

BRIEFING NOTE

Wet'suwet'en Bahtlahts

Witset Multiplex

Briefing Note

What:

Laksilyu Clan of the Wet'suwet'en will host a feast (Bahtlahts) on March 16, 2019 to signal commencement of a reconciliation process to advance a nation-to-nation relationship with the Province based on trust, mutual respect and recognition of rights and title.

Who:

Chief Hagwilnegh of Laksilyu Clan will host the Bahtlahts. Premier John Horgan, Minister Scott Fraser, Doug Caul, Murray Rankin and Wet'suwet'en Hereditary Chiefs, Office of Wet'suwet'en Staff, Wet'suwet'en house and clan members are invited.

Executive Summary:

The Office of the Wet'suwet'en view the March 16 Bahtlahts as marking the formal commencement of discussions between the Province of British Columbia and the Wet'suwet'en Hereditary Chiefs with the purpose of implementing Wet'suwet'en Title and traditional decision making. The Bahtlahts provides an opportunity to introduce BC's representative - Murray Rankin - and commence reconciliation discussions by formally recognizing the strength and honour of the hereditary chiefs and clan members through participation in the feast hall – the primary governance forum under the hereditary system.

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Wet'suwet'en Bahtlahts

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Background:

The Province and the Office of the Wet'suwet'en (OW) engaged in an intermediary process that led to the appointment of Murray Rankin as an independent lead negotiator for these discussions. Murray Rankin's scope is to implement Wet'suwet'en title, rights, laws and traditional governance throughout the Wet'suwet'en Yintah. The Province of BC provided the OW \$1,000,000 to support OW in reconciliation negotiations, unity efforts and capacity-building.

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The Province is committed to exploring ways to reduce or coordinate the consultation burden on OW as negotiations commence.

Recommendations:

- Review the attached Protocol Appendix which outlines what to expect during the Bahtlahts.

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March 5, 2019

Re: Implementation of Wet'suwet'en Title & Traditional Decision Making

Dear Invited Guest,

The Wet'suwet'en Hereditary Chiefs; cordially invite you to witness formal commencement of discussions between the Province of British Columbia and the Wet'suwet'en Hereditary Chiefs on March 16, 2019, doors open at 12:00 NOON. The purpose of the joint discussion, is the implementation of Wet'suwet'en Title and traditional decision making.

The Laksilyu clan will be hosting the Bahtlahts at Witset First Nations Multiplex at 205 Beaver Road, Witset BC, V0J 2N1.

Please find enclosed for your review, our Bahtlahts protocol. Should you require additional information regarding this event, please contact Judy Walton at 250-847-3630 or email judy.walton@wetsuweten.com

We are grateful for your support and participation.

Snay Kahl Ya!
Chief Hagwilnegh
Laksilyu Clan

Wet'suwet'en Balhats Etiquette

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Wet'suwet'en Balhats Protocol

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Reconciliation with Wet'suwet'en Nation - Recommendations Complete

- The Province has acted on the following recommendations from the intermediary report to foster trust and collaborative working dynamics:
- **Recommendation 1** - The Province appointed Murray Rankin as independent lead negotiator, having significant legal and policy expertise on Aboriginal title. Mr. Rankin has been instructed to work with the Office of the Wet'suwet'en to implement Wet'suwet'en title, rights, laws and traditional governance throughout the Wet'suwet'en Yintah.
- **Recommendation 2** - The Province of BC provided the Office of the Wet'suwet'en \$1,000,000 to support reconciliation negotiations, unity efforts and capacity-building.
- **Recommendation 7** – The Province will be attending a Bahtlaht at the commencement of this process on March 16th.

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BRIEFING NOTE FOR DECISION

DATE: 2019-03-21

PREPARED FOR: Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

ISSUE: Treaty First Nation flag raisings on legislative grounds

RECOMMENDED OPTION:

OPTION 1: s.13, s.16

BACKGROUND:

B.C.'s modern Treaty Nations celebrate their respective treaty Effective Date anniversaries each year. These celebrations often take place at the community-level. Last year, ministry staff became aware of other organizations celebrating treaty Nation anniversary dates, including the University of Northern British Columbia, which flew the Nisga'a Nation flag to recognize Nisga'a Nation's treaty anniversary.

Over the past four months, the Ministry has been working with B.C.'s modern Treaty Nations to organize flag raisings at the legislative grounds in recognition of the Treaty Effective Date anniversaries. Flag raisings are now planned to take place on the courtesy flag pole, which is used by the Province to welcome foreign delegations and recognize important annual dates and anniversaries (e.g., Pride flag, Metis flag, Commonwealth Day).

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DISCUSSION:

Ministry staff have been working with staff from GCPE and the Intergovernmental Relations team at the Premier's Office to implement flag raisings for B.C.'s modern treaty Nations, including Nisga'a Nation (May 11), Tsawwassen First Nation (April 3), Tla'amin Nation (April 5), and the five Maa-nulth First Nations (April 1).

At least two of the flag raisings will include a short ceremony. The Maa-nulth First Nations flag raising will include a song, a prayer, remarks from leadership that include local territory acknowledgement and recognition of the Sognhees Nation and Esquimalt First Nations Douglas Treaties. The Tsawwassen First Nation flag raising will recognize Tsawwassen's 10-year treaty anniversary, and will include a joint press release and remarks from leadership that include local territory acknowledgement and recognition of the Songhees Nation and Esquimalt First Nations Douglas Treaties.

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OPTIONS:

OPTION 1:

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Honourable Scott Fraser
Minister of Indigenous Relations and Reconciliation

Date



PREPARED BY:

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BULLETS

DATE: March 28, 2019

PREPARED FOR: Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

REGARDING: With Kitsumkalum

KEY MESSAGES:

- BC is signing two agreements with Kitsumkalum, a LNG Benefits Agreement dealing with facility related benefits and assurances and a Coastal Fund Benefits Agreement which deals with marine aspects of LNG development
- The LNG Benefits Agreement has a total value of \$20.35 million separated into a Land and Economic Development Fund, a Community Development Fund and a Legacy Fund. The Agreement also commits to the negotiation of a consultation agreement (\$500,000 or the total \$20.35 will fund this agreement but is not referenced in the LNG Benefits Agreement).
- The LNG Benefits Agreement addresses legal assurances from Kitsumkalum for the LNG Canada Project and 4 other LNG projects in the Douglas Channel Area
- Kitsumkalum intends to use the Land Fund to purchase a property (the Billabong property) to develop community infrastructure and pursue economic development opportunities.
- The LNG Coastal Fund includes \$500,000 annual base funding, and one-time payment of \$250,000 and incremental funding that is linked to the production capacity of relevant LNG Facilities.
- Based on the LNG Canada project, Kitsumkalum will receive an initial annual incremental payment of approximately \$46,000. Once the LNG Canada facility is shipping LNG, that amount will increase and be calculated on the basis is \$0.02/tonne. It is estimated that if the LNG Canada is in full production at 2 trains, Kitsumkalum will receive approximately \$250,000 - \$280,000 annually in addition to the \$500,000 base funding.
- The actual amount will vary with actual production and may be lower or higher if the project is expanded to include more trains.

PREPARED BY:

Robert Leece

BRIEFING NOTE FOR DECISION

DATE:

PREPARED FOR: Honourable George Heyman, Minister of Environment and Climate Change Strategy; and Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

ISSUE: Approval process for land selection in BC Parks and Protected Areas – Kitsumkalum and Kitselas pilot project.

BACKGROUND:

Following the direction of the Ministers of Indigenous Relations and Reconciliation (MIRR) and Environment and Climate Change Strategies (BC Parks), MIRR and BC parks staff have developed new draft policy to establish a process for seeking the ministers' direction for the selection of lands within BC Parks and Protected Areas in treaty negotiations with First Nations. Kitselas First Nation (Kitselas) and Kitsumkalum First Nation (Kitsumkalum) treaty negotiations were selected as a pilot project to demonstrate and test this policy. The draft policy is attached as Appendix 1. The policy will continue to be tested and refined as necessary.

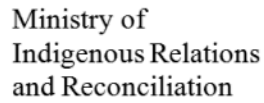
Kitselas and Kitsumkalum are both engaged in the final negotiation stage (Stage 5) of the BC Treaty Process. s.16

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DISCUSSION:

Consistent with the draft policy, and with the objective of meeting Kitselas and Kitsumkalum's interests in the identified PPAs while also respecting the values and integrity of the protected areas system, MIRR and BC Parks have undertaken an analysis of each park area and collaboratively identified options intended to mitigate the risk of any impacts to these values. Ecological, recreational and cultural values were assessed for each area through a desktop research exercise and using regional BC Parks staff knowledge. The experience of this pilot project will be used to further refine the draft policy for future negotiations.

Treaties recognize First Nations ownership of lands and their right to govern those lands through the law-making provisions set out in the treaty. The result empowers a treaty nation to make decisions about their lands through land use planning, zoning and law-making abilities. At the same time, provincial and federal laws apply on treaty lands, including the federal *Species at Risk Act*. Treaties also allow for general, non-commercial, recreational access to treaty lands by the public. The risk of impacts to protected area values can be mitigated by these principles that apply to all treaty lands, as well as through the negotiation of specific provisions in treaties to address the ongoing preservation and management of protected area values by the treaty First Nation through their jurisdiction over their lands. Is.13,s.16



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Honourable George Heyman
Minister

Date

Honourable Scott Fraser
Minister

Date



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Honourable George Heyman
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Date

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Minister

Date

Appendices:

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PREPARED BY:

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BRIEFING NOTE FOR INFORMATION

DATE: March 26, 2019

PREPARED FOR: Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation

ISSUE: Update on tripartite treaty policy co-development process

SUMMARY:

- **BC, Canada, and the First Nations Summit (FNS) are working to co-develop a policy framework, intended both to support the Province's development of its treaty transformation approach and inform the federal government's work to replace its comprehensive claims and inherent rights policies.**
- **The policy will enable a tripartite co-development approach for policies and mandates at both the federal and provincial levels**
- **The policy will include key statements on recognition of rights and title, including the right to self-determination, and commitments to explore the interaction of federal, provincial and First Nation laws, and incremental approaches to building agreements.**
- **If successful, the commitments in this tri-partite policy will be a key component of the Province's federal pre-election strategy with respect to reconciliation.**

BACKGROUND:

In response to Principals' direction, BC, Canada and the First Nations Summit (FNS) Chief Negotiators are co-developing a policy framework on self-determination, jurisdiction, and the implementation of title. The process will support the federal government's replacement of its comprehensive claims policy and inherent rights policy, and the Province in developing its treaty transformation approach.

The parties are developing a report on the draft policy framework for decision by the Principals at their next meeting. Principals' support for the draft policy framework is an essential step on the policy's path to federal and provincial Cabinet approvals. A Principals' meeting is being planned for late April or early May in order to meet approval timelines.

Senior officials are meeting at key points in the process to share perspectives and provide direction to their respective teams.

The policy co-development process is expected to continue through 2019 and into 2020 to further expand on the initial recommendations for the framework and further develop a comprehensive treaty transformation policy.

DISCUSSION:

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File Path: document1