right of enjoyment and occupancy of the land, the right to possess the land, the right to the economic benefits of the land, and the right to proactively use and manage the land. s.14
- s.14

s.13,s.16,s.21

### **NENQAY DENI ACCORD:**

- On June 26, 2014, the Supreme Court of Canada awarded a declaration of Aboriginal title to the Tsilhqot'in Nation for 1,700 square kilometres in the Nemiah Valley, west of Williams Lake.
- The Nenqay Deni Accord was signed Feb. 12, 2016, to further reconciliation between B.C. and TNG.

**Media:** There has been some coverage by major media on this issue.

Communications Contact: Sharon Pocock

Program Area Contact: Devon Lyons

File Created: Jan. 9, 2017

## Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation

Date: Oct. 23, 2017

Minister Responsible: Hon. Scott Fraser

### Aboriginal title claims and private land

#### RECOMMENDED RESPONSE:

s.13,s.16

#### KEY FACTS:

- Through litigation, a number of First Nations are seeking declarations of Aboriginal title over fee-simple (private) land, or have not specifically excluded fee-simple land from claims.
- The meaning and scope of a declaration of Aboriginal title and rights over private lands remains unsettled in law.

The majority of title claims do not seek specific relief against private property owners (such as ejection or damages), and are not seeking ownership or possession of private land through litigation. However, some First Nations are seeking to reserve the right to seek relief from private property owners in the event a declaration of Aboriginal title is granted.

- In both the *Haida* and *Cowichan Tribes* claims, B.C. and Canada had sought to compel the plaintiffs to formally notify private land owners that the respective litigation could impact their interests. BC Supreme Court denied the motions, ruling that private landowners could defend their interests in subsequent litigation if Aboriginal title was granted over private lands, and if it were necessary.

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## Confidential Issues Note - ADVICE TO MINISTER

s.14

Communications Contact: Edward Hill  
Program Area Contact(s): Francesca Wheler; Neilane Mayhew

Confidential Issues Note - ADVICE TO MINISTER

① - AIP signed  
- End of year stat  
after.

Ministry of Indigenous Relations and Reconciliation

Updated: Aug. 23, 2017

Minister Responsible: Hon. Scott Fraser

## NStQ Treaty Agreement-in-Principle

### RECOMMENDED RESPONSE:

s.13, s.16

② Partially signed  
→ later progress  
may

### KEY FACTS:

#### Treaty Agreement-in-Principle:

- Northern Secwepemc te Qelmučw (NStQ) issued a news release on June 1, 2017, stating that they expect to meet with the premier quickly to discuss their treaty concerns, notably the length of time taken for stakeholder engagement with ranchers.
- In 2017, NStQ expressed frustration with the pace of negotiations in Williams Lake media.
  - Canoe Creek/Dog Creek Chief Patrick Harry. "We are hopeful and welcome positive actions, and not just words, from the political party that forms our next government, to address First Nations concerns and to move our NStQ treaty table forward in a much more expedient and respectful manner."
- MIRR negotiators have met with individual cattle ranchers potentially impacted by an NStQ treaty, and have done since May 2015. Engagement with ranchers stopped during interregnum.
- MIRR also provides treaty updates through the Cariboo management committee, which has reps from the regional district, Interior Health and local government; and has regular meetings with three Timber Supply Area licencees. MIRR negotiators also meet with the BC Cattleman's Association on a regular basis.
- MIRR's direction is to complete engagement with ranchers and mitigate any concerns before the AIP is signed by B.C. MIRR has no definitive end date for stakeholder engagement. NStQ nations ratified the AIP in April 2016.
- Wildfires in the Cariboo may have burned timber and fences identified in NStQ incremental treaty agreements (ITAs) and the draft AIP, and will likely emerge as a point of discussion in negotiations.

## Confidential Issues Note - ADVICE TO MINISTER

- B.C. and the NStQ First Nations signed ITAs on Feb. 5, 2016, which provide up to 3,760 hectares of Crown land. Transfer of ITA lands to NStQ First Nations has been delayed due to wildfires. Damage assessments of lands have not been done.
- Media: Minimal. Local media reported on the AIP initialing and a local candidate meeting with NStQ. In 2016, trade publication Western Producer discussed concerns of ranchers and First Nations land claims.
- MIRR has posted on its public website an unsigned draft of the AIP, its appendices and associated maps showing rangeland overlaps with proposed treaty settlement land, in order to support ongoing stakeholder engagement and consultations with First Nations.
- Of 70,662 hectares of Crown lands identified in the AIP as proposed treaty settlement land, roughly 53,400 ha (or 75 per cent) overlap with non-exclusive Crown range licenses administered by B.C. and held by cattle ranchers. About 20 ranches have overlaps that could be deleted from tenures without affecting ranch operations. About 35 ranches have more significant overlaps with lands proposed in the AIP.
- In 2015, MIRR and FLNRO, through contractor Allen Dobb, developed the BC Range Treaty Strategy to provide advice on mitigation options to address the overlap of range tenures with potential treaty land. In March 2017, Dobb completed the Range Agreement Holder Accommodation Framework report, which provides advice on a framework to determine compensation for ranchers for loss of Crown rangeland.
- Compensation would not come into potential application until after Final Agreement land selections, and would need to be approved by Cabinet/Treasury Board as part of a Final Agreement mandate.
- NStQ unilaterally issued a news release on Dec. 15, 2016, celebrating the initialing of the NStQ AIP. Initialing an AIP is a formality required by Canada in order to seek a mandate to sign the AIP. B.C. does not require initialing to seek a mandate to sign, but participated in the tripartite initialing event.
- In terms of territory boundary issues, the Tsilqhot'in Nation and 26 other First Nations share traditional territories with the NStQ nations.

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### NStQ AIP vote:

- On April 28, 2016, the Williams Lake band held a full revote on the NStQ Agreement-in-Principle, after coordinated vandalism in the polling station during the original Feb. 11, 2016, vote. The second vote concluded without incident. Vote results:
  - Canim Lake (458 eligible voters): Yes: 125 No: 84
  - Soda Creek (336 eligible voters): Yes: 90 No: 48
  - Canoe Creek/Dog Creek (582 eligible voters): Yes: 113 No: 72
  - Williams Lake (385 eligible voters): Yes: 87 No: 74

### Northern Secwepemc te Qelmucw (NStQ)

- NStQ represents four First Nations: Williams Lake Band (T'exelc), Canoe Creek Band (Stswecem'c/Xgat'tem), Canim Lake Band (Tsq'escen') and the Soda Creek Band (Xats'ull/Cmetem', totaling about 2,500 members. NStQ entered into treaty in 1993 and started AIP negotiations in 2001.

Communications Contact: Edward Hill

Program Area Contact: Patrick Richmond, Robert Leece

## Proctor, Ryan IRR:EX

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**From:** Scott, Douglas S IRR:EX  
**Sent:** Tuesday, October 31, 2017 1:22 PM  
**To:** Proctor, Ryan IRR:EX  
**Subject:** FW: Douglas Treaty for estimates  
**Attachments:** 17Aug15 DouglasTreaty Briefing - MIRR.PPTX; Douglas\_Treaties\_FortVictoriaTreaties (High Res Originals).pdf

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**From:** Balcaen, Trish L IRR:EX  
**Sent:** Tuesday, October 31, 2017 1:01 PM  
**To:** Mayhew, Neilane IRR:EX  
**Cc:** Scott, Douglas S IRR:EX  
**Subject:** FW: Douglas Treaty for estimates

As per Doug's request

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**From:** Balcaen, Trish L IRR:EX  
**Sent:** Tuesday, October 31, 2017 12:32 PM  
**To:** Scott, Douglas S IRR:EX  
**Cc:** Lofthouse, Mark IRR:EX; Dyck, Heinz IRR:EX; McCarthy, Tom IRR:EX; Banford, Alexandra R IRR:EX  
**Subject:** Douglas Treaty for estimates

Hi Doug,

As requested, I've attached the Minister briefing PPT on Douglas Treaty and the Douglas Treaties themselves. Whipped this up pretty quick so copying my fellow CNs to make sure I've got it right.

Key messages as follows:

**Context:**

- Douglas Treaties – historic, signed with 14 nations in 1850s
- Treaties conveyed rights to fish and hunt as formerly among other things
- Rights conveyed through treaties have multiple interpretations by First Nations and the Province
- Urban sprawl has resulted in limited crown land the little ability for First Nations to exercise their treaty rights (especially in south island) – tensions occur around hunting, economic development, fisheries, forestry

**Current activities:**

- BCTC – TTA (5 DT nations) – Nanoose, Songhees, Malahat, Beecher Bay, T'souke)
- Outside the treaty process – conversations with the other DT nations occurring at a variety of levels and topics
- Note: Slide 7 of deck naming each band is a touch out of date (here is most recent):

s.16





**MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION**  
**2017 Estimates Note**

**Forest Consultation and Revenue Sharing Agreements**

**I. ISSUE: Update on Forestry Revenue Sharing (through Forest Consultation and Revenue Sharing Agreements)**

**II. KEY MESSAGES**

- **The Province is committed to sharing revenues with First Nations from forest harvesting activities both as a means to ensure First Nations are partners in the forest sector and to meet the Province's reconciliation objectives.**
- **Forest Consultation and Revenue Sharing Agreements (FCRSAs) share revenues based on harvesting activity within a First Nations' traditional territory.**
- **FCRSAs:**
  - **provide a consultation process for operational forestry decisions in a First Nation's claimed territory**
  - **provide consultation efficiency**
  - **increase predictability on the land base**
  - **build a positive investment environment**
  - **provide forestry opportunities for First Nations and non-First Nations communities**
- **The Province has entered into 287 FCRSAs to date, including 155 renewals.**
- **The FCRSA program has provided over \$187 million in forestry revenue sharing benefits to First Nations since 2010.**
- **156 First Nations have participated in program.**
- **s.16**
- **BC will continue to pursue FCRSAs and work collaboratively with First Nations to improve the program. BC recognizes forestry partnerships are an important component of broader reconciliation for many First Nations, industry partners, and communities across the Province.**

**MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION**  
**2017 Estimates Note**

**Forest Consultation and Revenue Sharing Agreements**

**III. BACKGROUND:**

- The former Ministry of Forests and Range (now FLNRORD) delivered the previous five (5) year term Forest and Range Agreements (FRA) between 2004 and 2009. The program was transferred to MIRR in December 2010. Revenue sharing through FRAs was based on a per-capita funding formula of \$500 per FN community member.
- Forest Consultation and Revenue Sharing Agreements (FCRSA) were introduced in 2010 to replace the previous FRA, and continued to deliver revenue sharing to First Nations as FRAs expired. The FCRSA introduced a revenue sharing formula for a three (3) year term based on harvesting activity, yet has retained a portion of the previous per-capita payment to support transition where the activity-based payment is less than the per-capita amount paid under the former FRA model.
- The FCRSAs provide an accommodation for the impacts of harvesting activities on Aboriginal interests and work to enhance the socio-economic objectives of First Nations. These agreements also include planning, reporting and auditing mechanisms to meet public accountability objectives.
- FCRSAs are a key tool for the Province towards reconciliation with BC First Nations. MIRR continues to work closely with FLNRORD on the delivery of the FCRSA program across the province.
- The Strategic Forestry Accommodation Initiative is an additional source of forestry benefits for some First Nations; benefits include business-to-business arrangements, tenure acquisition, and joint forestry planning activities. In areas of high need, these additional forestry benefits have complemented existing FRCRSA arrangements.
- Since the spring of 2015, the Province has been engaged with the First Nations Forestry Council (FNFC) on potential revisions to the FCRSA program. The FNFC concluded a review of the FCRSA program in November 2015 and produced a report highly critical of the current program. The Report provided a set of recommendations and BC is currently exploring new ideas in partnership with First Nations across the province to evolve the FCRSA program in a way that better reflects our provincial reconciliation objectives.

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# MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

## 2017 Estimates Note

### SITE C: BC Utilities Commission Report

#### I. ISSUE: Site C Update and Provincial First Nation Engagement Process on Site C BCUC Review

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#### III. KEY POINTS AND BACKGROUND:

##### BC UTILITIES COMMISSION REPORT

- On August 2, 2017, the Province announced that it had directed the BC Utilities Commission (the BCUC) to undertake a review of BC Hydro's \$8.8 billion Site C Clean Energy Project (Site C).
- The terms of reference requires the BCUC to consult with interested parties such as major industrial power consumers, ratepayers associations, Peace River communities, independent power producers, Indigenous Nations and the public.
- BCUC has been asked to confirm whether or not BC Hydro is on time and on budget to complete Site C, and provide advice on implications for ratepayers associated with:
  - Proceeding with the project;
  - Suspending the project, while maintaining the option to resume construction until 2024, and
  - Terminating the project, remediating the site and proceeding with other resource portfolios that provide the same level of benefits at the same or lower costs.

##### PROVINCIAL ENGAGEMENT WITH TREATY 8 NATIONS

- EMPR and MIRR are undertaking a Provincial Engagement Process to hear Treaty 8 First Nations views on the future of the Site C project. The Provincial Engagement Process is intended to ensure the Province hears from directly impacted First Nations before the critical cabinet decision.

# MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

## 2017 Estimates Note

### SITE C: BC Utilities Commission Report

- The Provincial Engagement Process will be forward looking and focus on new impacts related to the 3 potential scenarios for the Site C project. The Engagement process provides the following opportunities to Treaty 8 First Nations:
  - provide a written submission, outlining concerns, issues and views on incremental impacts of completion, suspension and termination of the Site C Project;
  - review, and provide a written submission on the BCUC's Final Report;
  - write, telephone, and/or meet, with provincial staff to provide your concerns and issues related to the Province's decision on the Site C Project; and,
  - an opportunity for BC Treaty 8 First Nations only, to meet with Ministers from EMPR and MIRR in Fort St. John to discuss their views on the project.
- While the review is underway, the Province has committed to continuing construction on Site C, including operational permitting.
- Prophet River First Nations and West Moberly First Nations oppose a temporary license of occupation issued related to planned highway realignment in the Bear Flats/Cache Creek area.
- BC Hydro is willing to look at changes within the approved highway alignment to address concerns raised by First Nations and community members.
- West Moberly and Prophet River have discontinued their appeal to the Environmental Appeal Board of the water license.
- Additional authorizations will be required at both the provincial and federal levels as construction progresses.
- Tripartite Land Agreements have been signed by Doig River, Saulteau, Halfway River and Mcleod Lake indicating their support for the project.
- Prophet River First Nations and West Moberly First Nations, vigorously oppose a temporary license of occupation issued in April 2017 related to a planned highway realignment, as they are concerned about impact to culturally important sites, including gravesites potentially in the Bear Flats area (no grave sites have been confirmed).
- Blueberry River First Nations has requested to meet with several Ministers, once their fieldwork is completed, to discuss potential grave sites and steps that could be taken to avoid harm.

**Contact / Prepared by:**

Geoff Recknell

Negotiations and Regional Operations

Phone: (250) 847-7535

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**Alternate Contact**

Laurel Nash

Indigenous Relations and Reconciliation

Phone: (250) 953-4004

Cell: (250) 508-1670

## Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation

Date: Oct. 23, 2017

Minister Responsible: Hon. Scott Fraser

### Aboriginal title claims and private land

#### RECOMMENDED RESPONSE:

s.13

#### KEY FACTS:

- Through litigation, a number of First Nations are seeking declarations of Aboriginal title over fee-simple (private) land, or have not specifically excluded fee-simple land from claims.
- The meaning and scope of a declaration of Aboriginal title and rights over private lands remains unsettled in law.

The majority of title claims do not seek specific relief against private property owners (such as ejection or damages), and are not seeking ownership or possession of private land through litigation. However, some First Nations are seeking to reserve the right to seek relief from private property owners in the event a declaration of Aboriginal title is granted.

- In both the *Haida* and *Cowichan Tribes* claims, B.C. and Canada had sought to compel the plaintiffs to formally notify private land owners that the respective litigation could impact their interests. BC Supreme Court denied the motions, ruling that private landowners could defend their interests in subsequent litigation if Aboriginal title was granted over private lands, and if it were necessary.

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## Confidential Issues Note - ADVICE TO MINISTER

s.14

Communications Contact: Edward Hill  
Program Area Contact(s): Francesca Wheler; Neilane Mayhew

## Confidential Issues Note - ADVICE TO MINISTER

**Ministry of Indigenous Relations and Reconciliation**

**Date:** Oct. 24, 2017

**Minister Responsible:** Hon. Scott Fraser

### **UNDRIP: Redress and Restitution**

#### **RECOMMENDED RESPONSE:**

s.13,s.16

## Confidential Issues Note - ADVICE TO MINISTER

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### KEY FACTS:

- An Oct. 23, 2017, [Globe & Mail article](#) on government's recent practice of acknowledging 'unceded territory' raised discussions about Article 28 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- The main part of Article 28 states that: *"Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent."*
- Indigenous leaders may use Article 28 as a tool to claim retroactive compensation for government or industry's use of their 'unceded territory.'
- Premier Horgan has stated that he has told Indigenous leaders that he does not intend to look back at retroactive compensation, but he wants to look ahead to shared prosperity.
- The Globe & Mail article quoted Grand Chief Ed John citing Article 28, and stating that the Premier's acknowledgement of 'unceded territory' when coupled with 'reconciliation' is significant and that *"The significance of that is the acceptance of the recognition of the rights of our people."*
- B.C. has sought reconciliation with some First Nations regarding specific historical wrongs. These include:
  - A reconciliation agreement with Cheslatta for their forced relocation in the 1950's to make way for the Kenney Dam.
  - A reconciliation agreement with Tseycum First Nation to address the paving over of historic burial sites when the West Saanich Road was built.
  - In 2012, B.C. offered regrets at the wrongful hangings of two members of the Hesquiaht First Nation who were accused of murder in 1869. (Note: pardons are the responsibility of the federal government.)
  - As part of the 2000 Nisga'a Final Agreement significant cultural artifacts were restored to the Nisga'a from the Royal BC Museum and what is now the Canadian Museum of History.
  - In 2016, the Royal BC Museum returned 17 cultural artifacts to the Huu-ay-aht First Nation. The return of the artifacts was specified in the Maa-nulth Final Agreement.

Communications Contact: Sharon Pocock; 387-7251



## **KM Court Q and A**

- 1. How can the government be fighting the Squamish in court on one case and then purport to stand with them at the Federal Court of Appeal?**

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- 2. Is the Province not violating its commitment to work with First Nations?**

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- 3. Are you concerned that your position in will damage the Province's relationship with First Nations?**

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- 4. You've criticized the previous government's actions – actions that you are now about to defend in court. Does that not upset your supporters?**

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- 5. The Squamish case is about whether the Squamish First Nation was adequately consulted with respect to Kinder Morgan. The Attorney General must argue that proper consultation took place. Does the government really believe that?**

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- 6. If the court could appoint an unbiased third party to argue that the previous government fulfilled its constitutional obligations, why wouldn't you allow that to happen and stand with the Squamish in court?**

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- 7. Given the anti-government positions taken by the NDP in opposition, don't you think Kinder Morgan has a strong case to show that you are biased and not really trying to win this case against the Squamish?**

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- 8. Couldn't you just avoid this court case by bringing in new legislation or by reopening consultations with the Squamish?**

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- 9. Doesn't acting against the Squamish in court violate the United Nations Declaration on the Rights of Indigenous Peoples?**

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- 10. What happens if you win your case against the Squamish?**

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- 11. Wouldn't winning the Squamish case damage your position in the Federal Court of Appeal?**

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**12. Why is the City of Vancouver court action different from the Squamish case?**

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**BCUC Site C Review Preliminary Report  
Media Plan Rollout  
For September 20, 2017**

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**Summary:**

- The B.C. Utilities Commission (BCUC) will be making its preliminary report on its review of Site C public by posting it to the BCUC's Site C Inquiry website (<http://www.sitecinquiry.com/>).
- The BCUC initiated the inquiry into the Site C project, as directed by government in an OIC on Aug. 2, 2017.
- Government will respond to media requests by providing a written statement from Minister Mungall on a reactive basis.
- BC Hydro will continue to provide holding lines and direct reporters with questions to their Aug. 30th submission to the BCUC review.
- BC Hydro plans to respond in writing to the preliminary report towards the end of the public comment phase of the review (which ends Oct. 11). BC Hydro will not provide new information in the meantime.

**Roll-Out:**

Time	Activities & Details
Tuesday, Sept. 19 Time: Afternoon (TBD)	BCUC provides government with an embargoed copy of the report.
Wednesday, Sept. 20 Time: Late afternoon (TBD)	The report is posted by the BCUC to its Site C Inquiry website ( <a href="http://www.sitecinquiry.com/">http://www.sitecinquiry.com/</a> ).
Wednesday, Sept. 20 Time: TBD	GCPE responds reactively to the release of the BCUC report as media requests come in by providing a written statement from Minister Mungall.
Wednesday, Sept 20 Time: TBD	BC Hydro responds reactively to the release of the BCUC report as media requests come in.

**Key Messages – British Columbia (messaging from Minister Mungall's written statement):**

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**House Schedule**  
**September 19, 2017**  
**2<sup>nd</sup> Session, 41<sup>st</sup> Parliament**

**Morning**

**Section B, Chamber of the Assembly**

**10:00 am – 11:00 am**

**Introductions**

**2 min statements**

Liberal

Mitzi Dean

Witness Blanket

Liberal

Jen Rice

Fairview Phase 2 Container Port Expansion

Liberal

Doug Routley

Morden Colliery park

**QP**

**Routine Business (Orders of the Day)**

**11:00 am – 12:00pm**

***Budget Debate***

Conroy (Continuing...)

Liberal

Kahlon

Liberal

Beare

**House Adjourns at Noon**

**(10:00 am – 11:00 am) All Members**

**(11:00 am – 12:00 pm) Bowinn Ma, Adrian Dix, Doug Donaldson, Mable Elmore,  
Anne Kang, Rick Glumac**

## Executive Assistants

### Highlights:

- The Leader of the Opposition questioned the placement of Ministers' Executive Assistants in constituency offices and suggested it could lead to politicization of constituency services.

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## Key Messages – Northeast Trip

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### Tabling the 2017 BCTC annual report

- Thank you Mr. Speaker.
- I have the honour to present the B.C. Treaty Commission 2017 Annual Report, titled *Reconciling Prosperity: The Role of Local and Regional Governments in Treaty Negotiations*.
- It's an honour to enter the report into the legislative record, and it's also an obligation under the *Treaty Commission Act*.
- I want to thank the BC Treaty Commission for its commitment to modern treaty-making in British Columbia.
- We value the guidance of the commission as this government works to make substantive improvements to how treaties are negotiated.
- In partnership with First Nations, we are transforming the treaty process so it respects case law and embodies the United Nations Declaration on the Rights of Indigenous Peoples.
- This work is critical to advance long-term reconciliation and improve opportunities and outcomes for First Nations throughout British Columbia.

-END-

## Ministry Hiring – Jessica Wood

### Highlights:

- On Monday, November 20, 2017, Jessica Wood began work as an Assistant Deputy Minister in the Ministry of Indigenous Relations and Reconciliation.
- She worked for the previous 2 months in a political appointment in the Minister of Indigenous Relations and Reconciliation's office.

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## Questions and Answers

Ministry Structure/MIRR ADM Appointment

Nov. 15, 2017

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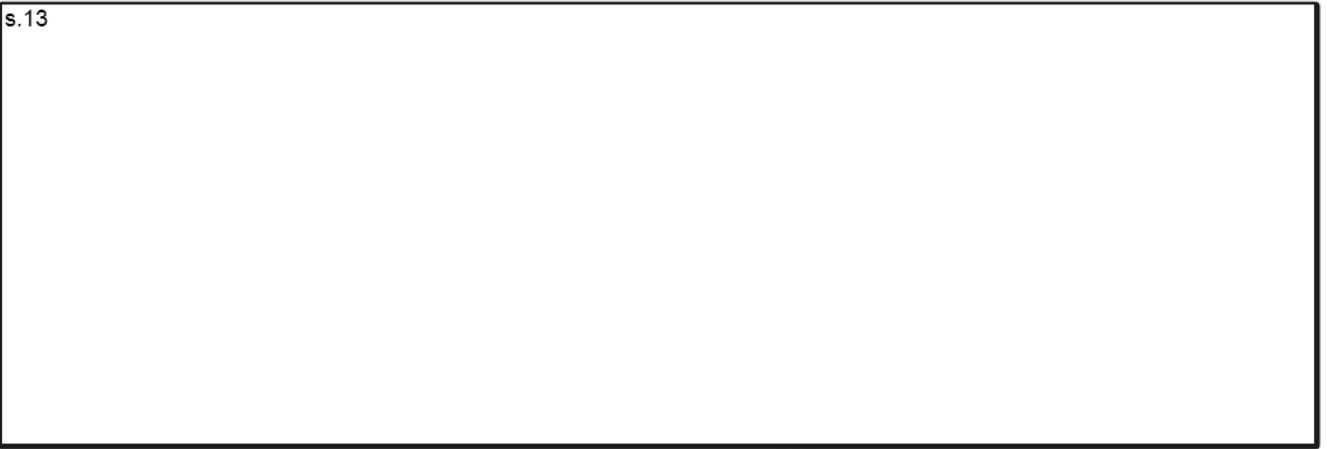
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## Confidential Issues Note - ADVICE TO MINISTER

**Ministry of Indigenous Relations and Reconciliation**

**Date:** Nov. 17, 2017

**Minister Responsible:** Hon. Scott Fraser

### **Ministry Structure/ADM Appointment**

#### **RECOMMENDED RESPONSE:**

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#### **KEY FACTS:**

- The Ministry of Indigenous Relations and Reconciliation (MIRR) reviewed its executive structure following the recent secondment of Assoc. DM/COO Neilane Mayhew to the Ministry of Mental Health and Addictions.
- MIRR is creating a new division, Reconciliation Transformation and Strategy Division, headed by an ADM responsible for developing government's new reconciliation vision and leading the transformation of the province's relationship with Indigenous peoples. The position of Assoc. DM/COO will not be filled.
- The new division will be led by Jessica Wood who was most recently a Sr. Ministerial Assistant to the Hon. Scott Fraser, Minister of Indigenous Relations and Reconciliation. The division will align existing accountabilities and emerging areas of responsibility as outlined in the mandate letter.
- Her experience includes working: with both federal and municipal governments as an employee and consultant; working with urban Indigenous people, facilitating discussion on violence against women and youth, Indigenous inclusion and collaboration, sex work and youth sexual exploitation; and for the City of Vancouver as a social planner advising on Indigenous women, Downtown Eastside, sex work and marginalized women. She has held executive positions for non-profit organizations, including the Salt Spring Literacy Society and AIDS Vancouver.
- As with every direct appointment of ADMs or DMs, the BC Public Service Agency is not required by legislation to run a competition. This appointment is by Order in Council.

## Confidential Issues Note - ADVICE TO MINISTER

- Ms. Wood was appropriately vetted and recommended by senior public sector employees — notably the Deputy Minister of Indigenous Relations and Reconciliation and the BC Public Service Agency — and deemed qualified with the necessary experience and background along with demonstrated executive competencies to fulfill this role.
- Ms. Wood is from the Gitksan/Tsimshian Nations with familial roots amongst the Tahltan and Nisga'a Nations.
- She will begin her role with MIRR on Nov. 20.
- MIRR staff were notified of the organizational changes on Nov. 16.
- MIRR's Deputy Minister has advised First Nations Leadership Council staff, but has not provided details. The concept was generally well-received.

Communications Contact: Chris Harbord, 250 920-5079

Program Area Contact(s): Jennifer Melles, 250 356-0885

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## Questions and Answers

Ministry Structure/MIRR ADM Appointment

Nov. 17, 2017

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## Site C

### Highlights:

- The BCUC delivered its final report on the Site C review on November 1<sup>st</sup>.
- The BCUC assumed that the cost of Site C would rise to \$10 billion and that BC Hydro's low load forecast was the most realistic scenario.
- The BCUC assembled their own alternate energy portfolio based on wind power and significant demand management.
- Based on these assumptions they found that there is little difference in impact on ratepayers between proceeding with Site C or cancelling and building alternate energy.
- The BCUC notes that this could change significantly if the costs of Site C increase further up to \$12 billion (favouring alternate) or if electricity demand increases beyond the low load forecast (favouring Site C).

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## Background:

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- The report finds that suspending the project and restarting later would greatly increase costs and this is not a recommended option.
- The report concludes that based on an assumption of a \$10 billion cost for Site C, and the use of BC Hydro's low load forecast scenario, when compared with the BCUC's alternative energy portfolio, either option would have very similar impact on ratepayers.
- However their sensitivity analysis finds that if project costs increase to \$12 billion (as was noted was a possibility by Deloitte), it would be significantly lower cost to cancel Site C and build an alternative portfolio.
- Conversely, if electricity demand rose in line with BC Hydro's medium load forecast, it would be significantly cheaper to proceed with Site C.
- BCUC estimates that costs of terminating the project and remediating the site would be \$1.8 billion and accepts BC Hydro's estimate that \$2.2 billion will have been spent by year end.
- BCUC questions BC Hydro's load forecasts and assumptions underlying their cost estimate of alternative energy portfolios.
- The BCUC has adopted BC Hydro's low load forecast as the most realistic.
- The BCUC developed their own alternative energy portfolio for analysis based on wind power, demand-side management, and industrial load curtailment.
- During the process, BC Hydro filed new information indicating that the project was a year behind their construction schedule and will cost an additional \$610 million – bringing the total cost to \$8.95 billion according to BC Hydro
- The BCUC projects that \$10 billion is a more realistic final cost for the project.
- BCUC also indicated that there are further risks to cost and schedule that could increase final costs beyond \$10 billion.
- The panel received 620 written submissions and more than 300 people made presentations at community and First Nations public input sessions around the province.
- Ministers Mungall and Fraser will be meeting with First Nations in mid-November.

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Action	Timeline	Lead
s.13,s.16	Oct 16	Greg / Tom (discuss at prescheduled call)
Reach out to key Stakeholders: <ul style="list-style-type: none"> <li>- Fort St John</li> <li>- MLA Davies</li> <li>- MLA Bernier</li> </ul> (see Key Messages Below)	Oct 17-18	MO
Notify Urban Systems and discuss strategy for dealing with implications for their work	October 17-18	Penny
MIRR request FLNRO to place NOIs on Charlie Lake and Red Creek	October 20	Dale
Meeting with MLA Stakeholder Engagement Committee	TBD	Dale/Greg
Hire third party to deal specifically on Red Creek and Charlie Lake (not confirmed, under consideration)	October 31	FLNRO
s.13,s.16	October 31-November 30	TBD
	December 15	FLNRO/MIRR
	Jan Feb	FLNRO/MIRR

# UN Declaration on the Rights of Indigenous Peoples

## Highlights:

- Affirms the inherent collective human rights of Indigenous Peoples as well as the human rights of Indigenous individuals. It ~~also~~ provides a structure + recs., applying human
- Some critics have tried to frame the "free prior and informed consent" clause as a veto for First Nations on economic development that impacts their territory.

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# UN Declaration on the Rights of Indigenous Peoples

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## Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation

Date: Oct 26, 2017

Minister Responsible: Hon. Scott Fraser

**Tsilhqot'in: Xeni Gwet'in  
letters to tourism operators**

### RECOMMENDED RESPONSE:

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**KEY FACTS:**

- In September 2017, tourism operators raised concerns about perceived interference with their business by Xenigwet'in First Nation, with increased tension between the First Nation and tourism operators in the Cariboo-Chilcotin.

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- The Province and the TNG had signed bridging agreements that provide interim Tsilhqot'in consent for guided angling, guide outfitters and provincial parks (among others) to continue within the Title Area, although some of these agreements expired March 31, 2017. Agreements on trapping and recreation sites were re-signed. Agreements related to guide-outfitters and ranchers (grazing) remain current. Guide-outfitters expires March 31, 2019 and Ranchers expires Dec. 31, 2019. The agreements on provincial parks and angling were renegotiated, but not signed and as of September 2017, TNG has said that as the season is almost over, they will not sign the outstanding 2017 agreements. s.13,s.16

## Confidential Issues Note - ADVICE TO MINISTER

s.13,s.16

### RECENT DISCUSSIONS:

- Sept. 22, 2017 the minister of Forest, Lands and Natural Resource Operations was briefed internally by staff on the tourism operator concerns.
- Oct. 2, 2017, Pat Corbett, former chair of the Cariboo Chilcotin Coast Tourism Association coordinated a meeting with the Association, tourism operators, and INAC representatives. FNLRO staff attended on behalf of the Province.
- s.16
- MIRR's chief negotiator also talked to Keith Henry (Aboriginal Tourism of Canada) recently (date not specified) on how the issue could be moved forward.

### BACKGROUND:

s.13,s.16

- The Aboriginal Title Area (ATL) encompasses a number of privately owned properties and lands submerged by water that are excluded from the declaration of title. Sections of two provincial parks are also partially within the Title Area.

s.13,s.16

- The declaration of Aboriginal title includes the right to decide how the land will be used, the right of enjoyment and occupancy of the land, the right to possess the land, the right to the economic benefits of the land, and the right to proactively use and manage the land. s.13,s.14,s.16

s.13,s.14,s.16



## Confidential Issues Note - ADVICE TO MINISTER

s.13,s.17,s.21

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- ROAM Adventures Inc. has asked several questions of TNG to clarify public access to roadways, lakes and rivers, and ability to view and photograph wildlife, most notably grizzly bears.

### **NENQAY DENI ACCORD:**

- On June 26, 2014, the Supreme Court of Canada awarded a declaration of Aboriginal title to the Tsilhqot'in Nation for 1,700 square kilometres in the Nemiah Valley, west of Williams Lake.
- The Nenqay Deni Accord was signed Feb. 12, 2016, to further reconciliation between B.C. and TNG.

**Media:** There has been some coverage by major media on this issue.

Communications Contact: Sharon Pocock

Program Area Contact: Mike Gash

File Created: Jan. 9, 2017

## Fish Farms

### Highlights:

- There have been ongoing occupations of Fish Farms in the Broughton Archipelago and concurrent protests at several MLA constituency offices over the previous month.
- Protesters are calling for the provincial and/or federal governments to remove all fish farms from the BC coast.

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## Fish Farms

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## Fish Farms

### Background:

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- *Through direct and spinoff jobs, the sector employs 5,000 jobs according to the BC Salmon Farmers Association.*
- Occupations of Marine Harvest fish farms at Swanson and Midsummer Islands in the Broughton Archipelago began in August after about 300,000 salmon escaped a fish farm net in the San Juan Islands.
- Hereditary Chief Willie Moon from Musgamagw Dzawda'enuxw and Hereditary Chief Ernest Alfred from Nagmis, Lawit'sis and Mamlilikala have been occupying the sites throughout and observing Marine Harvest Operations.
- David Suzuki has stayed overnight with the chiefs and has amplified their requests.
- On October 10, the Premier, as well as Ministers Popham, Fraser and Trevena visited Alert Bay to discuss and listen to feedback from First Nations about fish farms.
- On October 13, Marine Harvest began restocking operations at sites in the area of the occupations.
- On October 13, the Minister of Agriculture sent a letter to Marine Harvest requesting that they consider the potential negative impacts to their business if they restock farms with only eight months before they are up for renewal.
- 2016's Fraser River sockeye salmon run is reported to be the lowest, or among the lowest, ever.
- The original 2016 forecast of 2.3 million is much lower than the last 50 year average, of about 4 million. Returns thus far suggest only ½ of those forecast to return, are doing so. In contrast,
- To preserve stocks, the federal government has closed the Fraser River sockeye fishery to commercial and recreational fisheries. 40,000 sockeye have been allocated to First Nations for food, social and ceremonial purposes.

## Pacific NorthWest LNG Decision

**Issue:** On July 25 2017, PNWLNG announced their decision to cancel the Lelu Island LNG project near Prince Rupert. A number of First Nations in the region had signed benefit agreements with Petronas.

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## [Grizzly Hunt]

**Issue:** The opposition may argue government's decision to end the grizzly trophy hunt will hurt Indigenous guides and outfitters.

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## Fish Farms

**Issue:** As of September 1, 2017 two fish farms are being occupied by First Nations. The protestors say they won't leave until the government revokes the permits.

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## Main Message

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\*Laurie Throness bullet 41:

- Offer incentives for Indigenous youth on reserve to engage in urban communities while retaining their identity, thus enabling them to receive more education, enter the workforce and enjoy all the benefits of BC's economy.



## [First Nations and Kinder Morgan]

**Issue:** Several BC First Nations have signed agreements to receive benefits from the Kinder Morgan pipeline.

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## [Taseko New Prosperity Mine]

**Issue:** On July 14, 2017, the Ministry of Energy, Mines and Petroleum Resources granted permits to begin work on the New Prosperity project. The CEAA ordered the company to halt and has filed for an injunction and the Tsilhqot'in National Government has also launched a legal case.

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## [Taseko New Prosperity Mine]

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## [UNDRIP]

**Issue:** There is a mistaken perception that implementing UNDRIP means First Nations have a veto on land use decisions.

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## Indigenous Relations and Reconciliation

1. General Pivots
2. Main Message for Indigenous Relations and Reconciliation
3. Pacific NorthWest LNG Decision
4. Grizzly Bear Trophy Hunt – Indigenous Guides
5. Taseko New Prosperity Mine – Green Response
6. Taseko New Prosperity Mine – Liberal Response
7. UN Declaration on the Rights of Indigenous Peoples
8. Fish Farms
9. First Nations and Kinder Morgan

# Generic Pivots

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# Main Message for Indigenous Relations and Reconciliation

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\*Laurie Throness bullet 41:

- “Offer incentives for Indigenous youth on reserve to engage in urban communities while retaining their identity, thus enabling them to receive more education, enter the workforce and enjoy all the benefits of BC’s economy.”

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## Grizzly Bear Trophy Hunt – Indigenous Guides

**Issue:** The opposition may argue government's decision to end the grizzly trophy hunt will hurt Indigenous guides and outfitters.

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## Taseko New Prosperity Mine – Green Response

**Issue:** On July 14, 2017, the Ministry of Energy, Mines and Petroleum Resources granted permits to begin work on the New Prosperity project. The CEAA ordered the company to halt and has filed for an injunction and the Tsilhqot'in National Government has also launched a legal case.

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## Taseko New Prosperity Mine – Liberal Response

**Issue:** On July 14, 2017, the Ministry of Energy, Mines and Petroleum Resources granted permits to begin work on the New Prosperity project. The CEAA ordered the company to halt and has filed for an injunction and the Tsilhqot'in National Government has also launched a legal case.

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# UN Declaration on the Rights of Indigenous Peoples

**Issue:** There is a mistaken perception that implementing UNDRIP means First Nations have a veto on land use decisions.

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## Fish Farms

**Issue:** As of September 1, 2017 two fish farms are being occupied by First Nations. The protestors say they won't leave until the government revokes the permits.

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## First Nations and Kinder Morgan

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