



MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

Spring 2019 Estimates

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Table of Contents

Speaking Notes	3
QUESTIONS & ANSWERS	22
30. How many people work for MIRR and where are they located?	31
MIRR 2019/20 Budget.....	32
2019/20 – 2021/22 SERVICE PLAN	35
Service Plan Comparison Documnet	45
ADM Appointment	46
Accomplishments List.....	47
CCR Terms of Reference.....	52
Draft Principles that Guide the Province’s Relationship with Indigenous Peoples	55
UN Declaration Legislation	57
Free, Prior and Informed Consent.....	59
UNDRIP: Redress and Restitution.....	64
Commitment Document and work plan	67
Tony Penikett & First Nations Leadership Council.....	70
Treaty Transformation	73
First Nations Gaming Revenue Sharing.....	75
Questions & Answers.....	79
Gaming New Release.....	89
Tsilhqot’in: Xeni Gwet’in/ tourism operators.....	92
Tsilhqot’in Accord [General]	96
Tsilhqot’in Accord: Southern Dakelh Nation Alliance Opposition.....	99
Wet’suwet’en reconciliation	101
STATEMENT	106
Murray Rankin	108
Hereditary vs elected leaders	113
NStQ.....	117
Carrier Sekani “Pathways Forward 2.0” Agreement	119
LNG Canada.....	123
Final Investment Decision.....	123
Squamish First Nation – Woodfibre LNG and Eagle Mountain Pipeline Expansion.....	126

Coastal GasLink – Likhts'amisyu Camp	129
FPCC Briefing.....	136
FPCC Funding.....	155
First Peoples' Cultural Council.....	158
HR concerns	158
FPCC / FPCF Governance	161
Indigenous Languages Support.....	163
Treaties in B.C. - Status	166
Active Files and Status Updates.....	168
Treaty 8 negotiations:.....	187
TLE, TLA, G2G	187
Treaty 8: Treaty Land Entitlement: Charlie Lake &	190
Red Creek parcels	190
Forest Consultation and Revenue Sharing Agreements.....	195
First Nations Clean Energy Business Fund.....	197
Friendship Centres & employer health tax.....	208
Off-Reserve Aboriginal Action Plan.....	213
Industrial Work Camps/First Nations	223
Wildfire and Flood Recovery	233
Site C – First Nations	237
Caribou Engagement.....	244
Ongoing Litigation /Land & Title Claims.....	260
Blueberry River FN.....	260
Ahousaht	267
Sinixt, and cross-border rights	270
Treaty 8 boundary litigation.....	274
Tsawout First Nation.....	277
claim for James Island.....	277
Private Land and Aboriginal title claims	280
Shxw'ōwhámél title claim and Fraser River debris trap.....	282
Department of National Defense - Songhees	285
proposed treaty land	285

**Speaking Notes
for
Hon. Scott Fraser
Minister of Indigenous Relations and Reconciliation
Estimates 2019**

**BC Legislature
April 29, 2019
Time TBC**

MIRR key messages:

- **We continue to take action on our cross-government approach to reconciliation in Budget 2019.**
- **As part of Budget 2019, we are sharing provincial gaming revenues with First Nations in B.C. – to create a stable, long-term source of funding to invest in First Nation communities' priorities.**
- **Almost \$100 million in new annual funding will support First Nations' priorities for social services, education, infrastructure, cultural revitalization, economic development, self-government capacity and more.**
- **We are proud to put reconciliation into action by tangibly supporting First Nations self-government and self-determination.**
- **We are also making a difference in the lives of Indigenous people through continued investments in affordable housing, Indigenous language and culture, children and families, mental health and addictions, reducing poverty, and economic development.**

Other specific investments:

- **Aboriginal friendship centres play a key role in developing innovative approaches to complex social challenges facing urban Indigenous populations.**
- **Our government continued to provide an additional \$2 million this year in stable core funding to friendship centres so that they can continue their important work.**
- **Last year, we made a commitment to provide \$5 million over three years to support the staffing for our work on treaties and other agreements, environmental stewardship initiatives, and socio-economic development strategies.**
- **We're dedicating \$2.4 million more annually in Budget 2019 to fund new staff positions to support the important work we're doing.**
- **This is in addition to staff hired in natural resource ministries to support the work of First Nations participation and collaboration in environmental assessments, land use planning and land stewardship.**

Budget 2019 Response Speech

Introduction

- Before I begin, I want to acknowledge that here in the People's House, we are standing on the territory of the Lekwungen [La-kwung-en] people and the Songhees and Esquimalt Nations
- With me today are (TBC):
 - Doug Caul, Deputy Minister
 - Jessica Wood, Assistant Deputy Minister
 - Trish Balcaen, Assistant Deputy Minister
 - Laurel Nash, Assistant Deputy Minister
 - Wes Boyd, Assistant Deputy Minister
 - Suzanne Christensen, Assistant Deputy Minister
 - Tracey Herbert, CEO, First Peoples' Cultural Council

Provincial Budget Highlights

- I am very proud of what Budget 2019 will accomplish.

- In fact, some of the Indigenous leaders I spoke with in a meeting after the Finance Minister's speech yesterday said, it truly is "a people's budget."
- We are making different choices from the previous government – putting people, including Indigenous peoples, first.
- We're investing in the critical areas that make a difference for people: better health care, education and child care.
- Here are just a few of the highlights that will help make life better for families...
- A new B.C. Child Opportunity Benefit to ensure every child in this province has a chance to thrive.
- An Affordable Child Care Benefit.
- Increased support payments for family-based caregivers...
- People like grandparents and aunties, who look after children and keep them out of care, will finally get supports at the same level as foster parents.
- This is incredibly significant for Indigenous communities.

- We are eliminating MSP premiums.
- Eliminating interest on student loans.
- Making significant investment in education and infrastructure to support our children into the future.
- Greater security for renters.
- Better access to mental health care for children and youth
- Action on the overdose crisis and poverty reduction.
- A climate action plan for a cleaner, better future for all of us.
- So many incredible actions that will make life better for families, now and for future generations
- But the thing I'm most excited about...
- Truly a historic agreement – the most significant revenue-sharing agreement with First Nations in this province we have ever seen.
- One that creates stable, long-term funding that supports self-government and self-determination.
- I'll share more about that in a minute.

Cross government reconciliation

- I first want to say how very proud I am to be part of a government that has put reconciliation with Indigenous peoples at the heart of its policies and soon to be its laws.
- For too long, Indigenous peoples have been shut out of the economic and social opportunities that should be accessible to every British Columbian.
- For too long, the voices of Indigenous peoples were ignored.
- But we're changing that.
- Our government has embraced the United Nations Declaration on the Rights of Indigenous Peoples.
- We've embraced the TRC Calls to Action.
- And we have learned from recent, and growing, court decisions.
- Our approach is grounded in the recognition of title and rights.
- Because we acknowledge that First Nations have inherent rights – to self-determination and to self-government.

- We believe that recognition of these rights is at the core of reconciliation and a matter of great importance to all British Columbians.

Reflect on 2018 progress

- I want to take a moment to talk about what we accomplished in 2018.
- Because to see where we're going this year, it's helpful to see how far we've come.
- It's been a rewarding year.
- Travelling the province, being welcomed into communities large and small.
- Listening to the hopes and aspirations, issues and challenges that Indigenous peoples face every day...
- On and off-reserve, in urban communities and in rural communities.
- I hold up my hands to everyone who welcomed me into their homes, their offices and their Big Houses.
- Who are excited about the prospect of real and tangible change.

[PAUSE]

- Looking back to my original mandate letter, there were 5 key priorities.
- We've completed or made substantial progress on them all.
- **Mandate Priority 1** - To work collaboratively and respectfully with Indigenous people to establish a clear cross-government vision of reconciliation to guide the adoption of the UN Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's Calls to Action and the Tsilhqot'in decision.
- This is a huge undertaking, **but we're making great progress.**
- In the Throne Speech and again in the Budget, we shared our commitment to introducing legislation to implement the UN Declaration.
- We will be the first province in Canada to do this.
- This legislation is being co-developed with the First Nations Leadership Council.
- We will do that before the end of the year.
- On the TRC Calls to action...

- There are 94 of them – and they encompass every area of life for Indigenous peoples.
- We're making tangible progress to address all these areas.
- Here are just a few examples...
- We invested over \$550 million over 10 years in social housing for Indigenous peoples – over 1,700 units on and off-reserve.
- In November our government announced the first set of these homes through the Building BC: Indigenous Housing Fund...
- They include nearly 780 off-reserve homes and close to 370 homes on-reserve.
- That makes B.C. the first province in Canada to invest provincial housing funds into on-reserve housing.
- We're also helping Indigenous peoples to expand employment opportunities through the Indigenous skills training program.
- To date, more than 5,900 Indigenous peoples have accessed training through the program, including training in construction trades, driving,

IT, environmental monitoring and early childhood education.

- On children and family services – we know the best place for children is in the home, connected to their community and their culture.
- That's why we're working with communities and organizations like the Wet'suwet'en, the Secwepemc and the Métis Nation BC to make that happen.
- We've made terrific progress on the environmental assessment process.
- Partnering with First Nations on new environmental assessment legislation that gives them a meaningful say in projects happening in their territories...
- And brings certainty and predictability to the land base for everyone's benefit.
- Because by involving First Nations from the beginning...
- And bringing their governments into decision-making early...
- Issues can be identified, and worked through from the start.

- So that good projects get approved faster.
- And in education, Indigenous content and perspectives are being built into all grades and all subjects – from math to science to literature.

[Pause]

- This is what I mean by a cross-government vision of reconciliation... one that is being built not for, but WITH Indigenous peoples.
- In fact, this work is so important that we've formed a cabinet committee to help keep us on track with our cross-government goals for reconciliation.
- It is helping us to move away from the siloed approach that has existed for so long...
- Showing all the linkages and interdependencies that can affect current and future policy and programs.
- The work of the Ministry of Social Development and Poverty Reduction affects the work of the Ministry of Children and Family Development.
- The work of the Ministry of Housing affects the work of the Attorney General.

- We need to be mindful of how all of our work across government interconnects.
- And I want to thank my colleagues and Indigenous partners who are working so hard to make our cross-government vision a reality.

[Pause]

- **Mandate Priority 2** - To work in partnership with First Nations to transform the treaty process so that it respects case law and the UN Declaration.
- **We have started making progress on this too.**
- We are beginning to transform how we approach treaties – in partnership with the First Nations Summit, and the federal government.
- To find new and innovative approaches to modern treaty negotiations...
- To ensure treaties reflect case law and the UN Declaration ...
- And to give negotiating tables the flexibility to support government-to-government relationships that will evolve over time.

- We've done that with agreements like the recently signed tripartite treaty MOU with SXTA in the Fraser Valley.
- And the NStQ government-to-government commitment to reconciliation and Agreement-in-Principle.
- We are also doing that with other agreements...
- Like the shíshálh Nation Foundation Agreement – the first major reconciliation agreement between our government and a First Nation.
- There will be many more to come.
- To support this, last year we committed \$5 million over three years to continue our work on treaties and other agreements, environmental stewardship initiatives, and socio-economic development.
- And we're dedicating \$2.4 million more annually in Budget 2019 to fund new staff positions to support the important work we're doing.

[PAUSE]

- **Mandate Priority 3** - To support Indigenous communities seeking to revitalize connections to their languages.
- Last year we allocated \$50 million to the First Peoples' Cultural Council to help revitalize Indigenous languages in British Columbia and address the current language crisis.
- Crisis is a strong word, but an appropriate one when you consider that less than 6,000 people speak one of the 34 Indigenous languages in this province.
- Already that \$50 million is making a difference on the ground...
- Helping the First Peoples' Cultural Council offer more language revitalization supports to communities.
- For example, the number of language grants is up 178 percent – from 60 the previous year, to 167 this past year.
- And 475 people received training to support their language revitalization efforts in communities this year, up from 125 the year before.

- The council is also launching new programs – like ‘Reclaiming My Language: A Course for Silent Speakers’, which is designed for people who know but don’t speak their language.
- That’s really exciting.
- The United Nations have proclaimed 2019 as the Year of Indigenous Languages.
- Not only is language an Indigenous right under the UN Declaration, teaching language strengthens the cultural and social health of a community.
- It connects children to their heritage, community values and the lands they come from.

[PAUSE]

- **Mandate Priority 4** - To provide reliable, dedicated funding and support for friendship centres.
- Last year we more than tripled the funding for friendship centres – with an additional \$6.45 million over 3 years through the BC Association of Aboriginal Friendship Centres.

- Approximately 80 percent of Indigenous peoples in B.C. live off-reserve and in urban locations.
- For more than 60 years, Friendship Centres have offered quality services that support the physical, emotional and spiritual well-being of Indigenous peoples.
- We recognize how vital these are, and in the last year we've made sure they have stable core funding that continues to support their work.
- That stability is so important for their base of operations.

[PAUSE]

- **Mandate Priority 5** - To work with the Minister of Finance to negotiate with First Nations leadership and communities on expanded opportunities for their share of B.C. gaming revenue.
- **In Budget 2019 we've made the single largest agreement with First Nations in B.C. history to share revenue from gaming activities.**
- Sharing a stable, long-term source of funding so that First Nations can invest in their communities' priorities.

- This commitment amounts to approximately \$3 billion in shared provincial revenue over the next 25 years to support First Nations...
- Including an estimated \$300 million over the next three years.
- That can help with potentially hundreds of new community projects and programs...
- And significant economic development...
- All of which benefits First Nations communities and beyond, bringing more prosperity to every part of the province.
- And importantly, this revenue-sharing agreement will mean First Nations can plan for the long-term...
- Investing in the services they decide their communities need to thrive and prosper.
- Like every government, First Nations need stable, predictable sources of revenue to fund their priorities...
- Critical things for every government, such as infrastructure, services that build healthy communities and the staff to get it done.

- It could be child care, supports for new parents, housing, road upgrades or economic development.
- The previous government refused to come to the table on revenue sharing.
- We are proud to put reconciliation into action by tangibly supporting First Nations self-government and self-determination.
- It's part of our commitment to a new fiscal relationship with First Nations in British Columbia.

Conclusion

- I look at my mandate letter, and I can say quite honestly that, while there's still a lot of work to do – we're making progress.
- That we've moved forward in the last year.
- With the investments we're now making in Budget 2019, I know that I'll be able to stand here next year and say again – we're moving forward.
- Because on this journey towards reconciliation, we can't go backwards.
- There is only forward.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

- We are taking this journey in partnership with Indigenous peoples in British Columbia.
- We don't walk ahead. We walk beside.
- We don't impose. We ask.
- We listen, and we learn.
- Because in everything from revenue-sharing to economic development, Indigenous peoples must be full participants in decisions that affect their rights, and lands.
- And Indigenous peoples must share in the prosperity of this province.
- That is why I'm proud of the work we have done since we took office.
- It's a journey we'll continue to take – together with Indigenous peoples.
- Thank you.

-END-

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Confidential Advice for Minister
MIRR Communications Page 1 Confidential

QUESTIONS & ANSWERS

MIRR budget 2019/2020

February 2019

Table of Contents

1. What does Budget 2019 provide for Indigenous People?.....	3
2. Does the budget increase revenue-sharing with First Nations?	3
3. Has government addressed how the employer health tax will affect Aboriginal Friendship Centres?	3
4. Was increased funding for Aboriginal Friendship Centres announced last year permanent annual funding?	4
5. Is language revitalization part of Budget 2019?	5
6. How does this budget support transforming treaty?.....	5
7. First Nations have criticized the ministry has being under-staffed and under- resourced. Does this budget address that?	5
8. MIRR's budget increased by \$8.265 million or nearly 8% (compared to 2018/19)? What is it being spent on?.....	6
9. How does this budget support reconciliation and implementing and adopting UNDRIP, Truth and Reconciliation Commission's calls-to-action?	6
10. What progress has B.C. made on implementing the UN Declaration?.....	7
11. Does MIRR budget still commit funding for First Nations related to LNG? Are you still negotiating LNG agreements with First Nations?	7
12. Why has the Standing Offer Program (SOP) for First Nations been cancelled?	8
13. Has the ministry restored funding to the First Citizens Fund seen three years ago?	8
14. How much is being provided to the BC Association of Aboriginal Friendship Centers?.....	8
15. Why has Ministry of Advanced Education and Skills Training taken over the Indigenous Skills Training Development Fund?	9
16. How much has government spent on LNG agreements with First Nations? – updated	9
17. Why is the ministry increasing funding to the First Nations Clean Energy Business Fund?...	9

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

18. Is the BC Hydro's Standing Offer program still an option for First Nations?..... 9
19. How many other organizations does MIRR directly contribute funds to, and how much will be provided in 2019/2020..... 10
20. How much of the budget is being spent on the treaty process?..... 10

Confidential Advice for Minister

MIRR Communications Page 2 Confidential

21. Has the budget been increased for the Forest Consultation and Revenue Sharing Agreements (FCRSA) 10
22. What was the BC Treaty Commission budget last year? This year? 10
23. Is any funding received from the Federal government and if so, what for? 11
24. Were there any audits of MIRR programs? 11
25. How much was spent on Travel in the Ministry? How does this compare to last year?..... 11
26. How much was spent on travel by the Minister? How does this compare to last year? 11
27. How much did the Ministry receive to cover negotiated increases for included staff resulting from existing agreements? 11
28. Was any additional budget received for increases for Excluded staff?..... 11
29. How much was received to fund new positions in the ministry?..... 11
30. How many people work for MIRR and where are they located?..... 12
31. How many FTEs are there in MIRR and how does this compare to past years?..... 12
32. How many people work in each Division?..... 12
33. What is the proportion of Union to Non-Union staff?..... 12
34. How many "administrative" staff are employed in the Ministry?..... 13
35. How many vacant positions are there? 13
36. Have any programs been transferred to other Ministries? 13
37. What is the Minister's compensation?..... 13

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

38. How many staff are employed in the Minister's Office and what is the total salary budget? What are the salaries per position? Are there raises in 19/20 and if yes, how much? 13

39. The Ministry has a capital budget this year. What is that for?..... 14

40. What is the ministry's budget for contracts for the coming year? How does this compare to last year?..... 14

41. Contracts – Direct Awards..... 14

1. What does Budget 2019 provide for Indigenous People?

- Budget 2019/2020 makes significant new investments across government to address serious and pressing issues facing Indigenous people, as well as taking steps toward long-term transformation of B.C.'s relationship with First Nations, Metis and Inuit.
- We're making a difference in the lives of Indigenous people through investments in affordable housing, Indigenous language and culture, child care, mental health and addiction, poverty reduction, and economic development.
- A new gaming revenue-sharing agreement between B.C. and First Nations will support self-government and self-determination, strong, healthy communities and services that make life better for families.
- Reconciliation is a cross-government priority, and significant investments made in Budget 2017 Update and Budget 2018 continue this year to support a wide range of Indigenous priorities, including:
 - \$550 million over 10-years into the construction of 1,750 units of social housing for Indigenous people in B.C. That is a \$158 million investment within the first three years;
 - \$50 million for language revitalization over three years
 - \$30 million over three years to continue the Indigenous skills training program, which will be delivered through the Ministry of Advanced Education; and
 - \$20 million over three years to support First Nations communities and Indigenous peoples to address the overdose crisis.

2. Does the budget increase revenue-sharing with First Nations?

- Almost \$100 million in new annual funding through gaming revenue sharing will support First Nations' priorities for social services, education, infrastructure, cultural revitalization and self-government capacity.
- Two years worth of gaming revenues totaling \$197 million are being provided in the first year (fiscal 2019/2020) of the agreement.
- This revenue from a portion of gaming revenues will mean the potential for hundreds of new community projects and programs and significant economic development that benefit people in First Nations communities and beyond, bringing more prosperity to every part of the province.

3. Has government addressed how the employer health tax will affect Aboriginal Friendship Centres?

- Aboriginal Friendship Centres are key partners in supporting urban Indigenous people who face complex social challenges.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- In Budget 2018, our government more than tripled the financial support for friendship centres, with an additional \$2.15M annually through the B.C. Association of Aboriginal Friendship Centres.
- Our government is proud to be meeting our promise to fully eliminate MSP premiums, saving families up to \$1,800 per year.
- We recognize the important work charities and non-profits do in our communities. That's why we took the time to meet with this sector before finalizing the details of how the employer health tax will apply to charities and non-profits.
- Following best practices of other provinces, non-profits have a payroll threshold of \$1.5 million that can be applied to each location.
- This means that most Friendship Centres in B.C. will not pay EHT and those that do will only pay on a portion of their payroll.

4. Was increased funding for Aboriginal Friendship Centres announced last year permanent annual funding?

- Approximately 80% of Indigenous people in B.C. live off-reserve and in urban locations.
- Friendship Centres provide quality services which provide for the physical, emotional and spiritual well-being of Indigenous peoples. They are key partners in developing innovative approaches to complex social challenges facing urban Indigenous populations.
- Last year, we more than tripled financial support for Aboriginal Friendship Centres in partnership with the BC Association of Aboriginal Friendship Centres, with an additional \$6 million.
- Most importantly, our government provided stable core funding for Friendship Centres.
- Friendship Centres provide critical services and training for Indigenous peoples across B.C. who live away from home.
- Through original and new sources of funding, each of the 25 Aboriginal Friendship Centres will receive an increase in core funding with the allocations determined through discussions with the BC Association of Aboriginal Friendship Centres.

5. Is language revitalization part of Budget 2019?

- Indigenous languages are in a state of emergency -- less than 6,000 people speak one of the 34 Indigenous languages in British Columbia.
- The \$50 million to support the revitalization of Indigenous languages announced last year was a grant in 2017/18 to provide three years of funding to address the current crisis of languages that may disappear forever.
- In its first year, the new funding has helped FPCC expand community grants, language planning and learning, documentation and community outreach.
- It has also helped FPCC to substantially increase their capacity to expand programs that link fluent speakers with learners and work on developing new programming.
- Not only is language an Indigenous right under the UN Declaration, teaching language strengthens the cultural and social health of a community, and connects children to their heritage, community values and the lands they come from.

6. How does this budget support transforming treaty?

- We are continuing with our commitment from last year to provide \$5 million over three years to continue our work on treaties and other agreements, environmental stewardship initiatives, and socio-economic development.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- The Province is committed to transforming how we approach treaties, in partnership with the First Nations Summit and the federal government.
- We want to ensure treaties reflect case law and the United Nations Declaration ... and give tables the flexibility to support government-to-government relationships that will evolve over time.

7. First Nations have criticized the ministry has being under-staffed and under-resourced. Does this budget address that?

- Last year, we made a commitment to provide \$5 million over three years to support the staffing for our work on treaties and other agreements, environmental stewardship initiatives, and socio-economic development strategies.
- Reconciliation is a cross-government priority, and we've made investments and increased support on a wide range of pressing issues for Indigenous people and communities.
- The Ministry of Indigenous Relations and Reconciliation is dedicating \$2.4 million more annually in Budget 2019 to fund new staff positions to support negotiations and the implementation of the UN Declaration on the Rights of Indigenous Peoples.

8. MIRR's budget increased by \$8.265 million or nearly 8% (compared to 2018/19)? What is it being spent on?

- The ministry's budget supports our commitment to transform how we work with First Nations, Indigenous partners, and all Indigenous peoples.
- This includes working collaboratively and respectfully with Indigenous people to implement the UN Declaration, the Truth and Reconciliation Commission's Calls to Action, and the Tsilhqot'in Supreme Court decision.
- MIRR's budget was increased this year to support this work through:
 - \$2.4 million for additional staff resources to support land use planning and negotiation work and to support implementation of UNDRIP;
 - \$1.1 million for the amortization and maintenance for our First Nations Consultation Information System
 - \$205.7 million increase for agreements with First Nations (\$300,000 for treaty payments, \$2.2 million for non-treaty payments and \$203.2 million for revenue sharing, including \$196.8 million gaming revenue). ■ *If asked why the increase to the Treaty and other Agreements vote is only \$3.3 million, not \$205.7 million... \$202.4 million in additional revenues are coming in to the ministry from gaming activities, forestry and other resource activities, which offset the \$205.7 increase in transfer payments.*
- \$100,000 increase to the First Citizens Fund
- \$600,000 increase to the First Nations Clean Energy Business Fund
- In addition, the ministry has received \$800,000 for negotiated wage increases and other adjustments

9. How does this budget support reconciliation and implementing and adopting UNDRIP, Truth and Reconciliation Commission's calls-to-action?

- Our commitment to build true and lasting vision of reconciliation vision is anchored by a cross-government commitment to adopt and implement the UN Declaration on the Rights of Indigenous

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Peoples, the Truth and Reconciliation Commission's calls to action, and the Supreme Court of Canada Tsilhqot'in decision.

- Budget 2019/20 makes significant new investments across government to address serious and pressing issues, as well as taking steps toward long-term transformation of B.C.'s relationship with Indigenous peoples.
- We're making a difference in the lives of Indigenous people through investments in affordable housing, Indigenous language and culture, child care, mental health and addiction, poverty reduction, and economic development, all of which uphold the principles of the UN Declaration and the calls-to-action.

10. What progress has B.C. made on implementing the UN Declaration?

- We have made reconciliation with Indigenous peoples a cross-government priority.
- We are working in close collaboration with Indigenous peoples on revitalizing environmental assessment, improving child welfare legislation, bringing Indigenous learning into our classrooms, incorporating traditional knowledge into resource decision-making and revitalizing languages.
- This is just the beginning; reconciliation is a continuous and ongoing commitment to engage as partners in ways that respect the right of Indigenous peoples to determine their own future.
- We are working together in partnership with Indigenous peoples to address important issues like affordable housing on- and off-reserve, emergency and wildfire management, community-based solutions to support children and families, and waiving tuition for young people who have been in government care.
- We have just concluded an agreement to share provincial gaming revenue.
- We have been in active discussion with the First Nations Leadership Council on co-developing legislation that establishes the United Nations Declaration on the Rights of Indigenous Peoples as the foundation for the province's work on reconciliation.
- We know that Indigenous communities have been waiting a long time for this and we will introduce legislation later this year.

11. Does MIRR budget still commit funding for First Nations related to LNG? Are you still negotiating LNG agreements with First Nations?

- The Province continues to work with First Nations and proponents to ensure local First Nations communities are partners in any proposals and continue to benefit from resource development opportunities.
- The Province has agreements with First Nations associated with LNG and our government has been clear that First Nations communities must benefit from LNG projects.
- While there is no guarantee that a specific pipeline or facility will be built, we will maintain all of our commitments to First Nations communities with signed agreements.

12. Why has the Standing Offer Program (SOP) for First Nations been cancelled?

- We understand that many Indigenous communities, in most cases with private power producers as partners, have been exploring or seeking energy procurement opportunities under the SOP.
- However, because of the electricity surplus we inherited, and our commitment to keep BC Hydro's rates affordable, BC Hydro will be indefinitely suspending the Standing Offer Program.
- The Province remains committed to reconciliation with Indigenous peoples of British Columbia. The Ministry of Energy, Mines and Petroleum Resources will be engaging with First Nations to

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

discuss the extent to which the indefinite suspension of the Standing Offer Program may affect the economic interests of individual Indigenous Nations.

- Our government is committed to advancing other approaches to accomplish economic reconciliation, while maintaining affordable rates for BC Hydro's customers.
- The Province will be immediately reaching out to Indigenous communities to begin this discussion. Indigenous Nations interested in participating in this engagement process are urged to contact the Province through the SOP Engagement website (www.engage.gov.bc.ca/SOPengagement)
- Two emerging opportunities for this conversation include clean energy sector opportunities emerging under the CleanBC plan, and the development of an Indigenous Clean Energy Program (ICEP) as a Site C legacy initiative.

13. Has the ministry restored funding to the First Citizens Fund seen three years ago?

- The First Citizens Fund is a special fund within government's Consolidated Revenue Fund and the monies do not come from the ministry budget.
- As fund revenue is interest-driven, recent low interest rates have affected revenue that supports programs.
- The fund has shown improved returns and will provide approximately \$2 million to support programs in 2019/20.
- This funding supports Indigenous small business development, First Nations language preservation, bursaries for Indigenous post-secondary students, and assistance for elders to attend their annual gathering.

14. How much is being provided to the BC Association of Aboriginal Friendship Centers?

- \$2.150M is being provided annually to the BC Association of Aboriginal Friendship Centers

15. Why has Ministry of Advanced Education and Skills Training taken over the Indigenous Skills Training Development Fund?

- Support for skills training that meets the needs of Indigenous people in B.C. is a priority for our government.
- Moving the Indigenous Skills Training Development fund from the Ministry of Indigenous Relations and Reconciliation to Advanced Education, Skills and Training is breaking down the silos.
- We will be investing in giving Indigenous people access to skills training programs so they can participate and thrive in a strong economy.

16. How much has government spent on LNG agreements with First Nations? – updated

- First Nations have received \$249.6M in benefits related to LNG related agreements, including \$30M dedicated to skills training and \$9M dedicated to Tsimshian skills training.
- This includes \$14.3M to date to support the Environmental Stewardship Initiative.

17. Why is the ministry increasing funding to the First Nations Clean Energy Business Fund?

- The Province is increasing funding for First Nations clean-energy projects for the 2019/20 fiscal year.
- Revenues returned to the fund through land and water rents associated with power projects has increased as projects have come on line.
- This has resulted in a \$0.625M increase to the spending plan for the 2019/20 fiscal year,

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- The total annual outflows include additional funding that has been dedicated to helping remote First Nations communities reduce reliance on diesel-powered generators. This is the final year where the additional 5% has been approved for the initiative. In 2020/21 fiscal year the revenues into the fund will be reduced from 55% to 50%.

18. Is the BC Hydro's Standing Offer program still an option for First Nations?

- On February 14, 2019, the Province announced, among other things, that the SOP will be indefinitely suspended as an outcome of the comprehensive review of BC Hydro (BCH).
- The Province is aware that this decision may have impacts for the economic interests of a significant number Indigenous nations (INs).
- As a result, the Province will also commit, as part of the announcement, to engage with INs across the province to discuss what, if any, impacts the decision creates, and to explore options to mitigate these impacts, where they might exist.
- The Province is seeking to advance its commitment to reconciliation by actively working with INs to address the impacts of this decision to the greatest extent possible.
- Outcomes of the SOP engagement process would also inform engagement with INs related to CleanBC and other initiatives, such as Phase 2 of the BC Hydro Review. This would also support the Province's climate action objectives, and could help reduce potential engagement fatigue for Indigenous nations/organizations.
- The indefinite suspension of the SOP will not impact the BC's First Nations Clean Energy Business Fund (Fund). This Fund will continue to share revenues, from clean energy projects eligible for revenue sharing with INs, and continue to provide capacity and equity funding to support alternate economic development opportunities in the clean energy sector that are not dependent on the SOP.
- The Engage website link: www.engage.gov.bc.ca/SOPengagement

19. How many other organizations does MIRR directly contribute funds to, and how much will be provided in 2019/2020

- The ministry provides funding for several organizations.
- The exact amounts are available in public accounts, released in June each year.

20. How much of the budget is being spent on the treaty process?

- MIRR has budgeted approximately \$13.4million for negotiations related to treaty, reconciliation and economic agreements.
- MIRR has budgeted \$49.7 million through the Treaties and Other Agreements Funding vote to fund existing agreements, including both treaty and non-treaty related agreements.
- B.C. and Canada split the cost of treaties 50:50, where Canada provides all or the majority of the cash, and British Columbia provides all or the majority of the land.
- To date this has allowed for the tabling of offers at 28 negotiating tables (includes Nisga'a) worth \$3.51 billion (2019\$) in cost sharing value.

21. Has the budget been increased for the Forest Consultation and Revenue Sharing Agreements (FCRSA)

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- MIRR's budget of \$44.4M was increased by \$1.6M in 2019/2020 to \$46.0M with an off-setting revenue recovery to vote of \$33.5M for the activity-based component

22. What was the BC Treaty Commission budget last year? This year?

- The BC Treaty Commission budget in Fiscal 18/19 was \$4.019M and will be \$4.019M in Fiscal 19/20.

23. Is any funding received from the Federal government and if so, what for?

- Yes, the Ministry will receive approximately \$184,000 in 2019/2020 under the Canada - British Columbia Information Sharing Protocol Agreement (pre treaty lands analysis)

24. Were there any audits of MIRR programs?

- There were no OCG or OAG MIRR specific audits.

25. How much was spent on Travel in the Ministry? How does this compare to last year?

- The ministry spent \$1.437 million in Fiscal 18/19.
- To February 28, 2019, the ministry spent \$1.378 million on travel and the annual budget is \$1.634M million.

26. How much was spent on travel by the Minister? How does this compare to last year?

- The Minister's Office travel budget is \$85,000 and was the same last year.
- My travel costs from April to January 31, 2019 are: \$14,375.94.
- My travel cost from April to March 31, 2018 were \$23,521

27. How much did the Ministry receive to cover negotiated increases for included staff resulting from existing agreements?

- Budget 2019 provides \$0.089M starting in 2019/20 for negotiated wage increases under the Economic Stability Mandate.
- Budget 2019 provides \$0.254M starting in 2019/20 for negotiated wage increases under the Sustainable Services Mandate.

28. Was any additional budget received for increases for Excluded staff?

- Budget 2019 does not include any budget increases for excluded staff.

29. How much was received to fund new positions in the ministry?

- \$1.983M increase for staff resources to support implementation, land use planning and negotiation work, support for the implementation of UNDRIP and the maintenance

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Confidential Advice for Minister

MIRR Communications Page 12 Confidential

expenses for the Transforming First nation Consultation Information (TFNCI) system.

30. How many people work for MIRR and where are they located?

- As of January 31, 2019 MIRR had 243 staff in 11 locations around the Province.

- Locations include:

Cranbrook 2 (0.8%)	Prince George 5 (2.1%)
Fort Nelson 1 (0.4%)	Smithers 10 (4.1%)
Fort St. John 6 (2.5%)	Surrey 2 (0.8%)
Kamloops 12 (4.9%)	Vanderhoof 1 (0.4%)
Mackenzie 1 (0.4%)	Victoria 185 (76.1%)
Nanaimo 16 (6.6%)	Williams Lake 2 (0.8%)

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	MIRR 2019/20 Budget
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RECOMMENDED RESPONSE:

- We are making significant investments in reconciliation, and this budget shows a true cross-government approach to reconciliation.
- A new revenue-sharing agreement between B.C. and First Nations will support self-government and self-determination, strong, healthy communities and services that make life better for families.
- Almost \$100 million in new annual funding will support First Nations' priorities for social services, education, infrastructure, cultural revitalization, economic development and self-government capacity.
- This investment is another example of our commitment to work together to support self-government and self-determination, close economic and social gaps, and ensure Indigenous people are full partners in B.C.'s economy.
- We're making a difference in the lives of Indigenous people through continued investments in affordable housing, Indigenous language and culture, child care, children and families, mental health and addictions, reducing poverty, and economic development.

Other investments:

- Friendship Centres are key partners in building innovative approaches to supporting Indigenous peoples living in urban areas, who can face complex social challenges.
- Our government continues to provide \$2 million a year in stable core funding to friendship centres so they can focus on their important work.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

- **The Ministry is also adding \$2.4 million annually to fund new staff positions to support negotiations and the implementation of the UN Declaration.**
- **This funding is in addition to more staff added into natural resource ministries to focus on increasing First Nations participation in economic growth, environmental assessments, land use planning and land stewardship.**
- **We look forward to bringing in legislation later this year to implement the UN Declaration on the Rights of Indigenous Peoples.**
- **Reconciliation is a cross-government priority, and significant additional investments continue this year to support a wide range of Indigenous priorities, including:**
 - **\$550 million over 10-years into the construction of 1,750 units of social housing for Indigenous people in B.C. That is a \$158 million investment within the first three years;**
 - **\$50 million for language revitalization over three years**
 - **\$30 million over three years to continue the Indigenous skills training program, which will be delivered through the Ministry of Advanced Education; and**
 - **\$20 million over three years to support First Nations communities and Indigenous peoples to address the overdose crisis.**

KEY FACTS:

- **The Ministry of Indigenous Relations and Reconciliation's (MIRR) 2019/20 budget is \$107.781M. This is a \$8.265M or 8.3% increase from the previous year.**
- **The budget includes the launch of gaming revenue sharing through a 25-year agreement between the Province and the First Nations Gaming Commission. The agreement will provide roughly \$100 million per year to First Nations.**
- **Two years' worth of gaming revenues are being provided in year one (2019) of the 25-year agreement. No payment will be made in 2020 and regular annual payments will start in 2021.**
- **Under this plan, \$196.84 million will be distributed to First Nations in 2019/2020; \$0 in 2020/21 and an estimated \$100 million in 2021/22.**

Ministry Operations budget is \$48.16M, a net gain of \$4.24M (9.7%), which includes:

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- \$2.120M increase to hire new staff to support negotiations and implementing UNDRIP;
- \$239,000 for increased support for land use planning for Sechelt and Blueberry River First Nations;
- \$224,000 increase to support environmental stewardship initiatives across the province;

Treaty and other Agreements budget is \$49.72M, a net increase of \$3.29M (7.1%):

- \$311.6 million is projected to be shared with First Nations through treaty and non-treaty agreements; broken down:
 - \$196.84 million in gaming revenue sharing (two fiscal years' worth)
 - \$54.7 million projected revenue sharing (forestry, mineral, resort; oil & gas);
 - \$27.2 million non-treaty agreements (e.g. reconciliation; strategic engagement agreements);
 - \$29.2 million in economic development agreement;
 - \$3.7 million in treaty related agreements.
 - Of the \$311.6 million, \$261.9 million is projected to be recovered from gaming revenue, taxation, stumpage, royalties and rents, and provided to First Nations through revenue sharing. Recovered funds subtracted from \$311.6 million gives the \$49.72M budget for Treaties & other Agreements.
 - There is only listed a net increase of \$3.3 million, despite the increase of \$196.84 million in new funding for Nations from gaming, because the new gaming funding going out is entirely offset from the gaming revenues coming into government.
- **The First Nations Clean Energy Business Fund** saw an increase of \$625,000 to \$7.89M due to increases in forecasts in revenue from land and water rents associated with run-of-river and other clean energy projects.
 - The clean energy fund is collecting revenues primarily through five run-of-river independent power projects: Long Lake (online 2013); Forrest Kerr (2014); McLymont Creek (2015); Tretheway Creek (2015); Jimmie Creek (2016).
 - The Province is also contributing 55% (up from 50%) of land and water rents associated with clean energy projects to the fund from 2017/18 to 2019/2020. This increase provides \$700,000 per year (\$2.1M total) dedicated to fund projects that transition First Nation communities off diesel generators.
 - **The First Citizens Fund (FCF)** increase of \$100,000 due to increasing investment fund revenues. The fund is providing \$2M for 2019/20.
 - FCF funding is still well below levels from 2014/15 (\$3.03M) and 2015/16 (\$2.83M), which were augmented by drawing down an accumulated surplus. That surplus was expended after 2015/16.
 - FCF-supported organizations and programs include: First Peoples Cultural Council; Aboriginal Business Loan Program; Aboriginal Business Advisory Centres; BC Association of Friendship Centres administration; Student Bursary Program; Elders Transportation Program.

Communications contact: Cale Cowan

Program area contact: Ranbir Parmar/Michelle Roland

Ministry of Indigenous Relations and Reconciliation

2019/20 – 2021/22
SERVICE PLAN

February 2019



MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Minister Accountability Statement

The *Ministry of Indigenous Relations and Reconciliation 2019/20 - 2021/22 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared.



A handwritten signature in black ink, appearing to be 'S. Fraser'.

Honourable Scott Fraser
Minister of Indigenous Relations and Reconciliation
February 1, 2019

Purpose of the Ministry

The Ministry of Indigenous Relations and Reconciliation (the Ministry) guides and calibrates the Province of British Columbia's efforts to achieve true and lasting reconciliation with Indigenous peoples¹ through the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the Truth and Reconciliation Commission (TRC) of Canada: Calls to Action, and the Tsilhqot'in Supreme Court Decision.

The B.C. Government has promised to achieve its reconciliation commitments in a transformative and collaborative manner. Strengthening relationships with Indigenous communities and leveraging Indigenous knowledge and perspectives will improve social and economic outcomes for Indigenous peoples and all British Columbians.

The Ministry works towards reconciliation with Indigenous peoples in B.C. by collaboratively developing related policy and practices, and negotiating and implementing agreements, partnerships, and treaties. The Ministry is making substantive improvements on its approach to this work by focusing on building lasting relationships with Indigenous peoples rather than taking a transactional approach; working toward flexible agreements that can evolve over time; and developing collaborative approaches to policy making. These improvements increase collaboration on decision-making and promote better engagement with Indigenous communities, treaty partners and federal and municipal governments.

The B.C. government's promise to achieve its reconciliation commitments in a manner that is both transformative and collaborative calls for Indigenous peoples to be deeply and directly

¹ The term "Indigenous" used throughout this document is intended to be inclusive of all peoples of Indigenous ancestry, including First Nations (status and non-status), Métis and Inuit.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

involved². The Ministry's role in this transformation is to increase engagement with Indigenous governments, communities³, organizations, federal, municipal and treaty partners, stakeholders and the public. While reconciliation is a whole-of-government responsibility, the Ministry provides guidance and leadership to other areas of government on establishing and enhancing relationships with Indigenous peoples.

The Ministry is also responsible for the Minister's Advisory Council on Indigenous Women, which provides advice to government on how to improve the quality of life for Indigenous women in B.C., and; the First Peoples' Cultural Council (FPCC), a provincial Crown corporation formed by the Government of British Columbia in 1990 to administer the First Peoples' Heritage, Language and Culture Program.

Strategic Direction

The Government of British Columbia is putting people at the heart of decision-making by working to make life more affordable, improve the services people count on, and build a strong, sustainable economy that works for everyone.

Over the past year, significant government investments in areas including housing, child care and the elimination of fees, such as Medical Service Premiums, have contributed to making life more affordable for British Columbians today and into the future. Ministries are engaged in ongoing work to improve the availability of services citizens rely on including those related to primary medical care, education and training, transportation, the opioid crisis and poverty.

A strong economy that works for all regions of B.C. is diversified, resilient and improves the standard of living for people across the province. With that in mind, government is focusing on sustainable economic growth that strengthens our natural resource sectors, continues the development of the emerging economy, supports small business and uses innovation and technology to solve B.C. problems. A key priority in 2019/20 and beyond will be driving economic growth with cleaner energy and fewer emissions. At the same time, Ministries continue to build prudence into budgets and plan for challenges.

Underpinning the work of all Ministries are two shared commitments: reconciliation with Indigenous peoples and consideration of how diverse groups of British Columbians may experience our policies, programs and initiatives. As part of these commitments, Ministries are working to implement the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's Calls to Action, and Gender-Based Analysis+ policy and budgeting.

² Changing the relationships between Indigenous communities and government helps challenge long-standing paternalism and racism, and builds empathy and insight into the histories and legacies of Canada's treatment of Indigenous peoples and the changes that are necessary to address them.

³ The term "communities" means the diversity of Indigenous communities as defined by Indigenous peoples and includes descriptions such as urban, rural, metropolitan, land-based and reserve. The Ministry of Indigenous Relations and Reconciliation works with all Indigenous peoples wherever they may live in British Columbia.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

In July 2017, each minister was given a formal mandate letter that identifies both government-wide and ministry-specific priorities for implementation.

This service plan outlines how the Ministry of Indigenous Relations and Reconciliation will support the government's priorities, including selected action items identified in the Minister's Mandate Letter. Over the previous fiscal year, the Ministry of Indigenous Relations and Reconciliation made progress on these priorities by:

- Committing to Concrete Actions with the First Nations Leadership Council (FNLC) to advance reconciliation, including co-developing legislation in 2019 to implement the UN Declaration.
- Collaborately designing and launching the 2018 Shared Vision, Guiding Principles, goals and objectives with the FNLC.
- Reaching a revenue-sharing agreement that will give First Nations in B.C. access to a share of provincial gaming revenue to support self-government, strong, healthy communities and services that make life better for families.
- Launching the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples (the draft principles), a resource to help guide all public servants to strengthen relationships with Indigenous peoples based on respect and recognition of inherent rights and title.
- Engaging with B.C. treaty partners to identify priorities for transforming how we negotiate treaties and other constructive agreements to recognize the inherent rights and title of Indigenous peoples and better reflect new case law and growing and evolving relationships with First Nations.
- Establishing a new dedicated Cabinet Committee on Reconciliation in October 2018 to provide strategic cross-government direction and focus for achieving meaningful, permanent progress on reconciliation.
- Providing \$50-million to support the work of the First Peoples' Cultural Council and First Nations communities to revitalize Indigenous languages.
- Committing core, stable funding to boost the work of friendship centres, which play a significant role in supporting the well-being of Indigenous people living in urban areas, through an additional \$6.45 million over the next three years.
- In partnership with the FNLC, hosting the annual B.C. Cabinet-First Nations Leaders' Gathering.
- Advancing recommendations of the Minister's Advisory Council on Indigenous Women.

The following performance plan outlines how the Ministry of Indigenous Relations and Reconciliation will continue to track progress on key mandate letter commitments and other emerging government priorities.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Performance Planning

Goal 1: Advance equality of social and economic outcomes between Indigenous peoples and other British Columbians.

Objective 1.1: Partner with Indigenous governments, communities and organizations, other ministries, stakeholders and other orders of government on shared measures that improve the quality of life of Indigenous peoples.

Key Strategies:

- Improve social and economic outcomes in Indigenous communities in comprehensive and holistic ways that are organized around each community's needs, goals, and likelihood of success of specific strategies.
- Work collaboratively to develop and deliver culturally appropriate services and programs for Indigenous peoples, including the protection and revitalization of Indigenous cultures and languages.
- Share the benefits of economic development with Indigenous communities, and increase participation of Indigenous peoples in the economy.
- Collaborate with other ministries and partners to improve the health and wellness of Indigenous communities in areas such as: ending violence towards Indigenous women, girls and LGBTQ2S peoples; justice; education; skills training; individual and community well-being; children, families and youth; economic development; language and culture; and, poverty reduction.

Performance Measure	2017/18 Baseline	2018/19 Forecast	2019/20 Target	2020/21 Target	2021/22 Target
1.1 Cumulative number of community well-being initiatives ¹	8	12	16	20	24

¹ Data Source: Ministry of Indigenous Relations and Reconciliation

Linking Performance Measure to Objective:

Community well-being initiatives are community-based, socio-cultural reconciliation processes where Indigenous communities and the B.C. government work in partnership to identify priorities and implementation measures to advance self-determining, thriving Indigenous communities. These partnership models take a comprehensive, holistic approach to investments in Indigenous communities to integrate social and economic priorities.

Objective 1.2: Increase opportunities to support Indigenous communities in governance building and to build associated capacity, funding sources and accountability.

Key Strategies:

- Support the development of new revenue streams for Indigenous governments and organizations.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- Increase the role of Indigenous Nations and organizations in delivering services to Indigenous peoples by transferring service delivery.
- Build the capacity of Indigenous governments and organizations, including Indigenous public services.
- Collaborate, align and leverage associated opportunities with the federal government.

Linking Performance Measure to Objective:

Sharing provincial gaming revenues is a new fiscal arrangement, and performance measures will be developed for future service plans. All First Nations will be eligible for a portion of the new gaming revenue fund. A new limited partnership, comprised of a First Nations-appointed board of directors, will oversee the distribution of the funds. First Nations will determine the best use for the new funding from a share of annual provincial gaming revenues. Funding will focus on priorities in the following framework: 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. Within that framework, First Nations governments will determine their own priorities for these funds. Gaming revenue sharing will be provided in addition to existing revenue sharing. Currently, economic benefits agreements between the Province and First Nations are primarily resource based.

Goal 2: Work in partnership to achieve true and lasting reconciliation with Indigenous peoples.

Objective 2.1: Implement the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action, and the Tsilhqot'in Supreme Court decision.

Key Strategies:

- Jointly develop provincial legislation with the First Nations Leadership Council to establish the UN Declaration as the foundation for provincial government-Indigenous relations and reconciliation in British Columbia. This includes alignment of provincial law and policy with the UN Declaration and Indigenous rights.
- Working in partnership with Indigenous communities, establish a clear, cross-government vision of reconciliation to guide the adoption of the UN Declaration, the TRC Calls to Action, and the Tsilhqot'in Supreme Court decision, and continue to develop a cross-ministry framework to meet these commitments.
- Support government ministries and agencies to integrate reconciliation into their operations.
- Pursue opportunities to align with the federal government, and support and engage the public and other stakeholders to build understanding and partnerships towards reconciliation.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Performance Measure	2018/19 Forecast	2019/20 Target	2020/21 Target	2021/22 Target
2.1 Legislation related to the Declaration introduced by the fall of 2019. ¹	-	1	-	-

¹ Data Source: Ministry of Indigenous Relations and Reconciliation

Linking Performance Measure to Objective:

Legislation will establish the UN Declaration as the foundation for provincial government-Indigenous relations and reconciliation in British Columbia. Future performance measures to effectively measure government's progress to implement the UN Declaration will flow from mechanisms established as a result of the legislation.

Objective 2.2: Negotiate and implement comprehensive and lasting reconciliation agreements with Indigenous peoples.

Key Strategies:

- In partnership with First Nations, transform the treaty process so it respects new case law and the UN Declaration, and take deliberate and measured steps that support incremental approaches to treaty-making.
- Shift how government negotiates agreements with First Nations within or outside the treaty process by exploring collaborative approaches that recognize and implement rights and title.
- Collaborate with the federal government and other orders of government to pursue new approaches and models that support the co-existence and exercise of the jurisdiction of Indigenous governments.
- Work with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development to modernize land-use planning and sustainably manage B.C.'s ecosystems, rivers, watersheds, forests and old growth.
- Make space for new approaches to negotiations and associated dispute resolution to incorporate Indigenous models of interaction and resolution.

Performance Measure	2018/19 Forecast	2019/20 Target	2020/21 Target	2021/22 Target
2.2 Number of agreements demonstrating transformed approach to treaty-making and other constructive arrangements ¹	5	7	9	11

¹ Data Source: Ministry of Indigenous Relations and Reconciliation

Linking Performance Measure to Objective:

A transformed approach to treaty-making includes incremental agreements that support the negotiated reconciliation of Aboriginal rights and title interests, whether inside or outside the formal BC Treaty Commission Process. Agreements include: a final agreement, agreement-in-

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

principle, incremental treaty agreement, core treaty agreement, or other constructive arrangements that seek to reconcile Aboriginal rights and title interests.

Objective 2.3: Increase British Columbians' understanding of the benefits of reconciliation.

Key Strategies:

- Seek support of First Nations to develop a comprehensive, multi-year plan to reinforce support for reconciliation.
- Build partnerships and strengthen cultural understandings between Indigenous and non-Indigenous communities through stakeholder and local government engagement.
- Develop ways to involve all British Columbians in shaping the future of reconciliation.

Linking Performance Measure to Objective:

The performance measure related to this objective is under development and will be included in a future Ministry service plan, as baseline data and appropriate targets are established over the next year. Baseline data regarding British Columbians' understanding of reconciliation is needed to inform future strategies.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Resource Summary

Core Business Area	2018/19 Restated Estimates ¹	2019/20 Estimates	2020/21 Plan	2021/22 Plan
Operating Expenses (\$000)				
Negotiations and Regional Operations Division	12,812	13,438	13,382	13,382
Strategic Partnerships and Initiatives Division	21,906	23,377	23,327	23,327
Reconciliation Transformation and Strategies Division	1,709	1,952	1,944	1,944
Executive & Support Services	7,487	9,396	9,387	9,267
Treaty & Other Agreements Funding	46,438	49,729	49,556	49,635
First Citizens Fund	1,900	2,000	2,200	2,300
First Nations Clean Energy Business Fund	7,264	7,889	7,563	7,631
Total	99,516	107,781	107,359	107,486
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Executive & Support Services	3,901	3,901	1	1
Total	3,901	3,901	1	1

¹For comparative purposes, amounts shown for 2018/19 have been restated to be consistent with the presentation of the 2019/20 Estimates.

*Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates.](#)"

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Appendix A: Agencies, Boards, Commissions and Tribunals

BC Treaty Commission

The BC Treaty Commission is an independent body responsible for facilitating treaty negotiations among First Nations and the governments of Canada and British Columbia.

First Peoples' Cultural Council

The First Peoples' Cultural Council is a First Nation-run Crown corporation that supports the revitalization of Indigenous languages, arts, culture and heritage in British Columbia.

Haida Gwaii Management Council

The Haida Gwaii Management Council (HGMC) is a strategic-level joint decision-making body for land and natural resource decisions on Haida Gwaii, as set out in the Kunst'aa guu – Kunst'aayah Reconciliation Protocol.

Minister's Advisory Council on Indigenous Women

The Minister's Advisory Council on Indigenous Women provides advice to the Government of British Columbia on how to improve the quality of life of Indigenous women across B.C.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

Service Plan Comparison Document

Feb 2018 SERVICE PLAN		Feb 2019 SERVICE PLAN	
GOAL 1	Establish a clear, cross-government vision of reconciliation to guide the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action, and the Tsilhqot'in Supreme Court decision.	GOAL 1	Advance equality of social and economic outcomes between Indigenous peoples and other British Columbians.
OBJECTIVE 1.1	Through extensive engagement, collaborate and build relationships with Indigenous peoples to inform government actions to develop and implement the new reconciliation vision.	OBJECTIVE 1.1	Partner with Indigenous governments, communities and organizations, other ministries, stakeholders and other orders of government on shared measures that improve the quality of life of Indigenous peoples.
PERFORMANCE MEASURE	1.1a Successful establishment and support of Indigenous advisory group(s) that contribute to reconciliation transformation.	PERFORMANCE MEASURE	1.1 Cumulative number of community well-being initiatives
		OBJECTIVE 1.2	Increase opportunities to support Indigenous communities in governance building and to build associated capacity, funding sources and accountability.
		PERFORMANCE MEASURE	<i>Not applicable: this is a baseline year, a measure will be developed for the next service plan</i>
GOAL 2	Continue to support improved economic and social outcomes for Indigenous peoples in British Columbia.	GOAL 2	Work in partnership to achieve true and lasting reconciliation with Indigenous peoples.
OBJECTIVE 2.1	Productively partner with other ministries, Indigenous governments, communities and organizations, stakeholders and other orders of government to improve socio-economic and socio-cultural outcomes, which includes sharing in benefits and collaboration on land-use planning and management.	OBJECTIVE 2.1	Implement the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action, and the Tsilhqot'in Supreme Court decision.
PERFORMANCE MEASURES	2.1a Number of new opportunities to increase participation of First Nations in revenue sharing. 2.1b Cumulative number of community well-being initiatives.	PERFORMANCE MEASURE	2.1 Legislation related to the Declaration introduced by the fall of 2019.
		OBJECTIVE 2.2	Negotiate and implement comprehensive and lasting reconciliation agreements with Indigenous peoples.
		PERFORMANCE MEASURE	2.2 Number of agreements demonstrating transformed approach to treaty-making and other constructive arrangements
		OBJECTIVE 2.3	Increase British Columbians' understanding of the benefits of reconciliation.
		PERFORMANCE MEASURE	<i>Not applicable: this is a baseline year, a measure will be developed for the next service plan</i>

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	ADM Appointment
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RECOMMENDED RESPONSE:

- **This decision was made in the public service.**
- **Ms. Christensen has extensive experience in government and will be instrumental in our work to move forward with reconciliation.**
- **Never before has our ministry played such a central role in government.**
- **I have been pleased to work with someone with her experience to help move reconciliation forward in British Columbia.**

BACKGROUND:

- Suzanne Christensen was appointed as Assistant Deputy Minister, Reconciliation Secretariat and Outreach on Oct. 12, 2018.
- This addition to the team corresponded directly with government's decision to create a new Cabinet committee for reconciliation.
- Suzanne is providing secretariat support for the new Cabinet committee and will lead new ways to engage the citizens of British Columbia in order to increase the understanding and the importance of reconciliation.
- Suzanne has extensive experience in government and public service and brings with her expertise in strategic planning, policy development, and stakeholder and public engagement.
- She previously served as ADM, Priorities and Accountabilities in the Premier's Office since 2017.

Communications Contact: Sarah Plank

Program Area Contact(s): Doug Caul

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

Accomplishments List

Ministry of Indigenous Relations
and Reconciliation

Government actions and investments to support reconciliation with Indigenous peoples

The provincial government is committed to true and lasting reconciliation with Indigenous peoples in British Columbia. Adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's calls to action, and the Supreme Court of Canada Tsilhqot'in decision, are part of a cross-government vision and every B.C. cabinet minister shares this mandate. Government is working in partnership with Indigenous peoples to build healthier communities and create shared prosperity that benefits all British Columbians.

Over the past year the provincial government has taken action together with Indigenous partners to build important foundations for reconciliation and to enable self-determination:

Shared sustainable prosperity

- **Gaming**

- Tahltan Central Government and Nisga'a Nation to share mineral tax revenue from Tahltan Central the Brucejack Gold Mine;
- Commitment to First Nations benefitting from LNG development as full partners, through benefit agreements, environmental stewardship and skills training.
- \$30 million over three years to continue the Indigenous Skills Training Development Fund and give Indigenous people access to skills training programs.
- Investing \$21.1 million over three years for Community-Based Training Partnerships in Indigenous communities.
- \$420,000 over three years to support the new Indigenous Intern Leadership Program, partnership with the BC Assembly of First Nations, Business Council of BC and Vancouver Island University, that will support 150 Indigenous post-secondary graduates to job opportunities with B.C. businesses.

Children and families

- **Children in homes of relatives**

- Changes to the Child, Family and Community Service Act introduced to implement Grand Chief Ed John's recommendations to help keep Indigenous children out of care and give Indigenous communities greater involvement in child-welfare decisions.
- Individual agreements with the Wet'suwet'en and Secwépemc Nations and Métis Nation British Columbia to work together to transfer jurisdiction for child and family services.
- \$7.7 million to support youth aging out of care, the majority of whom are Indigenous.
- Tuition and mandatory fee waivers for former youth in care at all 25 public post-secondary institutions, Native Education College and 10 union institutes in B.C. Indigenous representation also is now in place on the boards of all 25 public post-secondary institutions as of July 2018.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- \$30 million over three years through the Early Learning and Child Care Agreement with the Government of Canada to expand Aboriginal Head Start programs, which provide culturally based inclusive child care and early learning, family bonding and prevention services.
- \$3.6 million over three years to support 11 new early learning and childcare planning and navigator positions to help address the specific childcare needs of Indigenous children, families and communities throughout the province. The money is helping Métis Nation British Columbia create seven new Métis navigator positions; B.C. Aboriginal Child Care Society to hire three new planners; and the B.C. Association of Aboriginal Friendship Centres to create one new position.
- Indigenous content built into all grades and subjects in B.C.'s new curriculum – from math to science to literature.
- The Province, Government of Canada, and First Nations Education Steering Committee signed a tripartite agreement in support of First Nation student success.

Communities, people and culture

- \$550 million over 10 years to support the construction of 1,750 affordable housing units for on-and-off-reserve, **s.13**
- \$6 million over three years in Friendship Centres, to support the well-being of Indigenous people living in urban areas.
- \$50 million to support the work of First Peoples' Cultural Council and First Nations communities to revitalize Indigenous languages in danger of disappearing forever.
- Dedicated engagement process for urban and off-reserve Indigenous communities, as part of the development of B.C.'s first poverty reduction strategy.
- \$50 million to support First Nations and local governments to reduce the risk of wildfires around their communities.
- \$22 million to assist rural and Indigenous communities recover natural resources affected by wildfires.
- \$22.5 million from the federal-provincial Investing in Canada Infrastructure Program-Community, Culture and Recreation fund to support projects that benefit Indigenous peoples living off-reserve.
- Since January 2018, more than \$83 million in federal, provincial and partner funding announced to improve connectivity in B.C. This will help 187 rural communities – including 69 Indigenous communities – get closer to reliable access to high-speed internet.

Mental health and wellness

- \$20 million over three years to support Indigenous communities and people to address the overdose crisis, which has disproportionately affected Indigenous families.
- Tripartite agreement between the Province, Government of Canada, and First Nations Health Council to support a community-driven, Nation-based approach to address the social determinants of mental health and wellness. Over two years, \$10 million each from B.C., Canada, and the First Nations Health Authority – for a total of \$30 million – has been allocated to support implementation of the agreement.

Justice and public safety

- \$2 million to support the Moose Hide Campaign and emphasize B.C.'s ongoing commitment to end violence against women and children.
- Partnership with the Aboriginal Justice Council to develop an Indigenous Justice Strategy to reduce overrepresentation of Indigenous peoples in the justice system.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

- \$2 million to establish the first Indigenous law program in Canada at the University of Victoria.

Agreements, treaties and land

- In collaboration with Indigenous groups, legislation introduced to revitalize environmental assessment process, ensuring their interests, rights and ecological knowledge are respected.
- \$16 million to modernize land-use planning through engagement and collaboration with Indigenous peoples, governments, communities, stakeholders and industry.
- Additional \$5 million over three years to continue work on treaties and other agreements, environmental stewardship initiatives and socio-economic development.
- Government has recently signed agreements with:
 - Stó:lō Xwexwilmexw Treaty Association – a treaty memorandum of understanding with B.C. and Canada;
 - Southern Dakelh Nation Alliance on a foundational framework to create a government-to-government commitment to reconciliation;
 - shísháhl Nation and B.C. reconciliation agreement to recognize and respect Indigenous title and rights, and support self-determination;
 - Northern Secwepemc te Qelmucw government-to-government commitment to reconciliation; and Agreement-in-Principle with B.C. and Canada;
 - Tsilhqot'in National Government to collaborate on emergency management, as well as five others that provide greater certainty on activities in the Tsilhqot'in Declared Title;
 - Malahat First Nation to purchase 230 hectares of land to advance treaty negotiations;
 - Maa-Nulth First Nations to affirm government-to-government treaty partnership; and
 - Halfway River First Nation to create a collaborative land and wildlife stewardship.
- Letter of Understanding with the 'Namgis, Kwikwasutinuxw Haxwa'mis and Mamalilikulla First Nations to resolve longstanding concerns about open net-pen salmon farms in the Broughton Archipelago.

Provincial government

- Commitment to introduce legislation in 2019 to adopt UNDRIP, the Truth and Reconciliation Commission calls-to-action and the Tsilhqot'in Supreme Court decision is a foundational part of the relationship between government and the B.C. Green Party caucus, and forms part of the Confidence and Supply Agreement.
- Draft 10 Principles adopted as a resource guide to help public servants strengthen relationships with Indigenous peoples based on respect and recognition of inherent rights.
- New dedicated Cabinet Committee on Reconciliation established in October 2018 to provide strategic cross-government direction and focus for achieving meaningful, permanent progress on reconciliation.
- Commitment to concrete actions with the First Nations Leadership Council to advance reconciliation, including co-developing legislation by 2019 to implement the UN Declaration on the Rights of Indigenous Peoples.
- 28 youth hired under the Indigenous Youth Intern Program across 15 ministries and agencies in 2018/19, the highest number of interns in any year since the program began in 2007. There have been 270 interns through the program to date.

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION
2019 Estimates Note

Contact: Sarah Plank
Ministry of Indigenous Relations
and Reconciliation
250 952-1889

MINISTRY OF INDIGENOUS RELATIONS AND RECONCILIATION

2019 Estimates Note

I. ISSUE: Cabinet Committee on Reconciliation

II. KEY MESSAGES

- **Secretariat was created in October 2018 to support the new Cabinet Committee on Reconciliation**
- **Secretariat coordinates the scheduling, content and quality of information for the Committee, including items from the Ministry of Indigenous Relations and Reconciliation and from other Ministries.**

III. BACKGROUND:

In October 2018, the Premier created a Cabinet Committee on Reconciliation. The members of the Committee are:

- Minister of Finance – Chair
- Minister of Indigenous Relations and Reconciliation
- Minister of Health
- Minister of Children and Family Development
- Minister of Forests, Lands and Natural Resource Operations, and Rural Development
- Solicitor General
- Attorney General
- Minister of Advanced Education, Skills and Training
- The Member for North Coast

The Committee reviews items related to government's work on reconciliation related policies and any related legislative or other tools.

The Committee's membership reflects the importance of this issue to the government and our recognition that the path towards reconciliation will benefit from the engagement of these key Ministers.

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Alternate Contact

22 October 2018

Advice to Cabinet Page 1 of 1

Confidential Issues Note - ADVICE TO MINISTER

CCR Terms of Reference

Mandate - Reconciliation Committee of Cabinet

Background

British Columbia has committed to:

- ☐ Adopt UNDRIP and review policies, programs, legislation for consistency;
- ☒ Improve relations with First Nations, reducing conflict on ground and in the courts
- ☒ Act on TRC Calls to Action;
- ☒ Support cultural revitalization, better support children & families, create jobs and opportunities;
- ☒ Share gaming revenue.

The federal government is about to introduce several significant pieces of legislation that will dramatically change the landscape in the relationship among First Nations, provincial and federal governments.

Focus is required to define and prioritize strategic, policy, communications and financial goals as the province moves forward on its commitments, while maximizing synergies with federal actions. These decisions will affect our path to reconciliation, our relationships with First Nations, the Federal government, the business community and others in BC.

Mandate of the Reconciliation Committee of Cabinet

s.12; s.13

Confidential Issues Note - ADVICE TO MINISTER

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II. ISSUE: Truth and Reconciliation Commission Recommendations and Actions

III. KEY MESSAGES

- All ministers have been mandated to adopt and implement the 94 Calls to Action in the *Truth and Reconciliation Commission (TRC)* report and have pledged to work with Indigenous Nations and Canada to achieve this.
- This commitment to advance the work of reconciliation has been articulated through such vehicles as the 2019 Throne Speech and Budget Speech, ministerial mandate letters, strategic initiatives and memorandums of understanding with Indigenous partners.
- This includes a government-wide commitment to move forward on the TRC: *Calls to Action*, and to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* consistent with section 35 of the *Constitution Act, 1982*.
- As identified by the TRC, the UN Declaration offers a transformative framework for meaningful reconciliation; formally adopting the Declaration into provincial law will enable its implementation and make clear government's commitment and shared vision.
- Together with Indigenous peoples, we are doing the hard work to help build healthier communities and create shared prosperity that benefits all British Columbians.

IV. BACKGROUND:

- On June 2, 2015, the Truth and Reconciliation Commission (TRC) released its findings and Calls to Action representing the first steps in redressing the legacy of Indian Residential Schools and advancing the process of reconciliation.
- The TRC's Calls to Action include steps to protect child welfare, preserve language and culture, promote legal equity, and strengthen information on missing children.
- All provincial ministers have been mandated to adopt and implement the 94 Calls to Action in the *Truth and Reconciliation Commission (TRC)* report and have pledged to work with First Nations and Canada to achieve this.
- In addition, ministers have also been mandated to review policy, programs and legislation to determine how to bring the principles of the *United Nations Declaration on the Rights of*

Confidential Issues Note - ADVICE TO MINISTER

Indigenous Peoples (UN Declaration) into action in B.C. Each minister will action these commitments as they relate to each ministerial portfolio.

- Commitments to implement the UN Declaration through legislation have been made through the B.C.-FNLC *Concrete Actions* document; the November 2018 announcement at the First Nations Leadership Gathering of the commitment for B.C. and FNLC to advance this legislation by Fall of 2019; and, most recently through the 2019 Throne Speech and Budget Speech.
- Recent provincial actions that respond to the TRC: Calls to Action include:
 - B.C. and FNLC are in the process of co-developing a Request for Legislation to implement the UN Declaration into provincial law by Fall 2019.
 - In November 2018, it was announced that B.C. First Nations will share in provincial gaming revenue to support self-government, strong, healthy communities, and services that make life better for families. The 2019 Budget outlines the commitment that 7% of net provincial gaming revenues will be shared with First Nations through a new First Nations-established and managed limited partnership.
 - To advance reconciliation and support implementation of the UN Declaration, the Province, in collaboration with Indigenous Nations, has revitalized the environmental assessment (EA) process through the new EA Act, which passed in November 2018.
 - Provincial efforts are under way to revitalize Indigenous languages. In Budget 2018, B.C. announced it was providing \$50 million to the First Peoples' Cultural Council to support Indigenous language revitalization and is working with the Council on a plan to manage and allocate that funding.
- B.C. continues to work with Indigenous leaders, government agencies, industry, and local government to support reconciliation through partnerships, treaties, agreements, resource revenue-sharing, resource development planning, education and training opportunities, and socio-cultural projects. The focus has been on closing socio-economic gaps and ensuring Indigenous people can be part of a prosperous economy.

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Draft Principles that Guide the Province's Relationship with Indigenous Peoples
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RECOMMENDED RESPONSE:

- The 10 Draft Principles were shared as a resource to help guide all public servants as we strengthen relationships with Indigenous peoples based on respect and recognition of inherent rights.
- The Principles were released as draft to allow for input and guidance from Indigenous peoples. This engagement may result in the Draft Principles evolving and changing over time.
- The Draft Principles help guide our work to adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), the Truth and Reconciliation Commission's (TRC) Calls to Action, and recent direction from the courts.
- They highlight that "how" we collaborate with Indigenous peoples is as important as "what" we do.
- Our government is taking a practical approach to the Draft Principles. Each ministry has developed plans to implement them in their organization's day-to-day work.
- Ministries are at different stages of plan development. While some Ministries have engaged Indigenous partners during plan development, others are just beginning their engagement.
- The plans are the first step in initiating implementation processes in each Ministry and will continue to evolve over time. Initial areas of focus in some plans include:
 - Improving and enhancing engagement processes with Indigenous governments and peoples;
 - Building cultural awareness across the public sector; and,
 - Increasing supports across government for Indigenous self-determination.

Confidential Issues Note - ADVICE TO MINISTER

KEY FACTS:

- A set of 10 draft principles – *Draft principles that guide the Province of British Columbia's relationship with Indigenous Peoples* – was launched internally to the BC Public Service on May 22, 2018 to help guide all public servants in their work with Indigenous people.
- The draft principles were shared with all 27,000 B.C. public servants to build cultural skills and guide the BC public service to support government's commitment to build a true, lasting reconciliation and to support a Crown-Indigenous government-to-government relationship based on respect, recognition and exercise of Aboriginal title and rights.
- The draft principles are setting the tone and expectation for the development of an important cultural shift in the BC Public Service on the importance of reconciliation with Indigenous peoples.
- Every ministerial mandate letter commits government to true, lasting reconciliation with Indigenous peoples in B.C. and the full adoption and implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the TRC calls to action.
- The provincial government is seeking reconciliation with all Indigenous peoples - First Nations, including those who live on and off reserve, Métis and Inuit.
- Government ministries, agencies and industry are looking to the provincial government for guidance regarding the implications of the principles of the UN Declaration and the TRC calls to action, and their role to advance those principles.
- On July 14, 2017, the federal Minister of Justice released the Principles Respecting the Government of Canada's Relationship with Indigenous Peoples. B.C.'s recommended draft principles are similar to the federal principles with minor adaptations to fit the provincial reconciliation mandate.
- One of the key concerns heard from Indigenous leadership to date is that commitments to reconciliation such as the Draft Principles are intended to be symbolic/ aspirational and won't lead to practical shifts or progress.
- Each ministry has created a plan to bring the Draft Principles into operation in their organization. These plans are a starting point and are meant to evolve over time.
- Ministries will be engaging with their Indigenous partner organizations as appropriate as develop and implement their plans.
- A governance structure is in place to oversee implementation of the Principles in every ministry – this include an ADM Committee to provide strategic direction; Reconciliation Champions responsible for drafting implementation plans; and a Statutory Decision Makers Working Group tasked with exploring the practical pathways including challenges and opportunities of implementation.

Communications Contact: Sharon Pocock 7-1253

Program Area Contact(s): Jennifer Melles, DMO

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: March 27, 2019 Minister Responsible: Hon. Scott Fraser	UN Declaration Legislation
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RECOMMENDED RESPONSE:

- Our government is moving forward on reconciliation, in partnership with Indigenous peoples, through government-to-government relationships with Indigenous Nations.
- We have made reconciliation with Indigenous peoples a cross-government priority – we are working in every sector, together with Indigenous peoples, to build healthy communities and create shared prosperity that benefits all British Columbians.
- This is important legislation and it needs to be done in the right way.
- In this year's Throne Speech, we reinforced the commitment to co-develop legislation with the First Nations Leadership Council to implement the UN Declaration into provincial law.
- B.C. will be the first province in Canada to introduce such legislation, which will establish the UN Declaration as the foundation that guides our joint reconciliation efforts with Indigenous partners.

s.13

KEY FACTS: [ALL KEY FACTS ARE CONFIDENTIAL]

- s.12;s.13

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Confidential Issues Note - ADVICE TO MINISTER

s.12; s.13

BACKGROUND:

- In the Joint First Nations Leadership Council/Province of B.C. “Concrete Actions: Transforming Laws, Policies, Processes and Structures” document, the Ministry of Indigenous Relations and Reconciliation has committed to:
 - “endeavour that no later than Fall 2019, legislation will be in place establishing the UN Declaration on the Rights of Indigenous Peoples as a legislative foundation supporting a provincial action plan forward to engage in reconciliation activities with First Nations Leadership Council and BC First Nations.”
 - This includes “reviewing and aligning provincial laws and policies with the UN Declaration and to respect Indigenous rights.”
 - The provincial legislation is proposed to be similar to the federal private members bill C-262, sponsored by NDP MP Romeo Saganash — who was also part of an international team that helped craft the declaration.

s.12; s.13

- The federal bill C-262, which passed in the House of Commons on May 30, 2018 and is now at second reading before the Senate, aims to ensure Canada's laws are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. The proposed federal legislation provides for consistency of laws with the UN Declaration, the development and implementation of a national action plan, and an annual reporting mechanism. It is expected that the new legislation will be introduced in the legislature in 2019.

Communications Contact: Sarah Plank Program Area Contact(s): Emily Arthur

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and
Reconciliation

Date: Feb. 8, 2019

Minister Responsible: Hon. Scott Fraser

Free, Prior and Informed Consent

RECOMMENDED RESPONSE:

- Our government is focused on lasting relationships with First Nations and all Indigenous peoples - one built on respect and recognition of rights.
- Every minister's mandate letter included a requirement to move forward on the calls to action from the Truth and Reconciliation Commission and to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples.
- Fundamentally, the Declaration is a universal human rights instrument. It allows us all to come to a common understanding of what reconciliation is and what it should be.
- The rights in the Declaration include rights to self-determination, to be free from discrimination, to have access to education, healthcare and equitable social and economic outcomes.
- These rights for Indigenous peoples – rights that many in Canada take for granted – are pathways to creating opportunity and shared prosperity with Indigenous peoples.
- The implementation of the Declaration involves creating stronger partnerships between First Nations, our government, the federal government and industry.
- It will also bring certainty and predictability to the land, creating good, family supporting jobs, unleashing the prosperity of our province.
- We have been in active discussion with the First Nations Leadership Council on co-developing legislation that establishes the UN Declaration as the foundation for the province's work on reconciliation.
- We know that Indigenous communities have been waiting a long time for this, and we hope to be ready to introduce legislation this year.

Confidential Issues Note - ADVICE TO MINISTER

IF ASKED:

- **The suggestion that the UN Declaration is reducible to a veto on development is disingenuous and inaccurate.**
- **Far from a threat to development, free, prior and informed consent provides a just and equitable path forward for the development of this province's incredible natural resource wealth.**
- **Article 19 of the UN Declaration is clear that we should consult and cooperate in good faith with Indigenous peoples to obtain their free, prior and informed consent.**

If asked whether elected or hereditary leadership takes precedence as far as free, prior and informed consent is concerned, or which nation must consent in cases of overlap:

- **There is no universal answer. Each nation decides who speaks for their nation.**
- **First Nations determine for themselves who should be engaged on these matters, and that's what the Province relies upon most.**
- **Companies and governments looking to obtain free, prior and informed consent should seek agreement with the rights holders in whose territory they propose to operate.**

BACKGROUND:

Fish Farms

- In B.C., some First Nations have claimed that the Declaration wording on "free, prior and informed consent" (FPIC) provides them a veto over land use decisions. The FPIC wording was a point of contention for the previous B.C. government.
- Over the last two years, the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) has been raised in the context of fish farms and concerns for the future of wild salmon in the Broughton Archipelago.
- On January 30, 2018 provincial ministers met with five bands representing six First Nations (Dzawada'eunuw, Kwikwasut'inuxw-Haxwa'mis, Gwawaenuk, 'Namgis, and Mamalilikulla) to discuss the issue of salmon farm tenures in their asserted traditional territories. At the January 30 meeting, the Nations and Province agreed to move forward on a consent-based government-to-government (G2G) process to reach agreement related to historical concerns related to these tenures.
- On June 27, 2018, the consent-based G2G process regarding salmon aquaculture in the Broughton Area was formalized in a letter of understanding (LOU). The Province and the 'Namgis, Kwikwasut'inuxw Haxwa'mis and Mamalilikulla First Nations are signatories to the LOU. A total of 17 tenures are listed under the LOU.
- The Gwawaenuk Tribe and Dzawada'eunuw First Nation have asserted territories that overlap with the

Confidential Issues Note - ADVICE TO MINISTER

area subject to the LOU; these nations initially participated in the government-to-government discussions.

- Gwawaenuk Tribe withdrew from the process on January 30, 2018 and have not been responsive to attempts to re-engage with them. Six of the LOU tenures are within their asserted traditional territory.
 - Dzawada'enuxw First Nation was part of the negotiations that led to the formation of the penultimate draft of the LOU. However, on May 26, 2018 they filed an Aboriginal Title Claim in the Supreme Court of British Columbia and ultimately decided not to continue in the G2G process, withdrawing from it on May 31, 2018. Nine of the LOU tenures are within their asserted traditional territory.
- The Province continues to engage in consultation on the tenures with the Gwawaenuk Tribe and Dzawada'enuxw First Nation.
- On December 14, 2018 the Province and the three signatory First Nations announced the recommendations resulting from the LOU process. The Province, First Nations, and aquaculture companies with tenures in the area support the recommendations, which:
 - create an orderly transition of 17 farms, operated by Mowi Canada West (formerly Marine Harvest Canada) and Cermaq Canada, from the Broughton area between 2019 and 2023;
 - establish a farm-free migration corridor in the Broughton in the short term to help reduce harm to wild salmon;
 - develop a First Nations-led monitoring and inspection program to oversee those farms during the transition, which will include compliance requirements and corrective measures;
 - implement new technologies to address environmental risks including sea lice;
 - call for immediate action to enhance wild salmon habitat restoration and rehabilitation in the Broughton;
 - confirm a willingness to work together to put into place the agreements and protocols necessary to implement the recommendations, including continued collaboration with the federal government; and
 - secure economic development and employment opportunities by increasing support for First Nations implementation activities and industry transition opportunities outside the Broughton.
- The B.C. government continues to work with the federal government, First Nations and industry to implement the recommendations.

LEGAL CONSIDERATIONS:

s.13; s.14; s.16

Confidential Issues Note - ADVICE TO MINISTER

s.13; s.14; s.16

Provincial Position:

- The new provincial government made an election commitment to adopt the principles of UN Declaration.
- Since taking office, all ministerial mandate letters state that *“as part of our commitment to true, lasting reconciliation with First Nations in British Columbia our government will be fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples, and the Calls to Action of the Truth and Reconciliation Commission.”*
- The ‘Concrete Actions’ document committed B.C. to co-develop legislation with FNLC that establishes the UN Declaration as the foundation for the Province’s work on reconciliation.

Federal Position:

- On May 10, 2016, federal minister, Carolyn Bennett confirmed Canada is a full supporter of UN Declaration, removing previous qualifications when Canada endorsed UN Declaration in 2010.
- In July 2016, the federal Attorney General clarified that implementing UNDRIP is complicated and that many of Canada’s present-day realities don’t align with the current standards of UNDRIP. Adopting it as Canadian law now is unworkable and a distraction from the work needed to implement the spirit of UNDRIP in communities.
- Federal officials indicate that the government will adopt and implement the UN Declaration in accordance with the Constitution and the UN Declaration “reflects the spirit and intent of our treaties.”
- On Feb. 22, 2017, the Prime Minister announced the creation of a working group to review laws and policies related to Indigenous people. This will include the UN Declaration and supporting implementation of TRC calls to action. On July 14, 2017, the federal Attorney General announced 10 principles that will guide the federal review and federal discussions with Indigenous people and organizations. Canada has invited the B.C. Attorney General to provide input to the review.
- The federal government has been accused by some Indigenous leaders of relying on symbolic gestures of reconciliation rather than real substantive change. This came up in media in July 2017 when there was a suggestion that the next Governor General should be Indigenous.

Confidential Issues Note - ADVICE TO MINISTER

- On Monday, November 20, 2017, then Justice Minister and Attorney General Jody Wilson-Raybould announced that the federal government will support an NDP private member's bill, known as Bill C-262, to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), a move that could have wide-ranging consequences in Canadian law.

On May 30, 2018 Bill C262 passed its third reading and is now at second reading before the Senate.

QUOTES:

Minister Scott Fraser – Aug. 5, 2017, Vancouver Sun

- "We need to make sure that First Nations are meaningful partners in projects, not having major projects dropped on them mid-stream. 'Free, prior and informed consent' is about being inclusive. The information has to flow from the beginning with respect and recognition."

Minister of Crown Indigenous Relations and Northern Affairs Canada Caroline Bennett – April 24, 2017

- "This is about making decisions together" from the inception. It means not putting some fully baked project in front of people and getting them to vote yes or no."

Minister of Natural Resources Jim Carr -

- According to a Globe and Mail articles on Dec. 11, 2016, the Minister of Natural Resources says that the principle of 'free, prior and informed consent' doesn't provide First Nations with a veto, but it does require companies to work with First Nations to *"ensure they are partners in the evaluation and monitoring of projects, are properly consulted and have their concerns accommodated."*

Roshan Daneesh, lawyer and consultant for the First Nations Leadership Council – Dec. 27, 2016

- "'Consent' and 'veto' are distinct. The interchangeable use of the terms — whether out of ignorance, or as a deliberate attempt to create fear or confusion — is wrong and should stop."
- "... the Supreme Court of Canada uses both 'consent' and 'veto' and does not use them interchangeably."
- "... in addition to being inaccurate, a focus on "veto" is economically risky for all. "Veto," and the spectre of it, breeds uncertainty about who can make decisions, whether they are sustainable once made and constant agitation about what others may decide to do."

Alberta Premier Rachel Notley – Sept. 15, 2015

- "It's not something that's happening overnight. We sent a letter to ministers about UNDRIP to evaluate the work that they do and come back to us to report on what's already aligned, what can be improved and whether there are problem areas that are potentially in conflict."
- "Quite honestly, we have a province that is very much driven by development and the production of our natural resources. So, we're not looking at approaching this in a way that would result in economic development suddenly grinding to a halt subject to free, prior and informed consent. And quite frankly the conversations that I've had with many First Nations leaders is they don't see that that is the consequence of that."

Media: There has been considerable media interest on the implementation of UNDRIP at the federal and provincial level, including discussions around whether FPIC equates to veto. Also, a lot of media interest in the December 2018 announcement on the future of fish farming in the Broughton Archipelago.

Communications Contact: Sharon Pocock

Program Area Contacts: Emily Arthur

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation

Date: Jan. 8, 2019

Minister Responsible: Hon. Scott Fraser

UNDRIP: Redress and Restitution

RECOMMENDED RESPONSE:

- Our government is changing how the Province works with First Nations and all Indigenous peoples – working together based on partnership and respect.
- Every minister's mandate letter includes a requirement to move forward on the calls to action from the Truth and Reconciliation Commission and fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples.
- UNDRIP is a human rights instrument that outlines the rights to self-determination, to be free from discrimination, to have access to education, healthcare and equitable social and economic outcomes.

IF NEEDED RE. REDRESS AND RESTITUTION:

- The rights of Indigenous peoples outlined in UNDRIP – rights that many Canadians take for granted – are pathways to creating opportunity and shared prosperity for everyone.
- We are focused on looking ahead. This means working to build new opportunities over time, working with First Nations, industry, other levels of government and stakeholders.
- We are also exploring how to improve resource revenue sharing with First Nations so everyone can more equally benefit from development.
- All reconciliation agreements, by their nature are designed to provide some form of redress for past relationships between Indigenous people and the Crown.
- In instances where B.C. has been involved in specific historical wrongs, reconciliation agreements are a powerful tool to improve lives for Indigenous communities. For example:

Cheslatta

- B.C. is in negotiations with the Cheslatta Carrier Nation to reconcile for past and present impacts from the creation of the Nechako Reservoir on Cheslatta land and cultural sites.

Confidential Issues Note - ADVICE TO MINISTER

- B.C. has committed to redress the flooding issues on Cheslatta lands and to find measures to improve the community's economic prospects and quality of life.
- Negotiations are progressing under an agreement signed in 2016 with goals for completing a Settlement Agreement and Reconciliation Agreement in upcoming months.

Tseycum

- B.C. and the Tseycum First Nation have made great progress in addressing commitments outlined in the Tseycum First Nation West Saanich Road Reconciliation Agreement.
- The agreement recognizes the road's historical impact on ancient burial sites and the important living history of the community on the Saanich Peninsula and aims to build a future based on respect and recognition.
- Through the agreement, the Province has supported the Tseycum's efforts to repatriate and honour their ancestors.
- The Province has also fulfilled its commitment to improve road safety through Tseycum territory including construction of a barrier to protect sacred Tseycum burial sites and a Place of Reflection for community members.

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 and creation of the Nechako reservoir. The reservoir was created under the Industrial Development Act to provide power to Rio Tinto's smelter in Kitimat. First Nations were only given several days' notice that they would be moved off their land.

Confidential Issues Note - ADVICE TO MINISTER

- 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

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 8, 2019 Minister Responsible: Hon. Scott Fraser	Commitment Document and work plan
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RECOMMENDED RESPONSE:

- Our government is committed to working in collaboration with Indigenous peoples towards meaningful reconciliation.
- We have worked with the First Nations Leadership Council to breathe new life into 2015 Commitment Document and have jointly developed and endorsed a shared *Vision and Guiding Principles*, as well as a set of *Concrete Actions* to advance reconciliation in B.C.
- After the previous government refused to embrace the UN Declaration, we now have a mutually supported plan and a real commitment to work together to close economic and social gaps, to collaborate on land and resource decisions, and ensure Indigenous peoples are full partners in B.C.'s economy.
- Now it's time to move forward on these actions – in partnership with Indigenous Nations – to take bold steps that truly support self-government and self-determination.
- In this year's Throne Speech, we reinforced the commitment to co-develop legislation with the First Nations Leadership Council to implement the UN Declaration into provincial law.
- B.C. will be the first province in Canada to introduce such legislation, which will establish the UN Declaration as the foundation that guides our joint reconciliation efforts with Indigenous partners.

KEY FACTS:

- The *Commitment Document* was created through work done by the Province and First Nations Leadership Council (FNLC) following the inaugural First Nations Leaders Gathering (FNLG) in 2014. It was tabled at the 2015 FNLG event. Following this, two documents were developed – a *Vision and Guiding Principles* document and a *Concrete Actions* document – both of which were first tabled for consideration at the 2016 gathering.
- The *Commitment Document* is viewed by many First Nations as a key mechanism to advance Aboriginal rights and title, and as a potential means for First Nations to work towards establishing

Confidential Issues Note - ADVICE TO MINISTER

their own jurisdictions, governance, laws and responsibilities in B.C. It is viewed as an important part of a new “rights recognition” approach in B.C.

- In October 2017, B.C. and the First Nations Leadership Council (FNLC) agreed that work on the *Vision and Guiding Principles* and *Concrete Actions* documents – both key to implementation of the Commitment Document – should continue, in particular with respect to ensuring inclusion of the government’s renewed focus on reconciliation, including implementing the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), the Truth and Reconciliation Commission’s Calls to Action and the 2014 Supreme Court of Canada Tsilhqot’in Decision.
- In July 2018, Cabinet endorsed the *Vision and Guiding Principles*, and *Concrete Actions* documents
- At the 2018 First Nations Leaders Gathering, B.C. and FNLC announced their commitment to co-developing provincial legislation on the UN Declaration. This was reaffirmed in the 2019 Throne Speech and Budget.
- The first action under Goal 1 in the *Concrete Actions* calls for the Province and FNLC to collaboratively develop provincial legislation that is aligned with federal Bill C-262 – a private member’s bill.
- A Request for Legislation (RFL) for the UN Declaration is being collaboratively developed with FNLC’s technical team, through undertakings.

BACKGROUND:

- The 2015 B.C.-First Nations *Commitment Document* outlines an agenda that commits the B.C. Cabinet and FNLC to advance the Crown-First Nation relationship in a post-Tsilhqot’in decision environment.
- B.C. and the FNLC developed a three-year *Commitment Document* work plan with a focus on:
 - Strengthening First Nations’ governance capacity and economic development;
 - Reviewing legislation, policies and practices to identify systemic barriers to reconciliation;
 - Developing new approaches to negotiation and dispute resolution; and
 - Promoting the education of British Columbians to recognize the history and contributions of First Nations.
- The overarching themes of the *Commitment Document* seek to address:
 - Reconciling respective jurisdictions, governance, laws and responsibilities;
 - First Nations being full partners in economic development and growth;
 - Collaborative environmental stewardship of lands and resources;
 - Closing social and economic gaps between Aboriginal and non-Aboriginal British Columbians; and
 - Negotiation as the path to collaboration and addressing respective interests
- By mutual consent in April 2017, work on year one deliverables was put on hold while the provincial election completed. The new government confirmed the *Commitment Document* as an important mechanism to advance reconciliation and endorsed continuing with it.
- In October 2017, B.C. and the FNLC agreed that the *Vision and Guiding Principles* document and the *Concrete Actions* document, both key to implementation of the *Commitment Document*, needed to be revised to reflect government’s renewed focus on reconciliation, including implementing the UN

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Declaration, the Truth and Reconciliation Commission's Calls to Action and the 2014 Supreme Court of Canada Tsilhqot'in Decision.

- The Joint Core Working Group met in October 2016, January 2017 (pre-provincial election) and November and December 2017.
- On November 30, 2017, the FNLC sent B.C. its proposed edits to both documents.
- On February 16, 2018, B.C. committed to finalizing language in both documents by mid-March 2018. A commitment was also made for new legislation for the fall 2018 legislative agenda.
- Finalized language for both the *Vision and Guiding Principles* and *Concrete Actions* documents was approved in July 2018.
- The Province is providing funding to the members agencies of FNLC to support ongoing collaboration on the commitments outlined in the Concrete Actions document. A total of \$2M was provided in 2018/19, and \$1.6M in 2019/20. Provincial staff are working with FNLC to develop a workplan that will guide allocation of the funding. This funding has not yet been announced.

Communications Contact: Sharon Pocock;
Program area contact: Emily Arthur

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 8, 2019 Minister Responsible: Hon. Scott Fraser	Tony Penikett & First Nations Leadership Council
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RECOMMENDED RESPONSE:

- **Tony Penikett has deep knowledge and experience in advancing reconciliation with Indigenous peoples, and we are fortunate to have him working with us.**
- **Mr. Penikett acted as a strategic advisor in our discussions with the First Nations Leadership Council on a range of complex topics.**
- **Mr. Penikett's expertise was a valuable asset in making meaningful advancements in reconciliation that will benefit Indigenous peoples and all British Columbians.**

KEY FACTS:

- The Ministry of Indigenous Relations and Reconciliation hired former Yukon premier Tony Penikett as a strategic advisor related to implementing commitments within the *Commitment Document*.
- Penikett was hired to be part of the provincial team working with the First Nations Leadership Council to prioritise, plan and implement the set of concrete actions related to the *Commitment Document*.
- Penikett was hired through a direct-award contract based on his expertise in Indigenous relations. His contract runs from May 23, 2018, to March 31, 2019.
- He has deep knowledge and experience in Indigenous relations gained from his time leading the Yukon government, and as both a historian and author.
- Penikett worked for the federal NDP starting in the early 1970s and was president of the party from 1981 to 1985. He served five terms as MLA in the Yukon Legislative Assembly, from 1978 to 1995, including as premier from 1985 to 1992.
- Penikett's government negotiated and signed an umbrella agreement in regards to First Nations land claims, and negotiated four agreements with individual First Nations.
- In 1995 he left the Yukon legislature to work as a policy advisor in the office of Saskatchewan Premier Roy Romanow.
- Between 1997 and 2001, Penikett served as a deputy minister of (labour) negotiations and, then deputy minister of labour for B.C., and led contract negotiations with the province's public sector unions.
- Penikett has lectured on Indigenous treaty negotiations at both Simon Fraser and Queens University and at the University of Washington's Henry M. Jackson School of International Studies.
- In 2006, Penikett published *Reconciliation: First Nations Treaty Making in British Columbia*.
- In September 2013, Penikett became Fulbright Visiting Research Chair in Arctic Studies at the University of Washington. The Pierre Elliott Trudeau Foundation appointed him a Trudeau mentor in 2016.

Communications Contact: Sharon Pocockl
Program Area Contact(s): Emily Arthur

Confidential Issues Note - ADVICE TO MINISTER

V. ISSUE: First Nations Leadership Council (FNLC) Funding

VI. KEY MESSAGES

- **We remain committed to working with FNLC to further advance reconciliation initiatives and opportunities that close the social and economic gap between Indigenous Nations and other British Columbians.**
- **We provide dedicated funding to FNLC to support this collaborative work, including annual core funding and targeted funding for commitments in the Concrete Actions.**
- **In the past year, we worked with FNLC to successfully plan and implement the 2018 BC Cabinet-First Nations Leaders' Gathering; revitalize the Environmental Assessment Act; launch gaming revenue sharing; and, begin to collaboratively develop legislation to implement the UN Declaration into provincial law.**

VII. BACKGROUND:

FNLC

- Three First Nation political organizations – The First Nations Summit, the Union of BC Indian Chiefs, and the BC Assembly of First Nations – formed the coalition FNLC in 2005.
- FNLC membership is comprised from the Executive of each organization (see attached).
- The FNLC has established four council entities: First Nations Energy and Mining Council; First Nations Fisheries Council; First Nations Forestry Council; and First Nations Technology Council.
- While the members of the FNLC work together to engage with the Province, they are mandated separately and are responsible to act on the resolutions of their respective organizations.

BC/FNLC Engagement

- The Province and FNLC agreed to an engagement approach, including an annual meeting with the Premier; quarterly meetings with the Minister of Indigenous Relations and Reconciliation; quarterly meetings with Deputy Ministers; and meetings at a Technical Table level on individual topics.
- A Joint Core Working Group (JCWG), including representatives from BC and FNLC, was also established to collaboratively focus on actions and strategies stemming from the *Commitment Document*, *Concrete Actions*, and *Vision and Guiding Principles*.
- The JCWG met most recently in January 2019 to strategize on next steps for further commitments outlined in the *Vision and Guiding Principles* and *Concrete Actions*.

Recent Collaborative Initiatives with FNLC

- Implementation of the *Concrete Actions* document [Cross-reference *Commitment Document and Work Plan Estimates Note*]
- Collaborative development of provincial UN Declaration legislation [Cross-reference *United Declaration on the Rights of Indigenous Peoples (UNDRIP) legislation*]
- Ongoing participation in a tripartite working group, including B.C., Canada and FNLC, to address current policy and legislative frameworks related to First Nations children and families, and to focus on ways to bring about real change in child welfare in BC. [Cross-reference *Tripartite First Nations Children and Family Working Group*]

Confidential Issues Note - ADVICE TO MINISTER

- Provincial engagement with the First Nations Gaming Commission, on behalf of the FNLC, and negotiation of the gaming revenue sharing agreement. [*Cross-reference Gaming Revenue Sharing Estimates Note*]
- Formation of a working group in 2018 to discuss cannabis legalization

2018/19 Funding

- Almost \$2,000,000 in dedicated funding to support collaborative work with FNLC on commitments in the *Concrete Actions* document
- \$500,000 in core funding to member entities of FNLC
- \$50,000 to support FNLC participation in a working group with the Province on cannabis legalization and regulation

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Treaty Transformation
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RECOMMENDED RESPONSE:

- **Treaties are one of the important paths to meaningful reconciliation with First Nations.**
- **We are working with federal and Indigenous partners to renew our approach to the treaty process so it reflects new case law, the UN Declaration and our growing relationship with First Nations.**
- **Our goal is to establish treaties based on lasting government-to-government relationships that can evolve over time and recognize the inherent rights of Indigenous peoples.**
- **By giving negotiating tables the flexibility to take new and innovative approaches, we are making significant advancement.**
- **These include recent agreements to advance negotiations with the Sto:lo Nation, SXTA group, Ktunaxa Nation, Metlakatla First Nation, and the NStQ First Nations.**
- **We continue to discuss ideas with First Nations, the First Nations Summit, federal government and other partners to revitalize our approach to treaty-making.**

BACKGROUND:

- Treaty transformation is one of this Ministry's mandated commitments.
- The Ministry of Indigenous Relations and Reconciliation distributed a discussion paper in July 2018 on treaty transformation to First Nations and the federal government.
- The ministry is seeking feedback on proposed approaches to treaty negotiations that would inform a new B.C. framework for treaty transformation.
- B.C. is gathering input from treaty tables, chief negotiator forums and the federal government. It plans to issue a draft 'what we heard' paper, then seek further feedback before issuing a final report, which may guide new approaches on specific topics.
- At the direction of the Principals, Canada, BC and the First Nations Summit, including Chief Negotiators, have launched a collaborative process to co-develop a policy that will support the replacement of Canada's Comprehensive Claims Policy and Inherent Rights policy, as well as the development of BC's treaty transformation policy.
- Focus for discussions include: incremental approaches to treaty, self-determination, recognition and implementation of title; co-development of mandates; and addressing territory overlaps.

Confidential Issues Note - ADVICE TO MINISTER

- Proposals are at a high-level and subject to Cabinet endorsement and will require in significant detailed policy work to implement.

• s.13

- Treaty transformation seeks to build on and enhance work underway through the Multilateral Engagement process undertaken by B.C., Canada and the First Nations Summit.
- The Multilateral Engagement process was seeking to support flexible approaches to treaty making, to address territory overlap and other long-standing issues with treaty negotiations.
- Through its 2018 budget, the federal government addressed one long-standing challenge when it moved from loans to non-repayable contributions to fund First Nations participating in treaty negotiations.
- Crown-Indigenous Relations and Northern Affairs (CIRNA) officials have indicated treaty negotiation loan forgiveness will be part of the 2019 federal budget. CIRNA is expected to allocate funding to forgive all outstanding treaty loans and will refund First Nations for loans already repaid (Note: this is not public).
- Treaty transformation is also being simultaneously explored at the community level. B.C. and Canada are supporting a number of individual tables seeking innovative approaches to treaty.

• s.16

- Comprehensive Reconciliation Agreements (CRA) reflects another approach, which while it may begin outside of the BC treaty process, is similar to core treaty in that it seeks to build the foundation towards long-term, comprehensive reconciliation in an incremental manner.
- CRA tables are envisioned to align with a transformed treaty process.

Communications Contact: Stephen Binder

Program Area Contact(s): Tom McCarthy, Colin Ward, Barb Miles

Friendship Centre Funding

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	First Nations Gaming Revenue Sharing
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RECOMMENDED RESPONSE:

- A new revenue-sharing agreement between B.C. and First Nations will support self-government and self-determination, strong, healthy communities and services that make life better for families.
- Almost \$100 million in new annual funding will support First Nations' priorities for social services, education, infrastructure, cultural revitalization and self-government capacity.
- Like every government, First Nations need stable, predictable sources of revenue to fund their priorities – critical things for every government, such as infrastructure, services that build healthy communities and the staff to get it done.
- This revenue-sharing agreement, from a portion of gaming revenue, will mean First Nations can plan for the long-term and invest in the services they decide their communities need to thrive and prosper.
- This revenue offers the potential for First Nations to design and deliver hundreds of new community projects and programs and significant economic development that can benefit people in their communities and beyond, bringing more prosperity to every part of the province.
- The previous government refused to come to the table on revenue sharing. We are proud to put reconciliation into action by tangibly supporting First Nations self-government and self-determination.
- This renewed approach to revenue sharing is part of our commitment to create a new fiscal relationship with First Nations that supports self-government and self-determination.
- Funds may be used for:

Confidential Issues Note - ADVICE TO MINISTER

- **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.**
- **British Columbia joins Alberta, Saskatchewan, Manitoba, Ontario and Nova Scotia, which already share gaming revenue with First Nations.**

KEY FACTS:

- The Province reached an agreement between B.C. and the First Nations Leadership Council to establish a new First Nations Gaming Limited Partnership, to be managed by and for First Nations, to begin sharing 7% of net provincial revenue from gaming operations in the province.
- Funding is expected to be approximately \$100 million per year to start, with an anticipated 2% growth rate, bringing the total funding over the term of the 25-year agreement to more than \$3 billion.
- Details of the agreement were publicly announced as part of the Budget 2019 announcement.
- The agreement will provide 7% of net gaming revenue collected by the Province, which will be distributed to all First Nations under a formula developed by the First Nations Gaming Commission:
 - 50 per cent base funding (divided equally per community);
 - 40 per cent based on population; and
 - 10 per cent for geographically remote communities.
- The funding may be used by individual Nations for:
 - 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.
- All funds must be directed to the approved community purposes; direct distribution of gaming revenue to individuals will not be permitted.
- In 2017/18, the province collected \$1.391 billion in net revenue from gaming activities. From that, 31% is distributed among a Health Special Account, community gaming grants and host local governments. The balance, net of this new gaming agreement, goes into the province's general revenue.

BACKGROUND:

- The Minister of Indigenous Relations and Reconciliation's mandate letter prioritized negotiating with First Nations leaders and communities to expand opportunities for their share of B.C.'s gaming industry.
- Sharing revenue from B.C.'s gaming industry is part of the Government's plan to create a new fiscal relationship with First Nations.

Confidential Issues Note - ADVICE TO MINISTER

- Discussions began in January 2018 with the B.C. First Nations Gaming Commission (FNGC), created by the First Nations Leadership Council (FNLC), which prioritized revenue sharing as a primary objective, and gaming operations and facilities within First Nations territory as a secondary component of discussion objectives.
- The Province provided the FNLC with \$275,000 to cover the expenses of the Gaming Commission during these discussions, with acknowledgement to provide additional funding, based on mutually agreed upon budgets, to support the continued work in completing a First Nation Gaming Revenue Sharing Agreement. In addition, \$2 million was provided to the FNGC to legally establish a limited partnership that will manage the revenues shared. The \$2m was an advance against future gaming revenues to be shared by the Province.
- The Ontario First Nation Gaming Revenue Sharing and Financial Agreement (GRSFA), which has been in place for approximately 10 years, provided the basis for collaborative discussions and has been endorsed by the FNGC as an effective model to redesign as a B.C. solution.
- Key components of the Ontario revenue-sharing arrangement were discussed as potential items to mirror in B.C. arrangement include: the dispersal of shared revenue to all First Nations in B.C.; the permissible use of funds within the community; creating an allocation formula; and a simplified auditing process.
- In July 2018, Minister Scott Fraser met with the FNGC and expressed Government's commitment to finalizing a gaming revenue-sharing agreement to benefit all First Nations.
- In November 2017, the First Nations Leadership Council (FNLC) contacted Minister Fraser to urge the government to begin negotiations with the B.C. First Nations Gaming Commission led by chairman Grand Chief Joe Hall.
- As part of the negotiations, the FNLC identified three important areas for discussion:
 - Revenue sharing from all forms of gaming in B.C., including lotteries and sort wagering, slots, table games, online gaming, pull tabs, horse racing, etc.;
 - Future opportunities for First Nations to develop gaming facilities; and
 - A review and revision of the B.C.-Canada Memorandum of Understanding on the application of the Criminal Code.
- The commission argued First Nations have been cut out of gaming revenue sharing and the BC Lottery Community Gaming Grants Program, receiving no funding support from either possible gaming revenue stream "despite precedents set in other provincial agreements that have provided substantial contributions to First Nation communities for decades."
- In addition, the commission noted that municipalities receive an annual 10% of net revenue for hosting casinos within the boundaries of their communities while First Nations receive no compensation or benefits from casinos located and operated within their territories.
- First Nations have been asking for gaming revenue sharing to be negotiated by the Province since 2007, when First Nations leaders presented the "B.C. First Nations Investment Plan." The plan recommended allocating 3% of B.C.'s gross gambling revenue directly toward economic and community development initiatives in Indigenous communities.
- At the time, First Nations leaders described the plan as the "single most important" action the provincial government could take to "ease First Nations poverty and begin to close the economic and social gap for all First Nations."
- In summer 2010, the First Nations Summit suggested First Nations would set up their own gambling authority, challenging the BC Lottery Corporations' jurisdiction on reserve land. The B.C. First Nations Gaming Commission was established in 2013. This commission is ongoing, with commissioners appointed by each of the three First Nations Leadership Council organizations.

Confidential Issues Note - ADVICE TO MINISTER

- In 2013, the Province advised the B.C. First Nations Gaming Commission it did not intend to share gambling revenue directly with First Nations and that B.C. has instead undertaken a policy of sharing resource revenues with First Nations in relation to new mines and major mining expansions, as well as new resorts and major resort expansions. Critics have characterized this policy as a “transactional approach” to reconciliation as opposed to true, comprehensive engagement with First Nations.

Provincial gaming policy and First Nations

- The BC Lottery Corporation is responsible for the conduct and management of gaming on behalf of the provincial government under the Gaming Control Act, including responsibility for the development, relocation and any substantial change in gaming facilities, subject to host local government approval. In particular, the act does not differentiate between local governments and First Nations as it relates to hosting a gambling facility and consultation.
- In B.C., First Nations are also treated the same as a host local government when it comes to sharing revenue generated by a gambling facility. Local governments that host a gambling facility receive 10% of net gambling revenue generated by that facility.
- There are four First Nations communities in B.C. that currently host and/or operate a casino or community gaming centre: Squamish Nation (Chances Squamish), Cowichan Tribes (Chances Cowichan, near Duncan), Ktunaxa/Kinbasket Tribal Council Society (Casino of the Rockies) and Adams Lake Indian Band (Chances Salmon Arm).
- Last year, revenue sharing with these four First Nations totalled more than \$2.5 million.
- A revenue-sharing agreement also exists between the City of Penticton and the Penticton Indian Band as it relates to revenue generated at the Lake City Casino. BCLC and the Province are not party to that agreement.

Resource revenue sharing

- B.C.’s 203 First Nation communities receive approximately \$125 million per year through revenue sharing, and reconciliation and economic benefits agreements.

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Questions & Answers

First Nations Gaming Revenue Sharing

Feb. 19, 2019

KEY MESSAGES:

- A new revenue-sharing agreement between B.C. and First Nations will support self-government and self-determination, strong, healthy communities and services that make life better for families.
- Almost \$100 million in new annual funding will support First Nations' priorities for social services, education, infrastructure, cultural revitalization and self-government capacity.
- Like every government, First Nations need stable, predictable sources of revenue to fund their priorities – critical things for every government, such as infrastructure, services that build healthy communities and the staff to get it done.
- This revenue-sharing agreement, from a portion of gaming revenue, will mean First Nations can plan for the long-term and invest in the services they decide their communities need to thrive and prosper.
- This revenue offers the potential for hundreds of new community projects and programs and significant economic development that can benefit people in First Nations communities and beyond, bringing more prosperity to every part of the province.
- The previous government refused to come to the table on revenue sharing. We are proud to put reconciliation into action by tangibly supporting First Nations self-government and self-determination.
- This renewed approach to revenue sharing is part of our commitment to create a new fiscal relationship with First Nations that supports self-government and self-determination.

KEY FACTS

- Under the new agreement, First Nations communities across the province will share in almost \$3 billion in new funding projected over the next 25 years.
- The B.C. government will transfer 7% of net revenue from gaming activities annually, expected to inject as much as \$100 million a year into First Nations communities.
- The revenue-sharing agreement was designed in partnership with the First Nations Gaming Commission, on behalf of the First Nations Leadership Council. The Commission is setting up a new First Nations limited partnership to manage and distribute the funds.
- The new gaming revenue-sharing arrangement will not change the funds that currently go to municipalities, community organizations and health services.
- British Columbia joins Alberta, Saskatchewan, Manitoba, Ontario and Nova Scotia in sharing gaming revenue with First Nations.

1. How much will First Nations receive?

Confidential Issues Note - ADVICE TO MINISTER

- First Nations throughout B.C. will share in 7% of net revenue from gaming activities in the province. It is estimated that will be 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 the First Nations Gaming Commission will be established in April.
- All First Nations communities in B.C. are eligible to join the limited partnership to access the funding.

2. Who will be included in the revenue sharing?

- The First Nations Gaming Commission is establishing a limited partnership 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.
- The limited partnership will be overseen by a First Nations-appointed board of directors.

3. Why are you transferring two years' worth of gaming revenue in this fiscal year and nothing next?

- Providing the first two years of revenue gives the limited partnership and First Nations more flexibility and the potential to earn interest on the funding to support administrative costs of the partnership.
- It also gives Government flexibility in managing its fiscal planning.

4. 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.

5. How will revenue be distributed among B.C.'s First Nations?

Confidential Issues Note - ADVICE TO MINISTER

- The First Nations Gaming Commission developed a proposed model that will divide the revenue among participating First Nations, with a portion going equally to all First Nations and additional dispersal based on population and geographically remote communities.

Only if asked...

- The model used in Ontario provided a starting point for the design of the B.C. model by the First Nations Gaming Commission.

6. How was the funding formula for distribution among First Nations derived?

- The First Nations Gaming Commission was informed by the Ontario sharing agreement that uses a similar formula.
- They received endorsement from chiefs and leadership of First Nations at general assemblies of the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.

7. What is the funding distribution formula?

- Funding will be distributed to communities based on the following formula:
 - 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.

8. Will you be making the revenue-sharing agreement public?

- The agreement will be made public once finalized and signed by the new First Nations limited partnership and Province,^{s.13}

9. How will revenue affect individual 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, 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.
- The important thing to remember is that this funding supports each First Nation's right to self-government and self-determination, which means each Nation decides how to best use this new funding stream.
- *Only if asked...* Funding cannot be distributed directly to individuals.

10. What's the next step in this process?

Confidential Issues Note - ADVICE TO MINISTER

- The First Nations Gaming Commission has been leading negotiations on behalf of the First Nations Leadership Council, which is made up of the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.
- The Leadership Council was directed to establish the First Nations Gaming Commission by Chiefs and leadership of First Nations through resolutions at meetings of the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.
- The commission has continued to provide updates to First Nations leadership as negotiations have proceeded.

11. How have First Nations been consulted in developing this agreement?

- This has been a priority for First Nations for more than 20 years.
- The First Nations Gaming Commission has been leading negotiations on behalf of the First Nations Leadership Council, which is made up of the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.
- The Leadership Council was directed to establish the First Nations Gaming Commission by Chiefs and leadership of First Nations through resolutions at meetings of the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.
- The commission has continued to provide updates to First Nations leadership as negotiations have proceeded.

12. How has B.C. consulted hereditary chiefs on this gaming plan?

- The Province has not engaged directly with individual First Nation leaders. Rather the Province has been working with the First Nations Gaming Commission on behalf of the First Nations Leadership Council. These organizations have been engaging directly with First Nation community leaders.
- The First Nations Gaming Commission received its mandate to negotiate the agreement from B.C. First Nations Chiefs through general assembly resolutions of all three of the First Nation Leadership Council organizations - namely the BC Assembly of First Nations, Union of BC Indian Chiefs, and First Nation Summit.
- Each Nation chooses for itself how their hereditary system is embedded in their representation in the three organizations, through their own community structures and processes.

13. What is Phase 2 of gaming negotiations with nations mentioned by Regional Chief Terry Teegee?

- Following implementation of the gaming revenue-sharing agreement, discussions will continue with the First Nations Gaming Commission on other potential opportunities First Nations may have to participate in the gaming sector.

14. Why has it taken so long to create a gaming revenue-sharing agreement with First Nations?

- The previous government refused to come to the table on revenue sharing.

Confidential Issues Note - ADVICE TO MINISTER

- Negotiating with First Nations leaders and communities to expand opportunities for their share of B.C.'s gaming industry was a mandate of this government.
- We are proud to put reconciliation into action by tangibly supporting First Nations self-government and self-determination.
- Sharing revenue from B.C.'s gaming industry is part of our plan to create a new fiscal relationship with First Nations.
- Discussions began in January 2018 with the B.C. First Nations Gaming Commission, which prioritized revenue sharing as a primary objective.

Only if asked...

- Discussions concerning other gaming opportunities for First Nations will continue with the First Nations Gaming Commission once this new revenue-sharing agreement is implemented.

15. Will B.C. report out on how the gaming revenue is used, like Ontario does?

- The limited partnership will provide the Province with annual financial statements regarding its operations and will make available annual summaries of all transfers provided to First Nations.
- Nations that receive funding will need to submit audited statements to the limited partnership on the use of funds.

16. What checks and balances are in place to ensure the funding isn't misused?

- All gaming revenue recipients, such as municipal government and non-profit organizations, have reporting requirements for the use of funds from gaming revenue.
- Once the new gaming-revenue sharing funding for First Nations is transferred to the First Nations-owned and controlled limited partnership, these become First Nations funds, and they are accountable for them through the partnership.
- The limited partnership will be overseen by a First Nations-appointed board of directors that will hold First Nations governments accountable for the use of funds.
- The limited partnership has simple, clear but firm accountability mechanisms.
- First Nations will be required to provide the limited partnership with annual financial statements that confirm how gaming revenue is spent.
- All First Nation communities that sign onto the partnership will be eligible for a share of gaming revenue unless they are in breach of the funding agreement.
- In addition, the limited partnership will make available annual summaries of all transfers provided to First Nations.

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17. What is the source of revenue that will be shared with First Nations?

- The BC Lottery Corporation is a Crown corporation, accountable to the Province of B.C. under the Gaming Control Act.
- The Province receives the net revenue of all gaming operations in the province annually from the BC Lottery Corporation and then redistributes the funds across various economic, social, and operational programs and services.

18. Where does gaming revenue currently go? Does this agreement mean those agencies get less?

- In 2017/18, the province received \$1.391 billion in net revenue from gaming activities and distributed 31% of that net gaming revenue for health services, community organizations and local governments.
- The balance of undistributed revenue goes into general revenue to support services to all British Columbians.
- The new gaming revenue-sharing arrangement will not change these distributions.
- The 7% for First Nations comes from the portion currently going to general revenues.

19. What is the breakdown of how current gaming revenues are shared:

- In 2017/18, the province collected \$1.391 billion in revenue from gaming activities and distributed 31% of net gaming revenue for:
 - A Health Special Account (\$147.2 million);
 - Gaming grants to community organizations across the Province (\$140 million); and
 - Revenue-sharing payments to host local governments, (\$102.1 million).
- The balance of net gaming revenue not distributed for designated purposes (69%) goes into the general revenue of government to support programs and services for all British Columbians.

20. Are there rules about how municipal governments can spend gaming revenue?

- Under the Host Financial Assistance Agreements, local (frequently but not exclusively municipal) governments are required to spend revenue received from Host Local Government payments to the public benefit.
- Expenditures are reported annually to the Gaming Policy and Enforcement Branch, which administers and audits the agreements as required.
- Only municipalities that are host communities for gaming facilities receive a percentage of net income from gaming – and not community gaming grants.

Confidential Issues Note - ADVICE TO MINISTER

21. Will sharing from the gaming revenue that goes to general revenue lead to cuts in provincial government services or programs in other areas currently funded by gaming revenue?

- No. There will be no reduction in programs or services to British Columbians as the result of sharing gaming revenues with First Nations.

22. Will government decrease funding for existing agreements with First Nations that support existing programs and services now that they have access to another source of funding?

- No. There will be no reduction in any other provincial funding to First Nations as the result of the new gaming revenue-sharing agreement.
- Funding provided through the new gaming agreement will be incremental to all existing provincial funding that First Nation communities currently receive.

23. Is there also an expansion of gaming operations operated by First Nations across the province associated with this initiative?

- No. Expansion of gaming operations is not part of this revenue-sharing agreement.
- Further possible opportunities in the gaming sector for First Nations will continue as part of discussions between the province and First Nations Gaming Commission once this new revenue-sharing agreement is implemented.

24. Is the crackdown on money laundering in B.C.'s gaming sector expected to reduce the amount of revenue available to First Nations under this revenue-sharing agreement?

- Gaming revenue within the Province is projected to continue to show increases over time so there is no expectation that any programs supported by gaming revenue, including revenue sharing with First Nations, will be negatively affected.

25. What is the province doing to crack down on money laundering in B.C.?

- When our government came into office and discovered the scope of this problem, we took quick action.
- We've already introduced changes that have produced a significant drop in suspicious cash transactions at casinos, and we're now looking at money laundering in our housing market.
- The federal government is working more closely with B.C. to fill their critical role in putting a stop to these criminal activities.
- Our government knows we need to act quickly to get results – that's what we're doing..
- And we will keep working to stamp out this problem that the old government ignored.

Confidential Issues Note - ADVICE TO MINISTER

26. What about casinos that are built on First Nations land?

- Four First Nations communities in B.C. currently host or operate a casino or community gaming centre: Squamish Nation (Chances Squamish), Cowichan Tribes (Chances Cowichan, near Duncan), Ktunaxa/Kinbasket Tribal Council Society (Casino of the Rockies) and Adams Lake Indian Band (Chances Salmon Arm).
- Last year, under current gaming arrangements with all governments that host gaming operations, revenue sharing with these four First Nations totalled more than \$2.5 million.
- These current revenue-sharing arrangements for host governments will remain in place and unchanged. Host First Nation governments will be eligible to participate in the new revenue-sharing agreement when they become partners in the new limited partnership.

27. Will government give First Nations with gaming operations on their lands more of the revenue from these operations under this initiative to share gaming revenue?

- Current revenue-sharing arrangements for host governments will remain in place and unchanged.
- However, host First Nations will be eligible for gaming revenue-sharing as well.

28. Why don't First Nations get to keep all the revenue from gaming operations on their reserve or treaty lands?

- First Nation governments that host gaming operations get a share of revenue in the same manner as other local governments.
- They will also be eligible for a share of general gaming revenue under the new agreement.
- The balance of gaming revenue collected across the Province goes to general revenue of government to deliver programs and services to all British Columbians.

29. Musqueam First Nation asserts that they should be getting to keep revenue from gaming activities on their territories. What's your response to that? Will that be part of gaming revenue sharing as well?

- Musqueam will be entitled to a share of all gaming revenues in BC, not just from the casinos located in their traditional territory. Further discussion will take place in the 2nd Phase that deals with among other things gaming opportunities for First Nations and host revenues.

30. What other revenue is shared with First Nations?

- First Nations in B.C. receive approximately \$125 million per year through resource-based revenue sharing such as mining and forestry, and reconciliation and economic benefits agreements.

31. Will government be decreasing funding for existing agreements with First Nations that support existing programs and services now that they have access to another source of funding?

- No. There will be no reduction in funding to First Nations as the result of the new gaming revenue-sharing agreement.

Confidential Issues Note - ADVICE TO MINISTER

- Funding provided through the new gaming arrangement will be incremental to existing funding that First Nations communities currently receive.

32. What is this new fiscal relationship with First Nations you have mentioned?

- Government committed through its Draft 10 Principles released in May 2018 to engage with First Nations on the structure and scope of provincial funding arrangements that support those communities and develop a new fiscal relationship.
- In the “Concrete Actions: Transforming Laws, Policies, Processes and Structures” released in November 2018 jointly with the First Nations Leadership Council, the Province also committed to a model for sharing revenue from gaming.
- The gaming revenue-sharing arrangement is the first step in a new fiscal relationship that will support all First Nation communities; designed in collaboration with the First Nation Gaming Commission.

33. Is B.C.’s new model to share gaming revenue in line with other provinces?

- Alberta, Saskatchewan, Manitoba, Ontario and Nova Scotia share gaming revenue with First Nations.
- The gaming revenue-sharing model agreed to in collaboration with the First Nation Gaming Commission is based on the arrangements developed and in place in Ontario for the past 10 years, which is seen by First Nations there as successful.
- The level of funding that will be provided is comparable on a per-capita basis to levels provided in Ontario.

34. How are First Nations in other provinces using the money?

- First Nations in other jurisdictions use gaming revenue to fund community projects and services in areas such as health, infrastructure, education, community and economic development.
- Like the model developed for B.C., each province has similar guidelines for broad categories under which the funding may be spent.
- Within that structure, First Nations determine their own priorities for spending the money.

Confidential Issues Note - ADVICE TO MINISTER

35. What has gaming revenue sharing meant for First Nations in other provinces?

- In Ontario, it has meant First Nations have been able to fund a host of supports and services for community members, including new community complexes, housing, counselling services, medical supplies for terminally ill community members, schools, school buses, after-school and hot-lunch programs for children, and many more.
- Each year, the Ontario First Nations Limited Partnership reports on hundreds of community projects and programs that are directly attributable to funding received through their gaming revenue-sharing agreement with the province.

Confidential Issues Note - ADVICE TO MINISTER

Gaming New Release

February 19 2019

As part of Budget 2019, First Nations in British Columbia will have a stable, long-term source of funding to invest in their communities' priorities, through a historic revenue-sharing agreement between the Province and the First Nations Leadership Council.

Starting April 2019, approximately \$3 billion over 25 years will be shared with B.C. First Nations, meaning every First Nation community in B.C. will be eligible for between \$250,000 and \$2 million annually through the agreement.

First Nations communities will determine their own priorities for the funding, which can be used for a wide range of benefits, including: health and wellness, housing, infrastructure, training, environmental protection, economic development, governance capacity and other uses.

The agreement to share provincial gaming revenue was reached after decades of work and advocacy by the First Nations Leadership Council, represented by the First Nations Gaming Commission, as directed through resolutions by Chiefs at assemblies of the British Columbia Assembly of First Nations, the First Nations Summit and the Union of British Columbia Indian Chiefs. The Commission is establishing a new B.C. First Nations limited partnership to manage the funding, overseen by a First Nations-appointed board of directors.

Sharing revenue with First Nations communities is an important step that puts reconciliation into action. This agreement is part of B.C.'s commitment to create a new fiscal relationship with First Nations, recognizing self-government and self-determination.

Quotes:

Grand Chief Joe Hall, former chair, BC First Nations Gaming Commission –

“The B.C. government is finally implementing a long-awaited agreement to share gaming revenue that will enable First Nations the opportunity to prioritize critically important community issues that have long hindered their beneficial development.”

Premier John Horgan –

“This agreement will change lives for the better in every corner of the province. It means consistent, predictable and sustainable funding to support critical things every government needs, like improving infrastructure, implementing long-term planning and pursuing development opportunities to address the economic, social and cultural needs of Indigenous peoples on the lands that have belonged to them since time began. This is transformative for people, families and communities, and we're very excited about that.”

Carole James, Minister of Finance –

“This agreement is the result of decades of tireless work by the First Nations Leadership Council to ensure that the resources of our province are shared in a way that advances self-government and self-

Confidential Issues Note - ADVICE TO MINISTER

determination. I'm enormously proud of what we have accomplished together to ensure that communities have the resources they need and deserve.”

Scott Fraser, Minister of Indigenous Relations and Reconciliation –

“With this new source of funding, First Nations communities will have added resources to invest in important priorities that help communities flourish – social services, education, infrastructure, cultural revitalization and economic development. We are proud to put reconciliation into action by supporting the right of every First Nation in B.C. to self-government and self-determination. ”

Regional Chief Terry Teegee, British Columbia Assembly of First Nations –

“First Nations have demanded a fair share from their territories for decades – our title and rights include an economic component that requires sharing in all sectors. The revenue-sharing agreement paves the way for First Nations to finally access a share of the provincial gaming revenue as well as access to community gaming grants that will support positive community change. We look forward to the upcoming Phase 2 of discussions on direct First Nations participation in gaming industry opportunities.”

Robert Phillips, First Nations Summit political executive –

“Every additional dollar into B.C. First Nations communities, including gaming funds, will directly correlate to better living conditions and an improved quality of life. Past studies have clearly shown that such an infusion of new funds into communities annually will measurably enhance the economy of both Indigenous and non-Indigenous communities, supporting the notion that healthy Indigenous economies benefit all British Columbians.”

Kukpi7 Judy Wilson, Union of British Columbia Indian Chiefs –

“We are extremely pleased that the persistent work of the BC First Nations Gaming Commission is being realized – revenue sharing on gaming marks an important step in recognizing the economic component to Indigenous inherent title and self-determination to make our own decisions about our territories. Next steps are aligning legislative codes and policies to this First Nations gaming agreement and to the UN Declaration on the Rights of Indigenous Peoples.”

Quick Facts:

- In 2017-18, the B.C. government collected \$1.391 billion in net revenue from gaming activities.
- Currently, 31% of total provincial gaming revenue is distributed to fund a Health Special Account, community gaming grants and host local governments. This will remain unchanged, and an additional 7% will be distributed to the First Nations new limited partnership. The remainder will continue to go into the Province's general revenues.
- Funding will be distributed to communities based on the following formula, developed by the First Nations Gaming Commission in consultation with First Nations:
 - 50% base funding (divided equally among partnered First Nations, including modern Treaty Nations, in B.C.);
 - 40% based on population, and

Confidential Issues Note - ADVICE TO MINISTER

- 10% for geographically remote communities.

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 11, 2019 Minister Responsible: Hon. Scott Fraser	Tsilhqot'in: Xeni Gwet'in/ tourism operators
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RECOMMENDED RESPONSE:

- B.C. is aware of the concerns raised by both the Chilcotin tourism operators and the Xeni Gwet'in and we have been working in partnership to resolve those concerns.
- The Tsilhqot'in decision was the first declaration of Aboriginal title in Canada, and it raised several unique and complex new issues that we must work through together with all parties affected by the decision.
- This transition will take several years and requires respectful engagement of all parties to address interests within the Tsilhqot'in title area.
- We have negotiated various bridging agreements with the Xeni Gwet'in, including a bridging agreement specific to tourism operations in the title area, enabling operators to continue their business and provides certainty over the short term.
- Discussions are underway with Xeni Gwet'in to determine next steps on Bridging Agreements that expire this year and next.
- Over the longer term, we have identified resources to help the Xeni Gwet'in move forward with tourism investments including the recent completion of an appraisal process for a number of tourism operators who have indicated interest in the potential sale of their business.
- I want to emphasize that good work from all sides is being carried out on this issue and I believe that Indigenous and non-Indigenous commercial operators can co-exist within the Title Area.

If asked about the involvement of BC in a potential sale:

- The Province is prepared to provide acquisition funding to support the Xeni Gwet'in to purchase some tourism operations on a willing

Confidential Issues Note - ADVICE TO MINISTER

seller/willing buyer basis.

- **The Province would remain a neutral party in any potential purchase negotiations between the operators and the First Nation.**

If asked about the Chilko Operators Association buyout proposal:

- **We received the Association's proposal and appreciate the time and work that went in to its creation.**
- **We are focused on actively working to resolve the operators concerns and appraisal reports are now being considered by businesses who have expressed interest in the potential sale of their business.**
- **The concerns raised by tourism operators illustrate why it is better to address issues of rights and title through discussion and dialogue rather than through the courts which can make a complicated issue even more complex.**

KEY FACTS:

- Recent work by Xeni Gwet'in has improved relations between the First Nation and the tourism operators in the Chilko river and Lake area in the Chilcotin.
- Xeni Gwet'in have also recently expressed interest to BC Parks to expand the provincially-regulated Ts'yl-os Park to include the lower section of the Chilko River to control the volume of commercial activity (such as bear viewing), though this may not resolve the underlying issue.
- There have been tensions over the last two years between tourism operators in the Chilko river and Lake area in the Chilcotin and Xeni Gwet'in regarding use of the area, especially related to bear viewing and use of jet boats. Tensions have reduced in the last 6-12 months.
- Commercial bear viewing is not a provincially regulated activity, so there are no provincial enforcement mechanisms currently in place. The Xeni Gwet'in have expressed a view that some operators are conducting business without all necessary tenures.
- Tourism operators have lobbied provincial and federal governments to resolve the conflict around bear viewing, access uncertainty and use of roads in the Declared Title Area, or to 'buy them out'.
- Both parties accuse both the provincial and federal government of lack of action to alleviate tensions. Numerous pieces of correspondence have been sent by tourism operators outlining the issues as they see them. Both parties have also been vocal in media about their perception of the situation, although a media campaign threatened by the tourism operators for the summer of 2018 did not materialize.

Bridging Agreements:

- Since the 2014 Supreme Court of Canada Tsilhqot'in decision, B.C. has been working with the Tsilhqot'in on an orderly transfer of the management, benefit and control of title lands, including dealing with existing tenures on title land issued by B.C. through bridging agreements. However, there is no bridging agreement for commercial bear viewing as B.C. does not regulate this activity.
- B.C. and TNG have signed bridging agreements that will allow activities to continue at status quo while transition plans are negotiated. The main agreement of concern to tourism operators covers commercial recreation, for tenures in the declared title area under the Land Act.

Confidential Issues Note - ADVICE TO MINISTER

- Other bridging agreements currently in place include guided angling, guide outfitters, provincial parks, trapping, recreation sites, ranching and emergency response protocols.
 - The guide outfitting agreement expired on March 31, 2019, and ranching expires December 2019.
- s.13;s.16

- Discussions have started on what longer term plans could be put in place post-bridging agreements, especially on economic development so that Xeni Gwet'in can generate revenue on the Declared Title Lands.

Chilko Operators Association proposal:

- The Chilko Operators Association (COA) which represents individual tourism operators in the area is seeking a buy out from B.C. and Canada based on their assertion that Xeni Gwet'in are making it impossible for them to operate.
- COA sent a proposal package to the federal government on April 8, 2018, copied to B.C., proposing a s.21
- On Feb. 22, 2018, five opposition MLA's wrote to the Prime Minister requesting both levels of government engage with Tsilhqot'in to purchase the businesses at a fair market value and develop a timeline for doing so to expedite a solution.

Property Appraisal:

- s.12; s.13
- The B.C. Ministry of Citizen Services retained the services of a property/business appraiser and appraisals are now complete for businesses operating in the title area that expressed an interest in selling their property.
- The appraisal reports have been shared with these businesses for consideration. Initial responses from business operators suggest dissatisfaction with the appraised price, but also a willingness to continue discussions.

Confidential Issues Note - ADVICE TO MINISTER

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

Communications Contact: Sharon Pocock

Program Area Contact: Devon Ramsay File Created: Jan. 9, 2017

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Tsilhqot'in Accord [General]
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RECOMMENDED RESPONSE:

- **Implementation of the Tsilhqot'in Supreme Court Decision is one of government's foundational mandate priorities.**
- **Because the Tsilhqot'in Decision was the first declaration of Aboriginal title awarded in Canada, it raised several unique and complex new issues that we must work through together with all parties affected by this decision.**
- **The Nenqay Deni Accord [Nen-ky Denay] is one of the tools we're using and in 2017, we recommitted to working with the Tsilhqot'in – through the Nenqay Deni Accord – to re-focus reconciliation discussions, and advance work on shared commitments.**
- **We have also signed a first-of-its-kind in Canada tripartite Collaborative Emergency Management Agreement and continue to work with the Tsilhqot'in and Xeni Gwet'in, to provide greater certainty for provincially tenured activities in the Title Area**
- **We are also working with the Tsilhqot'in and the federal government to advance a shared vision of reconciliation that recognizes and supports the Tsilhqot'in peoples' rights to self-government and self-determination.**
- **We know there are many different paths to reconciliation, but the common thread is the importance of working transparently and collaboratively to find mutually beneficial solutions that make a difference in people's day-to-day lives.**

KEY FACTS:

- B.C., Canada and TNG are in tripartite governance discussions (Transformative Change Agreement), the substance of which are confidential at this time, on how the pillars of the bilateral Accord can be evolved in a tripartite context to support TNG self-governance and self-determination, in line with the Pathways Letter signed by the Prime Minister on November 2, 2018 and with the 2017 Letter of Commitment signed by Premier John Horgan.
- The Pathways Letter signed by the Prime Minister on November 2, 2018. (The Pathways Letter built on the 2017 federal LOU and commits Canada to work with TNG on self-governance, self-determination and housing. It was signed when the PM visited TNG territory to exonerate the Tsilhqot'in war chiefs.)

Confidential Issues Note - ADVICE TO MINISTER

- The Letter of Commitment notes B.C.'s commitment to implement the Supreme Court of Canada's Tsilhqot'in Decision, UNDRIP and the TRC's calls to action, and highlights B.C. and Tsilhqot'in's shared goal to turn these commitments into action at each of the five Accord sub-tables and for each of the eight 'Pillars of Reconciliation' that support the Accord.
- The tripartite governance discussions may lead to a tripartite announcement prior to June 26, 2019, before the 5th anniversary of the Supreme Court of Canada decision.

• s.16

- In September 2018, TNG and B.C. signed a co-management agreement to improve collaboration and address different perspectives on Limited Entry Hunting (LEH) processes and outcomes. A Moose Solutions Roundtable was created as part of this agreement.
- In June 2018, B.C. and TNG finalized five bridging agreements (in addition to the two already signed (guide outfitters and range) to provide greater clarity and certainty for activities in the Declared Title Area over the next two years. The activities are:
 - Access and authorization for commercial and residential recreation licenses, leases and permits, previously issued to third parties by the provincial government under the Land Act;
 - Access to recreation sites and trails.
 - Access for licensed angling guides, and authorization for angling activities;
 - Access for registered trappers, and authorization for trapping activities;
 - Management and continued public use, and commercial use under permit, for the Provincial protected areas, Ts'il'os Park, Nunsti Park and the Cardiff Mountain Ecological Park.
- In addition to the bridging agreements signed in March 2018, the agreements related to guide-outfitters and ranchers (grazing) remain current. Guide-outfitters expires March 31, 2019 and Ranchers expires Dec. 31, 2019.
- In March 2018 B.C., Canada and TNG signed a Collaborative Emergency Management Agreement. Under the Agreement, the federal, provincial and Tsilhqot'in Nation governments will work together to identify best practices and build on the capacity of the Tsilhqot'in communities in emergency management. The foundation for this work will be the lessons-learned during the unprecedented 2017 wildfire season.

Progress to date since the Nenqay Deni Accord was signed in February 2016

- Slow progress was made in year two of the Accord. The interregnum and extended government caretaker period and the extreme 2017 wildfire season interrupted work under the Accord.
- Since the Oct. 31, 2017 Letter of Commitment was signed, this has re-energized the process and working group meetings have identified several areas of work.
- Sub-tables identified by the Accord have been set up. These include Governance, Economic Development, Social, Cultural, Education and Justice, Lands and Resources and Declared Title-area Implementation.
- Each of the five sub-tables has developed a Terms of Reference and work plan.
- Due to the new negotiations landscape created by the Tsilhqot'in Decision^{s.16}
s.16 Two groups – NStQ and SDNA have filed Notice of Civil Claims against the Province related to the Accord. [see separate note]. In January 2019, SDNA and NStQ signed an Interim LOU to work together on boundary issues.
- There are also tensions with industry:
 - Taseko's proposed New Prosperity project is within the proven Tsilhqot'in rights area but not within

Confidential Issues Note - ADVICE TO MINISTER

the proven title area. The Tsilhqot'in have opposed the project at every stage. [MEMPR lead]

- B.C. continues to seek solutions to tensions between Xeni Gwet'in and tourism operators who have tenures on what is now Declared Title Land and was previously Crown Land. [see separate note]
- The Tsilhqot'in made a formal declaration of the declared Dasiqox Tribal Park on July 26, 2015, at Fish Lake. The Province does not officially recognize the park declaration but intends to discuss the land management issues through the reconciliation process. [ENV lead]

ABOUT THE SUPREME COURT OF CANADA DECISION:

- On June 26, 2014, the Supreme Court of Canada awarded Aboriginal title to the Tsilhqot'in National Government on 1,700 square kilometres west of Williams Lake.
- The ruling was the first in Canada to recognize Aboriginal title.
- It also stated that B.C. breached its duty to consult the Tsilhqot'in and clarified that B.C. laws apply to lands held under Aboriginal title subject to certain limitations.
- Since the decision, B.C. has been working with the Tsilhqot'in toward greater reconciliation. The most recent milestone occurred on Oct. 31, 2017 with the signing of the Commitment Letter to recommit to working together under the Nenqay Deni Accord.
- The Tsilhqot'in includes the six First Nation communities of: Xeni Gwet'in (Nemiah Valley), Tsi Deldel (Alexis Creek/Redstone), ?Esdilagh (Alexandria), Yunesit'in (Stone), Tl'esqox (Toosey) and Tlet'inqox (Anaham). The communities do not participate in the BC Treaty Process.
- **Media:** There has been high media coverage on the implications of the 2014 Tsilhqot'in decision for other First Nations and on the decision to grant Taseko's New Prosperity Notice of Work application.

Communications Contact: Sharon Pocock 7-1253

Program Area Contact: Doug Konkin, Alexandra Banford

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Tsilhqot'in Accord: Southern Dakelh Nation Alliance Opposition
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RECOMMENDED RESPONSE:

- **B.C. continues to engage with the Southern Dakelh Nation Alliance about their concerns with the Tsilhqot'in Nenqay Deni Accord**
- **The agreement with the Tsilhqot'in is a five-year framework for negotiations.**
- **Since the Accord was signed, provincial staff have been engaging with neighbouring First Nations, residents and stakeholders and will continue to have those conversations.**
- **The agreement calls for engagement with neighbouring First Nations as negotiations and implementation proceed, and the Province has an obligation to consult.**

BOUNDARY ISSUES AND FUTURE LAND TRANSFERS:

- **Reconciliation can only be successful when we address the rights of all parties.**
- **We take our duty to consult with First Nations seriously when there are potential effects on asserted or established Aboriginal rights and title.**
- **Government is engaging with all parties on the way forward.**
- **Negotiating agreements with First Nations is a complex matter, especially where there are sensitivities about potential boundary issues.**
- **Any new lands identified for negotiation between the Tsilhqot'in and the Province would be provincial Crown land only.**
- **The Interim Letter of Understanding between SDNA and Tsilhqot'in signed on January 11, 2019 to work together on boundary issues is a real demonstration of neighbours committing to work together to solve these kinds of challenges.**

KEY FACTS:

- **The four First Nations of the Southern Dakelh Nation Alliance (SDNA) [Lhtako Dene, Lhoosk'uz Dene, Nazko, Ulkatcho] opposed the Nenqay Deni Accord between the Tsilhqot'in National Government and the Province, claiming they were neither consulted nor accommodated, and the accord boundary overlaps their territories.**

Confidential Issues Note - ADVICE TO MINISTER

- s.16

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- On Aug. 3, 2018, B.C. and SDNA signed the Foundation Framework Agreement, a 3 year agreement, that commits both parties to work on collaborative decision-making over land and resource management, increasing their economic development and participation in the forest economy, improving consultation on resource development and developing culture and wellness priorities.
- The SDNA state that lands in the “Claimed Area” outlined in the Nenqay Deni Accord contains significant portions of the SDNA territories, that the Accord breaches the Province’s legal obligations to the SDNA First Nations and is illegal, and that the Province did not consult “on their intent to allow TNG to govern and benefit from our land and resources.”
- There are three types of land designated in the Accord – title lands, Category A lands, and Category B lands. The SDNA main concern is over Category B lands, which are all lands in the Tsilhqot’in territory except title lands, Category A lands or Indian Reserves. The SDNA is concerned that the overlaps between the Category B lands in the Accord and SDNA territory could mean that Tsilhqot’in could reap economic benefits from SDNA lands and resources, including Allowable Annual Cut and benefit sharing from resource development on these lands.
- Category A lands designated in the Accord are areas that could be identified for potential transfer to eventually come under the Tsilhqot’in Nation’s ownership, management, and control. A determination of which lands will be included is subject to further negotiations between the Province and the Tsilhqot’in, and to the Province’s duty to consult with First Nations when there are potential adverse effects on asserted or established Aboriginal rights or title.
- The SDNA further states that there must be a reconciliation of their rights and title, otherwise there is no basis for the Province and TNG to implement the Accord. If their requests are not met, they may look to the courts for resolution.
- The province is working with both SDNA and Tsilhqot’in under our respective G2G agreements, in advance of FLNR’s upcoming decisions on licensed hunt opportunity (LEH and guide quotas).

s.16

both nations called for a moose hunting moratorium last year. The Moose Co-Management Agreement with the Tsilhqot’in provides for a Roundtable, that SDNA is participating in; the Province is working on bi-lateral discussions with SDNA about moose as well.

Media: There has been no coverage of the SNDA other than on their G2G agreement, but high-level coverage on the implications of the 2014 Tsilhqot’in decision for other First Nations.

Communications Contact: Sharon Pocock
Program Area Contact: Devon Ramsay
File created: Sept. 22, 2016

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Updated: April 8, 2019 Minister Responsible: Hon. Scott Fraser	Wet'suwet'en reconciliation
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RECOMMENDED RESPONSE:

- The provincial government is focused on building relationships with First Nations based on respect and recognition of rights, and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.
- The Province and the Office of the Wet'suwet'en have agreed to explore a path forward, nation-to-nation, to meaningfully advance reconciliation.
- On March 16, 2019, the Premier and I [Minister Fraser] along with Minister Donaldson and Murray Rankin participated in a Smoke Feast hosted by Laksilyu Clan at Witset, marking the formal start of this process in the feast hall.
- We recognize the feast as a long-standing governance and decision-making process that is integral to Wet'suwet'en hereditary leadership protocols.
- These discussions are a historic opportunity to support Wet'suwet'en self-determination and self-governance, and for the Province and Wet'suwet'en Nation to establish a deeper relationship based on respect and recognition of rights.
- It's important to emphasize that our commitment to lasting reconciliation with the Wet'suwet'en Nation and peoples is not connected to any specific project.
- This will take time. There are many steps to take on this path. We are committed to walking this path with the Wet'suwet'en.

If asked about Murray Rankin's appointment:

- To support this work, the Province has appointed Murray Rankin to lead the discussions on the Province's behalf.
- As an expert in constitutional law, Mr. Rankin has a deep understanding of relevant case law and Wet'suwet'en history, and experience in First Nations negotiations.
- Murray Rankin's scope is to work to develop pathways to implement Wet'suwet'en title, rights, laws and traditional governance throughout the Wet'suwet'en *Yintah* (territory).

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- Other actions to build trust and collaborative working dynamics are underway. These include providing capacity funding, and exploring ways to coordinate the ongoing business of government as negotiations get started.

If asked about RCMP action/Unist'ot'en camp:

- With respect to the Coastal GasLink Pipeline Project, the company sought an injunction order from the court on this matter and we respect the court's decision.
- The Province has been clear that the company has the responsibility to resolve the situation with respect, and we expect the project to be advanced in a way that respects Indigenous rights and ensures benefits for First Nations.
- LNG Canada and Coastal Gaslink have shown they understand the importance of consultations and meaningful reconciliation with First Nations – that's why they've signed agreements with every First Nation along the pipeline corridor.
- This project represents great opportunities for all people in British Columbia, but it also recognizes and highlights the challenges of reconciliation.
- As Premier Horgan has said, the work of reconciliation is incredibly complex – there is no quick fix to resolving issues that go back to 1876 and beyond.

If asked about veto...

- This project represents great opportunities for Indigenous and non-Indigenous people, and it also highlights the challenges of reconciliation and resolving issues that go back more than 150 years.
- There is no universal standard to achieving free prior and informed consent -- every nation and each project have their unique circumstances.
- Free, prior and informed consent means First Nations must be fully and meaningfully engaged from the start on projects impacting their territory.
- This creates certainty and predictability for industry over the long term, and recognizes the rights of First Nations.

If asked about civil disobedience...

- We recognize the right of individuals to peaceful protest. We recognize the rights of those across the country who wanted to voice their concerns about this project.

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Confidential Issues Note - ADVICE TO MINISTER

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- **BACKGROUND:**
 - The Province and Wet'suwet'en nation are starting a reconciliation negotiation process together.
 - The process is not connected to any specific project. It is focused on recognizing and implementing Wet'suwet'en title, rights, laws and traditional governance across the territory. As a first step, on March 16, 2019, the Laksilyu Clan of the Wet'suwet'en hosted a traditional smoke feast, an established protocol that marks the beginning of a process under Wet'suwet'en traditional hereditary systems.
 - The province has appointed MP Murray Rankin as its negotiator. Rankin is also a lawyer and mediator, and has deep knowledge of the Wet'suwet'en people and history and of the Delgamuukw decision.
 - Mr. Rankin will not receive remuneration under the contract – he will only be reimbursed for expenses related to his involvement in the negotiations, such as travel costs. The contract currently extends to September 2019, and is for up to a maximum of \$75,000. On February 28, Rankin also announced his intention not to seek federal re-election.

CGL Injunction

- On Jan. 7, 2019, RCMP began to enforce an injunction from the BC Supreme Court by dismantling a checkpoint at km-44 on Morice West Forest Service Road, which resulted in the arrest of 14 people.
- On Jan. 9, 2018, Hereditary chief Na'Moks (John Risdale) stated the occupants of the Unist'ot'en camp would comply with the interim court injunction and provide CGL with access to areas beyond the Morice River bridge, until the matter is settled through the courts. Unist'ot'en camp remains strongly opposed to the Coastal GasLink pipeline project.
- The resolution came after discussions between camp occupants, some hereditary chiefs, RCMP and Coastal GasLink and includes a commitment that the camp and healing lodge will remain in place and that Wet'suwet'en members can access the area for trapping.
- Chief Na'Moks stated in media that they remain adamantly opposed to the proposed project and that will never change but agreed to access to ensure people's safety.
- Wet'suwet'en's Gitumden Clan constructed the km-44 checkpoint after the BC Supreme Court granted Coastal GasLink an interim injunction requiring the removal of a gate on the Morice River bridge, and that CGL be allowed access to areas beyond the bridge. An enforcement order was also in place providing direction to the RCMP to enforce the terms of the injunction.
- The interim injunction will remain in place until a judgment on the main (interlocutory) injunction application. The defendants in the injunction application have until Feb. 20 to file their materials in response to the application. The application itself must be heard by the court by May 31. Freda Huson and Warner Naziel, the two named defendants, have retained legal counsel to represent them.
- The injunction application was filed on Nov. 29, 2018, after Coastal GasLink employees attempted to cross the bridge, and were turned away at the gate. The hearing took place on Dec. 13, 2018, with the injunction order issued Dec. 14, 2018. It has since been revised to expand the injunction area and to provide the defendants more time to file their response materials and hearing deadline.
- The RCMP enforcement action prompted provincial and national media coverage, and rallies across the country and internationally. Additional protests continue to take place, including occupation of government ministers' constituency offices.

Reconciliation work

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- In support of long-term reconciliation with the Wet'suwet'en people, Minister Fraser met with Wet'suwet'en leadership in May, 2018. Premier Horgan and Minister Fraser subsequently met with Wet'suwet'en hereditary leaders on Aug. 31, 2018, in Smithers.
- At the August meeting, the premier indicated that the government is supportive of LNG and that ministry officials can support positive discussions between the nation and proponent to restore the access necessary to start construction for the Coastal GasLink pipeline.
- In October 2018, the Ministry of Children and Family Development (MCFD) signed a tripartite agreement with the Wet'suwet'en Nation and the federal government. The MOU commits the parties to work together to develop and implement a framework for exercising Wet'suwet'en jurisdiction over child and family services.
- This follows a 2017 agreement between the Wet'suwet'en Nation and MCFD to explore opportunities for their jurisdictional right over child-welfare services in accordance with the Nation's traditional laws and governance systems.

Unist'ot'en Camp

- A small group of the Wet'suwet'en peoples, along with non-Indigenous supporters, established the Unist'ot'en camp in 2009, and vowed to oppose any pipeline that would cross Wet'suwet'en territory.
- The Unist'ot'en camp is located at km-66 of the Morice West Forest Service Road near the Morice River. The camp is on Provincial Crown land and includes a number of buildings.
- Since May 2013, a barrier has controlled access across the Morice River bridge, which has delayed activities on pipeline projects and forestry, stalled environmental management and monitoring and archeological assessments, and restricted public access.
- In the fall of 2016, B.C. became aware of a metal gate installed at the Morice River Bridge in addition to the existing Unist'ot'en barrier.
- In February 2017, Ministry of Forests sent a letter to the Unist'ot'en to inform them that the gate appeared to be a contravention of Forest Service Road regulations and to request its removal. No further action was taken by government.
- s.16

Agreements

- 17 of 20 Nations along the proposed Coastal Gaslink route have signed benefits agreements with the Province; however past attempts to complete agreements with Office of Wet'suwet'en and Unist'ot'en representatives have not been successful.
- Four of five Wet'suwet'en bands have signed and announced pipeline benefits agreements with the Province for the Coastal GasLink pipeline. Skin Tyee, Nee-Tahi-Buhn, Witset (formerly Moricetown) and Wet'suwet'en First Nation have agreements that have been announced and are in effect. Hagwilget has not signed an agreement.
- On Oct. 2, 2018, LNG Canada announced its Final Investment Decision to build a \$40 billion LNG export facility in Kitimat, connected to northeast gas fields by the Coastal GasLink pipeline. Media stories have asserted the Unist'ot'en camp is the most significant obstacle facing the pipeline project.
- LNG/Canada has community and project agreements with the elected councils of all 20 First Nations

Confidential Issues Note - ADVICE TO MINISTER

along the Coastal GasLink corridor.

- Coastal GasLink awarded approximately \$620 million in contracting and employment opportunities to northern Indigenous businesses. The project anticipates another \$400 million in contracting for local and Indigenous businesses during construction.

Wet'suwet'en governance and hereditary leaders:

- The Unist'ot'en camp is located in an area where the Wet'suwet'en Nation is assessed as having strong Aboriginal rights and title claims. The Unist'ot'en are a self-identified group affiliated with the Dark House, one of thirteen houses that make up the Wet'suwet'en Nation.
- Since the camp was formed, the Province has made extensive efforts to work with both the Wet'suwet'en Nation and its Hereditary Chiefs to seek a resolution. Internal governance complexities and tensions between elected and hereditary Wet'suwet'en leaders have complicated these efforts.
- Unist'ot'en has two representatives on the 12-person Witset council – Chief Knedebeas (Warner Williams), and Unist'ot'en spokesperson Freda Huson (Knedebeas' niece).

Communications Contact: Danielle Suter
Program Area Contact: Cory Waters; Janice Franklin
File Created: January 12, 2016

Confidential Issues Note - ADVICE TO MINISTER

STATEMENT

For Immediate Release February 7, 2019

Office of the Premier
Ministry of Indigenous Relations and
Reconciliation
Office of the Wet'suwet'en

VICTORIA – The Wet'suwet'en Hereditary Chiefs, Premier John Horgan and Scott Fraser, Minister of Indigenous Relations and Reconciliation, have issued the following statement to mark the start of a new reconciliation process:

The Office of the Wet'suwet'en and Province of British Columbia have committed to explore a path forward together, government-to-government, that seeks to build trust over time and meaningfully advance reconciliation. This process has emerged from decades of denial of Wet'suwet'en rights and title. Both parties believe that the time has come to engage in meaningful nation-to-nation discussions with the goal of B.C. affirming Wet'suwet'en rights and title.

The Office of the Wet'suwet'en and Province are undertaking a process focused on Wet'suwet'en title, rights, laws and traditional governance throughout the Wet'suwet'en Yintah, or territory.

Our discussions will be guided by Wet'suwet'en law, the principles of the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's Calls to Action and Canadian jurisprudence, including the Supreme Court of Canada's Delgamuukw Gisday' Wa decision. We stress that our commitment to lasting reconciliation is not connected to any specific project. These discussions are not transactional, but a real commitment to reconciliation.

To support this work, the Province has appointed Murray Rankin as B.C.'s representative to help guide and design the process between the Province and the Office of the Wet'suwet'en. Mr. Rankin, a lawyer and mediator, has an understanding of the Supreme Court's historic Delgamuukw Gisday' Wa decision and an abiding commitment to better understand the history and current reality of the Wet'suwet'en people.

As a key step in creating this new foundation for reconciliation, the Wet'suwet'en Hereditary Chiefs will host a bahtlats (potlatch or feast) in March 2019 to share information and initiate discussion with the Wet'suwet'en Clans and House groups. The goal is to involve all in this dialogue. The bahtlats is an established governance and decision-making process under Wet'suwet'en hereditary leadership protocols. This work builds on discussions that have been ongoing since the Premier and minister visited the territory last August. A public announcement will follow after the official commencement of our discussions.

We all recognize that the path forward will involve challenges. It will take a willingness to innovate and take bold steps together. This engagement is a historic opportunity to advance

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Wet'suwet'en self-determination and self-governance, and for the Province and Wet'suwet'en Nation to establish a deeper relationship based on respect and recognition of rights.”

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Page 109 of 288

Withheld pursuant to/removed as

s.13; s.16

Page 110 of 288 to/à Page 112 of 288

Withheld pursuant to/removed as

s.13

Confidential Issues Note - ADVICE TO MINISTER

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 11, 2019 Minister Responsible: Hon. Scott Fraser	Hereditary vs elected leaders
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RECOMMENDED RESPONSE:

- Our government is focused on building relationships with First Nations based on respect and recognition of rights, and respecting the principles of the UN Declaration on the Rights of Indigenous Peoples.
- Reconciliation is about supporting Indigenous self-determination and how First Nations choose to govern themselves.
- It is our position that it is up to each Nation themselves to decide who speaks for their Nation, and how those decisions are made internally.
- Nations throughout B.C. have a variety of different governance structures, which incorporate elected leadership, hereditary leadership or some combination of both.
- For example in some Nations, hereditary chiefs have a role in the governance structure with the elected leadership. In other Nations, elected chiefs and council speak for their Nation in government-to-government discussions.
- In our recent government-to-government discussions on fish farms in the Broughton Archipelago, First Nations had a dynamic representation of government and leadership.
 - Some Nations were represented by hereditary chiefs, others by elected chiefs, and some a combination of both.
 - Some had processes to include their communities and leadership in internal discussions and then have representatives come back to the table with their position.
- The province respects all Nations' ability to determine for themselves their own structures of governance and representation.
- Our view is that reconciliation at its heart is about supporting Indigenous self-determination and how First Nations choose to govern their own Nations.

BACKGROUND:

- Many First Nations in British Columbia have both hereditary and elected leaders as a legacy and consequence of the Indian Act band system introduced in 1876.

Confidential Issues Note - ADVICE TO MINISTER

- The imposition of the band system created more than 200 elected bands in B.C., in place of 30-plus larger Indigenous collectives or nations, each with their own traditional laws, governance and policies.
- The elected system served to undermine or destroy traditional hereditary systems, creating a separate tier of leadership within First Nations communities.
- The Indian Act created paternalistic governance systems, whereas many hereditary systems can be matrilineal and matriarchal.
- Today, the roles of hereditary and elected leaders within some First Nations communities without a treaty can be unclear, and the approach differs from nation to nation:
 - Many First Nations have woven elected and hereditary leaders into the governance of their community and territory.
 - In some cases, hereditary leaders defer decisions to the elected council. Some nations have strictly hereditary leadership.
 - In some nations, there has been uncertainty when elected and hereditary leaders have both asserted authority and disagree on decisions.
- Questions have been raised regarding of who has the authority to make decisions about a nation's traditional territory on behalf of the title-holding collective.
- The role of elected band councils is to administer programs and services, and oversee infrastructure, land management and day-to-day operations on reserve lands. In many cases, the band council also makes decisions and signs agreements on issues affecting the nation's broader territory. This can create conflict when traditional hereditary leaders disagree with band council decisions, and assert their authority as title holders.
- In general, the Province consults and negotiates with whichever leaders are decided upon by the First Nation, and will typically seek to consult with both elected and hereditary leaders in areas where traditional house systems remain established (Wet'suwet'en and Gitxsan, for example).

Examples of elected & hereditary systems in B.C.

- This conflict between elected and hereditary came into the spotlight in January 2019 when RCMP enforced a court injunction to remove blockades on a forest service road in Wet'suwet'en territory.
- The Wet'suwet'en Nation is made up of clans and traditional house territories led by respective hereditary chiefs, as well as six independent Indian Act bands (Wet'suwet'en, Hagwilget Village, Witset, Nee-Tahi-buhn, Ts'il Kaz Koh, and Skin Tyee). The Office of the Wet'suwet'en represents a group of hereditary leaders.
- Wet'suwet'en Indian Act bands have signed benefit agreements with both the Province and Coastal GasLink to permit the CGL pipeline to pass through the territory. Some Wet'suwet'en members and hereditary leaders deny these Indian Act bands have the authority to allow a pipeline to pass through Wet'suwet'en territory outside of reserve lands without consent of the proper title holders – the hereditary leadership.
- As another example, the Gitxsan Nation is also made up of clans and traditional house territories led by house chiefs (and wing chiefs). Gitxsan has six Indian Act bands within the nation, however the majority of Gitxsan members are represented by respective hereditary house leaders.
- In the Gitxsan case, disputes have emerged over some hereditary leaders seeking to negotiate a treaty; internal disputes over who is a legitimate house leader; and internal disputes over who holds the authority to act on behalf of the broader Gitxsan Nation.
- Ahousaht First Nation is an example of a nation which has created clarity between its elected and hereditary leadership. Ahousaht First Nation's business development corporation is overseen by its hereditary leaders, with support by the band council through a formal protocol agreement.

Confidential Issues Note - ADVICE TO MINISTER

- Ahousaht's hereditary leaders have made significant land-use and business decisions on behalf of the nation, such as a ban on logging in Ahousaht-owned Tree Farm Licences in 2015. Ahousaht hereditary and elected leaders are both signatories to agreements with the Province.

Citations: <https://indigenousfoundations.web.arts.ubc.ca/bands/> & <https://www.ictinc.ca/blog/first-nation-chiefs-traditional-or-elected-roles-and-responsibilities>

Communications Contact: Sarah Plank
Program Area Contact(s): Doug Caul / Jessica Wood

VIII. ISSUE: NStQ Treaty Negotiations

II. KEY MESSAGES

- **BC is committed to relationships with the NStQ First Nations based on respect and recognition, and guided by the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission's Calls to Action, and case law.**
- **A treaty will ensure the NStQ First Nations have the lands, resources and authorities that support self-government, self-determination and strong government-to-government relationships.**
- **NStQ is in stage 5 of the BC treaty process, negotiations to finalize a treaty. Treaties are an important way to achieve reconciliation.**
- **This stage will reflect BC's commitments to reconciliation and the understanding that a treaty will establish ongoing and evolving relationships between Canada, BC and the NStQ communities.**
- **BC is actively engaging the ranching community on options to address overlaps between proposed NStQ treaty settlement lands and *Range Act* agreements (e.g., grazing licences).**
- **The Yecweminul'ecw government-to-government agreement between BC and NStQ creates a new foundation for more powerful partnerships with the NStQ First Nations and advances our ongoing treaty negotiations to explore how we manage land and resources together. We are moving forward together as partners and governments to make life better and**

Confidential Issues Note - ADVICE TO MINISTER

improve economic opportunities for NStQ members, to the benefit of everyone in the Cariboo.

III. BACKGROUND:

The Northern Secwepemc te Qelmuw Treaty Society includes the Soda Creek Indian Band, Williams Lake Indian Band, Canim Lake Indian Band, and Stswecem'c Xgat'tem First Nation.

NStQ has been in treaty negotiations with BC and Canada since the mid-1990s.

Each of the NStQ First Nations and BC entered into an incremental treaty agreement in February 2016. The agreements provide for the pre-treaty transfer of lands to the NStQ First Nations for economic development purposes.

NStQ, BC and Canada, signed the NStQ treaty agreement-in-principle (AIP) on July 22, 2018. NStQ is now in stage 5 of the BC treaty process, negotiations to finalize a treaty. The NStQ AIP lays out the elements of treaty for the four communities, including ownership of land and resources, harvesting rights, processes for transition from the Indian Act to self-government, and social services.

Canada and British Columbia are working to build meaningful government-to-government partnerships through treaties that support the development and growth of local economies for the benefit of all communities and residents. Engagement with stakeholders and the ranching community over their respective interests will continue and evolve as negotiations progress, with a goal of seeing the NStQ First Nations and all local business interests prosper.

The NStQ AIP includes approximately 72,000 ha of provincial crown land, and overlaps with *Range Act* agreements held by 54 cattle ranches. The Province has actively engaged the ranching community since 2015 to explore all available options to address the treaty range overlaps. The Province will avoid impacts on cattle ranches where possible, and will mitigate impacts to the extent possible if they cannot be avoided.

In October 2018, BC and NStQ entered into the Yecweminul'ecw Agreement. The agreement provides for a more efficient process for consultation with NStQ First Nations on natural resource approvals, and for regular meetings between B.C. and the NStQ to discuss topics of mutual interest.

NStQ and the Province will also collaborate to develop positive working relationships with other levels of government, including the federal government, local governments and First Nations, as well as industry, ranchers and other stakeholders.

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	NStQ additions to treaty land and local government
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RECOMMENDED RESPONSE:

- We are pleased that treaty negotiations with NStQ continue to progress. Treaties are an important way to achieve reconciliation.
- Before any treaty would take effect, NStQ and the federal and provincial governments would propose a working group with local governments on how an NStQ government would interact with municipal and regional governments.
- We understand local governments may have concerns about the impacts of treaties under negotiation.
- The proposed NStQ treaty has provisions to take local government interests into account – including the potential loss of property taxes – if a nation requests that private land it owns be added to treaty land.
- For private land owned by a treaty First Nation that becomes treaty land, existing servicing contracts would continue as negotiated between the treaty First Nation and the local government.
- In addition, a treaty First Nation can become a member of the regional district and would contribute its share of funds if it participates in regional district services.
- How the addition of private land is addressed in the NStQ agreement-in-principle is consistent with other modern treaties in British Columbia.

KEY FACTS:

- The Cariboo Regional District has sent letters to MIRR and the Ministry of Municipal Affairs expressing concern that private lands added to a treaty with the NStQ will result in a significant loss of property tax revenue for the regional district.
- The Williams Lake Indian Band is in the compensation phase of its Specific Claim, which can pay up to \$150 million. The Cariboo Regional District is concerned the band could purchase large tracts of private land when it is awarded compensation.
- s.12; s.13
- The NStQ Agreement-in-Principle (AIP) provides that NStQ First Nations can add private (fee simple) land owned by a NStQ nation to treaty lands under certain conditions, including: agreement from B.C. and Canada, and consent of the municipality if the land is within a municipality.

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- There is no requirement to gain consent from a regional district to add private land to treaty land.
- Language in the NStQ AIP addressing additions to treaty land is consistent with existing direction on treaty negotiations and the approach used in current treaty agreements.
- This process is similar to when land is taken out of a regional district and added to a municipality. The regional district is consulted and may express concerns about impacts to its tax base, and this may be considered by the Province, but the regional district does not have a veto.
- Private land added to treaty land would reduce the tax roll of the local government. However, the risk of a regional district losing a significant portion of its tax roll to a treaty First Nation is low. Modern treaties provide for government to consider impacts of additions to treaty land on other local governments.
- A local government should be able to replace a portion of property tax revenue that is lost when a private parcel becomes treaty land through servicing agreements with the treaty First Nation.
- Existing servicing contracts – such as waste disposal, water, sewers, roadways – could be negotiated to continue when a private parcel becomes treaty land. If servicing is needed for a parcel of treaty land, the First Nation and local government could negotiate a new servicing agreement.
- If the First Nation does not require services for a parcel, then the local government should not be expending funds related to that parcel.
- Also, if the treaty First Nation is a member of the regional district and is a participant in regional district services, the First Nation would contribute its share of funding as per the Local Government Act and regional district bylaws.
- The NStQ AIP proposes 82,129 hectares of treaty land, including 70,486.6 hectares of current provincial Crown land.
- In current treaties in effect, there has only been one addition of private land from a regional district to treaty land, through the Maa-nulth treaty.
- Tla'amin Nation is in the process of adding a private land parcel to its treaty lands, which was pre-approved as part of their treaty.

Communications Contact: Stephen Binder

Program Area Contact(s): Patrick Richmond, Barb Miles

Confidential Issues Note - ADVICE TO MINISTER

ISSUE: Carrier Sekani “Pathways Forward 2.0” Agreement

II. KEY MESSAGES

- **I understand negotiators are working hard to complete drafting of the agreement.**
- **It is not appropriate to discuss the details of an agreement until it is signed and formally announced.**
- **I commend Carrier Sekani First Nations chiefs and their negotiation team for their commitment to these important discussions and to seeking new forms of reconciliation.**
- **This work is consistent with my Ministry’s approach to advancing reconciliation with indigenous people including advancing the United Nations Declaration on the Rights of Indigenous Peoples, and implementing the draft 10 Principles.**

III. BACKGROUND:

The “Pathways Forward 2.0 Agreement” has been under active negotiation with Carrier Sekani First Nations since 2018. The agreement is intended to advance economic development as a key tool in reconciliation. The agreement also includes commitments to develop collaborative and consent-based decision making approaches and negotiate the topics that could be included in a future comprehensive reconciliation agreement. The agreement provides significant economic benefits related to forestry decision making.

s.16

s.12; s.13

Confidential Issues Note - ADVICE TO MINISTER

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Confidential Issues Note - ADVICE TO MINISTER

IX. ISSUE: LNG and Indigenous Peoples

II. KEY MESSAGES

- **The Province is committed to reconciliation with indigenous peoples across the whole of Government including the historic opportunity that LNG development presents.**
- **Our government supports LNG development, with four conditions:**
 - **LNG projects must offer jobs and training for British Columbians, especially jobs for local people.**
 - **British Columbians must get a fair return for our resources.**
 - **LNG projects must secure full partnerships with local First Nations.**
 - **LNG projects must complete a made-in-B.C. environmental assessment and respect our commitments to combatting climate change.**
- **We are ensuring that First Nations communities can benefit from LNG opportunities by:**
 - **Signing benefit agreements to support self-determination;**
 - **Enhancing indigenous stewardship opportunities; and**
 - **Providing vital skills training opportunities to indigenous peoples to provide the foundational opportunities to provide the next generation of indigenous peoples in a position to meet their employment aspirations.**
- **First Nations have received from the Province more than \$59 million in pipeline and facilities benefits agreements related to LNG development in B.C.**

III. BACKGROUND:

- The Province is applying a three-pillar approach to ensure First Nations communities benefit from B.C.'s LNG opportunity: providing financial benefits that encourage economic growth in First Nations communities (PBAs, LNG Benefits Agreements, Coastal Fund Agreements); enhancing indigenous stewardship opportunities (ESI); and investing in skills training for indigenous peoples that will improve socio-economic outcomes and aspirations of members in communities affected by LNG development.
- The Province has negotiated economic benefit agreements with more than 40 First Nations for LNG-related infrastructure and activity, including for proposed LNG facilities and shipping (downstream) along proposed natural gas pipelines (midstream), and in recovery of natural gas from oil and gas fields (upstream). Some of the benefits agreements were designed to be brought in as parts of larger government-to-government and reconciliation agreements, while others are stand-alone benefit agreements.
- Total benefits paid out to First Nations from the Province on all pipeline and facilities agreements: \$59.1 million (\$44.7 for facilities agreements, plus \$14.4 million for Pipeline Benefit Agreements).
- s.12;s.13;s.16

Confidential Issues Note - ADVICE TO MINISTER

s.12;s.13;s.16

- The Coastal GasLink (TransCanada) pipeline project will service LNG Canada in Kitimat. LNG Canada and CGL made a Final Investment Decision (FID) in October 2018.
- LNG proponents have also negotiated benefits agreements (IBAs) with many First Nations. These negotiations are between the Nations and the companies and do not involve the Province. Coastal GasLink has signed Project Agreements with all Indian Act Bands along the project's route. LNG Canada has signed agreements with various First Nations near Kitimat and the shipping routes to/from LNG Canada, including with Haisla Nation whose traditional territory the facility will be sited.
- Woodfibre is expected to issue a Notice to Proceed in the first half of 2019. Agreements with the proponents, along with the Province's benefit agreement are all expected to be signed with Squamish Nation in February/March 2019.

Summary of Facilities Agreements:

- In 2017, the B.C. government announced LNG facility agreements with the Lax Kw'alaams, Metlakatla, Kitselas and Gitga'at First Nation for potential LNG facilities in the Prince Rupert and Kitimat areas.
- Negotiations are ongoing with Gitxaala, Kitsumkalum, and Haisla.
- Province has negotiated an agreement with Squamish Nation for benefits related to the proposed Woodfibre LNG facility and associated Eagle Mountain Pipeline, this agreement will be signed shortly.

Summary of Pipeline Benefit Agreements:

- Sixty-three pipeline benefits agreements have been signed with 29 out of 32 eligible First Nations (more than 90%) for four proposed natural gas pipeline projects: Pacific Trail Pipeline (PTP) (Chevron), Prince Rupert Gas Transmission (PRGT) (TransCanada), Coastal GasLink (CGL) (TransCanada), and Westcoast Connector Gas Transmission (WCGT) (Enbridge).
- First Nations that signed early agreements received one-time signing payments; other payments include one-time payments at the start of construction and additional payment at the start of pipeline operations. Nations with agreements along each pipeline route will, upon being in service, collectively share a \$10M annual benefit payment.
- First Nations Limited Partnership (FNLP) is a group of 16 First Nations with one agreement for the Pacific Trail Pipeline (PTP). Each of the Nations also has a "partnership agreement" with B.C. An amendment to the agreement with FNLP is currently under negotiation to incorporate the \$10M annual in-service payment benefit.

Contact:

Giovanni Puggioni, A/Chief Negotiator
Strategic Partnerships and Initiatives
Phone: (778)-974-2143
Cell: (250)-812-6779

Alternate Contact:

Laurel Nash, Assistant Deputy Minister
Strategic Partnerships and Initiatives
Phone: (250) 953-4004
Cell: (250) 508-1670

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: Jan. 30, 2019 Minister Responsible: Hon. Scott Fraser	LNG Canada Final Investment Decision
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RECOMMENDED RESPONSE:

- **LNG Canada is a promising economic opportunity for Kitimat, First Nations and our entire province.**
- **We will continue to ensure that First Nations communities benefit from jobs, business opportunities and the increased revenue and growth that LNG projects will bring.**
- **Together with Indigenous peoples, we are building healthy communities and create shared prosperity that benefits all British Columbians.**
- **With this investment by LNG Canada, We're making sure real benefits reach people in the province while protecting our environment and respecting and partnering with First Nations.**

Secondary messages:

- **We are ensuring First Nations communities can benefit from LNG opportunities by:**
 - **Signing benefit agreements that encourage financial growth;**
 - **Enhancing environmental stewardship opportunities; and**
 - **Offering skills training so First Nations members have access to employment opportunities.**
- **Our government supports LNG development, with four conditions:**
 - **LNG projects must offer jobs and training for British Columbians, especially jobs for local people.**
 - **British Columbians must get a fair return for our resources.**
 - **LNG projects must secure full partnerships with local First Nations.**
 - **LNG projects must complete a made-in-B.C. environmental assessment and respect our commitments to combatting climate change.**

If asked about the Unist'ot'en action camp:

- **With respect to the Coastal GasLink Pipeline Project, the company sought an injunction order from the court on this matter and we respect the court's decision.**
- **The Province has been clear that the company has the responsibility to resolve the situation with respect, and we expect the project to be advanced in a way that respects Indigenous rights and ensures benefits for First Nations.**

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- **LNG Canada has shown they understand the importance of consultations and meaningful reconciliation with First Nations and that's why they have signed agreements with every First Nation along the pipeline corridor.**
- **This project represents great opportunities for all people in British Columbia, but it also recognizes and highlights the challenges of reconciliation.**

KEY FACTS:

Unist'ot'en Camp

- On Jan. 7, 2019, RCMP enforced an injunction from the BC Supreme Court on Dec. 13, 2019, and dismantled the Unist'ot'en Camp, a checkpoint on Morice West Service Road that had prevented Coastal GasLink employees from crossing a bridge.
- On Jan. 9, 2018, Hereditary Chief Na'Moks (John Risdale) stated the occupants of the Unist'ot'en camp who remain would comply with the interim court injunction and provide access to areas beyond the Morice River bridge until the matter is settled through the courts. Unist'ot'en camp remains opposed to the Coastal GasLink pipeline project.
- The interim injunction will remain in place until a judgment on the main (interlocutory) injunction application, which was adjourned to not later than May 1, 2019, to permit the defendants from the Unist'ot'en camp to respond to the application materials.

Final Investment Decision

- LNG Canada announced its Final Investment Decision on Oct. 2, 2018.
- The \$40-billion joint venture will create an LNG export facility in Kitimat that will initially consist of two LNG processing units, referred to as "trains," each with the capacity to produce 6.5 million tonnes of LNG annually, with an option to expand the project in the future to four trains.
- LNG Canada is a joint venture company comprised of:
 - Shell Canada Energy (40%), an affiliate of Royal Dutch Shell plc;
 - Petronas, through North Montney LNG Limited Partnership (25%);
 - Affiliates of PetroChina (15%);
 - Korea Gas Corporation (Kogas) (5%); and
 - Mitsubishi Corporation (15%).
- LNG Canada has contracted TransCanada to lead work on Coastal GasLink (CGL), a natural-gas pipeline that would service LNG Canada in Kitimat. Both projects have Environmental Assessment Certificates (EACs) and permits in place.
- In April 2018, LNG Canada Announced engineering, procurement and construction awards to JGC Corporation and Fluor Corporation.
- In July 2018, Coastal Gaslink announced \$260 million in contracting opportunities to B.C. First Nations.
- CGL has signed project agreements with 20 Indian Act Bands along the project's route, although not all these agreements have been announced. CGL is also contemplating an agreement with the Wet'suwet'en Matrilineal Coalition (an organization of several Wet'suwet'en Hereditary chiefs). LNG Canada has signed agreements with various First Nations near Kitimat and the shipping routes to and from LNG Canada, including the Haisla Nation, on whose traditional territory LNG Canada would sit.
- One of the largest non-financial factors to reaching an FID is the Unist'ot'en camp located within Wet'suwet'en territory. The Province is pursuing reconciliation opportunities with the Wet'suwet'en Nation. In the event of an FID, the proponent would require access that is currently unavailable due to the Unist'ot'en action camp. It is expected that an injunction would be needed to complete construction of CGL, which is a legally permitted

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activity.

- The companies have requested government engagement to help ensure access to the site. s.13; s.14 s.13; s.14

BACKGROUND:

- In 2016, Shell announced that the LNG Canada joint venture participants – Shell, PetroChina, Mitsubishi Corporation and Kogas – had decided to delay a FID on the LNG Canada project that was planned for the end of 2016. This timeline was subsequently extended until “the global energy market conditions improve and the project has demonstrated that it remains cost-competitive against other investment opportunities.”
- B.C. provided its new fiscal framework to LNG Canada in March 2018 with incentives including:
 - Relief from provincial sales tax (PST), in line with the policy for manufacturing sectors, subject to repayment in the form of an equivalent operational payment.
 - New greenhouse-gas emission standards under the Clean Growth Incentive Program, announced in 2018.
 - General industrial electricity rates consistent with other industrial users in B.C.
 - Elimination of the LNG income tax that had required LNG-specific tax rates.
- It is expected that construction will take five years to have the terminal ready for exports. A likely timeline would be: environmental survey work would be completed in November 2018; construction camps established in January 2019; and actual construction to begin in September 2019.
- LNG Canada has filed for a judicial review of a new federal anti-dumping tariff against imports of fabricated steel components after the Canadian International Trade Tribunal denied their request to be exempted. The new tariff could “easily add billions” (*The Globe and Mail*, Oct. 31, 2018) to the cost of the project and could jeopardize the LNG terminal they plan to build at Kitimat. LNG Canada set a November 30, 2017, deadline for fabrication bids.
- s.17

Communications contact: Cale Cowan, 250-355-7324

Program contact: Rachel Shaw, 250-507-6047

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Squamish First Nation – Woodfibre LNG and Eagle Mountain Pipeline Expansion
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RECOMMENDED RESPONSE:

- This agreement ensures the Squamish Nation will benefit from jobs, business opportunities and economic benefits of the Woodfibre LNG project.
- This is positive step in moving the Woodfibre LNG project forward and ensures real benefits reach the Squamish Nation.
- The Woodfibre LNG project will create a significant economic opportunity for the region and the Squamish Nation.
- Separate agreements between the Province, Woodfibre LNG, Fortis BC and the Squamish Nation related to this project are worth more than \$1 billion in cash and land value.
- The Squamish Nation has also approved agreements with Woodfibre LNG and FortisBC that ensure the Nation's environmental issues are being addressed.
- We've incorporated a unique element in our agreement that provides for "cultural leases" to ensure members have access to key lands in Howe Sound for cultural purposes.

LNG and First Nations

- Our government has made it clear that any proposed LNG project must respect and include First Nations as partners and also protect the environment.
- We are ensuring that First Nations communities can benefit from LNG opportunities by:
 - Signing benefit agreements that encourage financial growth;
 - Enhancing environmental stewardship opportunities; and
 - Offering skills training so First Nations members have access to employment opportunities.

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- **We have been clear that any LNG development must fit within our climate targets and we are committed to building a cleaner future and seizing the many opportunities of a low-carbon economy.**
- **Together with Indigenous peoples we are building healthy communities and creating shared prosperity that benefits all British Columbians.**
- **First Nations have received more than \$44 million in pipeline and facilities agreements related to LNG development in B.C.**

KEY FACTS:

- The Squamish LNG Benefits Agreement has been signed by the parties and is dated Feb. 22, 2019.
- The agreement includes land and cash payments to the Nation for work required to complete the Woodfibre LNG project, including the Eagle Mountain Pipeline.
- The Squamish Nation has negotiated separately with Woodfibre LNG and Fortis BC regarding this project and those agreements were signed Feb. 22. Those parties should be contacted directly for details of those agreements.
- The agreements were supported in an 8-6 vote by the Squamish Nation council.
- Woodfibre LNG is expected to issue a Notice to Proceed in the first half of 2019.

BACKGROUND:

- The key focus of discussions between B.C. and the Squamish Nation centered around selection of up to 400 hectares of land within District of Squamish boundaries that the Squamish Nation has indicated would need to be included as part of a benefits agreement. MIRR worked with FLNRO to establish values for these lands.
- It is estimated that the project will create 650 jobs during construction and 100 operational jobs over its estimated lifespan of 40 years.
- On June 5, 2017, the federal government announced the approval of a 40-year natural gas export licence for the proposed Woodfibre LNG plant near Squamish.
- On March 18, 2016, the \$1.6-billion Woodfibre liquefied natural gas project received federal environmental approval.
- The Squamish Nation approved environmental assessment agreements with Woodfibre LNG and Fortis.
- The environmental assessment agreements that the Squamish Nation entered into with Woodfibre and Fortis are legally binding and provided Squamish Nation with significant decision-making powers.
- The impact of Woodfibre LNG and associated shipping effects on marine mammals, including orcas, were considered by the EAO during its assessment of the project reflected in requirements for marine transport management and monitoring plans.

EAGLE MOUNTAIN GAS PIPELINE PROJECT:

- FortisBC is proposing to twin and/or expand its existing Eagle Mountain pipeline that runs 52 kilometres

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from Coquitlam to the Woodfibre LNG site, add a compressor station in Squamish and upgrade a compressor station in Coquitlam.

- On Aug. 9, 2016, an environmental assessment certificate was issued to FortisBC Energy Inc. for the Eagle Mountain pipeline project.
- The decision was made after a review led by British Columbia's Environmental Assessment Office. There are 30 conditions that are attached to the environmental assessment certificate. Design requirements are specified in a certified project description. Each of the conditions and the certified project description are legally-binding requirements that FortisBC Energy Inc. must meet to be in compliance with the environmental assessment certificate.

Communications contact: Cale Cowan

Program contact: Giovanni Puggioni, Heinz Dyck (chief negotiator)

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<p>CONFIDENTIAL GCPE-MEMPR ISSUE NOTE</p> <p>Ministry of Energy, Mines and Petroleum Resources Updated: April 4, 2019 Minister Responsible: Hon. Michelle Mungall</p>	<p>Coastal GasLink – Likhts'amisyu Camp</p>
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ADVICE AND RECOMMENDED RESPONSE:

- **We are aware the Likhts'amisyu clan released a statement detailing their plan to erect a camp in the pathway of the Coastal GasLink pipeline.**
- **The LNG Canada project represents new economic opportunities for all British Columbians, and it also recognizes and highlights the challenges of reconciliation.**
- **Our government remains committed to reconciliation. That's why we are working with the Office of the Wet'suwet'en on a new reconciliation process to advance self-determination and self-governance.**

If pressed:

- **The Coastal GasLink is approved and permitted for the construction activities underway.**
- **The review and approval for Coastal GasLink's pipeline was thorough, involving extensive consultations with First Nations, including the Wet'suwet'en hereditary chiefs.**
- **At this time, we would encourage the Likhts'amisyu to raise their concerns with the appropriate regulatory authority, or with Coastal GasLink.**
 - **Specific concerns can be directed to the BC Environmental Assessment Office and/or the BC Oil and Gas Commission.**

If asked about the Wet'suwet'en Nation reconciliation process:

- **Our government remains committed to moving forward with the Wet'suwet'en Nation on reconciliation.**
- **We have agreed to explore a path forward, government-to-government, to meaningfully advance reconciliation.**

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- **That process began officially last month with a formal feast in Wet'suwet'en territory, attended by the Premier and Minister Fraser.**
- **Our commitment to lasting reconciliation with the Wet'suwet'en Nation and peoples is not connected to any specific project (and no specific project is the focus of the reconciliation process).**

Key Facts Regarding the Issue:

According to a statement posted to Facebook, a Wet'suwet'en Nation clan will soon erect a new camp to "[assert] their sovereignty" and "impede" the Coastal GasLink pipeline.

Details about the planned camp originated from a statement released by the Likhts'amisyu clan – one of the five Wet'suwet'en clans.

Two hereditary chiefs belonging to the Sun House under the Likhts'amisyu clan are reportedly leading the development of the camp, which the post calls a "new, permanent land reclamation on their territory.

According to an online call for action, the 'Likhts'amisyu camp' will be "strategically located in order to impede the ability of the Coastal GasLink corporation to force their pipeline through Wet'suwet'en land."

The statement invites supporters to help build the camp, including a cabin, a kitchen dining [facility] and a bunk house, and associated outbuildings. It also includes a long-term plan to design and construct a Climate Change Research Facility. Construction is scheduled to start on April 28, 2019 and conclude (initially) on May 18, 2019.

According to the details provided online, directions to the camp are as follows: *"To get to the camp you must travel South from the town of Houston BC and onto the Buck Flats Forest Service Road for 28 kilometers. You then turn right onto the Parrot Trail FSR for an additional 11 kilometers. You cross over the Colleymount FSR intersection and onto the Parrot Lakes Recreation Site driveway for an additional 3 kilometers to the construction site."*

More details about the purpose of the camp and the planned construction schedule is online at <https://likhtsamisyu.com/>.

To date, the Globe and Mail and the Vancouver Sun have reported on the planned camp.

The Wet'suwet'en Nation's hereditary structure consist of five clans and 13 houses. The Sun House is one house under the Likhts'amisyu (Laksamshu) clan.

On December 14, 2018, the Supreme Court of British Columbia granted Coastal GasLink an interim injunction against members of the Unist'ot'en camp - who were/are restricting access across the Morice bridge and forest service road the bridge and forest service road.

Communications Contact:	Darren Beaupre, 250-356-5892
Program Area Contact:	Rachel Shaw 778-974-2149
File Created:	March 22, 2019

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File Updated: April 4, 2019

Two Wet'suwet'en leaders to build 'permanent' camp to protest Coastal GasLink pipeline project

Globe and Mail

Friday, March 22, 2019

Page B02

By Brent Jang

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Page 133 of 288

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First Nation members plan new camp to block pipeline

Vancouver Sun

Wednesday, April 03, 2019

Page A06

By Amy Smart

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X. **ISSUE:** First Peoples' Cultural Council and Indigenous Languages

II. **KEY MESSAGES**

- **Indigenous languages, culture, arts and heritage are integral to the health and well-being of Indigenous communities and peoples.**
- **One of my key mandate priorities is to support Indigenous communities seeking to revitalize connections with their languages.**
- **In Budget 2018, we allocated \$50-million to the First Peoples' Cultural Council to help revitalize Indigenous languages in British Columbia and address the current language crisis.**
- **The FPCC has been successful in expanding community grants, language planning and learning, documentation and community outreach.**
- **The FPCC has also substantially increased their capacity to expand programs that link fluent speakers with learners and work on developing new programming.**

III. **BACKGROUND:**

- The First Peoples' Cultural Council (FPCC) is a Crown Corporation established by the Province in 1990 by the *First Peoples' Heritage, Language and Culture Act* (the Act).
- FPCC is governed by a Board of Directors comprising of up to 13 members. In addition, the Board is supported by a 34-member Advisory Committee, with one representative for each of the First Nations language groups in BC. FPCC's mandate is to:
 - increase understanding and sharing of knowledge within both the First Nations' and non-First Nations' communities;
 - heighten the appreciation and acceptance of the wealth of cultural diversity among all British Columbians;
 - provide funding to British Columbia (B.C.) First Nations for arts, cultural and language programs;
 - create new initiatives, programs, resources and services related to First Nations' heritage, language, arts and culture;
 - advise and support government on the protection, revitalization, and enhancement of First Nations' heritage, language, arts and culture;
- Since 2007, MIRR has contributed between \$1.051M and \$1.551M annually to FPCC. MIRR provides funding to FPCC through its base budget, as well as through the First Citizen's Fund, an interest-driven investment fund.
- FPCC also receives annual funding from the Ministry of Tourism, Arts and Culture (TAC) through the BC Arts Council (BCAC). FPCC received \$1.5M from BCAC in

Confidential Issues Note - ADVICE TO MINISTER

2018/19, representing a significant lift from previous years.

- In Budget 2018, the Province allocated \$50M to FPCC to help revitalize Indigenous languages in British Columbia.
- FPCC then granted the \$50M to the First Peoples' Cultural Foundation (the Foundation). Since its establishment in 2000, the Foundation has worked closely with FPCC on their shared language revitalization goals and the administration of the internationally recognized program, FirstVoices.
- In 2018/19, FPCC invested approximately 10.5M toward language revitalization; \$7.9M from a grant from the Foundation and \$2.6M from the federal government.
- With the above funding, FPCC expanded language programs and funding for:
 - Indigenous language documentation and technologies,
 - language immersion for children and adults in the home, and
 - community and healing programs for silent speakers.
 - training, resource development and policy research.
- Overall, FPCC was able to increase language program grants by \$178% from 60 language grants in 2017/18 to 167 in 2018/19.
- FPCC has increased engagement with communities and Nations to support every language group to access and coordinate resources. FPCC's intention is to reach all First Nations communities in B.C. to support their language revitalization work.
- The number of people who have received training to support their efforts in language revitalization planning, immersion programs and documentation has increased by 280%, from 125 in 2017/18 to 475 in 2018/19.
- There is an unprecedented level of engagement, support and hope that has been generated because of the investment within communities and within government.
- Please refer to the Q&As for detailed information.

Contact

Laurel Nash, ADM
Indigenous Relations and Reconciliation

FPCC Briefing Materials for 2019-20 Estimates

- We are pleased to report that thanks to the new language funding from the Government of B.C., FPCC has been able to increase province-wide support to community-based Indigenous language revitalization.

The goals of the investment are:

- To create new language speakers through **immersion** via the Mentor-Apprentice and Language Nest programs and through healing programs for silent speakers.
 - To ensure each of the B.C. First Nations languages are **documented**, and the language data is owned and curated by communities. An important part of this goal is to ensure that languages are accessible to all First Nations, no matter where they reside.
 - To develop language revitalization **plans** for communities and tribes to ensure there are plans for long-term sustained investment in all domains and strategies are getting results that are evaluated and tracked.
- **The 2018-19 target for language investment is \$10.5 million overall** (\$7.9 million from the First Peoples' Cultural Foundation; \$2.6 million from the federal government through the Aboriginal Languages Initiative). **In 2018/19**, FPCC expanded programs and funding for:
 - Indigenous language documentation and technologies,
 - language immersion for children and adults in the home, and
 - community and healing programs for silent speakers.
 - We are also investing in training, resource development and policy research.
 - **FPCC increased language program grants by 178%**, from 60 language grants delivered in 2017/18 to 167 grants this year.
 - The number of people who have received training to support their efforts in language revitalization planning, immersion programs and documentation has increased by 280%, from 125 in 2017/18 to **475 this year**.
 - The provincial funding has led to grants of a substantially higher value, new grants, and an expanded community outreach program to support First Nations across B.C.
 - The new Language Gathering and Sharing grant program is funding language-based gatherings to encourage collaboration between communities.
 - In addition, FPCC has increased engagement with communities and Nations to support every language group to access and coordinate resources. FPCC's intention is to reach all First Nations communities in B.C. to support their language revitalization work.

What's next

- Over the course of the next two fiscal years, FPCC's grants to communities and individuals will continue to be larger and multi-year as we transition from funding one-off projects to funding language plans.
- FPCC will increase the number of language funding grants available to communities and introduce new programs to support strategic language planning, digitization of language resources, and community development and collaboration initiatives.

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- FPCC will also continue to provide training to individuals and groups in communities and increase valuable outreach and support.

Use of B.C. Government Investment

Immersion programs

Program	Purpose	2018/19	2019/20
Mentor-Apprentice Program Includes Mentor-Apprentice programming for 4 streams: Youth (21 years and under); Adults; Advanced Learners (for high-intermediate language learners to achieve full fluency); and Family (for family language mentorship in the home).	<ul style="list-style-type: none"> • Fluency building • Increase number of speakers to work in ECE programs and schools 	\$1,000,000 60 teams, plus training and support (an increase of 33 teams from 2017/18)	\$1,760,000 will be invested in 110 teams.
Language Nest Program Supports high-readiness communities to develop and maintain full immersion programming for children under 5	<ul style="list-style-type: none"> • Fluency building • Strengthen identities of Indigenous children 	\$1,000,000 21 nests, plus training and support, Each grant up to \$50,000 for up to 3 years (an increase of 7 nests from 2017/18)	\$2 million will be invested in 33 Language Nests.

New Grant Programs

Program	Purpose	2018/19	2019/20
Reclaiming My Language: A Course for Silent Speakers Developed for people who understand but do not speak their First Nations language, such as residential school survivors or individuals who grew up hearing or learning the language, but who do not speak it due to personal barriers. Includes development of a full Silent Speaker Program	<ul style="list-style-type: none"> • Fluency building • Increase number of speakers to work in Early Childhood Development programs and schools • Decrease intergenerational trauma 	\$125,000 New: Development and planning of the program, along with five new pilot projects Grants up to \$25,000 each	The full program will launch in September 2019, with a minimum of 10 new projects.

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and train-the-trainer
support for communities
**Digitization Grant
Program**

\$500,000 will be allocated
towards digitization.

FPCC is working to digitize
its in-house language
resources. In addition, there
are plans to launch a new
digitization grant stream in
2019/20 for First Nations
communities in B.C. to
digitize their language
resources.

**Language Gathering
and Sharing Grants**

Provide funding to
support B.C. First
Nations communities
and organizations to
come together to
share their current
and future language
revitalization projects
and plans.

\$550,000
41 grants were
awarded.

This funding will be
available year-round for
2019/20.

Community Engagement and Support

Program	Purpose	2018/19	2019/20
Community support Strengthening communities' abilities to deliver successful programs and develop and mobilize high- quality resources and training opportunities for them	Central goal of FPCC's language programs: increase the number of communities that are successfully implementing effective language revitalization strategies in all domains.	New: Regional Coaches: two Language Revitalization Coaches have been travelling to First Nations communities across the province to support individuals and groups with their language revitalization efforts and to increase access to FPCC programs and resources. To date, FPCC's language coaches have held nine sessions for 175 delegates representing no less than 32 First Nations across B.C.	Two additional coaches will be added in 2019/20 for even more outreach support.
The Language Planning Program	This program will be launched in 2019/20 with comprehensive training and grants		Anticipate 10+ projects, up to \$60,000 in grants.

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for community
language planning.

Community Grants for Immersion and/or Documentation

Program	Purpose	2018/19	2019/20
B.C. Language Initiative Open strategy funding that allows for mid- and high- readiness communities to access funding for a variety of language projects. Essential to developing innovative and inspired strategies for language revitalization, and to meet the unique needs of each community.	<ul style="list-style-type: none"> • Documentation & resources • Fluency building • Capacity & skill development 	\$4,280,000 62 projects for communities, affiliations, and organizations – an increase of 54 from 2017/18. Grants up to \$100,000 for up to 3 years	An additional increase to 75 BCLI projects is planned for 2019/20.

Documentation/Technology Development

Program	Purpose	2018/19	2019/20
FirstVoices.com is an online language archiving tool	Enabling Indigenous communities to document their alphabets, dictionaries, phrases, songs and stories in their own customized online archives	\$530,000 (\$500,000 is from FPCF; the remaining amount is from FPCC for training) The First Peoples' Cultural Foundation and FPCC funded 6 grants for documentation, with 4 new B.C. language archives and training for 30 participants through FPCF.	20 grants will be available for language documentation.
FirstVoices.com - development	Ongoing work to increase functionality and make the tool even more user friendly	\$554,614	New: Research and development, implementing new technologies
Grant tracking, reporting and accountability system	Increased tracking, access and accountability	TBD Target budget: \$200,000	New: Developing and implementing a robust accountability and reporting system that will allow us to better track and report on the grants that we deliver

Resource Development and Training

Program	Purpose	Budget	Projects
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Language Resources	Tools and resources, evidence-based research, reports and publications	\$100,000	New: Research and development to create several new resources and tools for community use, including a Language Planning Toolkit and a Language in the Home resource
Training	Provides support to individuals and communities to ensure they receive maximum benefit from FPCC language programs		FPCC training more than 475 participants in 2018/19: 130 for Mentor-Apprentice, 60 for Language Nests, 30 for FirstVoices, 175 through language coaching workshops and an additional 80+ for additional training related to language programs.

Partnership

Program	Purpose	2019/20	Projects
International Year of Indigenous Languages Conference, June 24-26 2019	Global knowledge sharing on successful Indigenous language projects. Multiple workshops in language archiving and documentation techniques, language policy & legislation, language revitalization program planning and adult immersion.	\$500,000	The First Peoples' Cultural Foundation and FPCC are co-hosting an international language conference in Victoria, which will highlight language revitalization efforts in B.C.
<i>HELISET TFE SKÁL</i> – 'Let the Languages Live' – 2019 International Conference on Indigenous Languages			A committee of language experts is working collaboratively to plan the conference and develop the agenda; and, multiple organizations are supporting the initiative including CCUNESCO, the Leadership Council and the Royal BC Museum.

The impact of funding on our communities:

For Edōsdi (Dr. Judy Thompson), Director of the Tahltan Central Government's Language and Culture Program, the new FPCC funding means her community now receives more grants of higher value. In addition to their existing FPCC-funded language programs, they now have funding for programs through B.C. Language Initiative and to document their languages using FirstVoices, a digital platform developed by FPCC, which provides online tools for Tahltan speakers wherever they live. This is vital because, "the majority of Tahltan speakers are elderly, so there is a real urgency for adequate resources to build up our languages and maintain them for future generations," said Edōsdi.

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“With multi-year funding, bigger grants and fewer limits on the number of grants that can be received, B.C.’s First Nations communities are no longer competing for much-needed resources. Now, we have more security and stability to make real progress towards the revitalization and reclamation of our languages – and that’s very exciting,” she continued.

Immersion programs, such as Mentor-Apprentice, which pairs a fluent speaker with a learner, are being significantly expanded as many fluent speakers age and passing on their knowledge becomes increasingly critical. For Tracey Kim Bonneau of the Syilx Nation in Penticton, the increased funding allowed her to join FPCC’s Mentor-Apprentice Program in 2018 with her fluent Nsyilxcən-speaking uncle, Christopher Eneas. The impact of learning Nsyilxcən and speaking more of it in her daily life has been far reaching for Bonneau.

“I am now a holder of the language as a speaker,” she said. “Language is at the core of who we are, our history and our laws. As Indigenous people, it sets the parameters for how we live and take care of ourselves.” Bonneau feels that FPCC’s Mentor-Apprentice Program is the “most forward-thinking program in Canada because it understands the needs of our community.”


Index

Defining FPCC	p.1
Funding Allocation	p.2
First Peoples’ Cultural Foundation	p.6
Governance	p.7
Education	p.8
Outcomes	p.9
Language Revitalization Conference	p.11
Language Legislation – Federal	p.12
Federal Funding	p.13
Arts and Cultural Heritage	p.14
Conflict Resolution	p.15

Defining FPCC

The First Peoples’ Cultural Council (FPCC) is a First Nations-led provincial Crown corporation with a mandate to support the revitalization of First Nations languages, arts, cultures and heritage in British Columbia. The organization provides funding, resources and training to communities and monitors the status of First Nations languages. FPCC also undertakes research on language revitalization and provides technical advice and policy recommendations for First Nations leadership and government.

What is the First Peoples’ Cultural Council’s relationship with MIRR:

- The First Peoples’ Cultural Council (FPCC) is an First Nations-led provincial Crown Corporation formed by the government of British Columbia in 1990 to administer the First Peoples’ Heritage, Language and Culture Program. The First Peoples’ Cultural Council is supported by legislation:  *First Peoples’ Heritage, Language and Culture Act*.

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- FPCC was formed as a Crown Agency by government at the request of Indigenous leaders such as Chief Ron Ignace and Don Porter from the Indigenous Leadership Initiative.
- The mandate of FPCC is to assist B.C. First Nations in their efforts to revitalize their languages, arts and cultures. Since 1990, FPCC has successfully distributed over \$45 million to British Columbia's Indigenous communities for language, arts and culture projects.
- MIRR is the ministry responsible for FPCC.

Funding Allocation

The total value of language program grants delivered by FPCC to language programs is \$9.4 million. \$7.3 million was drawn from FPCF from the \$50m provincial investment and the remaining funds came from the federal government for the Aboriginal Languages Initiative and a donation by Aboriginal Neighbors.

What is the role of FPCC in terms of the accountability for the \$50M investment?

- In Budget 2018, the Province allocated a one-time \$50 million grant to the First Peoples' Cultural Council (FPCC). FPCC granted the \$50 million to the First Peoples' Cultural Foundation (the Foundation), a First Nations-led and directed, non-political, non-profit society devoted to the revitalization of Indigenous languages, arts and cultures. The Foundation received the grant after submitting a proposal to FPCC that aligned with strategic language revitalization goals and outcomes:
 - Support First Nations communities to implement successful language revitalization programs within their communities.
 - Engage with partners, funders and communities to support coordination, collaboration, and knowledge transfer.
 - Develop high-quality resources, tools and training to support language programs.
- Accountability for the \$50 million, including decisions on how the funding is allocated, rests with the Foundation.

Why did FPCC grant the \$50m Investment to the First Peoples' Cultural Foundation?

- FPCF is the best option for investment and management of the funds. FPCC works closely with FPCF and the Foundation's focus is to manage the funds so that FPCC is able to focus on funding delivery, program development and resources.

How do First Nations access funding from the \$50M?

- The funds are held by the First Peoples' Cultural Foundation (the Foundation) and are withdrawn by request based on the budget for language program needs on an annual basis.
- FPCC applies annually to the Foundation for funding to support Indigenous language grants, resources and training in communities.

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- FPCC is continuing to use the established model of funding delivery to B.C. First Nations through grant applications. This model ensures that the funding is being used to achieve language outcomes and allows FPCC to provide a high level of support (including grants, training and resources) for projects.
- Grants are awarded through an external peer review process. Indigenous B.C. language experts review grant applications to FPCC and determine which projects will receive funding. FPCC staff are not involved in determining who receives funding.

Is the funding only open to First Nations, or could Metis Nations apply?

- As per the FPCC mandate only programs supporting First Nations eligible for language program funding.

How much will be spent in future years?

- FPCC is scaling up delivery of funds over the three years. We recognize that language teams in communities are busy and juggling many priorities. The scaled approach allows both communities, and the FPCC team, time to prepare for maximum success. The total funding delivered will increase in the second year and then again in the third year.

How much is FPCC spending on administrative and program delivery costs?

- To enact these activities, we will be expanding our small language department team at FPCC, while still maintaining a streamlined operating budget that transfers as much of the funding as possible directly to communities and provides tools, resources and support to enable language programs to achieve successful outcomes.
- An analysis of costs will be available in our 2018/19 Annual Report, which will be completed in June 2019.
- FPCC financial statement are available to the public on our website in the Annual Report.

Why is FPCC delivering the funding?

- FPCC applies annually to the Foundation for funding to support First Nations language grants, resources and training in communities. The Foundation has been an important funder of FPCC programs for many years.
- FPCC is much more than a funding mechanism. Indigenous language revitalization is complex and FPCC provides support along with the funding to maximize success. This support includes language planning tools, ongoing coaching of applicants and recipients, community engagement and development of resource materials that are freely available to all.
- FPCC also advocates for funding and resources from government and other funders and has developed a review process that ensures that funds go to projects that will yield results.
- FPCC is currently the primary distributor of funding for Indigenous language revitalization programs in B.C., as per its mandate.

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- FPCC is the technical authority on First Nations languages in B.C. As a result of our work, FPCC is leading this work in Canada and around the globe.
- FPCC has the support of Indigenous leadership both in B.C. (B.C. AFN, First Nations Summit and UBCIC) and nationally from the B.C Assembly of First Nations.
- The success of FPCC language programs has resulted in FPCC being a recognized voice of expertise and advocacy for language revitalization programming, funding and legislation. FPCC was instrumental in representing the voices of B.C. First Nations in the development of the federal Indigenous language legislation. CEO Tracey Herbert was invited to appear before the Standing Committee on Canadian Heritage and to the Senate Committee to speak on this legislation. See full presentation:



FPCC-SenateComm
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- FPCC invests in strategies that work and result in fluent speakers and works to build long-term capacity in communities, with a focus on 5-10 year strategic language plans, rather than single projects.
- Most language programs are still at a language reclamation level, not maintenance, and require ongoing support that FPCC provides.
- FPCC conducts ongoing research to respond to the needs of language programs and also to report on the progress and status of B.C. First Nations languages. This research helps develop models for successful revitalization programs.
- As a First Nations-led organization FPCC is uniquely equipped to respond to the needs of individuals, communities and organizations working in First Nations language revitalization.

Why is funding important for language revitalization?

- Making diverse investments in our communities is good governance and investing in language revitalization strengthens families, individuals, created employment opportunities, and places value in our First Nations language experts and knowledge keepers.
- FPCC studies have shown that communities involved in language and culture activities have stronger levels of health and wellness, including lower rates of suicide and diabetes.
- Language programming creates jobs in communities and 80 per cent of those who work in language revitalization are women. This provides a powerful opportunity for empowerment at a time when many Indigenous women are living in poverty.
- Investing in Indigenous language revitalization directly responds to the Truth and Reconciliation Commission of Canada's (TRC) Calls to Action (13, 14, 15, 16 and 17) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (Articles 11, 12, 13, 14, 15 and 16), which recognize that knowing and being able to speak one's language is a human right for Indigenous people.

How has the provincial funding been allocated in 2018/19?

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- FPCC delivered \$7.3m in program grants in 2018/19. The number of language program grants increased by 311 per cent, from 60 language grants delivered in 2017/18 to 247 grants in 2018/19.
- The number of people who have received training to support their efforts in language revitalization planning, immersion programs and documentation has also increased substantially by 280 per cent, from 125 in 2017/18 to over 475 in 2018/19.
 - 130 for Mentor-Apprentice, 60 for Language Nests, 30 for FirstVoices, 175 through language coaching workshops and an additional 80+ for additional training related to language programs.
- Language Resources and Tools have been developed in 2018/19 to support community language revitalization, including a Language Planning Toolkit and a Language for Life resource.
- Regional Language Revitalization Coaches: two new coaches were hired specifically for community engagement to support individuals and groups with their language revitalization efforts and to increase access to FPCC programs and resources. To date, FPCC's language coaches have held nine sessions for 175 delegates representing no less than 32 First Nations across B.C. Two additional coaches will be added in 2019/20 for even more outreach support.
- A new program "Reclaiming My Language: A Course for Silent Speakers," previously in a pilot phase, had full funding available in April 2019.
 - This program was developed by Indigenous people, for Indigenous people and uses Cognitive Behavioural Therapy to help those who know their language but are unable to speak because of personal barriers.
 - A recent pilot program participant says, "I feel so much stronger as a Native person. Strength in knowledge. I felt ashamed of my level, and shame to speak in a non-Native setting. This course has built up my courage to speak in any setting and be proud to be a strong Native woman. Passing this on to my grandbabies."
- New "Language Gathering and Sharing Grants" provide funding to support B.C. First Nations communities and organizations to come together to share their current and future language revitalization projects and plans.

What are the future plans for FPCC Language programs?

- In 2019/20 and 2020/21, FPCC will continue to increase the number of training opportunities, resources and the number of grants delivered and the value of each grant.
- For the 2019/20 program year the number of estimated project grants will increase from 247 to more than 375.
- Additional grants will be available year-round for Language Gathering and Sharing events.
- Two additional regional Language Coaches will be delivering in-person workshops, support and information in communities across the province.
- New language digitization grants are currently being developed and will support communities to digitize their language resources.

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- New Language Planning Program will be launched in 2019/20 with comprehensive training and at least 10 grants for community language planning.
- All grant recipients will receive training in their program area.

First Peoples' Cultural Foundation

What is the relationship between FPCC and the First Peoples' Cultural Foundation?

- The mission of the First Peoples' Cultural Foundation (the Foundation) is to inspire and empower British Columbia First Nations to revitalize and enhance their languages, arts and cultures. FPCF funds programs delivered by FPCC and also other projects such as FirstVoices.
- Established in 2000, the Foundation is a First Nations-led and directed, non-political, non-profit society devoted to the revitalization of First Nations languages, arts and cultures.
- Over its history, the Foundation has worked closely with FPCC to provide funding for projects and grants and has delivered millions of dollars for arts, language, and cultural initiatives.
- The Foundation is focused on fundraising to support arts, language and cultural revitalization and works in partnership with FPCC to ensure that communities have the resources they need to do this important work.
- The Foundation funds FirstVoices grants and programs. The Foundation will publish an annual report on their website with full financial details.

How did/does FPCC access the \$50M investment that the Foundation manages?

- The funds are managed by (the Foundation). The First Peoples' Cultural Council (FPCC) applies annually to FPCF to deliver funds to First Nations communities.
- FPCC's programs are community-driven, evidence-based, deliver measurable results and strengthen the well-being of First Nations communities in B.C. Organizations around the world look to FPCC for advice and expertise on language revitalization.

What are the plans of the Foundation for the remaining \$50M investment?

- This funding has been earmarked for Indigenous language revitalization projects in B.C.
- Increase support of FirstVoices to create more opportunities for language documentation in B.C.
- Support and partner with FPCC on future language revitalize projects in B.C.

Governance

What role do First Nations have in governing FPCC?

- The First Peoples' Cultural Council is a First Nations-led organization governed by a Board of Directors comprised of up to 13 Indigenous members. The FPCC Board is supported by a 34-

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member Advisory Committee, with one representative from each of the First Nations language groups in B.C.

What role do First Nations have in giving direction and advice on how the investment is allocated?

- Program development is initiated in response to requests from B.C. First Nations.
- We have a reciprocal and collaborative relationship with communities and consult extensively through our advisory committee, focus groups reviews, participant roundtable events, workshops in community and community consultation sessions.
- As a First Nations-led organization FPCC is uniquely equipped to respond to the needs of individuals, communities and organizations working in First Nations language revitalization.
- FPCC program development and research is guided by the Board and Advisory Committee comprised of members of B.C. First Nations.
- The Peer Review Committee members, that determine successful grant applications, are comprised of Indigenous experts on the subject matters they are reviewing. The PRC members are not FPCC staff and come from various regions around the province.
- FPCC programs and resources are developed through a community-based approach.

What role do First Nations have in giving direction and advice to FPCC on their approaches to language revitalization and how funding is allocated?

- FPCC's Advisory Committee is comprised of community representatives from the 34 B.C. First Nations languages. The Advisory provides important feedback to FPCC, which helps the organization to shape its programs and resources.
- We have been/are/and will continue to take this community feedback to shape our programs.
- Staff work closely and collaboratively with Indigenous language champions, teachers and planners when developing and evolving program resources and offerings.
- FPCC requests and receives feedback from First Nations leadership such as the Assembly of First Nations.
- FPCC's programs and models are based on successful practices in language revitalization, and the guidance and priorities provided by First Nations language champions themselves.
- Grants are awarded through an external peer review process. B.C. First Nations language experts review grant applications and determine which projects will receive funding.
- New Language Revitalization coaches have been visiting communities around the province to support Indigenous language planning and revitalization.
- It is our goal to reach all 203 First Nations to support their language revitalization work.

Education

How does the work/funding of FPCC support education?

- While FPCC does not have the mandate to support accredited language programs within the public-school system, we do support First Nations communities and language champions to

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develop resources, training and immersion programming that may contribute to language work happening in public and First Nations schools.

- FPCC supports lifelong learning and many approaches to language revitalization. For a language to be revitalized there needs to be investments across many strategies and domains – education is one of those domains.

How do FPCC and the First Nations Education Steering Committee (FNESC) work together toward language revitalization?

- FPCC staff communicate regularly with FNESC staff.
- FPCC participates with FNESC on the B.C. roundtable on language revitalization.
- Involved in regular facilitated meetings to discuss and explore collaboration on language revitalization work and approaches.

Outcomes

What progress has been made toward language revitalization so far?

- In 2018/19 FPCC has delivered \$9.4 million in language program grants and increased the number of grants by 311 per cent, from 60 language grants delivered in 2017/18 to 247 grants this year. (This number includes \$7.3 million and \$2.1 million through ALI.)
- The number of people who have received training to support their efforts in language revitalization planning, immersion programs and documentation has also increased substantially by 280 per cent, from 125 in 2017/18 to 475 in 2018/19.
- \$2.1m in 47 language grants was delivered by FPCC through the federal Aboriginal Languages Initiative program in 2018/19.
- Progress from the 2018/19 program year cannot yet be reported on as grant recipients have not yet completed their reporting. FPCC is working to develop a comprehensive monitoring and evaluation strategy that will allow us to better track the outcomes of our programs and supports.
- We believe that it is important for all involved in language revitalization work to set clear goals and develop sound methods for tracking progress towards those goals.
- FPCC published the *2018 Report on the Status of B.C. First Nations Languages*, which found that young learners are on the rise:
 - Younger fluent speakers (ages 0-24) increased to 117 from 54 reported in 2014.
 - There are 13,997 (10.2%) language learners, an increase from 9.1% in 2014, 78.1% of these learners are under the age of 25.

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What are the key strategies FPCC is using?

- To create fluent speakers through immersion programs such as Language Nest and Mentor-Apprentice Programs.
- To record and document B.C.'s 34 unique First Nations languages and over 90 dialects for future generations through digitization programs and the FirstVoices.com online language resource.
- To help B.C. First Nations communities strengthen their language rebuilding efforts through strategic language revitalization planning.
- To mobilize capacity in communities through in-person outreach, training and resource development.
- To document and digitize the languages and support communities in their efforts to preserve their language resources.
- In 2018/19, two language revitalization coaches engaged in outreach to communities who were not currently receiving funding and support for language programs or needed assistance improving their language program planning or grant writing skills. Two additional coaches are planned for 2019/20.

Who owns the rights to resources and information gathered by FPCC for programs and language technology? Who has access to this information?

- Communities maintain the ownership and control of any information or digital versions of their language information, tools or strategic plans.
- FirstVoices is an open source platform that any community can access. The information uploaded to FirstVoices is owned and maintained by the community managing that language catalogue. Communities have the right to make their data open to the public or keep it private.
- FirstVoices data and software are hosted on Canadian servers in the cloud.
- FirstVoices infrastructure and data is resilient to disaster scenarios (both natural and non-natural disasters).
- The infrastructure is highly available with active threat detection and security monitoring.
- FPCC does not share information provided by communities with external sources
- FPCC IT staff attend the Annual Privacy & Security Conference in Victoria.
- IT Manager is also a member of the IT Crown Collaboration Committee a round table collaboration committee to discuss IT related issues and best practices.
- IT staff follow KnowBe4 Security Tips phishing Alerts and the Information Security Awareness Team's - Security News Digest (Information Security Branch, Office of the Chief Information Officer, Ministry of Citizens' Services).

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- FPCC provides training on how to use FirstVoices so that communities may maintain their language data independently.

Language Revitalization Conference

Why is FPCC hosting a language conference?

- The United Nations General Assembly Resolution on the 'Rights of Indigenous Peoples' has declared 2019 as the Year of Indigenous Languages (IYIL 2019) to raise awareness of Indigenous languages, not only to benefit the people who speak these languages but also for others to appreciate their importance and celebrate our world's rich cultural diversity.
- The goal of the conference is to provide the participants with practical skills and knowledge that can be applied to Indigenous language revitalization.
- This unique conference will be held by and for Indigenous Peoples. It is an important opportunity to bring together Indigenous language experts and advocates from around the world to share their knowledge and success stories about keeping their languages thriving. Conference participants will learn from one another and take this knowledge back to their home lands and communities.
- This conference aligns with the goals of the B.C. government investment into Indigenous languages: to create fluent speakers, to record and document B.C.'s First Nations languages and to further support B.C.'s First Nations communities to revitalize their languages
- The discussions will support B.C. language champions and highlight and celebrate the successes and best practices that have been made in language revitalization currently happening in B.C. and around the world.
- Participants will learn about First Peoples Cultural Council's language revitalization tools and funding opportunities available to B.C. First Nations to support community-based language projects

How will First Nations in B.C. be able to participate?

- B.C. First Nations people are invited to attend as delegates, presenters and keynote speakers.
- To make attendance accessible some travel costs and accommodation will be provided for any B.C. First Nations person requesting assistance with travel costs.
- The registration fee has been waived for all B.C. First Nations Elders.
- This conference is meant to highlight the successes of B.C. First Nations language champions and also to bring language revitalization experts from around the globe to share knowledge with those working on language revitalization here in B.C.

How is the conference being funded?

- The funds for the conference come in part from the Foundation through the B.C. government's unprecedented \$50m investment in Indigenous languages in Budget 2018.

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- The FPCC/FPCF conference organizing committee is seeking sponsorships and reaching out to allies within its network to secure more funding.

Language Legislation- Federal

How will B.C. benefit from the federal legislation?

- Federal acknowledgement of the need to revitalize and preserve Indigenous languages is a positive step for all Indigenous languages in Canada.
- While this legislation is encouraging, a national strategic plan with long-term sustainable funding is required for success in language revitalization.
- B.C. has the greatest language diversity in the country with over 60% of all Indigenous languages in Canada. There is an incredible need for funding and protection to see these languages thrive into the future.
- According to FPCC research, current funding announced to support the language legislation falls short of what is required by First Nations communities to revitalize their languages.

What has FPCC's involvement been?

- Throughout the co-development process, the First Peoples' Cultural Council's CEO, Tracey Herbert has been a technical advisor on the AFN's Chiefs Committee on Languages.
- FPCC played an important role to engage and inform First Nations in B.C. They held five regional engagement and information sessions in 2017 across B.C. to inform people of the proposed legislation and provide an opportunity for input to the federal government.
- FPCC also prepared multiple materials to inform the development of the federal legislation including a formal submission informed by FPCC engagements on the legislation and their expertise.
- After the legislation was tabled, FPCC's CEO presented to the Standing Committee on Canadian Heritage (on February 19, 2019) to provide FPCC's analysis and recommendations on Bill-C91 including specific wording changes.
- FPCC has provided information at each state of the process along with analysis and supporting resources on the language legislation on the FPCC website at: <http://www.fpcc.ca/language/Legislation/>
- FPCC costing research has also been conducted to provide information on the need for a national strategic plan that will provide a roadmap for what is required to support Indigenous language revitalization.

Federal Funding

How Is the Federal Government funding Indigenous languages in B.C.?

- Federal funding for B.C. First Nations languages has come from the Aboriginal Language Initiative (ALI) through the Department of Canadian Heritage with the B.C. allocation being

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administered by FPCC. In 2018/19, FPCC received \$2.1 million from ALI. FPCC also provides program support, training and resources to ALI grant recipients.

- To support the implementation of the proposed Indigenous Languages Act, Budget 2019 proposes to invest \$333.7 million over the next five years, starting in 2019/20, with \$115.7 million per year ongoing.
- This investment will make possible a distinctions-based approach to Indigenous language revitalization projects, will support the creation of the proposed Office of the Commissioner of Indigenous Languages, and begin the important work of revitalizing the languages that help to affirm Indigenous identity and experiences.
- At this time, it is unclear how much of the annual allocation will be provided to B.C. In the past, federal funding for First Nations languages has come from the Aboriginal Language Initiative (ALI) with the B.C. allocation being administered by FPCC.
- On April 3, 2019 FPCC CEO Tracey Herbert delivered: A presentation to the Senate of Canada Standing Committee on Aboriginal Peoples regarding [BILL C-91] An Act respecting Indigenous languages. The committee was called on to amend the legislation to ensure adequate, long-term and sustainable funding for Indigenous language revitalization.



FPCC-SenateCommitteeAboriginalPeople

Arts and Cultural Heritage

How does FPCC fund and support Indigenous arts in B.C.?

- FPCC supports the arts with grants, outreach and support in the following program areas
 - Individual Artists
 - Sharing Traditional Arts Across Generations
 - Organizations and Collectives
 - Aboriginal Arts Administrator Internships
 - Arts Micro-Grants
 - Aboriginal Youth Engaged in the Arts
 - Emerging Music Industry Professional
 - Expanding Capacity in the Indigenous Music Recording Industry
- See separate document with Arts Program funding details

How does FPCC fund and support Cultural Heritage in B.C.?

- FPCC has not received funding to support the Heritage program
- FPCC is currently seeking funding from government and non-government sources to build capacity and funding to better support Indigenous communities and organizations with repatriation and cultural heritage revitalization in B.C.
- FPCC advocates for the recognition of B.C. First Nations rights to the protection, preservation and revitalization of their cultural heritage.

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- FPCC has been involved in providing updates, analysis and feedback to B.C. First Nations, First Nations leadership and the department of Canadian Heritage on BILL C-391: An Act respecting a national strategy for the repatriation of Indigenous human remains and cultural property.

Conflict Resolution

How does FPCC address conflict resolution within its organization?

- It is the desire of the First Peoples' Cultural Council to have a harmonious working relationship with all employees.
- FPCC has employee conduct and workplace guidelines that are provided to each employee and are reviewed and updated annually. Any member of the staff who feels they have just cause for complaint concerning the interpretation or application of a policy may consult section 3.16 that addresses the complaint resolution process.
http://www.fpcc.ca/files/PDF/General/FINAL_FPHLCC_Employee_Administration_Policy_Manual_2018.pdf

How does FPCC address conflict with First Nations?

- FPCC has a community development approach to program planning, resource development and conflict resolution. The results of the grant application Peer Review Committees are final, however FPCC prioritizes efforts to reach out to those applicants who do not receive funding to provide assistance with the development of future applications, mobilize capacity in their community, develop language program planning, and grant writing support. One of the roles of the community engagement coaches is to visit these communities in person to provide support, resources and training to improve their access to funding.

How is FPCC removing barriers for communities trying to access their funding?

- FPCC understands that in the past there were very limited resources to distribute to B.C. First Nations for language programs and as a result only a limited number of projects were able to be funded

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- With the increased investment from the province FPCC is happy to report that language program grants have increased by 311 per cent, from 60 language grants delivered in 2017/18 to 247 grants this year.
- FPCC staff are available and ready to help any applicant who needs assistance with their application.
- FPCC is working to implement a new online grant application and management system that will be launched in 2019. This will streamline grant applications and make the process much easier for applicants to complete and submit their applications.
- In 2018, FPCC hired two new Language Coaches to support communities across the province. These coaches had been providing the course Planning for Language Revitalization. So far, they've provided workshops in Tofino, Prince George, Cultus Lake, Brentwood Bay, Dawson Creek, Cranbrook, Terrace, and on Mid- and South- Vancouver Island. They have provided training to over 175 participants representing no less than 32 First Nations across the province.
- The Language Coaches are reaching out specifically to communities and language groups who have either not applied for language funding in the past or have faced challenges with the grant application process.

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Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	FPCC Funding
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RECOMMENDED RESPONSE:

- For too long Indigenous language revitalization was neglected.
- We're supporting the important work of the First Peoples' Cultural Council so that Indigenous communities can reclaim connections to language and culture.
- All Indigenous languages in B.C. are severely endangered.
- There was a concerted effort by the state to extinguish Indigenous language and culture through the residential school system.
- Many of the challenges communities face are systemic and are founded on our colonial past. By investing in Indigenous languages and culture, we start to address those systemic social challenges at community level, connecting people to their communities, land and cultures.
- This work, championed by the Indigenous-led First Peoples' Cultural Council is critical to Indigenous identity and the key to reconciliation.

Secondary responses:

- The First Peoples' Cultural Council is an internationally recognized Indigenous-led B.C. Crown agency heading up this important and urgent work.
- We are honoured to work with First Peoples' Cultural Council.
- This Indigenous organization is leading the way in meeting the recommendations of the Truth and Reconciliation Commission and the United Nations Declaration on the Rights of Indigenous Peoples - for the benefit of Indigenous people and all British Columbians.

Funding:

- The Province provided \$50 million to the First Peoples' Cultural Council in 2018.
- The First Peoples' Cultural Council is working in partnership with Indigenous communities and organizations, and other provincial ministries and agencies – such as Advanced Education and Skills Training and Education.

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- The FPCC has expanded community grants, language planning and learning, documentation and community outreach.
- The FPCC has also substantially increased their capacity to expand programs that link fluent speakers with learners and work on developing new programming.

KEY FACTS:

- The Feb. 20, 2018 provincial budget announced \$50M for the First Peoples' Cultural Council of one-time year-end funding to support language preservation and revitalization. The funding from 2017/18 is being provided to address the current crisis of languages that may disappear forever.
- The funding was provided to achieve strategic language revitalization goals and outcomes:
 - Support Indigenous communities to implement successful language revitalization programs within their communities.
 - Engage with partners, funders and communities to support coordination, collaboration, and knowledge transfer.
 - Develop high-quality resources, tools, and training to support language programs.
- FPCC granted the \$50 million investment to the First Peoples' Cultural Foundation after receiving a proposal from the Foundation for language revitalization.

ACCOMPLISHMENTS WITH NEW FUNDING:

- The 2018 \$50M funding will cover new and expanded community grants, language planning and learning, learning resources, documentation, training and community outreach.
- FPCC Investment in 2018/19 includes:
- \$1 million being invested in 60 teams, plus training and support in the Mentor-Apprentice Program which pairs a fluent language speaker with a language learner. (This is a 50% increase in the number of teams from 2017/18)
- \$1 million allocated to fund 21 nests in the Language Nest Program, plus training and support through larger, longer-term grants. (There is an increase of 10 nests from 2017/18, and grants have doubled and are up to \$50,000 for up to three years)
- \$4.8 million in B.C. Language Initiative grants to support 62 projects for Indigenous communities, affiliations and organizations. (A five-fold budget increase from 2017/18 – grants are up to \$100,000 for up to three years.)
- Other programs such as Reclaiming My Language: Silent Speakers program will become active later in 2019.
- B.C. and the First Peoples' Cultural Council are also seeking federal support for their language revitalization work.
- MLA Mike Morris has [publicly criticized the provincial funding](#), saying that it would be better spent providing additional policing to deal with crime in First Nations communities.
- In 2017/18, the Province is contributing \$1.75 million in annual operating funding to the First Peoples Cultural Council.

Other Indigenous languages initiatives:

- This new funding is additional to other funding and Indigenous language initiatives supported by the Province. The First Peoples' Cultural Council will co-ordinate their language work through

Confidential Issues Note - ADVICE TO MINISTER

partnerships with Indigenous communities and organizations, and other provincial ministries and agencies.

- This will ensure that the council's work will complement and build from current work underway on Indigenous language revitalization.
- Ministry of Education is working closely with First Nations Education Steering Committee to develop an Indigenous Language Learning policy for the K-12 system.
- There are 17 First Nations languages that have developed approved curriculum to be taught in B.C. schools. And there are six more in development.
- Indigenous content and perspectives are being built into all grades and all subjects – from math to science to literature.
- The Ministry of Advanced Education and Skills training is currently working with academic and Indigenous partners who are developing an Indigenous Language Fluency Degree.
- Public post-secondary institutions in B.C. offer a range of Indigenous language courses and programs, all the way up to Masters level, and the ministry also supports language programs through the Aboriginal Community-Based Training Partnerships Program.

BACKGROUND:

- The 2017/18 – 2019/20 First Peoples' Cultural Council (FPCC) Service Plan noted the organization faces challenges with existing resources, primarily meeting the language and cultural revitalization needs of all 203 First Nations and 34 languages.
- FPCC receives funding from the Province of British Columbia, the Government of Canada, , the BC Arts Council and various non-governmental agencies.
- The minister's mandate letter priorities include supporting Indigenous communities seeking to revitalize connections with their languages.
- Part of the council's funding comes from the First Citizens Fund. In recent years, earned revenue from the fund had declined. Despite the decline, MIRR maintained funding levels of \$1,051,000 per year in 2015/16 and 2016/17. (\$600,000 of this comes from the First Citizens Fund).
- In February 2018, the Department of Canadian Heritage told FPCC that B.C.'s funding allocation through the Aboriginal Language Initiative would be \$3.6 million per year for 2018/19 and 2019/20. However in July 2018, FPCC were informed that 2018/19 funding would be \$2.6 million, with a possible additional \$150,000-\$200,000 to support FirstVoices. FPCC has written to the Canadian Heritage minister to express their concern about the shortfall of approximately \$1 million from what was originally expected. The bulk of the FirstVoices funding was to have been delivered as grants to First Nations communities for urgent documentation of First Nations languages for FirstVoices.com.

Media: Coverage on FPCC is generally low, however the \$50M in the 2018 gained substantial coverage as part of general budget reporting., and there is growing media interest in Indigenous language revitalization.

Communications Contact: Sharon Pocock 7-1253

Program Contact: Stephanie Gabel – 778-698-9694

Page 159 of 288 to/à Page 161 of 288

Withheld pursuant to/removed as

s.13; s.17

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: Jan. 24, 2019 Minister Responsible: Hon. Scott Fraser	FPCC / FPCF Governance
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RECOMMENDED RESPONSE:

- First Nations languages, culture, arts and heritage are integral to the health of all members of First Nations communities.
- One of my key mandate priorities is to support Indigenous communities seeking to revitalize connections with their languages.
- The First Peoples' Cultural Council has been working with Indigenous language experts throughout Canada and internationally for over 25 years, and I am proud of their work.

s.17

If needed re MIRR audit:

- \$50M is a substantial amount of funding and is reasonable that the Auditor General wished to understand more about the organization receiving the funding.
- As part of the normal annual financial audit work, the ministry has cooperated fully with the Office of the Auditor General and is confident that the transfer of funding to support Indigenous languages was carried out according to best government practice.

KEY FACTS:

- To support collaboration and coordination on language revitalization across sectors, Dr. Lorna Williams facilitated a one- day meeting on October 5, 2018 that brought together FPCC, the First Nations Steering Committee, the First Nations Schools Association, the Indigenous Adult Higher Learning Association and the Ministry of Advanced Education, Skills and Training, Ministry of Education and MIRR. A further meeting is scheduled for February 2019.

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Confidential Issues Note - ADVICE TO MINISTER

- During the April 2018 FPCC Board meeting the Board agreed work needed to be done to address the governance issues, as well as to update the FPCC Board manual and clarify governance, including roles. Members of the FPCC and the Foundation have met to discuss and review administrative and protocol agreements between the two organizations, as well as to share plans and information on the Foundation's processes around the B.C. government's \$50M investment in language revitalization
- In March 2018, B.C. announced \$50M to support Indigenous language revitalization in B.C. through the work of the First Peoples' Cultural Council (FPCC). FPCC is a Crown agency and provided the grant to the First Peoples Cultural Foundation (FPCF) to support the revitalization work. FPCF is a non-profit society and registered charity established to preserve First Nations languages in B.C.
- Given the scale of the funding, as part of the normal annual financial audit work, the Office of the Auditor General (OAG) audited the Ministry of Indigenous Relations and Reconciliation's financial processes to flow the funding to FPCF.
- FPCC must submit funding applications to FPCF to access the \$50M. The FPCC CEO is also a Board member of FPCF, which has raised questions about potential conflict of interest, and as a result the CEO recently moved to sitting as an 'ex-officio' member.
- Following direction from the MIRR Deputy Minister, FPCC Board members met in July 2018 with an independent facilitator to discuss current concerns. Out of that meeting, three Board members have drawn up a Terms of Reference for an organizational review and institutional analysis of the relationship between FPCC and FPCF.
- Given that revitalization of Indigenous languages is a mandate priority for the ministry, MIRR Strategic Initiatives and Partnerships Division, ADM was appointed as a non-voting board member of the FPCC and has been in close contact with the Crown Agencies and Boards Resourcing Office (CABROs).¹⁶

Background:

- FPCF is a non-profit society and registered charity established in 2000 to preserve British Columbia's 34 First Nations languages as well as the cultural and artistic practices that are unique to B.C.
- It was originally created to enable FPCC to access potential funding sources previously only open to non-profit societies. Recent amendments to its constitution have broadened the scope of the FPCF so that it can more effectively fundraise and partner with other organizations dedicated to Indigenous culture and languages.

Communications Contact: Sharon Pocock, 250 387-1253

Program Area Contact(s): Laurel Nash

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 11, 2019 Minister Responsible: Hon. Scott Fraser	Indigenous Languages Support
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RECOMMENDED RESPONSE:

- In every Indigenous community I visit, I hear and see how integral language, culture and heritage are to the health and well-being of Indigenous peoples.
- One of my key mandate priorities is to support Indigenous communities seeking to revitalize connections with their languages.
- In Budget 2018, our government allocated \$50-million to support the First Peoples' Cultural Council's work to help First Nations communities in B.C. revitalize their languages and address the current language crisis.
- The Council has expanded community grants, language planning and learning, documentation and community outreach.
- Through support from the Council, the number of Indigenous people learning their languages and mentoring new learners has increased exponentially.
- I lift up my hands to the many language champions for their important work to address the language crisis facing Indigenous peoples across this province.

If needed re: federal legislation:

- I am encouraged by the growing interest in – and support for – Indigenous language revitalization across the country and around the world.
- While we support the overall intent of the proposed federal legislation, we have been hearing from our Indigenous partners that they have concerns.
- We deeply value their knowledge and perspectives as the experts in this area.
- We are currently doing some analysis to better understand the implications of the legislation for language revitalization in B.C. and for the work our Indigenous partners.

KEY FACTS:

- The United Nations has proclaimed 2019 UN Year of Indigenous Languages.
- B.C. is home to 60% of First Nations languages in Canada, with 34 languages and over 90 dialects.
- The number of people who have received training to support their efforts in language revitalizations planning, immersion programs and documentation through funding from the First Peoples' Cultural Council has increased substantially due to provincial government funding – from 125 people in 2017/18, to 475 in 2018/19.

Confidential Issues Note - ADVICE TO MINISTER

- From June 24-26, 2019, FPCC and the First Peoples' Cultural Foundation will co-host an international conference on Indigenous languages in Victoria to celebrate the UNESCO 2019 International Year of Indigenous Languages.

BACKGROUND

Federal indigenous languages act:

- The federal government introduced Bill C-91: "[An Act Respecting Indigenous Languages](#)" on Feb. 4, 2019 to preserve, protect and revitalize Indigenous languages. The legislation would create an office of an Indigenous languages commissioner and respond to the Truth and Reconciliation Commission's Calls to Action.
- Indigenous partners in B.C. have expressed concerns about the proposed federal language legislation. Their concerns include:
 - No discussion in the legislation of creating 'official language status for any Indigenous languages.
 - No clear mechanism for language revitalization funding at the community level – funding appears to only be directed to the new office of the Indigenous languages commissioner.
 - No indication that the office of the commissioner will be Indigenous-led.
 - Protecting Indigenous ownership of data collected by the commissioner's office.
 - The need for a national Indigenous-led strategy on language revitalization.
- The Ministry of Indigenous Relations and Reconciliation has asked the Ministry of Attorney General for a legal analysis of the policy implications of the proposed federal legislation before B.C. takes an official position on the legislation.
- FPCC issued a [news release](#) on February 5, 2019 regarding Bill-C91 and is seeking feedback from Indigenous people, organizations and leadership in British Columbia (BC).
- FPCC CEO Tracey Herbert presented to the Standing Committee on Canadian Heritage on February 19, 2019 to provide FPCC's analysis and recommendations on Bill-C91 including specific wording changes.
- The federal government held a series of community consultation meetings across Canada in summer 2018 to canvas views on the proposed Indigenous Languages Act which the Prime Minister announced in 2016. The FPCC held a series of regional sessions in May and June 2017 to discuss the proposed Indigenous language legislation and compiled a [report](#) based on the information. Sessions took place in Kelowna, Prince George, Richmond, Nanaimo, and Terrace.
- B.C. Indigenous partners have indicated this feedback is not reflected in the proposed legislation.
- The federal website for information on the co-development of the National First Nations, Inuit and Métis Languages Act is: <https://www.canada.ca/en/canadian-heritage/campaigns/indigenous-languages-legislation.html>

Federal Budget 2019

- To support the implementation of the proposed Indigenous Languages Act, Budget 2019 proposes to invest \$333.7 million over the next five years, starting in 2019–20, with \$115.7 million per year ongoing.
- This investment will make possible a distinctions-based approach to Indigenous language revitalization projects, will support the creation of the proposed Office of the Commissioner of Indigenous Languages, and begin the important work of revitalizing the languages that help to affirm Indigenous identity and experiences.
- The CEO of FPCC said in an [interview with CBC](#) that while any new money was great, the federal funding wasn't enough to address the language crisis.

NEW INVESTMENTS WITH NEW B.C. FUNDING:

Confidential Issues Note - ADVICE TO MINISTER

- The 2018 \$50M funding will cover new and expanded community grants, language planning and learning, learning resources, documentation, training and community outreach.
- Programs benefiting from the \$50M provincial investment include:
 - Mentor-Apprentice program (pairs a fluent language speaker with a language learner)
 - Language Nest program (language and culture immersion for children under five and their parents)
 - BC Language Initiative (flexible program funding for a variety of language revitalization projects)
 - Language Resources and Tools (NEW for 2018/19 to support community language revitalizations, including a Language Planning Toolkit and a Language at Home resource)
 - Reclaiming My Language: A Course for Silent Speakers (Piloting in 2018/19 – developed for people who understand but don't speak their language)
- Investments in 2018/19 are estimated at approximately \$10 million. Examples of investments includes:
 - \$1 million in 60 teams, plus training and support in the Mentor-Apprentice Program which pairs a fluent language speaker with a language learner. (This is a 50% increase in the number of teams from 2017/18)
 - \$1 million to fund 21 nests in the Language Nest Program, plus training and support through larger, longer-term grants. (There is an increase of 10 nests from 2017/18, and grants have doubled and are up to \$50,000 for up to three years)
 - \$4.8 million in B.C. Language Initiative grants to support 62 projects for Indigenous communities, affiliations and organizations. (A five-fold budget increase from 2017/18 – grants are up to \$100,000 for up to three years.)
 - \$515,000 for the FirstVoices online language archiving tool.
 - FPCC is investing more than \$1.7 million in development and planning including the Reclaiming My Language: Silent Speakers program which will become active later in 2019.

FPCC REPORT ON FIRST NATIONS LANGUAGES:

- In 2018, the First Peoples Cultural Council (FPCC) released an update to its "Report on the Status of B.C. First Nations Language," providing statistics on 177 out of 203 First Nations communities.
- The report states the number of fluent speakers declined since 2014 to 3% (down from just over 4% in 2014). At the same time, there has been a growing level of interest in language revitalization efforts. There are 13, 997 learners in B.C., an increase of 2, 135 active learners (9.1%) from 2014. The report data shows 79.1% are 24 or younger
- Support for language, culture, arts and heritage are integral parts of the Truth and Reconciliation 94 Calls to Action as language loss is a direct result of the residential school system, as well as part of the United Nations Declaration on the Rights of Indigenous peoples (UNDRIP).
- The B.C. provincial government announced \$50M for Indigenous language revitalization in Budget 2018 will have a significant impact on outcomes.

Media: No coverage of any FPCC issues. There is growing media interest in Indigenous language revitalization.

Communications Contact: Sharon Pocock; 7-1253

Program Contact: Stephanie Gabel; 6-9106

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Updated: April 5, 2019 Minister Responsible: Hon. Scott Fraser	Treaties in B.C. - Status
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RECOMMENDED RESPONSE:

- **Treaties are one of the important paths to meaningful reconciliation with First Nations.**
- **We are working with federal and Indigenous partners to renew our approach to the treaty process so it reflects new case law, the UN Declaration and our growing relationship with First Nations.**
- **Our goal is to establish treaties based on lasting government-to-government relationships that can evolve over time and recognize the inherent rights of Indigenous peoples.**
- **By giving negotiating tables the flexibility to take new and innovative approaches, we are making significant advancement.**
- **These include recent agreements to advance negotiations with the Sto:lo Nation, SXTA group, Ktunaxa Nation, Metlakatla First Nation, and the NStQ First Nations.**
- **We continue to discuss ideas with First Nations, the First Nations Summit, federal government and other partners to revitalize our approach to treaty-making.**

KEY FACTS:

- Minister Scott Fraser's mandate letter calls for transformation of the treaty process, so it respects case law and the United Nations Declaration on the Rights of Indigenous Peoples.
- B.C., Canada and the First Nations Summit signed the Principals Accord on Dec. 1, 2018, committing to a rights-recognition approach to treaty negotiations in B.C. that reflects the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action (see also issues note on Treaty Transformation).
- B.C. and Canada have signed memorandums of understanding with both Ktunaxa Nation and the Stó:lō Xwexwilmexw Treaty Association to move into the final phase of negotiations (Stage 5), to take an approach that recognizes and continues Aboriginal rights, and to seek to develop a "core" treaty. A similar agreement is expected to be signed with Metlakatla in early 2019.
- B.C. has initiated a treaty transformation process through a discussion paper on what transformation could look like and is seeking input from First Nations and the federal government to develop a treaty transformation framework.
- Treaty transformation would build off work emerging from the tripartite Multilateral Engagement Report

Confidential Issues Note - ADVICE TO MINISTER

from 2016, which outlined proposals for improving and expediting treaty negotiations.

- As of April 2018, Crown-Indigenous Relations and Northern Affairs Canada (CIRNA) is funding treaty negotiations through non-repayable grants. CIRNA officials are expecting to address current treaty debt, as well as treaty debt that's been paid, in federal budget 2019.
- CIRNA, B.C. and First Nations Summit have clarified the mandate, responsibilities and role of BCTC through a memorandum of understanding. The MOU and treaty debt are commitments within the Multilateral Engagement Report.
- On July 24, 2018, Tsawwassen, Tla'amin and Maa-nulth First Nations formed the Alliance of BC Modern Treaty Nations. The Alliance aims to advocate for improved treaty implementation on such as revenue sharing, police service agreements, and co-management of fisheries, lands and resources.
- **Media:** Minimal coverage in past 18 months.

Treaties:

- The Province is participating in approximately 63 different treaty tables involving 114 First Nations. Of these, 34 tables involving 68 First Nations are actively negotiating or implementing a treaty and meeting on a regular basis; 29 tables are not meeting on a regular basis or actively seeking treaty milestones.
- A number of treaty tables have recently become more active as B.C. and Canada have begun discussing how to renew their approach to treaty-making.
- B.C. has four modern treaties in effect with eight First Nations: Nisga'a treaty, Tsawwassen First Nation treaty, the Maa-nulth treaty (five First Nations) and the Tla'amin Nation treaty. The Nisga'a treaty was negotiated outside the BCTC process.
- The Yale First Nation Final Agreement has been ratified by provincial and federal governments. On Feb. 1, 2016, Yale First Nation's chief and council announced it would not implement its treaty, citing "critical flaws" in the agreement that can't be resolved through the B.C. treaty process.

Final Agreement negotiations:

- Active final agreement negotiations: SXTA, Ktunaxa, Metlakatla, NStQ, In-SHUCK-ch, K'ómoks, Wuikinuxv, Te'mexw Treaty Association (five First Nations), Kitselas, Kitsumkalum and Yekooche.
- Members of Lheidli T'enneh rejected their final treaty agreement for a second time through a ratification vote in June 2018.

Agreement-in-Principle (AIP) negotiations:

- Advanced AIP: Katzie, Gwa'sala-'Nakwaxda'xw, Homalco.
- 'Namgis First Nation substantially completed an AIP in July 2012 but felt it wouldn't pass a community vote.

Communications Contact: Stephen Binder
Program Area Contact: Barb Miles

Page 169 of 288 to/à Page 182 of 288

Withheld pursuant to/removed as

s.13; s.16

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Aboriginal Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Treaty 8 - Treaty Land Entitlement claims
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RECOMMENDED RESPONSE:

- The provincial government is in discussion with five Treaty 8 First Nations in northeast B.C. on compensation for reserve lands they were promised under Treaty 8 but didn't get.
- B.C. and the federal government intend to honour the terms of the 1914 treaty, including land owed to First Nations.
- Our goal is to help right a long-standing injustice, and advance reconciliation with Treaty 8 First Nations – fairly and justly – in a way that responds to their communities' needs.
- We are working with the Nations and federal government to identify Crown lands that could be included in settlement agreements.
- Before any agreements are finalized, all stakeholders — including industry, permit and tenure holders, local governments, and the public — will have opportunities to give feedback once the lands have been identified.
- This feedback will be considered by B.C. in the decisions on whether – or under what conditions – to transfer individual parcels.

If needed (additional land):

- Our goal is to work with the Nations to make additional lands available over and above reserve lands owed under Treaty 8, to advance reconciliation and right a long-standing injustice.
- This is a unique opportunity for the five First Nations to buy Crown land to support their economic, cultural and social goals.
- In contrast to shortfall land owed under the treaty that will be transferred as reserve land, additional land could be additions to reserve or transferred as fee simple depending on the outcome of negotiations between the Province, First Nations and Canada.
- MIRR negotiators are engaging with Local Governments, Stakeholders, tenure holders and the public regarding TLE land selections.

KEY FACTS:

Confidential Issues Note - ADVICE TO MINISTER

- Treaty Land Entitlement (TLE) claims are intended to settle land debt owed to First Nations who did not receive all the land they were entitled to under Treaty 8 in 1914. The five First Nations involved are Saulteau, West Moberly, Halfway River, Doig River and Blueberry River.
 - B.C. has been working with the TLE First Nations and Canada to identify land since 2004. MIRR has MOUs with Blueberry River and Doig River to support the identification of land for TLE. The First Nations view the extended period to settle TLE claims as compromising economic, social and cultural opportunities.
 - In April 2016, Canada offered nearly \$800 million to the five First Nations as part of a settlement for the nations' TLE claims. Canada's cash settlement is based on the estimated lost economic opportunity from the shortfall land, and estimated costs for addition to reserve and negotiations. \$488 million in compensation for Blueberry River/Doig River would be the largest TLE settlement in Canadian history.
 - Treaty 8 historic entitlements were 128 acres of land per person up to a maximum of 640 acres per family of five, or 160 acres per person if living away from band reserve land.
 - As part of the settlement from the federal and provincial governments, B.C. has a mandate from Treasury Board to offer 8,432 ha (called shortfall land) that may be added to reserves, as well as nearly 40,000 ha (called additional land) offered for purchase in fee-simple at fair market value.
 - Shortfall land is the estimated amount of land owed to the five First Nations based on their populations in 1914. All land under consideration would come from what are currently provincial Crown lands.
 - The additional land is proposed by B.C. for purchase by the First Nations to help repair relationships in the wake of Site C, as well as to address a 100-year injustice, provide economic opportunity to the First Nations' and provide for cultural and housing interests.
 - s.12; s.13; s.16
 -
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 - For shortfall lands (reserve land), First Nations would own untenured coal and mineral resources. For petroleum and natural gas (PNG) under shortfall lands, a similar tenure will be provided to existing tenure holders through the Federal system.
 - Additional land are not being proposed to have sub-surface rights.
- s.12; s.13; s.16

XI. ISSUE: Treaty 8 Government to Government Negotiations

XII. KEY MESSAGES

Blueberry River First Nation Mediation Agreement

- Agreement between the province and Blueberry to put aside Blueberry's court action related to cumulative effects and their ability to practice their treaty rights
- s.13;s.16
- s.16
- s.16
There has been a recognizable adjustment in new investments in oil and gas development and a forestry slowdown but this could also be from weaker commodity prices

Northeast Roundtable

- Established in 2018 the Northeast Roundtable is supported by EMPR, MIRR and FLNRO and facilitated by a third party
- Northeast Roundtable is a space for interested stakeholders, the public, First Nations can engage with provincial natural resource ministries to discuss and provide input into a wide range of topics such as: Treaty Land Entitlement, modernized Land Use Planning and Caribou management
- Northeast Roundtable has had 3 meetings this year with one more planned for March

Land Use Planning Process

- Outcome of the of Blueberry settlement, being managed by FLNRORD
- Initial meetings between FN and Stakeholders have begun
- Focused on the Fort St. John Timber Supply Area (Area north of the Peace River and south of Fort Nelson) and will bring together all the interested parties to review the existing Fort St. John LRMP and develop a new modern plan that includes First Nations

Southern Mountain Caribou management (SMC)

- Southern Mountain Caribou are in crisis and at threat of extirpation.
- Canada via the Species at Risk Act (SARA) could put in place an order that could significantly impact BC natural resource development and extirpation could be an infringement of Treaty 8 right to hunt
- BC, Canada and First Nations (West Moberly and Sauteau) agreed that a negotiated agreement could be a solution to managing caribou and avoid Canada putting in place an order under SARA
- A partnership agreement between the parties is in development and has proposed protection of areas in the south peace

Confidential Issues Note - ADVICE TO MINISTER

- Proposed protections could have significant impacts on forestry and coal development in the South Peace. Analysis is ongoing with FLRNORD and MOE leading.
- There is significant local public, government and stakeholder confusion over the Province's approach to SMC protection. This is being represented in social media posts and local media editorials
- Stakeholder and public meetings are planned for February and March regarding Caribou.

Treaty Land Entitlement (TLE)

- 5 Treaty 8 First Nations (West Moberly, Doig River, Blueberry River, Halfway River and Sauteau) did not receive the full amount of Reserve Land after the signing of the Treaty in 1914 meaning there is a shortfall of Treaty Land entitled.
- Canada has presented a solution to the specific claim of TLE and BC has committed to providing the shortfall lands as additions to reserve.
- MIRR has a mandate to negotiate a settlement with each nation based on a quantum of shortfall lands and BC has also agreed to provide an opportunity for TLE First Nations an opportunity to purchase additional land. s.16
- MIRR negotiators are in discussions with all 5 communities with the goal to settle TLE as soon as possible. Halfway River First Nations is furthest along in their land selections and the negotiation process.
- s.16
s.16
Negotiators are continuing to explore all options with the goal of finalizing an Agreement in Principle on TLEs. s.16

Tripartite Land Agreement (TLA)

- As an accommodation for the construction of the Site C dam, BC entered into TLA's with Halfway River, Doig River, Sauteau First Nations and McLeod Lake Indian Band. Signing in short commits the First Nations to not oppose the Site C dam construction.
- Each community has negotiated a land quantum. Total quantum is s.16
s.16 TLE and TLA lands in most cases are being negotiated simultaneously where possible to facilitate and efficient the land transfer process.
- Negotiations are ongoing with Blueberry River FN to enter into a TLA (no timeframe on completion)
- West Moberly and Prophet River FN have been opposed to Site C and are currently litigating to stop the project, s.16
s.16

Conservancy Development

- BC has committed to developing several conservancies in the Northeast under government to government agreements with Halfway River, and Sauteau First Nations and an MOU with West Moberly First Nations.

Confidential Issues Note - ADVICE TO MINISTER

- Conservancies for Klinse-za, Peace-Boudreau, and Tsaa Nuna are in development. Tsaa Nuna/CP 212 is most advanced and will be moving to decision soon.

Boreal Caribou Management

- Located in the far north and east of the Region within the boreal forest, Boreal Caribou are also at risk of extirpation.
- FLNRORD is working with industry, First Nations and stakeholders on developing a boreal caribou plan
- Early days on this planning process^{s.13}
s.13

Government to Government Agreement Implementation

- Saulteau New Relationship and Reconciliation Agreement and the Halfway River Government to Government Agreement were signed in the last 3 years.
- Each agreement has a variety of land management commitments that have been agreed to by the parties (First Nations woodland licenses, land protections and consultation processes)
- Peace Moberly Tract and Tsaa Nuna are areas of enhanced management and protection under these agreements

Regional Strategic Environmental Assessment (RSEA)

- Funded by the Environmental Stewardship Initiative the RSEA brings Treaty 8 First Nations, Industry and the Province together with the goal to develop recommendations to the provincial government on how to maximize the practice of Treaty 8 Rights and maximize natural resource development.

Fort Nelson First Nations Forestry Initiatives

- Fort Nelson First Nations is working with the Province and the Northern Rockies Regional Municipality to develop forestry opportunities in the Fort Nelson TSA.
- Balancing Boreal Caribou, Treaty Rights and Forestry opportunities with a goal to entice the development of a forest sector in Fort Nelson.
- s.13

Alternate Contact

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2018 Minister Responsible: Scott Fraser	Treaty 8 negotiations: TLE, TLA, G2G
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RECOMMENDED RESPONSE:

- The Province is building relationships with Treaty 8 First Nations based on respect and recognition of rights. We have a duty to implement historic treaties in ways that are fair and just.
- That is why we are seeking to provide lands which have been owed to Treaty 8 First Nations for more than 100 years.
- In recognition of the impacts from the Site C project the Province has entered into Tripartite Land Agreements with several Treaty 8 First Nations.
- We are committed to building strong relationships by negotiating government to government agreements that provide revenue sharing opportunities and reinforce the province's commitment to Treaty 8.

Treaty Land Entitlement:

- The government of British Columbia is continuing discussions with five Treaty 8 First Nations in northeast B.C. on compensation for lands owed, to make Treaty 8 Indian Reserves the size promised in 1914.
- B.C. and the federal government are committed to honoring and implementing the terms of the treaty, including land owed to First Nations.
- Our goal is to help right a long-standing injustice, and advance reconciliation with Treaty 8 First Nations in a way that is fair and just and responds to their communities' needs.

Tripartite Land Agreements:

- The Province and BC Hydro have reached agreements with several First Nations, including Doig, Halfway River, and McLeod Lake First Nations, related to the construction and operation of Site C.
- Transfers of specific parcels of land for Treaty 8 First Nations are still subject to negotiation with affected First Nations.
- The Province is only looking at land in fee simple transfers. No lands will be transferred without consultation and a full assessment of existing interests.

Government-to-Government Agreements:

Confidential Issues Note - ADVICE TO MINISTER

- **The Province is working with Treaty 8 First Nations on agreements that support economic opportunities and shared-decision making within their respective territories.**
- **These agreements respect treaty rights and support enduring and mutually beneficial relationships between the Province and Treaty 8 First Nations.**

KEY FACTS:

- The Province is working to right historic injustices and advance reconciliation with Treaty 8 First Nations through three different negotiation streams: Treaty Land Entitlement (TLE) claims; Site C Tripartite Land Agreements (TLAs); and Government-to-Government (G2G) agreements.
- Treaty Land Entitlement claims are intended to settle land debt owed to First Nations who did not receive all the land they were entitled to under Treaty 8. (note: see Treaty Land Entitlement issues note).
- Treaty 8 First Nations are being accommodated for impacts on their treaty rights from the Site C project through impact benefit agreements (IBAs) and tripartite land agreements (TLAs).
- Government to Government (G2G) agreements lay out how the First Nation and Province work together on land and resource development and ensure treaty rights are respected. G2G agreements don't include land transfers, but may provide economic benefits, revenue sharing, land protections, clear consultation processes and regular forums to address issues, and social and cultural initiatives.

TREATY LAND ENTITLEMENT (TLE):

- Treaty Land Entitlement Claims are between the federal and provincial governments and affected First Nations. Claims have a financial component paid by the federal government and land provided by the province.
- s.16
- The Province is currently negotiating the land component of TLE with the respective First Nations.
- MIRR has MOUs with Blueberry River and Doig River to support the identification of potential land for TLE. s.16

TRIPARTITE LAND AGREEMENTS (TLA):

- TLAs are between BC Hydro, B.C. and First Nations and offer the transfer of Crown land and/or new land protection measures. At the time of signing, a TLA defines a total amount of Crown land to be transferred, not specific parcels. Impact Benefit Agreements (IBA) are between BC Hydro and First Nations and can include cash, annual payments, and work and contract opportunities.
- There are completed IBA/TLA agreements with: McLeod Lake, Doig River, Halfway River and Saulteau. MIRR, Blueberry and started negotiations with BC and BC Hydro, but did not proceed due to disagreement on confidentiality. West Moberly and Prophet River won't engage in IBA/TLA negotiations.
- s.16

GOVERNMENT-TO-GOVERNMENT (G2G) AGREEMENTS:

- MIRR is working to conclude or has government-to-government agreements with all Treaty 8 First Nations in B.C.: Saulteau; Halfway River; McLeod Lake; Doig River; Blueberry River; West Moberly and Prophet River; and Fort Nelson.

Confidential Issues Note - ADVICE TO MINISTER

- Status of G2G agreements:
 - **Saulteau First Nations** – New Relationship and Reconciliation Agreement completed, effective date Sept. 25, 2015
 - **McLeod Lake Indian Band** – Negotiation of a G2G complete and announced.
 - **Halfway River First Nation** – Negotiation of a G2G complete and announced.
 - **Doig River First Nation** – Doig has signed an Interim Economic Benefit Agreement and is interested on concluding a G2G agreement. However, the nation is currently focusing on TLE and TLA land selections.
 - **Blueberry River First Nations** – currently not prepared to negotiate.
 - **West Moberly and Prophet River First Nations** – West Moberly and Prophet River have agreed to negotiate a Reconciliation Agreement together, negotiations are ongoing.
 - **Fort Nelson First Nation** – Province and Fort Nelson are engaging on a limited set of opportunities, to incrementally rebuild readiness for a G2G relationship.
- **Media:** Coverage of agreements by northeast media: Alaska Highway News and EnergeticCity.ca.

Communications contact: Stephen Binder

Program area contact: Dale Morgan;

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Treaty 8: Treaty Land Entitlement: Charlie Lake & Red Creek parcels
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RECOMMENDED RESPONSE:

- **B.C. is working with Blueberry River First Nations to identify potential Crown lands to address historic shortfalls in the amount of reserve land promised under Treaty 8.**
- **To make sure potential Treaty Land Entitlement parcels remain available to support negotiations with Blueberry River, the Province has placed temporary protections on them.**
- **B.C. recognizes that area residents may have questions about lands that could be included in a settlement with Blueberry River.**
- **The Province will continue talking to stakeholders and local governments to make sure we fully understand their interests and come up with outcomes that work for all those who may be affected.**
- **Parcels with Land Act protections are still Crown lands and access remains open for activities such as hunting and fishing. The protections simply hold the land in its current state while negotiations are ongoing.**
- **Input from local governments, tenure holders, stakeholders and the public will be considered before a decision is made on whether – or under what conditions – any individual parcel is transferred.**

KEY FACTS:

- Blueberry River First Nation has identified five Crown land parcels for its Treaty Land Entitlement (TLE) settlement: Pink Mountain, South of IR 205, Dancing Grounds, Red Creek and Charlie Lake. The parcels comprise a total of 8,930 ha and are all BRFN's proposed land selections for its TLE claim.
- In January 2018, MIRR applied for Land Act measures over Pink Mountain, South of IR 205, Red Creek and Charlie Lake. Charlie Lake has an existing s.16 in place for watershed protection; MIRR is applying for an additional s.16 measure to indicate an interest in Treaty Land Entitlement. Dancing Grounds has an s.16 measure in place.
- The Ministry of Forests' statutory decision maker has approved section 17s over Pink Mountain and South of IR 206, and will likely place section 16s over Charlie Lake, and Red Creek, but the decision has not been posted.
- S.16 or s.17 measures effectively halt most new development activities and protect the land during the negotiation of a final TLE agreement, expected to be several years away. A s.16 measure prevents new

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Crown land applications; a s.17 measure allows Crown land applications deemed compatible with the terms of the withdrawal.

- During the application process, MIRR's applications were posted on "Applications and Reasons for Decisions" website, along with an explanatory note on TLE. Stakeholders were provided 30 days to provide comment through the website. <https://arfd.gov.bc.ca/ApplicationPosting/index.jsp>
- During the application process, MIRR and FLNRORD staff engaged with concerned residents from the Red Creek and Charlie Lake communities. This engagement will continue while TLE negotiations are underway.
- There is high stakeholder concern particularly about Red Creek and Charlie Lake. Under the previous government, the Province had applied for s.16 measures on the same parcels but withdrew the applications due to area resident and stakeholder concerns. They also withdrew the parcels from TLE selection.
- BRFN was not consulted on the decision to withdraw s.16 applications and responded that the action was a "betrayal of the community." BRFN has cultural and community connections with the Charlie Lake and Red Creek parcels. The current government committed it would explore placing protections on the Red Creek and Charlie Lake parcels.
- MIRR provided advance notice to key stakeholders on s.16 applications for Charlie Lake and Red Creek: City of Fort St John, Peace River Regional District, MLA Mike Bernier and MLA Dan Davies, the current chair of the MLA First Nations Stakeholder Advisory Committee.
- Prior to s.16 applications, FLNRORD placed notations of interest (NOIs) on the Charlie Lake and Red Creek (aka mile 63.5) parcels, indicating a First Nations' interest. NOIs don't restrict Crown land applications but serve to ensure applications are referred to interested ministries or agencies.
- NOIs and Land Act measures can be viewed through the Integrated Land and Resource Registry map system: <https://a100.gov.bc.ca/apps/ilrr/html/ILRRWelcome.html>.
- The MLA First Nations Stakeholder Advisory Committee has been critical of government negotiations with Treaty 8 First Nations and has issued false and misleading information about land negotiations.
- A report issued by the committee and Mr. Pimm in March 2017 incorrectly concluded that NOIs indicate lands that are "presently under serious discussion" for transfer to First Nations or slated for special protections for First Nations. The report incorrectly suggested NOIs confer a restriction on the land, similar to Land Act measures.
- B.C. committed to seek protections on land parcels of interest to BRFN for TLE settlement through an MOU signed in 2014. The MOU specifies BRFN interest in areas referred to as Pink Mountain, IR205 and Dancing Grounds, but not specifically to Charlie Lake and Red Creek.

Communications Contact: Stephen Binder

Program Area Contact(s): Dale Morgan; Tom McCarthy

Confidential Issues Note - ADVICE TO MINISTER

- **ISSUE: Overview of Economic and Reconciliation Agreements**

II. KEY MESSAGES

- **Economic Development and Reconciliation Agreements improve consultation processes and provide a means to respect the rights of indigenous peoples.**
- **They allow the Province and First Nations to work collaboratively, and partner with indigenous peoples to create safe jobs and a sustainable economy.**
- **These Agreements provide important benefits to First Nations while advancing mutual interests to build a sustainable economy, protect the environment, and advance social objectives.**

III. BACKGROUND:

- There are four types of economic benefit revenue sharing opportunities: Forest Consultation and Revenue Sharing Agreements (FCRSAs), Economic and Community Development Agreements (ECDAs), Economic Benefits Agreements (EBAs) and revenues flowing from the First Nation Clean Energy Business Fund. To date there are:
 - 35 ECDAs with 44 First Nations, providing a share of mineral tax revenue to First Nations;
 - 347 FCRSAs, including renewals, with 156 FNs since program start;
 - 54 IPP (clean energy) revenue sharing agreements with 40 First Nations;
 - 5 EBAs with 6 First Nations.
- There are two types of strategic agreements: Strategic Engagement Agreements (SEAs) and Reconciliation Agreements (RAs).
 - SEAs establish a Government-to-Government Forum in which multiple First Nations collaborate with the provincial government. SEAs support a stronger Government to Government relationship, streamline engagement and support other negotiations. The Province has nine SEAs with 44 First Nations.
 - RAs pursue broader reconciliation objectives and may include commitments to pursue resource revenue-sharing, economic development opportunities, and socio-cultural initiatives. There are 15 RAs with 35 First Nations.

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XIII. ISSUE: Mineral Tax Revenue Sharing Update (through Economic and Community Development Agreement and mine Revenue Sharing Agreements)

II. KEY MESSAGES

- **The Province is committed to sharing mineral tax revenue with First Nations to support their partnership in mine development, to provide an economic accommodation, and to advance reconciliation.**
- **Economic and Community Development Agreements and mine Revenue Sharing Agreements provide a share of the mineral tax collected by BC from mining projects and provide financial resources to First Nations to support the socio-economic initiatives they identify as priorities for their communities.**
- **To date, BC has signed agreements that cover the following mines:**
 - **New Afton outside of Kamloops;**
 - **Mt. Milligan north of Fort St. James;**
 - **four Elk Valley Coal mines in southeastern BC;**
 - **Copper Mountain near Princeton;**
 - **Highland Valley Copper near Logan Lake;**
 - **Huckleberry in the Smithers/Houston area;**
 - **Kitsault north of Prince Rupert;**
 - **Quinsam Coal on Vancouver Island;**
 - **Gibraltar Mine north of Williams Lake;**
 - **Mount Polley Mine;**
 - **Red Chris Mine in the Northwest;**
 - **some of the North-east coal projects;**
 - **the Giscome Mine near Prince George;**
 - **the Brucejack Mine north of Stewart, and;**
 - **the Kemess Underground Mine in the northern interior.**
- s.13
- **BC anticipates engaging on further emergent new mines and expansion projects in this coming year.**

III. BACKGROUND:

- **BC announced the mine revenue sharing program in 2008.**

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- These agreements build support for mining projects and increase process certainty for BC, First Nations and industry and strengthen relations and support for mine operations.
- MIRR leads the negotiation of ECDAs and these agreements provide First Nations with up to 37.5% of the incremental mineral tax revenue from the specific mine projects. Mine revenue sharing agreements are for the life of the mine.
- The revenue share percentage tabled with First Nations is dependent on project specific considerations: project size and value, potential impact, and the number of First Nations engaged for revenue sharing. This is an economic accommodation.
- BC and has shared more than \$64 million in mineral tax revenues to date.
- First Nations are directing this revenue to their socio-economic priorities.

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Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Forest Consultation and Revenue Sharing Agreements
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RECOMMENDED RESPONSE:

- **Sharing revenue from resource development in First Nations territories is an important part of our work toward reconciliation.**
- **As you may recall, government decided in 2018 to extend the current mandate to March 31, 2020.**
- **Over the past year the government has engaged with numerous First Nations, including through regional engagement sessions that were held throughout 2018.**
- **These sessions provided, among other things, an opportunity to review British Columbia's current approach to forestry revenue sharing with First Nations and to provide input into potential reforms.**
- **We heard a number of perspectives on a range of issues, including revenue sharing, and are very appreciative of the input received.**
- **This is a complex piece of work and needs to be considered in the context of other revenue-sharing policies, including the new revenue sharing policy for gaming announced in Budget 2019, which is part of a new fiscal relationship with BC's First Nations.**
- **We will continue to engage with First Nations across the Province which will inform government's ongoing review of the FCRSA program.**
- **Government will continue working with the First Nations Forestry Council to engage with First Nations on the renewal of the BC First Nations Forest Strategy, recognizing that First Nations are core to a vibrant forestry sector in the Province.**

KEY FACTS:

Confidential Issues Note - ADVICE TO MINISTER

- In 2018, B.C. extended the current Forest Consultation and Revenue Sharing Agreement (FCRSA) program mandate for three years, to March 31, 2020.
- This includes extending the current transition payment formula of 40% of the old Forest and Range Agreements (FRA), which used a full per-capita revenue-sharing model amount, to March 2021.
- Letters advising individual First Nations of revenue-sharing calculations for fiscal year 2019/20 were sent in February 2019.
- First Nations may be critical of status-quo FCRSA revenue-sharing amounts. First Nations have previously requested a larger share of revenue from forestry and other natural resources activity than what is being offered.
- During the past three years, the Province has engaged with First Nations about how to improve the FCRSA program.

BACKGROUND:

- FCRSAs provide First Nations communities with economic benefits returning directly to their communities, based on harvest activities in their territory.
- The current FCRSA revenue-sharing model includes: a minimum payment of \$35,000 per agreement, per year; transitional per-capita funding (where applicable), plus activity-based amounts derived from general stumpage revenues, annual rent and waste. In addition, First Nations receive a refund of a percentage of stumpage paid on eligible First Nations direct-award licences.
- MIRR regions, working with their regional colleagues from Forests, Lands, Natural Resource Operations, and Rural Development, notify industry stakeholders of the FCRSAs expiring/being negotiated in their region on an annual basis.
- Stakeholders are then notified that a FCRSA has been concluded by regions upon completion and stakeholder notification is added to the FCRSA checklist done for each signed FCRSA prior signoff.
- Stakeholder engagement also occurs at the FCRSA program level through established government/industry forums such as the Provincial Forestry Forum – First Nations Steering Committee. In addition, regular MIRR status reports are provided to MLAs, which includes FCRSA updates.
- Typically, FCRSAs have a three-year term, after which they are renegotiated. Specific mandates are not required.
- There are more than 106 active FCRSAs that provide First Nations with a share of revenue from harvesting activities within their territories.
- The current FCRSA program has been in place since 2010 and has provided more than \$271 million in payments to First Nations. In total, 156 First Nations have entered into agreements, which is 81% of those eligible.

Communications contact: Cale Cowan

Program area contact: Paul Kerr

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	First Nations Clean Energy Business Fund
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RECOMMENDED RESPONSE:

- The sustainability of the land is a value we share with First Nations.
- Climate change affects everyone. If we fail to act, we fail our kids and our shared future.
- We worked with the B.C. Green Caucus and with British Columbians to develop the Clean BC Plan for a clean growth future.
- An important part of the process has been to work in partnership with First Nations to build a vibrant, clean economy in Indigenous communities around the province.
- The First Nations Clean Energy Business Fund is continuing to support First Nations' participation in the clean-energy sector. This includes:
 - promoting energy-efficiency and demand-side management, and
 - replacing diesel generators in remote communities with renewable sources of energy.
- Everyone in B.C. is part of the path forward, including small businesses, First Nations, environmental organizations, industry, local governments and academics.
- We're working together on a low-carbon future and strong, healthier communities for all British Columbians.

If asked about suspension of the Standing Offer Program:

- Our government knows that many First Nations have worked with small-scale private power companies in their communities.
- We are committed to working in partnership with First Nations to support the use of clean-energy, and helping communities shift away from using diesel.

Confidential Issues Note - ADVICE TO MINISTER

- **That's why our government will be working with First Nations on shaping the path forward.**
- **The First Nations Clean Energy Business Fund will continue to fund projects that assist First Nations communities in developing clean-energy projects that are not dependent on the Standing Offer Program.**
- **First Nations that participated in the Standing Offer Program will see no change to electricity purchase agreements that are already signed and in place.**

KEY FACTS:

- Since the First Nations Clean Energy Business fund was introduced in 2010, more than 110 First Nations have benefitted from more than \$10 million in capacity and equity funding.
- The B.C. First Nations Clean Energy Business Fund provides equity funding to First Nations up to \$500,000 for clean-energy projects; up to \$150,000 in equity funding toward community energy projects (energy-efficiency, demand-side management and small fuel-switching projects); and capacity funding up to \$50,000. Capacity funding supports community energy planning, feasibility studies for developing clean-energy projects or engagement with private-sector clean-energy project proponents.
- The Province also shares revenue from independent power projects that have come into service since June 2010, mining and other resources with First Nations. Today, 41 First Nations are benefitting from 59 clean-energy revenue-sharing agreements with B.C.
- The total annual budget is approximately \$7.89 million for the First Nations Clean Energy Business Fund for 2019/20.

BACKGROUND:

Suspension of Standing Offer Program

- After a comprehensive review, BC Hydro announced Feb. 14, 2019, that it was indefinitely suspending the Standing Offer Program (SOP) and would not accept any new applications or award any new electricity purchase agreements.
- Some First Nations' clean-energy projects in the past have accessed the BC Hydro Standing Offer Program, which purchases electricity from small-scale, clean-energy generating projects, such as run-of-river power plants.
- The decision to indefinitely suspend the programs does not affect existing electricity purchase agreements.
- BC Hydro stopped taking applications for the SOP and Micro Standing Offer Program in August 2017. In March 2018 it was confirmed the program was on hold pending the outcome of its comprehensive review, although five projects were selected because they are part of Impact Benefit Agreements with BC Hydro and/or mature projects that have significant First Nations involvement .
- s.13; s.14

Confidential Issues Note - ADVICE TO MINISTER

s.13; s.14

- Public criticism of the program's suspension:
 - **Vancouver Sun**, Feb. 14, 2019: *B.C. government putting alternative energy sector on ice* – <http://ow.ly/NNR130nltKp>
 - **Ha-Shilth-Sa**, Feb. 14, 2019: *Province blasts small-scale hydro, bringing uncertainty for First Nations projects* – <http://ow.ly/6qq230nltwO>
 - **Vancouver Sun**, Feb. 14, 2019: *Vaughn Palmer: Ratepayers 'zapped' by Hydro report that reveals shocking interference* – <http://ow.ly/W8xl30nltPC>

Engagement with First Nations

- The Ministry of Energy, Mines and Petroleum Resources (MEMPR) sent letters after the announcement Feb. 14, 2019, to all 203 First Nations – along with First Nations Clean Energy Working Group, First Nations Energy and Mining Council, BC Assembly of First Nations, Kelly Lake Metis and the First Nations Major Project Office – outlining a plan to engage with First Nations on the effect of the SOP suspension and development of alternative programs.
- MEMPR began engagement immediately with First Nations in support of common reconciliation and climate-action goals and to explore opportunities with First Nations in the clean-energy sector, which will also advance Indigenous economic development.
- Two emerging opportunities for these conversations include opportunities under the CleanBC plan and the development of an Indigenous Clean Energy Program (ICEP) as a Site C legacy initiative.
- More information about the Province's engagement with First Nations on the indefinite suspension of the SOP is available online at www.engage.gov.bc.ca/SOPengagement.

First Nations Clean Energy Business Fund

- The First Nations Clean Energy Business Fund (FNCEBF) is part of a commitment to have First Nations as full partners in clean-energy developments and to reduce dependency on diesel generators in remote communities. Provincial funding can leverage matching federal funding.
- The program will continue to provide capacity and equity funding to support alternate economic development opportunities in the clean-energy sector that are not dependent on the B.C. Hydro's Standing Offer Program
- The fund collects revenue from existing and approved independent power projects that pay royalties to the province, a portion of which are used to sustain the FNCEBF, which was established by the Clean Energy Act in 2010.
- The fund is collecting revenue primarily through nine run-of-river independent power projects: Long Lake; Forrest Kerr; McLymont Creek; Tretheway Creek; and Jimmie Creek, Kwoiek Creek Hydroelectric Project, Upper Lillooet Power Project, Kokish River Hydroelectric Project, and Narrows Inlet Hydroelectric Project.
- **Media:** There has been regional media coverage as funding is announced.

Communications contact: Cale Cowan

Program contacts: Rob Draeseke, Lindsay Wood, Michael Matsubuchi

Page 201 of 288

Withheld pursuant to/removed as

s.12; s.13; s.17

Page 202 of 288

Withheld pursuant to/removed as

s.17; s.12; s.13

XV. ISSUE: Provincial funding to Métis Nation British Columbia

II. KEY MESSAGES:

- **There are currently almost 90,000 Métis people living in British Columbia representing over 30 percent of the total Indigenous population in the province.**
- **The Province recognizes and works collaboratively with Métis Nation British Columbia (MNBC) as the political representative organization for Métis people in the province.**
- **The Métis Nation Relationship Accord II (MNRA II) between the Province and MNBC is having a positive benefit to Métis people in British Columbia and progress has been made towards meeting its stated objectives through continued strengthening of relations based on mutual respect and responsibility and sharing.**
- **MIRR provided a total of \$500,000 of funding to MNBC in 2018/19 to support a variety of initiatives.**
- **MIRR has also provided \$25,000 to the BC Métis Federation, a non-profit association that works with Métis communities, for community engagement on reconciliation.**

III. KEY POINTS AND BACKGROUND:

- Métis people are a separate and distinct Indigenous people with their own language, history and culture. British Columbia (BC) is home to the fourth largest Métis population in Canada. The 2016 Census enumerated 89,405 Métis in BC, representing 15.2% of the total Métis population in the country and 33% of the total Indigenous population in BC.
- The Métis Nation Relationship Accord II (MNRA II) is a bi-lateral Accord signed in 2016 between the Province and Métis Nation British Columbia (MNBC) and affirmed by the Minister of Indigenous Relations and Reconciliation (MIRR) in 2017. The MNBC identified that Métis people in BC face a significant quality of life gap, inhibiting full participation in BC's economy.
- MNRA II identifies mutual goal of closing the socio-economic gap for Métis people in BC including improvements in health, housing, education, lifelong learning, economic opportunities, children and families, justice, federal-provincial coordination, wildlife stewardship and Métis data collection and information sharing.
- The MNRA II commits the parties to continue to strengthen existing relationships based on mutual respect, responsibility and sharing and to continue to improve engagements, coordination, information sharing and collaboration. MNRA II provides the framework to

Confidential Issues Note - ADVICE TO MINISTER

work towards meeting the commitments of the First Ministers' meeting on Aboriginal issues as they pertain to Métis people and their aspirations to close the gap on the quality of life between Métis people and other British Columbians

- Funding to Métis organizations ensures that Métis people are able to identify and define priorities related to MNRA II to be explored in collaboration with the Province. This process supports government in developing policy and social and economic programs to improve outcomes for Métis people in BC.
- MIRR provided a total of \$500,000 of funding to MNBC in 2018/19 to support a variety of initiatives including: capacity and governance (\$385,000); Off-Reserve Aboriginal Action Plan (ORAAP) (\$70,000); and the Unified Aboriginal Youth Collective (UAYC) (\$45,000).
- The total funding to the MNBC in 2018/19 reflects a \$300,000.00 reduction from the previous year. This is due to a one-time only payment provided in fiscal year 2017/18 to support Reconciliation engagement sessions in the 37 MNBC chartered communities.
- MIRR also provided \$25,000 to the BC Métis Federation, a non-profit association that works with Métis communities, to conduct community engagement with Métis people in BC on reconciliation.

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XVI. ISSUE: First Citizens' Fund

II. TALKING POINTS

- **The First Citizens Fund (FCF) is a special account and as such the funding it provides does not come from the ministry budget.**
- **The FCF supports Aboriginal business development, the First Peoples' Cultural Council, and the BC Association of Aboriginal Friendship Centres (BCAAFC).**
- **Income from the FCF, projected at \$2.0M for fiscal year 19/20, will be \$.473M less than total expenditures for programs that have been supported by the fund to date.**
- **Available surplus returns within the fund have managed funding shortfalls in the past, but are now exhausted.**
- **As part of budget 2018, annual funding to the BCAAFC from all sources, including the FCF, has been increased to \$3.1M.**
- **The 2018 budget also allocated a one-time investment of \$50M to the First Peoples' Cultural Council toward First Nations language revitalization.**

III. KEY POINTS AND BACKGROUND:

- The FCF was established in 1969 as a perpetual fund “for the purposes of advancing and expanding the culture, education and economic opportunities and the position of persons of North American indigenous ancestry who are ordinarily resident in British Columbia”; as a perpetual fund only the investment returns on the principal of the fund are allowed to be expended - expenditure of principal is not permitted.
- FCF programming is an important part of reconciliation with Indigenous people in British Columbia (B.C) as it reaches First Nations as well as the approximately 78% of the Indigenous population (including Métis) who live off reserve.
- The current principal of the FCF is \$66.49M. For the 2018/19 fiscal year the annual return on the principal eligible for expenditure out of the fund is \$1.9M. Returns are projected to go up slightly to \$2.0M for fiscal year 2019/20 and to \$2.2M for 2020/21 and \$2.3M for 2021/22.
- Despite these modest increases, the expenditures to maintain program funding for 2019/20 total \$2.47M and a continued shortfall is expected.
- The deficit of \$.570M for the current fiscal year 2018/19 was covered by a pre-payment of \$.340M in 2017/18 with the remaining deficit covered through the Ministry of Indigenous Relations and Reconciliation (MIRR)'s operating budget.

Confidential Issues Note - ADVICE TO MINISTER

- The program expenditure of \$2.47M supports the following:
 - **Aboriginal Business Loan Program** – \$.979M including: \$.340M pre-payment in 2017/18 for 2018/19 loans; \$.524M for loans; and, \$.115M for administration.
 - **Aboriginal Business Advisory Centres** – \$.252M including \$.084M each for 3 centres.
 - **BC Association of Aboriginal Friendship Centres** – \$.643 million including: \$.054M Administration; \$.021M Elders Transportation Program; \$.063M Student Bursary Program; and, \$.504M Friendship Centre Program.
 - **First Peoples Cultural Council (FPCC)** – \$.600M (constant for 2015/16 to 2018/19)
- FCF shortfalls are a result of poor market performance and historically low rates of return on investment dating back to the economic downturn in 2008. It is important to note that program funding since then has been reduced significantly, and to help mitigate the reductions MIRR has drawn down on the accumulated FCF surplus (which has now been used up), used ministry operating budget, and sought year-end funding asks to government contingencies.
- As part of budget 2018, annual funding to Aboriginal Friendship Centres was increased by \$2.15M, increasing the annual budget to friendship centres to \$3.1M, and FPCC received a one-time grant of \$50 million toward language revitalization.

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XVII.ISSUE: New Relationship Trust

II. KEY MESSAGES

- **The New Relationship Trust Act took effect in March 2006 with a \$100M investment for First Nations' capacity building.**
- **The New Relationship Trust (NRT) is operated by an independent board of directors. BC appoints two of the seven board members; the First Nations Leadership Council appoint five members.**
- **The NRT strategic direction is based on input from community consultation processes. The NRT Board's 2017/2020 Three Year Strategic Plan focuses on investing in First Nations in BC through continued support for capacity building.**
- **BC recognizes the importance of the work being done by the NRT and will continue to work with NRT to address key issues and opportunities.**

III. BACKGROUND:

- On March 31, 2006, the *New Relationship Trust Act (Act)* took effect, establishing a corporation to manage \$100M to support First Nations' goals to build their governance capacity with respect to land and resource management processes and other matters affecting the economic, cultural and social well-being of their communities.
- The NRT is not a trust in law, it is an independent not-for-profit corporation created by the BC Government through legislation.
- In accordance with the *Act*, a Five-Year Legislative Review was completed in 2011. As recommended, the BC Government made two minor amendments to the *Act* - to stagger the terms of board members and to lengthen the term of board members to three years - in Bill 25, the *Miscellaneous Statutes Amendment Act, 2012*.
- The NRT completed a subsequent Five-Year Legislative Review in January 2017 which identified two areas for potential amendment:
 - Changing the requirement for an annual 3-year strategic plan to requiring it every three years; and;
 - Changing the *Act* to allow First Nations organizations to invest their trust and foundation funds alongside NRT's investment portfolio without being required to relinquish control of their funds.
- While the NRT Board can spend both the principal and interest, they have only used the interest. To date, NRT has provided more than \$54M to BC First Nations, investing in five strategic priority areas: Governance Capacity, Education, Language & Culture, Economic Development,

Confidential Issues Note - ADVICE TO MINISTER

and Elders & Youth. These investments have been sourced from the interest portion of the principal and other sources of funding raised by the NRT.

- The NRT 2017/2020 Three Year Strategic Plan builds on the successes of the NRT to date and calls for a balanced approach to project spending and growing the fund through return on investments and fundraising.
- The NRT has experienced lower returns on investment in recent years due to prevailing low interest rates. This, combined with the Board's current policy of spending interest only, has required the NRT to reduce annual funding for some of the organizations it supports. Actual program spending over the past three fiscal years totalled \$5.57M in 2014/15, \$5.19M in 2015/16, and \$5.13M in 2016/17.
- In 2017/18, the total funding allocation for the five strategic program areas is \$5M.

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: Jan. 22, 2019 Minister Responsible: Hon. Scott Fraser	Friendship Centres & employer health tax
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RECOMMENDED RESPONSE:

- **Aboriginal Friendship Centres are key partners in supporting urban Indigenous people who face complex social challenges.**
- **Our government has more than tripled the financial support for friendship centres, with an additional \$6.45 million over three years through the B.C. Association of Aboriginal Friendship Centres.**
- **More importantly, this represents for the first time ever, reliable, dedicated funding for friendship centres so they can focus on their important work.**
- **We're working together with Indigenous people to make a difference in peoples' lives through investments in affordable housing, Indigenous language and culture, child care, mental health and addictions, reducing poverty, and economic development.**

If asked about the effect of the employer health tax on Friendship Centres...

- **After years of increasing MSP premiums, people deserve a break.**
- **Our government is proud to be meeting our promise to fully eliminate MSP premiums, saving families up to \$1,800 per year.**
- **We recognize the important work charities and non-profits to in our communities.**
- **That's why we took the time to meet with this sector before finalizing the details of how the employer health tax will apply to charities and non-profits.**

s.13

KEY FACTS:

- The employer health tax (EHT) is an annual tax on remuneration paid to employees for each calendar year, starting in 2019. The EHT is designed to replace Medical Service Plan (MSP) premiums.
- MSP has been reduced by 50% for 2018 and 2019 and will be phased out by Jan. 1, 2020. For 2019, businesses and non-profits will pay both EHT and MSP (MSP at the 50% rate).

Confidential Issues Note - ADVICE TO MINISTER

- s.13
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- The net impact to friendship centres is dependent on if they were paying MSP premiums for employees.
- In addition, EHT implications for each centre depend on how employees are distributed across each friendship centre location. The Prince George Native Friendship Centre, for instance, has seven locations, and the application of EHT would be dependent on payrolls for each location in 2019.
- The EHT is a payroll tax and does not provide for exemptions or payroll reductions for organizations with Indigenous employees who receive medical benefits through the federal government. EHT legislation does not address federal health benefits.
- In its 2018 budget, MIRR committed \$2.15 million per year for three years to friendship centres to cover operational costs. This funding was not meant to cover friendship centres' additional costs due to EHT.
- In 2018-19, the BC Association of Aboriginal Friendship Centres (BCAAF) allocated \$82,500 to each of the 25 friendship centres and received \$87,500 for its own operations. BCAAFC and the friendship centres are developing a new funding allocation model based on location (urban, town or remote), client base, programs, capacity building and reporting ability.
- Charitable and non-profit employers, such as Aboriginal Friendship Centres, have a reduced EHT rate compared to private businesses. For each qualifying non-profit location, the tax is calculated as follows:
 - \$1.5M or less, that location pays no employer health tax.
 - \$1.5M to \$4.5M the tax amount is 2.925% of the amount of payroll greater than \$1.5M
 - greater than \$4,500,000, the EHT rate is 1.95% of the location's total B.C. payroll.
 - The organization adds up the EHT calculated above for each location to arrive at total EHT owing.

BACKGROUND:

Friendship centres largest payrolls (estimated 2017):

Centre	s.21	Employees	Locations
Prince George Native Friendship Centre		252	7
Victoria Native Friendship Centre		127	1
Tillicum Lelum Aboriginal Society - Nanaimo		78	3
Cariboo Friendship Society - William Lake		105	1
Vancouver Aboriginal Friendship Centre Society		79	1
Fraser Region Aboriginal Friendship Centre Association - Surrey		78	1
Ki-Low-Na Friendship Society - Kelowna		73	2

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The Kermode Friendship Society - Terrace	s.21	55	1
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Communications Contact: Edward Hill

Program Area Contact: Rob Parenteau

XVIII. ISSUE: Tripartite First Nations Children and Family Working Group

TII. KEY MESSAGES

- **The Province is committed to working with our partners to improve outcomes for Indigenous children and families in British Columbia.**
- **The Province is working alongside the First Nations Leadership Council (FNLC), and Canada towards this outcome.**
- **In 2016, the Tripartite First Nations Children and Families Working Group was established to reaffirm sustained collaboration between the Province, Canada the FNLC.**
- **Key areas of focus for the working group include legislation, jurisdiction, and funding.**
- **Together we are making positive changes for First Nations children and families and are supporting First Nations governing their own children and families using approaches grounded in their cultures and traditions.**

III. BACKGROUND:

- In May 2016, the BC First Nations Children and Family Gathering was held with representatives from the Province of British Columbia, Canada, First Nations and First Leadership Council (FNLC) to discuss the current state of child welfare.
- At that meeting, former Minister of Aboriginal Relations and Reconciliation, John Rustad, on behalf of the Province of British Columbia, made three commitments:
 - Immediately improve child welfare services by ensuring that the Ministry of Children and Family Development (MCFD) staff connect with First Nations, identify First Nations children in care, and work to improve services and supports to keep more First Nations children out of care,
 - Work with Canada and the FNLC to build new jurisdictional and funding frameworks that would support improved outcomes as well as empower First Nations who are interested to exercise their own jurisdiction over child welfare; and
 - Establish a tripartite working group to guide the work of the Province, Canada and the FNLC.
- In the fall of 2016, the Tripartite First Nations Children and Families Working Group (TWG) was formed and consists of representatives from FNLC, Ministry of Indigenous Relations and Reconciliation, MCFD, Ministry of Justice and Indigenous and Northern Affairs Canada.
- The TWG has developed and agreed to the following documents to date:
 - Terms of Reference: Signed March 2017; defined scope, membership, goals, guiding principles, process, and resources of the TWG. The overall goal is sustained collaboration to improve outcomes for First Nations children and families.

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- Reconciliation Charter: Signed April 2017; acknowledged current challenges of Aboriginal child welfare, defined the shared objective of First Nations governing their own children and families using approaches grounded in their own cultures and traditions, and outlined mutual commitments for achieving this outcome.
- A technical committee supports the ongoing efforts of the TWG.
- s.16

- In June 2018, the TWG identified four key areas of focus: (1) federal legislation, (2) provincial legislation on the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada's Calls to Action, and jurisdiction, (3) amendments to the Child, Family and Community Service Act and (4) funding.
- On April 24, 2018, the Child, Family and Community Service Amendment Act, 2018 (Bill 26) was introduced in the legislature, has been passed and will come into force in spring of 2019. The changes will facilitate greater involvement in child welfare decisions by Indigenous communities to help keep their children out of care, safe in their home communities, and connected to their cultures.
- The TWG also discussed the possibility of refocusing on community consultations with the 84 non-represented Indigenous communities.
- FNLC has been focused on the federal legislation and therefore, the TWG is in the process of regrouping to discuss priority areas for the work going forward which can then be drafted into a workplan or work framework.
- In early 2019, the TWG began work on a draft Communications Protocol to support ongoing collaboration and effective internal communication between the Parties.

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Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Off-Reserve Aboriginal Action Plan
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RECOMMENDED RESPONSE:

- **Our work on reconciliation with Indigenous peoples facing complex social challenges includes those living in urban areas, many whom are living away from their home communities.**
- **Through our Off-Reserve Aboriginal Action Plan we partner with urban Aboriginal communities and a diverse network of key partners and supporters to develop innovative approaches to support Indigenous peoples living away from their home communities.**
- **The Province has allocated \$770,000 in the past two years to support community capacity building, reconciliation engagement sessions, Gathering our Voices Youth conference, Métis communication strategies, the Greater Victoria Reconciliation Strategy, and other projects in various urban Indigenous and Métis communities.**

KEY FACTS:

- The Province is working on the Off-Reserve Aboriginal Action Plan with more than 70 organizations, including the B.C. Association of Aboriginal Friendship Centres, Union of B.C. Municipalities, Metro Vancouver Aboriginal Executive Council, and Métis Nation B.C., as well as across government.
- In 2018/19, B.C. has allocated \$385,000 to support the Off-Reserve Aboriginal Action Plan through community capacity building, reconciliation engagement sessions, Professional Development for Friendship Centre managers, and Métis Communication Strategies.
- In 2017/18, B.C. provided approximately \$385,000 to support the Off-Reserve Aboriginal Action Plan through programs like the Reconciliation Dialogues, Gathering Our Voices youth conference, Sashing our Warriors, the Greater Victoria Reconciliation Strategy and other projects in various urban Indigenous and Métis communities.

Off-Reserve Aboriginal Action Plan (ORAAP)-related funding for 2018/19:

- Supporting Métis Nation B.C.'s (MNBC) participation and engagement in ORAAP with \$70,000 to implement the Métis Communication Strategy, create cultural safety and wellness curriculum and the distribute Métis Educational Kits to Métis Chartered Communities.
- Will provide \$70,000 to the B.C. Association of Aboriginal Friendship Centres (BCAAFC) for professional development training for the 25 Executive Directors of its member centres.

Confidential Issues Note - ADVICE TO MINISTER

- Provided Metro Vancouver Aboriginal Executive Council (MVAEC) with \$70,000 to conduct Indigenous community engagement and facilitate an Indigenous collective impact approach focussing on education, training and employment opportunities.
- Providing \$110,000 to the Union of B.C. Municipalities in support of Reconciliation dialogues between local municipal governments and the urban Indigenous/Métis communities around the Province.
- Will dedicate \$65,000 to to increase capacity in the urban Indigenous/Metis community.

Funding for 2017/18:

In 2017/18 B.C. provided \$385,000 in funding to ORAAP. This included:

- Supporting MNBC's participation and engagement in ORAAP with \$100,000 for various initiatives including funding for new initiatives in ten Métis Chartered Communities that address one or more of the ORAAP goals, creating a coloured publication to build awareness of Métis culture and history and supporting the Sashing our Warriors program.
- \$150,000 to BCAAFC for their participation and engagement on ORAAP for Gathering Our Voices youth conference.
- \$100,000 to support MVAEC's participation in ORAAP to create a strategy and develop partnerships to increase Indigenous participation in the provincial economy.
- \$20,000 to support Red Fox Healthy Living Society to deliver a five-day leadership training camp for youth in partnership with the Surrey School Board, BCAAFC, Strathcona Community Centre and the Fraser Region Aboriginal Friendship Centre .
- \$15,000 to support the Victoria Native Friendship Centre with the formation of three committees which provided advice and guidance on the research process, interpretation of findings and meaningful reconciliation dialogues resulting in recommendations as a part of the Greater Victoria Reconciliation Strategy.
- In 2017/18, the federal government allocated a total of \$1,612,174 (\$512,905 for capacity, \$849,269 for programs and services and \$250,000 for coalitions) under ORAAP to support the development of the Urban Aboriginal Strategy (UAS) in B.C. The UAS has now been replaced with the Urban Programming for Indigenous People program.
- Media: There has been no media coverage in the Off Reserve Aboriginal Action Plan. Media interest with off-reserve and urban Indigenous peoples mainly focuses on high profile social challenges such as homelessness and the opioid crisis.

Communications Contacts:
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File Created: August 30, 2018

Sharon Pocock
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Confidential Issues Note - ADVICE TO MINISTER

XIX. ISSUE: Minister's Advisory Council on Indigenous Women (MACIW)

II. KEY MESSAGES

- **As we move forward with implementing the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission Calls to Action, we will continue to draw on the knowledge and experience of members of the Minister's Advisory Council on Indigenous Women (MACIW) for guidance.**
- **Since 2013, MACIW's respected Indigenous female membership has been advising the provincial government on ways to end violence against Indigenous women and girls – who are two and a half times more likely to report being victims of violence than non-Indigenous women.**
- **The Giving Voice project is one of the Council's most effective initiatives to carry out that work.**
- **More specifically, as part of ongoing work with the council, the Province is providing \$400,000 over two years (2019/20 – 2020/21) to MACIW's Giving Voice initiative which aims to help Indigenous communities to speak out and take action on the issue of violence against women and girls.**

III. BACKGROUND:

- MACIW was established in 2011 to provide advice to government on how to improve the quality of life for Indigenous women in BC.
- MACIW is comprised of up to 10 Indigenous women from across BC, including a Chair, Vice-Chair, Elder, and Youth, who are appointed by the Minister of Indigenous Relations and Reconciliation based on criteria of diversity, experience, and regional representation.
- MACIW meets quarterly, with at least two meetings attended by the Minister. Additional meetings are held at the discretion of the Chair and Minister.
- Between 2013 and 2016, Giving Voice supported 50 projects that made a difference in the lives of over 2,000 participants throughout BC.
- The Ministry of Indigenous Relations and Reconciliation provides secretariat support to MACIW. MACIW's operational budget for fiscal year 2018/19 was \$200,000.

Strategic Plan 2017-2020

- As outlined in its *Strategic Plan 2017-2020*, MACIW's priorities are to:
 - Develop Partnerships
 - Educate and Build Awareness
 - Give Voice to Indigenous Women
 - Prevent Violence
 - Encourage Ownership
 - Measure Change

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Highlighted Activities

- MACIW has focused its recent efforts on providing advice to government on:
 - How to support families of missing and murdered Indigenous women and girls in BC during the National Inquiry.
 - MACIW has met with the Ministry of Public Safety and Solicitor General with regards to the National Inquiry as well as the BC Family Information Liaison Unit, which provides a dedicated service for families of missing and murdered Indigenous women and girls who are seeking general or case-specific information related to the loss of their loved one.
 - How to manage potential impacts of natural resource development on Indigenous women and communities.
 - MACIW participates in a Provincial working group consisting of several ministries and Indigenous representatives to undertake engagement and develop a provincial action plan to address the social impacts of industrial work camps on Indigenous women and communities.
 - MACIW advocates for the inclusion of Indigenous Gender Based Analysis in provincial environmental assessments and other regulatory regimes to reduce the negative impacts of natural resource development on Indigenous women, families and communities.
- Government has also sought out MACIW's advice on housing, poverty reduction, Indigenous justice, child welfare, and policing standards.

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XX. ISSUE: British Columbia Assembly of First Nations Sustainable Economic Development and Fiscal Relations Strategy

II. KEY MESSAGES

- **The Province is committed working with our partners to improve economic outcomes and business development opportunities for Indigenous peoples in British Columbia.**
- **Since 2016, the Province has committed \$2.5 million toward the development of the British Columbia Assembly of First Nations (BCAFN)’s Sustainable Economic Development and Fiscal Relations Strategy.**
- **With the common vision of advancing sustainable economic development and reconciliation, the Province has been working with BCAFN to achieve key economic development building blocks for First Nations people, businesses and communities.**
- **Significant highlights of the work led by BCAFN include:**
 - **strengthened First Nations partnerships with government and industry;**
 - **improved access to economic data; and**
 - **online economic development tools for communities.**
- **The Province continues to work with the BCAFN to build on the achievements to date and to work towards the shared goal of economic reconciliation.**

III. BACKGROUND:

- The Province is committed to improving economic and social outcomes for Indigenous people as a key part of reconciliation in British Columbia (BC).
- In the fall of 2015, the BCAFN’s then Regional Chief proposed to develop a First Nations Economic Strategy and Fiscal Framework.
- To support this, the Ministry of Indigenous Relations and Reconciliation (MIRR) and the Ministry of Jobs, Trade and Technology (JTT) co-funded (\$300K) five BCAFN regional workshops leading to the final report, “*Towards a BCAFN Regional Economic Development Strategy*” which was released in May 2016.
- In August 2016, \$2.5M over three years (FY 2016/17 – FY 2018/19) was approved by the Province to support BCAFN’s *Sustainable Economic Development and Fiscal Relations Strategy* (the strategy).
- BCAFN also received nearly \$500K in federal funds since 2016 to support the initiative.

Confidential Issues Note - ADVICE TO MINISTER

- Key deliverables achieved from FY 2016/17 – FY 2018/19 include:
 - Establishing a Champions Table between the BCAFN and the BC Business Council, and signing a Memorandum of Understanding for ongoing dialogue between First Nations and business leaders;
 - Implementing the Indigenous Intern Leadership Program (through the Champions Table) in partnership with post-secondary institutions and industry. Note: In November 2018, the Ministry of Advanced Education, Skills and Training (AEST) committed \$420K over three years to support 150 Indigenous post-secondary graduates under this program;
 - Launching an online business portal and economic development resource centre;
 - Holding more than 15 regional sessions to inform development of the strategy and the BCAFN Blackbooks – a First Nations economic development toolkit;
 - Forming a data modernization working group to design and collect key First Nations economic and labour market data; and,
 - Hosting three annual Indigenous Business Forums (March 2017, October 2017 and February 2019 (upcoming)), bringing together over 300 First Nations leaders, provincial government and industry representatives
- The Province also continues to work with the BCAFN on various economic development opportunities such as strengthening First Nations involvement in the Province's economic development initiatives (e.g. engagement on the Indigenous Procurement Strategy, the Tech Framework and CleanBC).
- Given that 2018/19 is the final year of the Province's \$2.5 million commitment to BCAFN for the strategy, moving forward, BCAFN is proposing to continue building on the achievements to date, to strengthen the link between First Nations governance and economic development, and to build capacity for further engagement and partnerships with government and industry.
- The BCAFN has recently submitted a proposal to continue the strategy beyond 2018/19. MIRR staff are currently reviewing the proposal and will be making recommendations to government regarding future funding.

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XXI. ISSUE: Memorandum of Understanding on the Social Determinants of Health

II. KEY MESSAGES

- **The Province is committed to working with our partners to improve the health and wellness of Indigenous children, families and communities.**
- **The Province, Canada and the First Nations Health Council (FNHC) are working collaboratively towards this outcome.**
- **Partnerships with FNHC, other ministries, health authorities, and First Nations communities are important in creating trust and cooperation within the health system.**
- **In 2018, the FNHC, the Province and Canada signed the *Tripartite Partnership to Improve Mental Health and Wellness Services and Achieve Progress on the Determinants of Health and Wellness*.**
- **Each signatory committed \$10 Million over two years (2018/19 – 2019/20) to support community-driven and Nation-based health and wellness planning to meet the needs and priorities of Nations.**
- **Together, we are changing the face of health care and supporting health and wellness by looking at how to improve the social determinants of health, such as child welfare, education, and justice.**

III. BACKGROUND:

- On March 3, 2016, the First Nations Health Council (FNHC) and the then Minister of Aboriginal Relations and Reconciliation, on behalf of the Province, signed the *Memorandum of Understanding: A Regional Engagement Process and Partnership to Develop a Shared Ten-Year Social Determinants Strategy for First Nations People in BC* (the 2016 MOU) (attached).
- The 2016 MOU laid the foundation for 2 years of regional engagement sessions between provincial ministries and First Nations leaders.
- The Province, through the Ministry of Indigenous Relations and Reconciliation (MIRR), provided \$1.9 million over 2 years (2016/17 – 2017/18) in support of the engagement process to develop a shared 10-year social determinants strategy per the 2016 MOU.
- In addition to MIRR, other provincial ministries involved in this work include Children and Family Development (MCFD), Attorney General, Public Safety and Solicitor General, Education, Advanced Education and Skills Training, Health (MoH), Mental Health and Addictions (MMHA), and Social Development and Poverty Reduction.
- Common themes coming out of the regional engagement process include emergency management, child welfare, child and youth mental health, the early years, and mental health and addictions, as well as the need for more culturally appropriate services, and for Chiefs and leaders to be involved in decision-making to ensure decisions are community-driven and Nation-based.

Confidential Issues Note - ADVICE TO MINISTER

- On July 26, 2018, the engagement process culminated in the FNHC, the Province and Canada signing the *Memorandum of Understanding: Tripartite Partnership to Improve Mental Health and Wellness Services and Achieve Progress on the Determinants of Health and Wellness* (2018 MOU) (attached).
- The 2018 MOU supports community-driven and Nation-based planning to develop, renew or redesign health and wellness plans that will be implemented through flexible funding to meet the needs and priorities of respective Nations.
- Indigenous Services Canada (ISC), First Nations Health Authority (FNHA) and the Province each committed \$10M (totalling \$30M) over two years (2018/19 – 2019/20) to support implementation of the 2018 MOU.
- The 2018 MOU also recognizes a need to build, repair and expand several Indigenous treatment centres across British Columbia (to be funded separately from the \$30M commitment).
- The Implementation Plan for the 2018 MOU has been approved in principle by tripartite partners and is supported by a tripartite governance structure recognizing the different roles of the FNHC, FNHA, the Province and Canada.
- A tripartite Mental Health and Wellness Table including FNHA, ISC, and MoH, MIRR, MMHA, and MCFD has been established to provide leadership and key decision-making on the implementation of the investment and planning approach.
- The Mental Health and Wellness Table is actively reviewing Nation-based Statements of Readiness to access the 2-year \$30M funding.
- FNHA is administering the funding to Nations and funding guidelines and supporting documentation are available on FNHA's website⁴.
- An annual meeting between the FNHC, Canada and the Province is a key commitment outlined in the 2018 MOU, with the next meeting anticipated to be in Spring 2019.
- Further regional engagement sessions led by FNHC will take place in Spring 2019, where First Nations Chiefs and leaders will have opportunities to provide feedback on the investment and implementation process so far.

Attachments:

- 2016 MOU
- 2018 MOU

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⁴ <http://www.fnha.ca/about/news-and-events/news/fnha-to-administer-new-thirty-million-mental-health-and-wellness-fund>; and <http://www.fnha.ca/about/work-with-us/funding-opportunities>

XXII.ISSUE: Indigenous Procurement Initiative

II. KEY MESSAGES

- **We are committed to improving economic outcomes and business development opportunities for Indigenous people in British Columbia.**
- **Government procurement, as you know, is a powerful tool for delivering services that people depend on, creating jobs and growing BC's economy.**
- **Given this, in June 2018, BC released its Procurement Strategy to take advantage of government's buying power to help drive economic growth in BC.**
- **A priority action in the provincial strategy is to engage with our Indigenous partners and businesses to develop a coordinated government approach to procurement with Indigenous businesses and communities.**
- **Through our Indigenous Procurement Initiative, we are already engaging with Indigenous partners, businesses and communities to seek input and inform the approach.**
- **Overall, our goal is to make it easier for companies of all sizes to work with government, and to increase Indigenous participation in government's procurement opportunities.**

III. BACKGROUND:

- Every year the government of British Columbia (BC) purchases almost \$7 billion in goods, services, and construction (from software and hardware to roads and bridges).
- On June 25, 2018 the Ministry of Citizens' Service (CITZ) launched the BC Procurement Strategy (the strategy) which sets goals for the modernization of BC government procurement. These goals are:
 - To realize best value and increased benefit to British Columbians by using procurement strategically and promoting innovation.
 - To make it easier to do business with government with simpler, more intuitive processes.
 - To create more opportunity for businesses of all sizes, adapting practices towards supporting, growing and sustaining a community of suppliers.
 - To build greater capacity for procurement in the BC public service through enhanced training and support for practitioners.
- Governance for the strategy implementation is robust and includes dedicated Deputy Minister and Assistant Deputy Minister committees and portfolio management and secretariat support by the CITZ's Procurement Transformation Branch.
- Implementation of the strategy is underway and involves multiple ministries and agencies. Coordinated by CITZ, teams from across government are working to achieve the goals of the Strategy and its intended transformational impact.

Confidential Issues Note - ADVICE TO MINISTER

- Under the first goal of the strategy is a priority action to engage with Indigenous partners and businesses to inform the development of a coordinated government approach to procurement with Indigenous businesses and communities (i.e. the Indigenous Procurement Initiative).
- The Ministry of Indigenous Relations and Reconciliation and CITZ are co-leading the Indigenous Procurement Initiative and are actively undertaking engagement with Indigenous partners, organizations, businesses and communities to gather experiences and recommendations to inform the development of the approach and to increase Indigenous participation in government's procurement opportunities.
- From January to March 2019, regional engagement sessions are being held in Nanaimo, Victoria, Prince George, Terrace, Cranbrook, Vancouver, Kelowna, Williams Lake and another session in the Lower Mainland (TBD).
- A survey has also been distributed to Indigenous partners, businesses and communities as another tool for input.
- Information gathered through these engagement activities will inform recommendations to government to improve Indigenous procurement policies, practices and procedures.
- It is expected that recommendations will be put forward in Spring 2019.

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Industrial Work Camps/First Nations
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RECOMMENDED RESPONSE:

- We understand the concerns of First Nations regarding the social impacts of industrial camps, including the safety of vulnerable members of their communities.
- We are committed to working with Indigenous communities to support outcomes that promote healthy communities and economic development that has a positive impact on communities and does not put its members at risk.
- The Province has created a working group of several ministries and Indigenous representatives to develop provincial recommendations to address the social impacts of industrial work camps, including those outlined in the Firelight Report.
- The working group is identifying internal actions and external partnership opportunities for consideration on how B.C. responds and mitigates the social impacts of industrial camps.
- B.C. is moving forward on additional actions to increase safety and respond to the needs of Indigenous women and girls:
 - In September 2017, we signed a Memorandum of Understanding with the BC Aboriginal Justice Council to develop an Indigenous Justice Strategy which will include a focus on addressing violence against Indigenous people, especially women and girls.
 - We are committed to fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples and the calls to action of the Truth and Reconciliation Commission of Canada.

KEY FACTS:

- The cross-ministry working group developed an internal Discussion Paper, completed in the fall of 2018, that summarizes the work to date including information from targeted engagement with Indigenous

Confidential Issues Note - ADVICE TO MINISTER

organizations and communities, provincial and federal ministries, industry representatives, local governments, agencies and service providers. A project summary, that highlights the work to date, is currently under development.

- The co-leading ministries (MEMPR and MIRR) are seeking direction on immediate actions, including a phased approach working with proponents to better understand, track and resolve impacts from industrial camps and continue developing the longer term provincial response to the issues raised.
- Through 2018, the Ministry of Indigenous Relations and Reconciliation and the Ministry of Energy, Mines and Petroleum Resources with the support of a cross-ministry working group carried out a review and analysis of the province's approach to the social impacts of industrial camps on Indigenous communities.
- In addition to government staff, the working group also includes Chastity Davis, chair of the Minister's Advisory Council on Indigenous Women, Verna Power and Betty Patrick, Lake Babine Nation and Mary Knowles, Nak'azdli Whut'en First Nation. MIRR has offered to discuss the project with Chief Judy Wilson (Neskonlith).
- Neskonlith Chief and UBCIC Secretary Treasurer Judy Wilson expressed her concerns with regards to the Blue River camp in a letter to the Oil and Gas Commission and Premier John Horgan Sept. 19, 2017. The letter alleges the permits violate the government's commitment to the United Nations Declaration on the Rights of Indigenous peoples.
- Chief Wilson wrote a further letters in November 2017 and April 2018 again expressing her concerns about the camp and the impact on Secwepemc territory and that Kinder Morgan are displaying a 'colonial-corporate mind frame' that Secwepemc lands are free to access.
- Chief Clifford White of Gitxaala Nation participates in the First Nations Advisory Committee of the Workforce Development Working Group and has likewise raised concerns about the socio-cultural impacts of major projects near First Nations communities. A project update was provided to the advisory committee on January 9, 2019.
- On Nov. 28, 2017 the Secwepemc Women's Warriors Society and the Tiny House Warriors issued a declaration and petition against what they call "man camps," specifically in the context of the Kinder Morgan pipeline.
- Kinder Morgan received permits for a campsite at Blue River on what the Warriors Society say is unceded Secwepemc territory on Nov. 30, 2017. Blue River is approx. 210 km north of Kamloops.
- The declaration states that the Secwepemc have not given their 'free, prior and informed consent' to the pipeline project or the camp. It cites the 2016 Amnesty Report's concerns about the link between industrial work camps and negative impacts on Indigenous women. The declaration also repeats opposition to Kinder Morgan's anti-salmon spawning mats.

FIRELIGHT REPORT/WORKSHOP

- At end of fiscal 2016/17, the Ministry of Indigenous Relations and Reconciliation provided Lake Babine Nation with \$255,000 to develop a community response to the February 2017 Firelight Group's report entitled: "Indigenous Communities and Industrial Camps, Promoting Healthy Communities in Settings of Industrial Change".
- From June 22-23, 2016, Lake Babine and Nak'azdli Whu'ten hosted a two-day Communities and Construction Camps workshop in Prince George. The Province provided \$132,490 to support delivery of the workshop to examine social impacts of proposed LNG work camps on First Nations communities.
- The subsequent report by the Firelight Group, entitled "Indigenous Communities and Industrial Camps, Promoting Healthy Communities in Settings of Industrial Change", was publicly released on Feb. 9, 2017 at the First Nations Summit Annual General Assembly.

Confidential Issues Note - ADVICE TO MINISTER

- The report offered two key findings:
 - “Social and cultural effects of industrial camps are not effectively considered in the planning for economic development;” and,
 - “The model of the temporary industrial camp requires a mobile workforce that is disconnected from the region, and this reinforces and recreates historical patterns of violence against Indigenous women.”
- The report provided recommended actions for Indigenous leadership, provincial and federal governments, and industry.
- Provincial recommendations included: the need for historic trauma training, a review of legislation, reporting and management practices for sexual assault, consideration of gender and community-based impacts in the environmental assessment process and increased resources for drug, alcohol and mental health counseling.
- At the end of fiscal 2016/17, MIRR/MEMPR provided LBN/NAK with \$255,000 to develop community responses to the report, which also supported their participation on the working group.

BACKGROUND:

- Industrial works camps vary in size depending on the project they are attached to. They could be as small as 5 workers, or as large as 1,000 to 1,500 workers who are transient in nature. A number of studies have indicated the negative social, economic, cultural, and safety impacts that these work camps can have on Indigenous communities.
- On Nov. 3, 2016, Amnesty International released a report entitled: “Out of Sight, Out of Mind: Gender, Indigenous rights, and energy development in northeast BC, Canada.” The report looked at the human rights impacts of natural resource extraction on Indigenous women and girls in Northeastern B.C. Amnesty summarizes the report as follows:
 - The report documents how the scale of resource development in the northeast BC, and the failure to systematically examine the specific impacts on Indigenous women and girls, has put the lives of Indigenous women and girls at even greater risk.
 - The report looks at how resource development has eroded the land base that provides the foundation for First Nations and Métis health and wellness in the region, while influxes of transient workers have driven up local prices and strained the social fabric.
 - Increased rates of violent crime and diminished access to social services have placed Indigenous women and girls at increased risk of harm, while denying them the protections and support they need.
- In May 2017, the UN Working Group on Business and Human Rights toured Canada, with meetings in Vancouver and Williams Lake. They noted that women are a target for violence due to the predominance of men in resource industries and that the provincial and federal governments have a role to play encouraging meaningful consultation processes on the impact assessment of projects in a gender-sensitive, holistic manner.

Media: There has been some media coverage in this issue (CBC, Discourse media and Maclean’s). Some media reported on the Amnesty International report. The issue has recently been covered in regard to the Kinder Morgan pipeline and an article in Maclean’s (May 31, 2018) regarding the Firelight report.

Confidential Issues Note - ADVICE TO MINISTER

XXIII. ISSUE: First Nations and Province develop and complete a consent based process to address protection of wild salmon and future of 17 Fish Farms in the Broughton Area.

II. KEY MESSAGES

- **Our historic, government-to-government talks with First Nations in the Broughton produced jointly endorsed recommendations to address Nations' longstanding concerns with fish farms and the need to protect and restore wild salmon stocks.**
- **The talks were grounded in the shared responsibility of reconciliation.**
- **Their success demonstrates that when we work government-to-government with First Nations, we can deliver results that work for industry, and make life better for everyone in B.C. – Indigenous and non-Indigenous people alike.**
- **All parties – the First Nations, industry, DFO and Provincial officials are working together to implement these recommendations.**
- **The success of this initiative is a concrete example of how embracing UNDRIP can lead to Nations, the Province and Industry working together to advance reconciliation.**

III. BACKGROUND:

On January 30, 2018 the Provincial Government, represented by Ministers Lana Popham, Doug Donaldson, Scott Fraser and George Heyman met with five bands representing six First Nations (Dzawada'eunuw, Kwikwasut'inuxw-Haxwa'mis, Gwawaenuk, 'Namgis, and Mamalilikulla) to discuss the issue of salmon farm tenures in their asserted traditional territories. At the January 30 meeting, the Nations and Province agreed to move forward on a consent-based government-to-government (G2G) process to reach agreement related to historical concerns related to these tenures.

This meeting followed from a commitment that Premier John Horgan made at the Big House in Alert Bay in October 2017, to engage in G2G discussions with these Nations regarding open net pen salmon farms.

On June 27, 2018, the consent-based G2G process regarding salmon aquaculture in the Broughton Area was formalized in a letter of understanding (LOU). The Province and the 'Namgis, Kwikwasut'inuxw Haxwa'mis and Mamalilikulla First Nations are signatories to the LOU. A total of 17 tenures are listed under the LOU.

From the conclusion of the Letter of Understanding the Nations and Provincial officials were tasked with developing joint recommendations to address the future of 17 open pen fish farms in the

Confidential Issues Note - ADVICE TO MINISTER

Broughton area, protection of wild salmon stocks, and indigenous monitoring and oversight of the fish farm operations and role for the First Nations in wild salmon restoration.

On December 14, 2018 the three First Nations and Province of British Columbia announced their joint recommendations which:

- create an orderly transition of 17 farms, operated by Marine Harvest Canada and Cermaq Canada, from the Broughton area between 2019 and 2023;
- establish a farm-free migration corridor in the Broughton in the short term to help reduce harm to wild salmon;
- develop a First Nations-led monitoring and inspection program to oversee those farms during the transition, which will include compliance requirements and corrective measures;
- implement new technologies to address environmental risks including sea lice;
- call for immediate action to enhance wild salmon habitat restoration and rehabilitation in the Broughton;
- confirm a willingness to work together to put into place the agreements and protocols necessary to implement the recommendations, including continued collaboration with the federal government; and
- secure economic development and employment opportunities by increasing support for First Nations implementation activities and industry transition opportunities outside the Broughton.

Some of the recommendations relate to tenures that are also located in the territories of the Gwawaenuk or Dzawada'enuxw and will require separate consultation with them in regard to potential impacts to their Aboriginal rights and title prior to decisions being made.

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<p>CONFIDENTIAL ISSUES NOTE</p> <p>Ministry of Agriculture Date: April 5, 2019 Minister Responsible: Minister Lana Popham</p>	<p>Broughton Recommendations & Implementation Plan</p>
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ADVICE AND RECOMMENDED RESPONSE:

- Our historic, government-to-government talks with First Nations in the Broughton have produced important recommendations to address Nations' longstanding concerns and protect and restore wild salmon stocks.
- The talks were grounded in the shared responsibility of reconciliation.
- Their success demonstrates that when we work government-to-government with First Nations, we can deliver results that work for industry, and make life better for everyone in B.C. – Indigenous and non-Indigenous people alike.
- Our government endorses the recommendations. We are committed – along with First Nations and industry – to working together with the federal government to implement them.
- On March 31, we received the implementation plan developed by the members of the Broughton table.
- We are currently considering the implementation plan within government, across the relevant ministries.
- Tenure decisions have been made consistent with the recommendations.
- The recommendations will help protect and restore wild salmon stocks, allow an orderly transition of open-pen finfish aquaculture from the Broughton and create a more sustainable future for local communities
- All parties came to the table ready to work collaboratively to develop shared recommendations that everyone was able to support.

If asked about industry's role:

- The two companies operating in the Broughton Archipelago were part of this process, and are supportive of the recommendations it produced.

Confidential Issues Note - ADVICE TO MINISTER

- They have told us that there will be minimal to no job impacts at the sites as a result of the orderly transition outline in the recommendation.

KEY FACTS:

On January 30, 2018 the Provincial Government, represented by Ministers Lana Popham, Doug Donaldson, Scott Fraser and George Heyman met with five bands representing six First Nations (Dzawada'eunuw, Kwikwasut'inuxw-Haxwa'mis, Gwawaenuk, 'Namgis, and Mamalilikulla) to discuss the issue of salmon farm tenures in their asserted traditional territories. At the January 30 meeting, the Nations and Province agreed to move forward on a consent-based government-to-government (G2G) process to reach agreement related to historical concerns related to these tenures.

On June 27, 2018, the consent-based G2G process regarding salmon aquaculture in the Broughton Area was formalized in a letter of understanding (LOU). The Province and the 'Namgis, Kwikwasut'inuxw Haxwa'mis and Mamalilikulla First Nations are signatories to the LOU. A total of 17 tenures are listed under the LOU.

The Gwawaenuk Tribe and Dzawada'enuxw First Nation have asserted territories that overlap with the area subject to the LOU; these nations initially participated in the government-to-government discussions.

- Gwawaenuk Tribe withdrew from the process on January 30, 2018 and did not participate in the formation of the LoU or the resulting recommendations. Six of the LOU tenures are within their asserted traditional territory.
- Dzawada'enuxw First Nation was part of the negotiations that led to the formation of the penultimate draft of the LOU. However, on May 26, 2018 they filed an Aboriginal Title Claim in the Supreme Court of British Columbia and ultimately decided not to continue in the G2G process, withdrawing from it on May 31, 2018 prior to the recommendations being formulated. Eight of the LOU tenures are within their asserted traditional territory.

The Province continues to engage in discussions on finfish aquaculture with the Gwawaenuk Tribe and Dzawada'enuxw First Nation.

On December 14, 2018 the Province and the three signatory First Nations announced the recommendations resulting from the LOU process. The Province, First Nations, and aquaculture companies with tenures in the area support the recommendations, which:

- create an orderly transition of 17 farms, operated by Mowi Canada West (formerly Marine Harvest Canada) and Cermaq Canada, from the Broughton area between 2019 and 2023;
- establish a farm-free migration corridor in the Broughton in the short term to help reduce harm to wild salmon;
- develop a First Nations-led monitoring and inspection program to oversee those farms during the transition, which will include compliance requirements and corrective measures;
- implement new technologies to address environmental risks including sea lice;
- call for immediate action to enhance wild salmon habitat restoration and rehabilitation in the Broughton;

Confidential Issues Note - ADVICE TO MINISTER

- confirm a willingness to work together to put into place the agreements and protocols necessary to implement the recommendations, including continued collaboration with the federal government; and
- secure economic development and employment opportunities by increasing support for First Nations implementation activities and industry transition opportunities outside the Broughton.

On March 31, 2019, the members sitting at the Broughton table provided the Province and First Nations governments with an Implementation Plan for consideration. The Provincial government is currently reviewing the plan.

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Program:	Wes Shoemaker	250 XXX-XXXX

XXIV. ISSUE: Emergency Preparedness, Management and Recovery

II. KEY MESSAGES

- **Emergency response and recovery requires a collaborative approach that recognizes the unique needs of our First Nations partners. The Ministry of Indigenous Relations and Reconciliation supports engagement with First Nations communities to enhance development of emergency management capacity.**
- **During the 2018 wildfire season the Ministry of Indigenous Relations and Reconciliation deployed approximately 30 staff as First Nations liaisons to support communication between First Nations communities, including direct deployment to the Tahltan Emergency Operations Centre. In 2017, the Ministry deployed nearly 50 staff to support emergency response and recovery efforts. In both seasons, staff were deployed as part of a greater Provincial response, coordinated by Emergency Management BC.**
- **I want to acknowledge the incredible strength that First Nations leaders have shown during these difficult times. Many communities and people endured overwhelming loss – and our government’s focus is on partnering with First Nations to help them rebuild and to support their capacity to better manage emergencies in the future.**
- **The Ministry of Indigenous Relations and Reconciliation is supporting Emergency Management BC, the First Nations Leadership Council, and Indigenous Services Canada to negotiate a tri-lateral Memorandum of Understanding that commits the parties to regular, strategic dialogue on First Nations emergency management.**

III. BACKGROUND:

On April 1, 2017, Emergency Management BC (EMBC) began implementation of a ten-year, \$30 million service agreement funded by Indigenous Services Canada (ISC) to provide enhanced emergency management services and support to First Nation communities. Under the agreement, EMBC works with First Nations communities to improve community preparedness and awareness through planning, training and public education.

EMBC is leading implementation of the recommendations from independent review of the response to the 2017 wildfire and flooding seasons led by George Abbott and Chief Maureen Chapman (Abbott-Chapman report) released in May 2018. There are 108 recommendations, which have been compiled into *Government’s Action Plan: Responding to wildfire and flood risks*. As of the last report, October 31, 2018 – 19 recommendations are

Confidential Issues Note - ADVICE TO MINISTER

complete with various levels of progress on the remaining recommendations. The next update is expected by April 30, 2019.

Based on the experiences of First Nations communities during the 2017 wildfire season, and with input from the Ministry of Indigenous Relations and Reconciliation (MIRR), EMBC developed a concept of operations providing a single point of contact for First Nation communities within the regional operations centres to improve communication and relationship building. To support communication with First Nation communities, MIRR lead the deployment of approximately 30 staff during the 2018 wildfire season as First Nations community liaisons.

In 2018, more than 1.3 million hectares burned during the wildfire season – the largest number on record – forcing thousands of B.C. residents from their homes, with the greatest impact to Tahltan Nation. MIRR collaborated with provincial partners, ISC, local governments and the Tahltan Emergency Operations Centre on comprehensive recovery planning. Approvals in principle for \$12.5 million for on-reserve housing reconstruction and related community recovery for Tahltan Nation are supported by ISC.

MIRR is supporting development of several emergency management initiatives with First Nations, including the following:

- An enhanced Concept of Operations guiding engagement and the deployment of First Nations Liaisons during emergency response.
- Collaborative Emergency Management Agreement (CEMA) between T̓silhqot'in National Government, MIRR and ISC.
- Review of strategic emergency management initiatives led by EMBC
- Policies regarding evacuations of indigenous communities, recognizing and support hosting neighbouring communities, and upholding and recognising cultural values of kinship in First Nation communities,
- First Nations Emergency Management Regional Partnership Tables.

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Ministry of Indigenous Relations and Reconciliation Date: April 9, 2019 Minister Responsible: Hon. Scott Fraser	Wildfire and Flood Recovery
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RECOMMENDED RESPONSE:

- First Nations have been disproportionately impacted by back-to-back, devastating flood and fire seasons.
- I want to acknowledge the incredible strength that First Nations leaders and their communities have shown during these difficult times.
- Many communities and people endured overwhelming loss – and our government’s focus continues to be on partnering with First Nations to support their capacity to manage emergencies in the future.

If asked about the Tahltan Nation:

- Tahltan members endured terrible hardship from the forest fires last summer.
- I want to recognize the Tahltan Nation for their strong leadership during these challenging times.
- When it comes to housing and recovery, the Tahltan can’t do it all on their own.
- That’s why our government is providing funding to support their communities.
- I understand that Indigenous Services Canada is also providing financial support for on-reserve housing reconstruction and related community recovery.

If asked about the TNG Report:

- We are looking forward to reviewing The Tsilqhot'in National Government’s report, “The Fire Awakened Us.”, which is expected to be released later this month.

Confidential Issues Note - ADVICE TO MINISTER

If asked about the upcoming flood and wildfire season:

- The provincial government is preparing as much as it can. We will continue to work in partnership with First Nation communities as we move into fire season.
- During emergencies First Nations are invited to participate in coordination calls. In some situations there will be daily coordination calls specifically for First Nations.
- The province is prepared to provide culturally sensitive operational staff for coordination with First Nations communities during the flood and wildfire season.

KEY FACTS - TAHLTAN:

- In March 2019, the B.C. government provided \$1.75 million to the Tahltan First Nation to build housing, as part of the recovery from the loss of homes in the 2018 wildfires.
- \$1.05 million will be used to build a housing project in Dease Lake.
- \$700,000 will be used to fund modular homes in Telegraph Creek.
- Funding was announced by Minister Doug Donaldson, Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

BACKGROUND:

First Nations Wildfire Recovery

- Government is working with all First Nations impacted by the 2017 and 2018 fires on recovery efforts.
- Wildfire recovery coordination is being led by Emergency Management BC in cooperation with key lead ministries, such as the Ministry of Forests, Lands, Natural Resources and Operations and Rural Development (FLNROD). Staff at the Ministry of Indigenous Relations and Reconciliation have provided significant support for 2017 and 2018 recovery.

Tahltan Loss and Recovery

- The Tahltan suffered extensive structure loss:
 - Primary dwellings – 43
 - Outbuildings – 69
 - Commercial buildings – 1
 - Cultural/Historical buildings - 7
- In March 2019, the B.C. government provided \$1.75 million to the Tahltan First Nation to build housing, as part of the recovery from the loss of homes in the 2018 wildfires.

Confidential Issues Note - ADVICE TO MINISTER

- ISC has approvals in principle in place for \$12.5 million in financial support for on-reserve housing reconstruction and related community recovery.

TNG Wildfire Report

- On January 28, 2019, the Premier and Minister Fraser met with the Tsilhqot'in National Government and obtained copies of their wildfire report, "The Fire Awakened Us." The Tsilhqot'in have requested to keep the report confidential until a tripartite event can be coordinated.
- The Premier and Ministers were in general agreement about further discussion around the report's Calls to Action, including three specific actions the TNG have called for:
 - Join the TNG in implementing calls to action with Canada;
 - Work together to plan a tripartite event to release the report, which is scheduled for April 24th; and
 - Include TNG in any committees that are making policy decisions on emergency management

First Nations Wildfire Response

- Under the First Nations Emergency Management Services Agreement between EMBC and Indigenous Services Canada (ISC), EMBC coordinates emergency management services to First Nations on-reserve.
- Concurrently, under the Wildfire Service Agreement between BC Wildfire Service (BCWS) and Indigenous Services Canada, BCWS provides fire response and fire suppression on-reserve.
- ISC funds eligible emergency management projects and programs on-reserve that are not already covered under the EMBC or BCWS agreements. Examples include funding arrangements for Tahltan temporary housing, fridge replacements, and dyke or flood mitigation infrastructure.
- As a result of recommendations from "Addressing the New Normal: 21st Century Disaster Management in BC" as well as "From the Ashes: Reimagining Fire Safety and Emergency Management in Indigenous Communities", EMBC is endeavoring to ensure equitable levels of support to First Nation communities.
- Examples include:
 - During emergencies First Nations are invited to participate in coordination calls. In some situations there will be daily coordination calls specifically for First Nations.
 - The province is prepared to provide culturally sensitive operational staff for coordination with First Nations communities during the wildfire season.
 - Production and distribution of a First Nation-specific tool kit.
 - Development of First Nations Emergency Management Regional Partnership Tables to provide a venue for First Nations and provincial agency emergency managers.
 - Enhanced training and public education resources to better support the needs of First Nation communities.
 - Use of local and traditional knowledge to help guide operations and operational priorities.

Wildfire Seasons 2017 & 2018

- By measure of total area burned, 2018 was a record-setting season.

	2017 WILDFIRE SEASON <i>*As of Sept. 27, 2017</i>	2018 WILDFIRE SEASON <i>*As of Sept. 10, 2018</i>

Confidential Issues Note - ADVICE TO MINISTER

EVACUATION ORDERS	120	66
EVACUATION ALERTS	166	124
PROPERTIES ON ORDER	18,737	2,211
PROPERTIES ON ALERT	10,656	17,939
EMERGENCY SOCIAL SERVICE RECIPIENTS	NOT AVAILABLE	5,482
TOTAL # OF FOREST FIRES	1,225	2,059
TOTAL HECTARES BURNED	1,174,365	1,344,430
# DAYS PROVINCIAL EMERGENCY	71 *July 7-Sept 15, 2017	24 *Aug 15-Sept 7

- A Provincial State of Emergency was in place August 15th to September 7th, 2018.
- The provincial government follows the advice of Public Service wildfire experts to determine if and when a Provincial State of Emergency is recommended.
- Under the Emergency Program Act, senior decision-makers and operational staff from the BC Wildfire Service (BCWS) and Emergency Management BC (EMBC) make recommendations to the Minister responsible.
- This process ensures the best approach is in place for dealing with emergencies, and that British Columbians are protected.
- EMBC operated a dedicated MLA liaison desk at the Provincial Emergency Coordination Centre, which is an important resource for MLAs to receive and pass on information to ensure their constituents are connected with the critical supports they need.

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Program Area Contact(s): Cam Filmer, 250-812-2377

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Site C – First Nations
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RECOMMENDED RESPONSE:

- **We recognize that there will be adverse effects from the construction of Site C and that some Treaty 8 First Nations are opposed to it.**
- **That is why we are committed to negotiated settlements to outstanding concerns to avoid costly and time-consuming court proceedings.**
- **By introducing legislation to adopt the articles of the UN Declaration on the Rights of Indigenous Peoples, our government is moving forward on reconciliation and will continue to work in partnership with Indigenous peoples to make progress on this important work.**
- **As we move forward with reconciliation, government is working collaboratively with BC Hydro and Treaty 8 First Nations to seek solutions that address their concerns regarding Site C.**
- **In addressing specific concerns about Site C:**
 - **BC Hydro and the Ministry of Transportation and Infrastructure will work with Treaty 8 First Nations and others to re-design the Highway 29 re-alignment at Cache Creek to reduce impact on potential burial sites and sacred places. BC Hydro will invite proposals from Treaty 8 First Nations for this roadbuilding work.**
 - **We'll continue engaging with First Nations to seek input into the design of a Peace River Legacy Fund and establish a collective Treaty 8 project advisory committee.**

ENGAGEMENT:

- **Potential land transfers for any of the Treaty 8 First Nations are still subject to negotiation with affected First Nations.**
- **The Province will engage all affected stakeholders on proposed land transfers.**

Confidential Issues Note - ADVICE TO MINISTER

KEY FACTS:

- West Moberly First Nations (WMFN) and Prophet River First Nation (PRFN), reached a Negotiation Protocol Agreement with the Province on Feb. 16, 2019, in attempt to avoid going to court over the two Nations' assertion that the Site C project infringes on their Treaty 8 rights.
- The Province has made a commitment to negotiate a government-to-government agreement and to explore a Treaty 8 renewal agreement. The goal is to have negotiations complete by Oct. 15, 2019.
- If an agreement cannot be reached, the B.C. Supreme Court has directed that a trial to settle the matter must be concluded prior to flooding of the Site C reservoir. Therefore, a settlement agreement must be completed by December 2019 to allow sufficient time for trial preparation.

BACKGROUND:

Litigation against Site C

- s.13; s.14
 - s.13; s.14 a Leadership Table meeting with chiefs and ministers was held Feb. 14, 2019.
- The Provincial interest was to resolve a longstanding point of conflict on the Site C project, to demonstrate the Province's commitment to reconciliation (rather than pursue costly and detrimental litigation), and to attempt to set a more constructive foundation for the relationship with WMFN and PRFN going forward.
- On Oct. 24, 2018, BC Supreme Court denied an application by West Moberly First Nations to grant an injunction to halt the construction of Site C, prior to a trial on alleged infringements of West Moberly Treaty 8 rights.
- West Moberly sought court declarations that the construction of Site C is an infringement of treaty rights and decisions for allowing the construction are unconstitutional. The justice directed the parties to agree on a schedule that would see the trial end by no later than mid-2023, in advance of reservoir inundation scheduled for the fall of 2023.
- In his ruling, Justice Milman wrote:
 - West Moberly has made out a serious question to be tried, but it doesn't have a clear path to success, and its claim cannot be described as particularly strong.
 - It's not clear what treaty right West Moberly can assert that can only be exercised in the Peace River region. Evidence suggests West Moberly's treaty rights are exercised, for the most part, outside the Site C project footprint.
 - West Moberly's claim that Site C will infringe the treaty by its adverse impacts on the vitality of the animal and fish populations is arguable but not strong.
 - If West Moberly can show an infringement of the treaty, it will still be open to the Crown to seek to justify the infringement and defeat the claim.
 - If West Moberly succeeds in demonstrating an infringement of the treaty that the Crown is unable to justify, it is unclear that the appropriate remedy would be to order a permanent halt to the Site C project.
 - An injunction would likely cause significant and irreparable harm to BC Hydro and many others.
 - West Moberly's court action inexcusably started more than two years after construction began.
- The justice cited McLeod Lake Chief Harley Chingee, who argued an injunction would result in the "unravelling" of reconciliation with the Crown by suspending benefits and agreements.

Site C decision to proceed

Confidential Issues Note - ADVICE TO MINISTER

- On Dec. 11, 2017, the Province announced it would reluctantly complete Site C to avoid spending \$4 billion on nothing, as well as avoiding rate hikes and \$150 million in annual debt servicing that would reduce funds for schools, hospitals and other infrastructure.
- The Province announced it would launch a Site C turnaround plan to contain project costs while adding tangible benefits. The plan will include:
 - A new Project Assurance Board that will provide enhanced oversight.
 - A new community benefits programs to ensure project benefits assist local communities and increase the number of apprentices and First Nations workers hired onto the project.
 - A new BC Food Security Fund – based on Site C revenues – dedicated to supporting farming and enhancing agricultural innovation and productivity in the province.
- West Moberly and Prophet River have launched several legal challenges against Site C.
- On June 29, 2017, the Supreme Court of Canada dismissed the First Nations' application to appeal both provincial and federal environmental assessment certificates for Site C, which were upheld by lower courts.
- On Oct. 31, 2016, the BC Supreme Court dismissed the First Nations' petition to quash 29 permits. In his ruling, Justice Robert Sewell found that the two nations refused to engage in consultations; and the Province was prepared to engage in meaningful consultation.

Site C agreements

- BC Hydro and B.C. have completed Tripartite Land Agreements (TLAs) with: McLeod Lake, Doig, Halfway River and Saulteau. BRFN and started negotiations with BC and BC Hydro in the spring of 2017 but could not reach agreement on a protocol due to disagreement on confidentiality.

Communications contact: Cale Cowan

Program area contact: Dale Morgan; Erin Christie (JAG)

XXV. ISSUE: Local Government Involvement in Indigenous Reconciliation Initiatives.

II. KEY MESSAGES

- **Local Government can play an important role in advancing reconciliation at the local level and we applaud those Nations and local governments that are undertaking this important work.**
- **The Province supports municipal efforts to advance reconciliation with First Nations through financial support from the Ministry of Municipal Affairs and Housing for the Union of BC Municipalities to administer the Community to Community (C2C) Forum program.**
- **In September 2018 the Ministry signed a Memorandum of Understanding with the Union of BC Municipalities in which they affirmed themselves as partners in this Province's reconciliation efforts.**
- **The Memorandum affirms the Ministry commitment to ensuring local governments are well informed and engaged in the agreements and other initiatives we are undertaking with indigenous partners.**

III. BACKGROUND:

Ministry Engagement with Local Government

Local government have had long standing involvement with the Province regarding Treaty and other agreement negotiations. The focus for this engagement has been to ensure that agreements with First Nations are properly informed, and address local government issues. As part of representing and informing the Provincial positions in negotiations, local government have typically self-funded their engagement in these consultations.

The Ministry has developed a Stakeholder engagement strategy to ensure local government and other stakeholders are properly engaged in our indigenous agreements at Provincial, Regional and agreement-specific levels.

In September 2018 the Province, through the Ministry of Indigenous Relations and Reconciliation signed an updated Memorandum of Understanding (MOU) with the Union of BC Municipalities (UBCM).

This MOU expanded the role of engagement and communication between the Ministry and UBCM to ensure regular communication at the strategic level on indigenous reconciliation matters; as well as confirming the commitment of the Ministry and local governments to work together to ensure local issues are properly informing the development of Provincial agreements with First Nations.

There have been two quarterly meetings between the Ministry and UBCM since the signing of the MOU in 2018; with the Ministry of Municipal Affairs involved as an implementation participant. As part of implementation of the MOU the parties are open to exploring ways to find efficiencies and

Confidential Issues Note - ADVICE TO MINISTER

develop additional supports and tolls for local government on indigenous reconciliation initiatives. These discussions are at an early stage and have included development of a database for First Nation/local government agreements and development of a resource/toolkit to assist local government on its engagement with the Ministry and First Nations on issues of mutual interest.

Provincial Funding for Local Government on Indigenous Initiatives:

To further reconciliation at the local level the Province (through the Ministry of Municipal Affairs and Housing), provides funding to UBCM to administer the Community to Community Forum (C2C) program.

C2C Forums are organized by communities can cover a wide range of activities. Topics and outcomes can range from building relationships to service(s) delivery and agreements including protocol agreements and MOUs.

First time and repeat applicants (i.e. those who received funding in previous years) are eligible. The Program covers half the allowable costs of venue, food, planning for a C2C forum. The maximum grant is \$5,000 and the applicant is required to provide fifty percent (50%) of the total eligible costs for the forum in cash or in-kind contributions. For 2019/20 there are three funding intake opportunities with deadlines of: March 15, September 13, and December 6, 2019.

Additionally the Province (through the Ministry of Forest and Land Operations and Rural Development) administers the BC Rural Dividend Program. The BC Rural Dividend is providing \$25 million a year to assist rural communities to reinvigorate and diversify their local economies. It was developed to recognize both the contribution rural communities have made to B.C.'s economy, and the unique challenges they face to diversify beyond natural resources.

Local government and First Nations are eligible applicants for funding – this can include single applicant funding as well as partnership application funding.

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Confidential Issues Note - ADVICE TO MINISTER

XXVI. ISSUE: 5th Annual B.C. Cabinet and First Nations Leaders' Gathering (the Gathering)

II. TALKING POINTS

- **Provincial level dialogue between government, and First Nations in B.C. is essential to advancing reconciliation and key initiatives that reflect the priorities of First Nations.**
- **The 5th annual B.C. Cabinet and First Nations Leaders' Gathering took place at the Vancouver Convention Centre on November 29 & 30, 2018.**
- **The Gathering is organized in partnership between the First Nations Leadership Council and Ministry of Indigenous Relations and Reconciliation.**
- **It is one of the largest gatherings of provincial and First Nations leaders in the country, and offers face-to-face opportunities to advance respectful government-to-government relationships that support reconciliation and self-determination.**
- **More than 800 delegates attended the 2018 Gathering.**
- **First Nations delegates represented 168 nations.**
- **More than 670 one-on-one meetings took place, a 28% increase in the number of meetings from 2017.**

III. KEY POINTS AND BACKGROUND:

Since its inception in 2014, the Gathering has evolved significantly into a multi-faceted program, with growing annual attendance and requests for 1:1 meetings.

Cabinet Ministers, Deputy Ministers, and leadership from 168 First Nations in B.C. attended the 2018 Gathering. All Green MLAs and a small delegation of Liberal MLAs were also in attendance. The then-federal Attorney General and Minister of Justice, Jody Wilson-Raybould, provided a keynote on the first day and several senior federal government officials attended the entire event. On the pre-gathering day (November 28), Emergency Management B.C. held regional sessions with First Nations leadership. As well, the BC Federation of Labour and the BC Business Council co-hosted and funded a pre-gathering reception. A growing exhibitors area attracted 27 exhibitors in 2018.

Listed below is a summary of the program, and key objectives of the Gathering.

Program:

- Primary focus is one-on-one meetings between First Nations leaders and Cabinet Ministers.
- Two plenary sessions took place, one on each day:
 1. Cabinet Committee on Reconciliation
 2. Progress on Rights Recognition and Self-Determination

Confidential Issues Note - ADVICE TO MINISTER

- Running concurrently to the one-on-one meetings were eight breakout sessions:
 - Environmental Assessment
 - Children and Families
 - BC Tripartite Education Agreement
 - B.C. Poverty Reduction Strategy
 - Fisheries/Wild Salmon
 - Community Healing, Safety, and Well-being
 - Economic Development

Key Objectives of The Gathering:

- Advance respectful government-to-government relationships and productive dialogue between Cabinet and First Nations leaders.
- Collaborate with Indigenous leadership on a path forward to adopt the United Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission of Canada: Calls to Action, and Tsilhqot'in Decision.
- Demonstrate the efforts of the B.C. government to take a new, transformative approach to reconciliation, grounded in recognition of rights and title, and in self-determination.

The Gathering is also a venue to advance key initiatives and major joint announcements. In 2018, the FNLC and the Province announced gaming revenue sharing, plans to introduce legislation to implement the UN Declaration, as well as joint endorsement of the Commitment Document and Concrete Actions.

Budget: The Gathering is funded out of the Ministry of Indigenous Relations and Reconciliation's budget.

Budget Breakdown	2017	2018 (expenses to date)
Event Management	96,105.00	137,552.00
Vancouver Convention Centre	252,248.00	261,396.00
Public Servant Travel	42,013.00	58,804.00
Non-Public Servant Travel	59,749.00	34,005.00
Audio Visual	57,842.00	61,511.00
Sub-Total (Gathering)	\$507,957.00	\$553,268.00
FNLC Website	N/A	78,626.00
Total:	\$507,957.00	\$631,894.00

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Indigenous Relations and Reconciliation

Confidential Issues Note - ADVICE TO MINISTER

April 1, 2019

Caribou Engagement – Key messages

We're engaging on two draft agreements to conserve southern mountain caribou populations.

The two draft agreements have been developed under section 11 of the federal Species at Risk Act.

Partnership Agreement:

A draft partnership agreement between B.C., Canada, West Moberly and Saulteau First Nations proposes specific habitat protection and restoration measures to recover the central group herds of southern mountain caribou (in the South Peace).

We recognize measures to recover caribou will have some impacts on economic activities in and around caribou habitat. The alternative was for the federal government to issue an emergency order that could result in billions of dollars of economic losses.

Concurrent with engagement process, we've commissioned an independent economic analysis that local governments and businesses will be able to feed into.

We're also working with the federal government to ensure the necessary funding supports are in place.

Section 11 agreement

A draft section 11 agreement between B.C. and Canada sets a framework for co-operation between the two governments to recover all southern mountain caribou in B.C.

Feedback from the public, stakeholders, First Nations, local governments will inform the final agreements. Engagement sessions will be held in potentially affected communities.

Overviews of the agreements, maps and more information is online at <http://engage.gov.bc.ca/caribou/section11agreement>

Questions and Answers – Caribou Engagement

General

Why has it taken so long to engage with communities?

These are the first time that agreements like this have been negotiated. It took time for the parties to negotiate the agreements to the current state where it would be suitable for stakeholder and public feedback.

Given the length of time it took to negotiate these draft agreements, why are you only allowing five weeks engagement?

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The two agreements are being negotiated under section 11 of the federal Species at Risk Act. The federal Minister of Environment and Climate Change Canada determined that southern mountain caribou faced an “imminent threat” of extinction in May 2018.

Public engagement is necessary to inform the final agreements that will be considered by the respective governments.

How will public feedback be used? Will it make a difference, or is “engagement” just a box that needs to be ticked?

All feedback will be considered by the parties and if it is agreed that adjustments are required they will be done prior to being finalized. All feedback will be summarized and provided to provincial cabinet to inform the final decision on whether to enter the agreement or not.

What happens if B.C. chooses not to sign either agreement?

If B.C. chooses not to sign the agreements, then the federal government can unilaterally impose protection orders that would only consider habitat needs of the caribou and not consider any of the potential impacts to industry, recreation or tourism sectors and the people who rely on those sectors for employment.

At what populations will you consider caribou herds successfully recovered?

It’s important to remember that populations have been in decline for many years – in some cases – for decades. The first priority is to reverse the decline and continue to pursue recovery actions so that populations do not decline.

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Are there any herds that you will consider not trying to recover given their low population numbers?

Yes. For example, 7 herds have already been extirpated, and it is unlikely that actions will be taken to attempt to reintroduce caribou.

How will management of other wildlife be considered and accommodated in the caribou recovery program?

Human-caused habitat changes have increased the primary prey in caribou areas (moose plus elk and deer in some areas) and their predators (primarily wolves but cougars in some areas). While managing the habitats differently in caribou areas is a priority for caribou recovery, to be successful we must also manage the primary prey and predators, at least in the short term while the habitat recovers.

After the public engagement, and after both the Section 11 Agreement and Partnership agreement are signed, how long will it be before things look different on the ground? How long will it take to get these strategies in place?

If the agreements are signed, there will be a staged approach to implementation to the different measures proposed within the agreement.

Some of these Caribou populations are in “imminent threat” so immediate interim measures for habitat protection (where proposed) would be expected within 6 months.

A more structured process will be followed to implement permanent protection in these areas. Some aspects of the agreement are meant to be functional at signing and others may take several years to develop and implement.

How long have you been working on caribou recovery?

The province has been working on caribou recovery for over a decade, since the introduction of the mountain caribou recovery implementation plan in 2009. Other key milestones include:

- 2012: Southern Peace Northern Caribou Implementation Program to protect 80% high elevation habitat
- 2014: Federal Recovery Strategy mandates 100% high elevation habitat plus management in low elevation and matrix habitat
- Creation of Regional Coal Agreements and their associated protections
- 2017: SARA petitions (8 for S80; 6 for S61; 1 for S56; 1 for S34)
- 2017: BC commences negotiations for development of a S11 Conservation Agreement
- 2018: focused negotiations with West Moberly and Sauteau First Nations
- 2018: Federal determination of Imminent Threat for 10 herds
- 2018: Federal Imminent Threat determination requires consideration of an Emergency Order by the Federal Cabinet

How long has B.C. been in negotiation with the federal government and the First Nations on the two agreements? What is the chronology?

- **From Jan 2017 to Jan 2018**, BC and Canada enter into negotiations on a Section 11 Agreement. Initial discussions were specifically on the central group of southern mountain caribou. This negotiation phase incorporated feedback from public engagement.
- **From Feb 2018 – December 2018**, B.C. and Canada continued negotiations on a revised Section 11 Agreement that would apply to all southern mountain caribou herds. As well, B.C.

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and Canada entered in to negotiations with West Moberly and Saulneau First Nations for a Partnership Agreement

- The Partnership Agreement came about through recognition of West Moberly and Saulneau's leadership in caribou recovery and their interest in participating in the discussions with Canada and B.C.
- At Canada's direction, the parties entered into negotiation for a Partnership Agreement
- Canada also specified that the Section 11 Agreement would be finalized after the Partnership Agreement.
- **Jan -March 2019.** Negotiations on the Partnership Agreement and Section 11 agreement completed with the parties agreeing that the Draft Agreements would be subject to public engagement.

Why are these agreements better than the federal government implementing an emergency protection order?

Under section 80 of the Species at Risk Act, the federal Minister can recommend to Cabinet an emergency protection order, which would only consider caribou habitat and not the needs. Such an order could have immediate impact and restrictions on resource development and recreational activities in the identified areas.

The province is committed to ensuring that resource dependent communities can grow and continue while also meeting our objectives for caribou recovery. We feel that the Section 11 Agreement which outlines a collaborative approach to working with Indigenous government, communities, and tenure holders is the best approach moving forward.

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Why does the Ministry of Forests continue to approve logging in core caribou habitat?

If B.C. were to protect the entirety of the area the federal government describes as critical habitat, as described in the federal recovery strategy, it would mean a large loss of backcountry access for the resource economy and recreational interests without significant contribution to caribou recovery.

Much of core caribou habitat throughout the province is covered by some form of legislative protection from harvest, such as parks, wildlife habitat areas and ungulate winter ranges. In areas not under a form of protection, forest licensees' plans are expected to consider requirements of wildlife. The Province is working with Forest companies to put in place best practices that minimizes impacts on Caribou in these areas.

Some wildlife habitat areas have been designated in a way that enables salvage logging of dead trees due to the mountain pine beetle infestation.

In some cases, cutting permits have been issued next to, not in, wildlife habitat areas or ungulate winter ranges.

Partnership Agreement

If approved, how long with the partnership agreement be in place?

The Partnership Agreement will expire after 30 years or earlier if it is deemed that the populations have recovered. The terms and commitments related to the establishment and implementation of the Caribou Recovery Committee and other matters are not subject to termination or withdrawal for at least five years.

The proposed protected area, interim moratorium on new development will impact jobs in forestry, mining, the businesses that provide support to them. What if I lose my job? Will the Provincial and Federal Government be providing funding to support? If so, how much?

We expect there will be economic impacts, especially to forest and mineral tenures holders and the businesses that support them. That's why concurrent with the public engagement process, the Province has commissioned an independent economic analysis. Communities will have input into the terms of reference, and the results of the analysis will be shared publicly.

B.C.'s commitment to the Partnership Agreement is on the understanding that B.C. and Canada will work together to understand in detail the direct and indirect economic, labour market and community impacts of the Partnership Agreement and that Canada will provide meaningful funds to support tenure holders, businesses and workers that would be impacted.

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How much has the province and Canada budgeted to address economic impacts?

B.C.'s commitment to the partnership agreement is on the understanding that Canada will provide a meaningful amount of funds to address the economic impacts. The independent economic analysis being carried out will help inform the required funding amounts.

Will First Nations in other parts of B.C. have opportunities to enter into Partnership Agreements like this? How would a nation initiate this process?

The West Moberly and Saulneau First Nations are unique in their past and present activity related to caribou recovery, which is why a Partnership agreement made sense in this case. Their recovery activities include imposing a voluntary moratorium on hunting, implementing a predator control program, establishing and managing a maternal pen, establishing a restoration social enterprise and native plant nursery, and monitoring and mapping caribou habitat.

Agreement elements

How are the protections in the Partnership Agreement considered short term if a park is proposed? What is the purpose of long term planning and engagement if decisions have already been made about protection through the Partnership Agreement?

The proposed protections are intended to serve as interim measures while the long-term habitat protection plan is developed through engagement with stakeholders and Indigenous nations.

B.C. will be launching a multi-party engagement process later this year to identify long term habitat protection measures and other recovery measures and strategies for the Central Group. This planning process is expected to take one year and will result in a refined plan for caribou habitat protection in the South Peace.

The boundaries of the core proposed Klinse-Za protected area will only be changed by agreement of all the parties.

The engagement process follows the steps and principles of Structured Decision Making (SDM).

SDM is an organized approach to identifying and evaluating alternatives to make choices in difficult situations. The standardized process is designed to make complex choices more explicit, better informed, more transparent and more efficient. A key component of SDM is bringing together people with different interests and perspectives to analyze the consequences associated with specific alternative courses of action. This will successfully allow decision makers to weigh often-competing factors and model alternative scenarios to ensure a consistent, transparent approach uses the best available science.

What is the difference between the different zones? How much land will be affected?

The Sustainable Resource Activity Areas; Areas of Restoration and Conservation Focus and the First Nation Woodland Licence area of intent would allow economic development activities with tighter restrictions.

Interim Moratorium Areas

In these areas, there is an interim moratorium on resource development activities. Engagement will help inform the final boundaries.

The proposed expansion of the Klinse-Za provincial park would protect 204,431 hectares. Boundaries will only change by agreement by all the parties.

Name	Zones	hectares
First Nation Woodland Licence Area of Intent – this would support future forestry management by the West Moberly First Nations	B5	32, 913
Sustainable Resource Activity Areas economic development activities can continue, but with new applications subject to review the Caribou Review	A1, B1	161,130

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Committee. New land use objectives will be developed to support management of these areas and decision making.

Areas of Restoration and Conservation Focus – similar to “sustainable resource activity areas” but with possibility of additional land use objectives with a conservation and restoration focus.	B4	34,528
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Protection, Restoration and Conservation Areas –High Elevation habitat with an interim moratorium on decisions on new application, except for emergency work for public health and safety. Long term protection will be guided by a public engagement process	A2,	554,459
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Protection, Restoration and Conservation – proposed expansion of Klinse-Za provincial park – interim moratorium until final boundaries and type of protected area is confirmed by the parties.	B2, B3	204,431
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How will Caribou Recovery Land Use Objectives be developed and how will they work?

They will be developed by a technical working group to support the management of development activities in the proposed sustainable resource activity areas. The new objectives would come into effect under the Land Act. Part of that process also includes public consultation.

Forestry

Which forestry tenure holders are affected?

Canfor, Conifex, West Fraser are all potentially affected. The BC Timber Sales program will likely also be impacted. In addition to these tenure holders there are six woodlots and two Community forests that may be impacted by these decisions.

Over 750,000 hectares will be set aside for caribou habitat. What will be the impact on forestry jobs?

The rough estimate is up to 300,000 cubic metres of timber volume could be impacted by the removal of land from the timber harvesting land base from the Mackenzie TSA, Dawson Creek TSA and Canfor's TFL 48. This is a rough estimate only, and will be refined by the economic impact analysis being undertaken at the same time as the engagement process.

Feedback from the engagement process will help inform the final agreements.

How does a First Nations woodland licence aid in caribou recovery?

The First Nations Woodland (FNWL) licence is not intended for Caribou recovery specifically. A FNWL was committed to West Moberly First Nations through a previous government to government agreement.

Mining

How is the mining sector affected?

Coal tenure holders and mineral tenure holders are affected to varying degrees depending on the overlap of tenures with the different proposed zones.

Ongoing engagement with the mining sector will be key to landing a successful long-term solution for the recovery of caribou; and minimizing industry impacts, as such it is anticipated that the regulatory measure(s) drafted to support the short-term protections will have a renewal cycle; allowing meaningful engagement prior to renewal of the regulatory measure(s).

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B.C. government staff will continue to engage with the mining sector so that individual tenure holders can understand the potential impacts of the different zones on their tenure.

If a tenure is overlapped by one of the anticipated protection areas the Province is exploring options to address annual rentals or work requirements for any overlapped tenures.

Zone	Coal Tenures Overlapped	Mineral Tenures Overlapped
A1	101	0
A2	258	43
B1	67	17
B2	0	1
B3	2	53
B4	20	3
B5	0	1

- All companies across the Central Group area will be subject to the Partnership Agreement in varying ways depending on the zone overlapped. Companies whose tenures are overlapped by Zone A2 or B3 include Anglo, Teck, Conuma, Glencore, Sumisho, Colonial Coal, HD Mining Int'l, Wapiti Coking Coal, Canadian Dehua International Mines, Ferto International, Ethos Gold Corp, Vanmin Development Corp, and individual claims holders.
- Most mining tenures cross Zones A1, A2, and B3. There are limited tenures within B1 and B4 (and none in B5).

What are the proposed regulatory measures?

The regulatory measures anticipated include the possible use of an Environment and Land Use Act Order prohibiting permitting and activities across the land base, as well as Land Use Objectives are expected to be enabled through section 93.4 of the Land Act. Additional regulatory measures may be put in place to support the various levels of protections and actions required.

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Recreation/Snowmobile Closures

Will the Partnership Agreement result in snowmobile closures?

While the Partnership Agreement proposes protections that will limit industrial development in critical caribou habitat, it does not commit to specific snowmobile closures.

However, the provincial Caribou Recovery Program does support prioritizing closures in areas that are prioritized for caribou recovery.

Decisions on possible areas for closure will be informed through public engagement specific to this issue to begin in May. The provincial Caribou Recovery Program will be hosting open houses in the South Peace. These closures will consider the best scientific information combined with feedback and information received from the public engagement process.

What will be the nature of the engagement on snowmobile closures?

The intent of the open houses will be to begin a dialogue with recreation users in the South Peace to ensure that the B.C. Government understands the impacts before making any decisions about snowmobile management.

The open houses will focus on identifying key areas and trails that are important to snowmobilers and to discuss what makes those places important to them. There will also be an opportunity to discuss areas where snowmobiling infrastructure could be enhanced or where snowmobiling could be re-directed to maintain recreational opportunities but with reduced impacts on caribou.

When can we expect snowmobile closures to be implemented? Does Government have a sense of the scale of those closures?

We appreciate the concerns of snowmobilers and while we recognize that popular snowmobile networks intersect with critical caribou habitat, the B.C. government does not intend to close the entire area.

Snowmobile closures for the central group herds will be informed by the engagement process to be conducted during May; and then likely implemented in the necessary areas for the 2020 snowmobile season.

To mitigate impacts of closures, B.C. and Canada are committed to providing funding to enhance snowmobiling in areas that do not pose a risk to caribou.

Part of the engagement process will involve identifying potential riding areas outside of critical caribou habitat that could be developed for snowmobiling.

Will the snowmobile closure areas apply to other types of ORVs or just snowmobiles?

Although the focus is on the popular activity of snowmobiling, the closure area also applies to other classes of ORVs converted to be operated in snow conditions by replacing wheels with tracks and/or skis; these include: motorcycles (snow-bikes), all-terrain vehicles and side-by-sides.

Will there be any other backcountry restrictions?

No other backcountry restrictions are being considered at this time for the Central Group.

Will wildlife-viewing, surveying and other non-motorized activities, camping and recreational fishing still be permitted?

Yes.

Are all tourism/recreational activities impacted or just winter-based activities?

Snowmobile activity is the only recreational activity expected to be impacted in the Central Group area at this time given the disruption snowmobiles pose to caribou. Significant portions of this area have recreational vehicle restrictions above 1,400m already. To date snowmobiles have been exempted from these closures.

General

What will be the process to follow if I am affected? Who will let me know? Who do I contact if I have follow-up questions?

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The results of the engagement will be compiled into a “What we heard report” and shared publicly. The final decisions and any final agreements with timelines for implementation will be publicly shared once those decisions are made. This is expected to happen in early summer.

Section 11 agreement (BC-Canada only)

If approved, how long will the section 11 agreement be in place?

The section 11 agreement has an initial term of five years. The term of the agreement may be extended with written consent by both parties prior to its expiry. The agreement can also be terminated by either party 90 days after providing written notice to the other party.

What will the economic impacts of the Section 11 Agreement be?

Direct economic impacts from the section 11 agreement on different sectors are expected to be minimal in the short-term. The section 11 agreement does not provide for specific habitat protection or management practices that will immediately impact industry, tourism or recreation.

However, caribou recovery actions driven by herd planning may impact industry in the future. As herd plans are developed, the B.C. government will engage with industry, stakeholders and the public to understand any potential economic and community impacts before approving.

Minister Donaldson’s Key Messages:

- Today we are launching consultation and asking for feedback on two draft agreements to recover caribou populations.
- These draft agreements are historic in Canada and aim to protect an iconic species at risk that has seen drastic population declines.
- These agreements include tangible and real measures that are rooted in the best available science and traditional knowledge.
- The old government ignored the need to protect caribou habitat for over a decade – and instead kept in place a patchwork of measures that failed to meet federal government standards.
- In May 2018, the federal government determined that there is an “imminent threat” to caribou recovery across B.C.
- The federal government has the ability to unilaterally impose measures that would only consider the habitat needs of caribou and not the needs of communities. These unilateral measures could result in billions of dollars of economic losses.
- Instead, we’ve worked with Canada and the Saulneau and West Moberly First Nations to develop a draft agreement that protects caribou and protects jobs in the South Peace.

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- The draft partnership agreement recognizes the leadership of the Saulteau and West Moberly First Nations in protecting caribou.
- We are now seeking feedback from people in the region, and this engagement through to the end of April will inform the final agreement.
- We recognize that measures to recover caribou will have some impacts on economic activities in and around caribou habitat.
- Resource jobs are important to First Nations and non-first Nations communities alike.
- That's guided our work with the partners on these draft agreements.
- Over the course of the next month in-person engagement sessions will take place throughout the region so that local knowledge helps us ensure the agreements work for people.
- We've also commissioned an independent regional economic analysis to inform supports for communities.
- We're working with the federal government to assess impacts and benefits in local and regional economies and to identify appropriate supports.
- We will work to ensure the federal government provides financial support to mitigate economic impacts.
- We believe that these agreements will provide a better outcome for BC than no agreements.
- These agreements will provide greater long-term certainty for industry and communities in the region to support a strong investment climate.
- We're committed, as are our First Nations and federal partners, to support caribou recovery that is also in the best interest of communities.

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Forest Lands, Natural Resource Operations and Rural Development Estimates Note

Issue: Heritage Conservation Act- Winona Road Property Purchase

Recommend Response:

- s.16
- There is no legal requirement for the Province to provide compensation to owners whose property overlaps with a protected archaeological site: s.16
- The Province purchasing property due to presence of a protected archaeological site is very rare. This has only happened 12 times in over 40 years.

Key Facts:

- s.16;s.18
- s.16
- The archaeological site is automatically protected under Section 13(2) of the Heritage Conservation Act.
- s.16;s.18

Date Prepared/Revised: March 8, 2019

Ministry Executive Sponsor:

Name: Matt Austin, ADM, IROD

Phone: 778- 698-4895

Alternate Contact for Issue:

Name: Jillian Rousselle, A/Executive Director, IROD

Phone: 250-953-3355

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Sumas Nation – Lightning Rock proposed land purchase
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RECOMMENDED RESPONSE:

- We acknowledge that Lightning Rock has been a sacred place for the Sumas (Semá:th) First Nation for centuries.
- Under a Memorandum of Understanding with the Semá:th, we are working together to explore options to resolve this longstanding issue.
- It's too early to say how we will proceed on this issue at this time, and no decisions have been made.
- But we continue to work to resolve the concerns that Semá:th has around Lightning Rock.

If asked about Semá:th title declaration

- Our government is committed to working with Indigenous people toward a vision for reconciliation that recognizes Aboriginal rights and title, supports adoption of the UN Declaration on the Rights of Indigenous Peoples, and acts on the Truth and Reconciliation Commission's Calls to Action.
- Aboriginal title is not a simple concept. It comes with many complex questions and implications.
- As part of our respectful government-to-government relationship, ministry staff attended the Semá:th declaration in September 2017 to listen and learn.

If asked about the Heritage Conservation Act

- Our government understands the importance of Indigenous cultural heritage, including recognition, preservation and protection of cultural resources.

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- Information about known archeological sites is available from the B.C. Archaeology Branch, and prospective buyers of property are responsible for undertaking due diligence before making any purchase.
- The B.C. Archaeology Branch consults with First Nations on permits that may affect archeological sites.

BACKGROUND:

s.12;s.13;s.16

- A government-to-government (G2G) sub-committee formed under a 2017 Memorandum of Understanding (MOU) with Semá:th reviewed options for protecting the Lightning Rock site, a 36-hectare area of private land (comprised of six parcels) all owned by CWR.
- Based on the G2G sub-committee's analysis, the Province and Semá:th developed options and recommendations for the site. s.12; s.13
s.12; s.13
- The site, located at the base of Sumas Mountain within the City of Abbotsford's municipal boundary, contains a transformer stone (Lightning Rock) and according to Semá:th most of the lands are the ancestral burial site of smallpox victims dating back to the 1700s. The sacred area encompasses approximately 31 hectares, which is 85% of the site.
- Semá:th previously sought to designate the lands a Provincial Heritage Site under the Heritage Conservation Act. The B.C. Archaeology Branch reviewed ethnographic evidence presented by the Semá:th in support of their assertions of a burial ground and found inadequate physical evidence upon which protections under the Heritage Conservation Act could be based.
- CWR planned to develop an agricultural dealership on the property, but they were unsuccessful in securing rezoning from rural residential to commercial from the City of Abbotsford due primarily to the site being outside the city's urban development boundaries.
- At the time, both developer and the First Nation were critical of a system they said didn't do enough to highlight First Nations land claims and archeological sites when properties were being sold.

Road access

- Abbotsford has a temporary statutory right-of-way (SROW) for a road that transects the Lightning Rock site that expires in 2020. The road, constructed by Abbotsford in 2007, provides access to several mining quarry sites. Abbotsford has been seeking to purchase a permanent SROW from the landowner and in fall 2017 informed the landowner of intent to initiate an expropriation process.

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- Semá:th raised concern with the expropriation to the Province, given their cultural interest in the site and the MOU process underway to scope possible options for the site. Abbotsford has held off on any expropriation steps pending the outcome of ongoing negotiations between B.C., Semá:th and CWR.
- Semá:th wishes to resolve future road access directly with Abbotsford, and possibly include an amount for past road use in any settlement surrounding Lightning Rock. MIRR has committed to working with Abbotsford and Semá:th on any next steps pertaining to road access with an aim of seeking a potential solution that works for all parties.
- Semá:th has expressed concerns regarding the cumulative effects of existing and proposed mining projects on Sumas Mountain, and have been engaging directly with quarry operators. All quarry operations accessed through Lightning Rock site are on private land, thus limiting revenue-sharing opportunities.

Transmountain Pipeline

- The Lightning Rock site abuts the proposed Kinder Morgan pipeline route and, as Maclean's magazine has noted, could be used as a symbol of protest by opponents of the pipeline. <http://ow.ly/gUct30mmtYX>
- The National Energy Board specifically named Lightning Rock when it set down 157 conditions for the 1,150-kilometre pipeline expansion, calling for archeological and cultural heritage assessments of the area around the fractured boulder. The conditions require the pipeline's owner, Kinder Morgan, to consult with the Stó:lō Nation, which includes Semá:th, and to document efforts to address their concerns.
- The Province is not seeking any assurances regarding the Trans Mountain pipeline in its negotiations with Semá:th regarding the Lightning Rock site.

Semá:th Aboriginal title declaration

- Semá:th held a celebration of its declaration of Aboriginal title over their territory on Sept. 22, 2017. Premier Horgan and members of Cabinet were invited, but none attended. MIRR staff attended to listen and learn.
- The declaration was based on the broader Stó:lō declaration in response to proposed changes to federal law in the 1960s. Key themes included the Semá:th's inherent rights as well as responsibilities and obligations to care for the land and a need to work with neighbouring First Nations and all levels of government.
- Media: <http://ow.ly/qFn30mfVr0> (Abbotsford News)

Communications contact: Cale Cowan

Program area contact: Yvette Lizee

Confidential Issues Note - ADVICE TO MINISTER

LTSA

Confidential Issues Note - ADVICE TO MINISTER

Ongoing Litigation /Land & Title Claims

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Blueberry River FN cumulative effects litigation
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RECOMMENDED RESPONSE:

- The Province is committed to establishing a respectful, long-term government-to-government relationship with Blueberry River First Nations, based on recognition of Treaty 8 Rights.
- The Province and Blueberry have agreed to adjourn pending litigation as an outcome of productive negotiations.
- We are continuing discussions outside of court to collaboratively address Blueberry River's concerns about the effects of resource development in their territory and on their Treaty 8 rights, including hunting, fishing and trapping.
- We are working to foster collaborative and respectful relationships with First Nations – we feel we can resolve our differences in more productive ways than court battles that create uncertainty and conflict.
- Industry, taxpayers and First Nations can all benefit from this approach.
- The Province supports responsible resource development and the jobs it generates for local communities, and we support the rights of Indigenous people to practice their culture and traditions. These are not mutually exclusive.

If asked about BRFN consultation capacity:

- We are very grateful to come together with Blueberry River First Nations to find solutions to important issues in partnership, government-to-government.
- We have made good progress in several areas of our agreement, including wildlife protection and developing a process to jointly amend the Fort St. John land and resource plan.
- We are still working with Blueberry River to develop a more effective consultation process for resource development approvals.
- We have offered the nation support to make sure they have the staffing capacity in place for consultations.

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- We've all come to this agreement in good faith, and we will continue to work through any issues that arise.

If asked about BRFN charging fees to industry:

- We're aware of issues raised by industry proponents.
- We're working with Blueberry River and industry to create a fair and predictable process for consultation on resource development applications.

If asked about collaborative consent for forestry activities:

- B.C. and Blueberry River First Nations have an agreement on forestry to address immediate concerns by BRFN.
- The agreement sets out acceptable forestry activities in critical areas while we collaboratively develop forestry practices that will guide future harvests in the Fort St. John Timber Supply Area.

If asked about consultation processes:

- The nation and the province are working closely together to build a more effective and collaborative consultation process that will create a predictable approach to resource development approvals.
- Consultation processes around proposed forestry and oil and gas activities in areas of interest for Blueberry River First Nations continue during the adjournment period.

If asked about moose management:

- Our government is committed to managing moose populations for benefit of all.
- The Province will undertake moose population inventories in the northeast in collaboration with Blueberry River and other Treaty 8 First Nations.
- Moose management recommendations in the northeast will take into consideration the results of those inventories, as well as First Nations traditional knowledge with respect to moose.
- The province manages wildlife to ensure the harvest is sustainable, and that First Nations food, social and ceremonial needs are met.
- The Province will continue to work with all First Nations to ensure open, productive dialogue on moose management, and to address broader

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landscape and environmental conditions that impact wildlife recovery, including wildfire impacts.

Update:

- s.13; s.14; s.16
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- BRFN acknowledged BC's commitment to implementing the agreement and is looking forward to meeting in January 2019 to begin discussions on a consultation process.
- The Oil and Gas Commission is providing Blueberry River capacity funding for referrals and has offered staff support, but the nation has not accepted assistance to date.
- OGC has been making decisions on several backlogged permit applications where consultation is complete and has been informing Blueberry River.
- OGC has reached out to Blueberry River to work together to develop a new, collaborative consultation process, as committed to in the adjournment agreement, but has not yet had a response from the nation.

Adjournment agreement:

- Blueberry River First Nations agreed on Oct. 3, 2018, to adjourn cumulative effects litigation until April 29, 2019, after making progress with B.C. on several land, wildlife and consultation measures.
- As of March 27, both parties have written the court to move the litigation date back two to four more weeks to allow more time for negotiations. The trial could begin between May 13 and May 27, 2019.
- s.13;s.14

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s.13; s.14

Regional Strategic Environmental Assessment Interim agreement

- B.C. is addressing cumulative effects of resource development with Treaty 8 First Nations through the Regional Strategic Environmental Assessment (RSEA) process.
- Blueberry River has entered into a RSEA Interim Measures Agreement with the B.C. Oil and Gas Commission, the Ministry of Energy and Mines and the Ministry of Forests to address immediate concerns with respect to activities in BRFN's critical areas. See www.bcogc.ca/node/14947/download. These negotiations took place concurrently with those that led to the adjournment agreement.
- Under the RSEA interim agreement, certain areas within Blueberry River's territory will be managed differently to address concerns with respect to forestry and oil and gas development:
 - The agreement sets out pre-determined areas where existing surface disturbances will be limited for oil and gas activities. Oil and gas tenure requests and applications within these pre-determined areas will be reviewed by members of the agreement, to ensure oil and gas development occurs in a sustainable and collaborative manner.
 - The agreement sets out acceptable forestry activities in critical areas while the parties collaboratively develop forest management strategies and practices that will guide future harvest activities in the Fort St John Timber Supply Area.
- The RSEA interim agreement is expected to be in place until final recommendations are made under the broader Regional Strategic Environmental Assessment process.

Background:

- Blueberry River filed a civil claim in BC Supreme Court in March 2015 alleging that the effects of broad industrial activity infringe on their Treaty 8 treaty rights. Trial was initially adjourned until Oct. 15, 2018 and was extended to April 29, 2019 due the adjournment agreement.
- Blueberry River alleges the effects of decades of oil and gas development, seismic surveying, pipelines, roads, forestry, agriculture and worker camps has led to irreversible damage to the lands and waters, which significantly infringes on the nation's ability to hunt, trap, fish and pursue cultural and economic activity, as protected under Treaty 8.
- In June 2017, B.C. Supreme Court denied Blueberry River a wide-ranging injunction to halt economic activities across about 10,000 square kilometres in northeast B.C. The court said that Blueberry River has shown a serious issue to be tried and sufficiently established irreparable harm to their treaty rights; however, the harm to Blueberry River weighed against harm to other parties was not sufficient to grant the injunction.
- This is the first case in B.C. where a First Nation has filed litigation over broad-based "industrial development" and alleged cumulative effects.
- **Media:** the case generated media interest in 2016, and renewed interest in summer 2018 after B.C. released an information bulletin on the adjournment agreement. Vaugh Palmer column below.

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Communications Contact: Edward Hill

Program area contacts: Tom McCarthy, Dale Morgan; Andrea Jarman (AG)

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Talks with First Nation prevent court battle

Vancouver Sun, 25-Jul-2018, Page A11

By Vaughn Palmer

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Ministry of Aboriginal Relations and Reconciliation
Updated: April 4, 2019
Minister Responsible: Hon. Scott Fraser

Ahousaht fishing litigation

RECOMMENDED RESPONSE:

- The ruling has been appealed by the First Nations.
- The Province did not participate in the justification phase of the trial before the BC Supreme Court, nor the appeal before the BC Court of Appeal.
- We respect and understand the importance of wild fish to Indigenous identity, culture and community, and recognize the right to catch and sell fish as declared by the BC Supreme Court.

KEY FACTS:

- From Feb. 11 – 15, 2019, the plaintiffs, five First Nations from the west coast of Vancouver Island, appealed a BC Supreme Court ruling on whether the federal infringement of the plaintiffs First Nations' Aboriginal rights to catch and sell fish is justified.
- The outcome of the appeal is not yet known, and it is likely to be 4-6 months before the courts Reasons are delivered.
- B.C. was not a participant in the appeal hearing.
- In Nov. 2018, the Court of Appeal allowed a number of groups to intervene in the appeal (to make limited submissions. They were the BC Assembly of First Nations, Union of BC Indian Chiefs, the First Nations Summit, the First Nations Fisheries Council, Council of the Haida Nation, Listuguj Mi'gmaq Government, Nuuchahnulth Tribal Council, Te'mexw Treaty Association, BC Seafood Alliance, Canadian Sablefish Association and the Pacific Prawn Fisheries Association.
- Justice Humphries issued a 400-page ruling on April 19, 2018, and found:
 - This stage of the trial was about justification of the federal fisheries regime on the plaintiffs' fishing right. The court started the justification analysis of the fishing right as declared from the 2009 BC Supreme Court decision of Justice Garson.
 - Based upon an interpretation of Justice Garson's reasons, the court found that the plaintiffs' right to fish for any species and to sell that fish is to be interpreted as a small-scale, artisanal, local, multi-species fishery, to be conducted in a nine-mile strip from shore, using small, low-cost boats (no large trawlers) with limited technology and restricted catching power, and aimed at wide community participation. Through media, the plaintiffs called this definition "troubling."
 - The ruling effectively creates a fourth level of fishery for Department of Fisheries and Oceans (DFO) management: industrial; recreational; Aboriginal food, ceremonial and social; and new - Aboriginal artisanal.

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- The court has provided guidance on allocation: the plaintiffs' fishery rights are not exclusive or industrial, and it is not a right to accumulate wealth, or for a guaranteed level of income.
 - Court agreed that DFO generally has good policies, management, and accommodation for Aboriginal rights, but these policies and accommodations are not reflected in the current regulations. Accordingly, the application of a number of the regulatory provisions constitutes unjustified infringements and DFO must establish a new regulatory mechanism or create some sort of formal protocol for the plaintiffs' fishery.
 - The plaintiffs' fishery right, while not exclusive, does have priority over recreational salmon fishing. Accordingly, the existing Salmon Allocation policy has been struck down as an unjustified infringement of the plaintiffs' fishing right.
 - DFO announced after the ruling it would work in collaboration with Indigenous groups and all stakeholders to renew and co-develop the Salmon Allocation Policy.
 - The court made several other specific rulings on which federal infringements were justified or may not be justified in certain circumstances.
- Justice Humphries noted that despite making rulings on various specific infringements, her overall ruling "is not a workable fishery ready to be implemented, because, as I must emphasize, the court cannot design a fishery. ... The task of allocating fishery resources belongs to the government. There is much work still to be done by the Department of Fisheries and Oceans and by the plaintiffs."
 - The court noted that the 2009 ruling which confirmed an Aboriginal right to catch and sell fish provided no parameters to the scope and scale of that right and did not specify infringements of that right.
 - The Court agreed with the plaintiffs that their right to fish is at its core an Aboriginal right and has priority over some other sectors, such as recreational fishery.

IMPLICATIONS:

- Should the ruling stand through an appeal, it may mean a reduced recreational salmon fishery for fishers who overlap the plaintiffs' fishing rights. It is unclear whether that effect is immediate or whether that finding will be stayed for a period of time (perhaps a year) to allow Canada to develop a new policy.
- The court did not consider the plaintiffs to have a right of self-government over their fishing rights and was clear that the federal Crown has the right to manage the fishery. Only if that management infringes on the fishing right (as defined by the court), would Canada have to justify that infringement. Canada had no obligation to justify not following the plaintiffs' proposed management regime.

BACKGROUND:

- The five plaintiff First Nations are Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht, who operate the T'aaq-wiihak fisheries. On Nov. 3, 2009, B.C. Supreme Court ruled that the plaintiff First Nations had established an Aboriginal right to fish within their fishing territories and to sell that fish. The court also found that the *Fisheries Act* infringed the plaintiffs' Aboriginal right.
- DFO has extended an offer to the five plaintiff First Nations to facilitate the transfer of licenses and quotas for groundfish, salmon and shellfish, and a Framework Agreement has been completed that will guide the negotiation of a reconciliation agreement.

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- British Columbia was not involved in that phase of the trial.

Communications contact: Stephen Binder

Program area contact: Gio Puggioni, Paul Yearwood

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 4, 2019 Minister Responsible: Hon. Scott Fraser	Richard Lee Desautel, Sinixt, and cross-border rights
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RECOMMENDED RESPONSE:

- Our government is committed to strong relationships with B.C. First Nations.
- This case involved an American man who claimed an Aboriginal right to hunt in B.C. based on his Sinixt [Sin-eye-xt] ancestry.
- The Crown took the position that he did not have the right, but the B.C. Supreme Court has disagreed and upheld his acquittal in the B.C. Provincial Court.
- The BC Prosecution Service appealed the decision because it disputes that the Lakes Tribe, a U.S.-based First Nation, is an Aboriginal people of Canada, as set out in the Canadian Constitution and a decision has not been released.

If asked about hunting rights:

- The decision to appeal was made by the BC Prosecution Service and is about getting clarity on an important question of Indigenous Constitutional rights.
- While this matter is before the courts, the B.C. Conservation Officer Service will exercise discretion when dealing with American members of the Lakes Tribe for hunting in Sinixt traditional territory without a licence.
- At the same time, we are committed to upholding all rights of Indigenous people in Canada, including hunting, fishing and harvesting rights.
- We're moving forward on recognizing Indigenous rights and title in partnership with Indigenous communities as we adopt and

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implement the UN Declaration on Indigenous Rights and the Calls to Action from the Truth and Reconciliation Commission.

If asked about consultation with the Lakes Tribe:

- **British Columbia and the Lakes Tribe are in discussions on ways to ensure the Lakes Tribe's Aboriginal rights are respected in Sinixt traditional territory in British Columbia.**

KEY FACTS:

- On March 27, 2017, American citizen Richard Lee Desautel was acquitted of illegal hunting after the B.C. Provincial Court in Nelson ruled that sections of the Wildlife Act unjustifiably infringe on his Aboriginal right to hunt. Mr. Desautel is a member of the Lakes Tribe of the Colville Confederated Tribes (CCT), based in Washington State.
- On Dec. 28, 2017, the B.C. Supreme Court upheld the acquittal and confirmed that Desautel holds an Aboriginal right to hunt in the traditional territory of the Sinixt (Sin-eye-xt), within the Kootenays.
- The court rejected the Crown's submissions that the Lakes Tribe, the successor of the Sinixt and based in Washington State, could not fall within the definition of an "Aboriginal peoples of Canada" as described in the Constitution.
- The BC Court of Appeal heard the B.C.'s (Criminal Justice Branch) appeal on Sept. 12, 2018. A decision hasn't been released.
- The decisions of the Provincial and BC Supreme Court are precedent setting. They recognize constitutional obligations on the Crown to consult, and where appropriate accommodate, Aboriginal groups resident outside of Canada which may have a historical connection to the Province and arguable claims of Aboriginal rights within Canada.
- No other court has given such a broad interpretation to section 35 of the Constitution; the Crown argued in its appeals that section 35 been applied too broadly.
- Because of the court decision, B.C. is now engaging with the Lakes Tribe, subject to the outcome of the ongoing appeal process. B.C. is meeting with the CCT on behalf of the Lakes Tribe to establish in an interim engagement process.
- The Okanagan Nation Alliance has asserted that B.C.'s obligation to consult the Lakes Tribe should be conducted through the Okanagan Nation Alliance.
- The CCT and the Lakes Tribe want B.C. to consult with them directly. The 2010 Syilx Unity Declaration states that the CCT works in cooperation with Okanagan Nation Alliance.
- Okanagan Nation Alliance supported Desautel's claim to have Aboriginal rights in Canada and acted as an intervenor in the case. The CCT is a cross-border member of the Okanagan Nation Alliance.

Implications

- The existing judgment provides for an Aboriginal right to hunt in Sinixt asserted traditional territory and is not provincewide. The Province is requesting the BC Conservation Officer Service not charge

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CCT Lakes Tribe members for hunting without a licence within Sinixt territory, excepting safety violations.

s.16

Engagement with the Colville Confederated Tribes:

- The CCT has told MIRR it is not interested in engaging on all Crown decisions within the Sinixt traditional territory but has identified five sites (different sites that cited above) of significant cultural importance to them. The sites are known archeological sites, protected under the Heritage Conservation Act, but could be subject to damage due to public use.
- B.C. is engaging in archaeological data sharing for five areas that CCT has identified of significance to the Lakes Tribe. This includes BC Hydro's engagement with CCT on archaeological protection measures in the Oatscott area of the Arrow Reservoir, the site of the former Lakes Tribe Indian Reserve.
- BC and CCT also conducted a joint winter 2019 survey of a trans-boundary elk herd and are engaged in several timber supply review processes in Selkirk Natural Resource District.
- EAO has engaged with the CCT on the environmental assessment of the Revelstoke Generating Station's new generating unit (Unit 6).
- B.C. and the CCT are working towards identifying other natural resource sector decisions for engagement.
- CCT are being engaged by the U.S in Columbia River Treaty negotiations and have not raised an interest in representation on the Canadian side of negotiations with respect to territorial interests within B.C.

Background

- In October 2010, Mr. Desautel was charged with two offenses under the *Wildlife Act* related to hunting in the Castlegar area: hunting without a licence, and hunting big game, elk, while not being a resident. **In**
- The Provincial Court found:
 - The Lakes Tribe, based in Washington State, is a successor to the Sinixt or Arrow Lakes people, and Mr. Desautel is a member of the Lakes Tribe and he was hunting in Sinixt territory.
 - Although the Sinixt took up residence in the U.S. and ceased living in B.C., Sinixt continued to assert their rights in B.C. and did not abandon the northern part of their territory. Consequently Mr. Desautel established that the Sinixt have an Aboriginal right to hunt in B.C.

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- The *Wildlife Act* infringed Mr. Desautel's right to hunt by not allowing Mr. Desautel, as a foreign national, to hunt in B.C. The court determined the Crown failed to consult with the Lakes Tribe or Sinixt and the absence of consultation was fatal to any claim for justifiable infringement.
- The Sinixt or Arrow Lake band was declared "extinct" by Canada in 1956 due to the death of its last member in 1953. The Sinixt are not a recognized First Nation under the *Indian Act*.
- s.16 In 2010, the CCT (including Mr. Desautel) advised the Ministry of Environment of CCT's intention to hunt in the Castlegar area. In an interview with a conservation officer in December 2011, Mr. Desautel admitted that he had been participating in numerous hunts in B.C. since 1988.
- Mr. Desautel indicated that he came to Castlegar to hunt for elk, deer and moose s.16 s.16

Communications contact: Stephen Binder

Program area contact: Wayne Giles (MIRR), Glen Thompson, Geraldine Hutchings (JAG)

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Updated: Jan. 22, 2019 Minister Responsible: Hon. Scott Fraser	Treaty 8 boundary litigation
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RECOMMENDED RESPONSE:

- **B.C. is appealing the B.C. Supreme Court decision on the location of the westernmost boundary of Treaty 8 in northeast B.C.**
- **The Province is working with First Nations in the northeast on agreements that support respectful and mutually beneficial relationships, and those efforts will continue.**

If needed:

- **The court ruling has no implications for Site C.**

KEY FACTS:

- On Sept. 25, 2017, B.C. Supreme Court ruled that the westernmost boundary of Treaty 8 is at the line of the Arctic and Pacific watersheds (i.e. the line that divides water flow to the Pacific and Arctic oceans).
- B.C. filed its notice of appeal on Oct. 25, 2017.
- Most Treaty 8 First Nations support the ruling and neighbouring First Nations largely oppose the ruling.
- Kaska Dena Council, Tahltan Central Government, Takla Lake, Nak'azdli, and Tsay Keh Dene have all filed applications to intervene in the appeal, in support of the Province's position. McLeod Lake (a Treaty 8 First Nation) reversed its original position and now supports the Province's position.
- The appeal is set for March 11 to 13, 2019.
- In a December 2017 letter to the Premier, Treaty 8 First Nations (excluding McLeod Lake) said the appeal is contrary to government's commitment to adopt and implement the UN Declaration on the Rights of Indigenous Peoples, as well as the letter and spirit of UNDRIP. The nations said the Province should have attempted to resolve the issue through discussions, rather than continuing through the courts. The letter noted that B.C. took no issue with the boundary until 1988, when McLeod Lake adhered to the treaty.
- At issue in the litigation was the interpretation of the phrase in Treaty 8: "central range of the Rocky Mountains."
- The judge agreed that, based on the totality of historical documents, maps and expert interpretation, the "central range" was meant to refer to the line of the Arctic-Pacific watershed.
- The ruling noted there is no single mountain range that runs as a "central range" to the 60th parallel (the northern extent of Treaty 8), and that the line of Arctic-Pacific watershed is more consistent with the parameters of the treaty.

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- B.C. took the position that the phrase “the central range of the Rocky Mountains” follows the line of the watershed of the central range of the Rocky Mountains.

Implications:

- The ruling potentially extends Treaty 8 hunting, fishing and trapping rights of individual members significantly deeper into northeast and Omineca regions (see map below). The ruling could extend the geographic area and depth of consultations with Treaty 8 First Nations.
- First Nations adjacent to Treaty 8 areas, such as Tahltan Nation, Carrier Sekani First Nations, Kaska Dena Council, and Lheidli T’enneh, could have potential conflicts with Treaty 8 First Nations on the exercise of Aboriginal rights versus treaty rights. Tahltan Central Government issued a statement on Sept. 16, 2017, saying Treaty 8 First Nations have no treaty rights in Tahltan territory, and specifically no hunting rights.
- Provincial agreements with Treaty 8 First Nations include a clause that the Treaty 8 border was subject to litigation and that agreements would abide by the court decision.

Background:

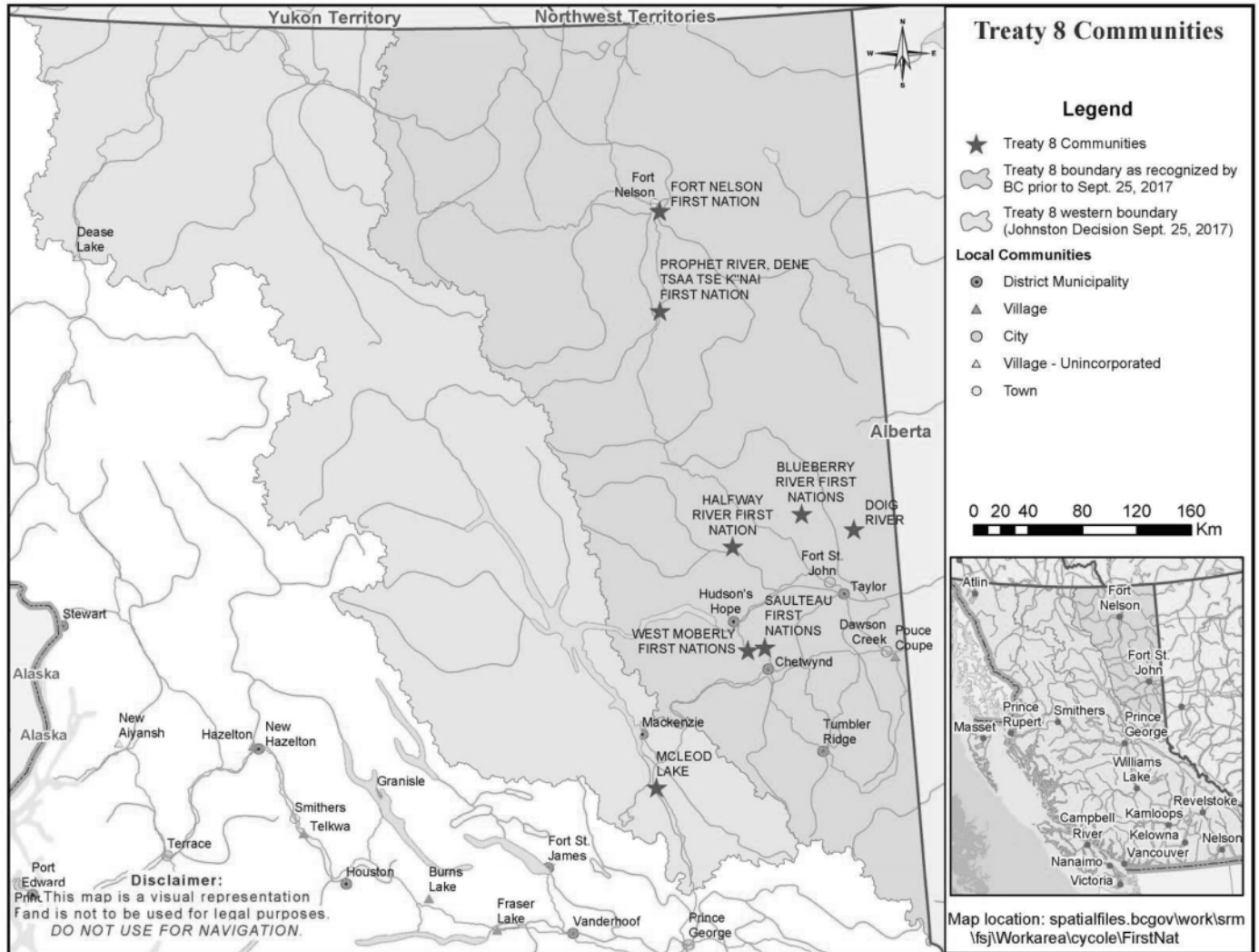
- Five plaintiff Treaty 8 First Nations (West Moberly, Halfway River, Saulteau, Prophet River and Doig River) originally filed the lawsuit in August 2005.
- The trial started on Oct. 26, 2015 and heard testimony until Feb. 4, 2016. Closing arguments took place from Nov. 14 to 25, 2016, concluding the trial. Tahltan, Takla Lake and Tsay Keh Dene First Nations acted as intervenors in support of B.C. and KDC.
- Signed in 1899, Treaty 8 is one of 11 numbered treaties between Canada and First Nations, in this case with bands residing in northeast B.C., northern Alberta, part of Saskatchewan and the Northwest Territories.
- **Media:** Stories by Vancouver Sun and Georgia Straight (Sept. 2017), Alaska Highway News (2016).

Communications contact: Edward Hill

Program area contact: Joel Oliphant (JAG); Dale Morgan

File created: August 2014

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Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation
Updated: April 4, 2019
Minister Responsible: Hon. Scott Fraser

Tsawout First Nation claim for James Island

RECOMMENDED RESPONSE:

- **The Provincial government respects and recognizes that Tsawout First Nation has a historic Douglas treaty.**
- **Government must interpret the treaty in ways that are fair and provide what was promised to the people of Tsawout First Nation.**
- **The Province was required to respond to Tsawout's notice of claim through the court.**
- **However, as part of our commitment to reconciliation, the Province has reached out to Tsawout to seek to resolve these issues outside of the court, government-to-government, based on building a respectful relationship.**
- **The Province is committed to building relationships with Indigenous peoples based on respect and recognition of rights, as guided by the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission Calls to Action and case law.**

KEY FACTS:

- On Jan. 24, 2018, Tsawout First Nation filed a notice of claim seeking the return of James Island. Tsawout assert the island was a village site and should have been set aside as per its Douglas Treaty.
- B.C., Canada and are named as defendants. B.C. filed its response on May 1, 2018, and Canada filed on May 14, 2018. No dates are set.
- In July 2018, Tsawout removed JI Properties Inc., the owner of James Island, as a defendant. James Island is private property located off the Saanich Peninsula currently owned by U.S. telecom billionaire Craig McCaw, through JI Properties Inc. On Nov. 29, 2018, Tsawout hosted a fundraiser for its legal costs.
- Ministry of Indigenous Relations and Reconciliation has reached out to Tsawout, but no discussions have taken place. MIRR has no agreements and has had little engagement with Tsawout.
- Tsawout organized a public event on Sept. 2, 2018, to highlight their claim, with a breakfast, a paddle around the island, followed by a feast in the Tsawout community. The event precipitated a column by Jack Knox in the *Times Colonist*.
- Tsawout is one of the successors of the Saanich Tribes which concluded two treaties in February 1852 with James Douglas, governor of the Colony of Vancouver Island. Douglas treaties provide signatory First Nations and their successors the right to hunt over unoccupied lands and to fish "as formerly," as well as reserving enclosed fields and village sites for the First Nations' use and

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benefit.

- The notice of claim states that “LEL,TOS” (James Island) held a village site exclusively occupied by Tsawout, and was used by members for hunting, fishing and foraging. It also had a burial site.
- The claim states James Island was not included in lands purchased by James Douglas, was never surrendered, and, and as per their Douglas treaty, should have been properly surveyed and set aside for the benefit of the Tsawout. Tsawout’s reserve is directly across from James Island.
- Tsawout is seeking:
 - A declaration that James Island in whole or part is a village site or enclosed field of Tsawout; or alternatively that Tsawout has Aboriginal title to James Island in whole or part;
 - Compensation from Canada for a breach of its treaty obligation to set aside James Island;
 - Damages for loss of use and enjoyment of James Island.
- The Province’s response includes:
 - The Saanich Tribes through their Douglas treaties surrendered lands as described in the treaties, “entirely and forever,” including James Island, except for villages and enclosed fields;
 - The Saanich Tribes did not maintain villages or enclosed fields on James Island; and if they did, such villages and fields were abandoned prior to the treaties;
 - Saanich Tribes did not seek possession of James Island through two federal commissions on Indigenous peoples, nor through colonial officials (federal commissions did set aside several other lands on nearby islands for the use and benefit of Saanich Tribes);
 - If dispossession of James Island is an infringement of a Douglas treaty, (which B.C. denies) it pre-dates B.C.’s entry into Confederation with Canada, and thus is the sole responsibility of the federal government (known as a “pre-Confederation liability”).
- In a release, Tsawout Councillor Mavis Underwood said: “The Crown has not honoured the Douglas Treaties, which has forced us to take court action. We have many village sites that were not reserved for our benefit and our rights to hunt and fish ‘as formerly’ have been diminished to the point of extinction.”
- Media stories state that Tsawout has made several claims to gain ownership or possession of James Island, however no such claims have been filed in provincial or federal court. Tsawout has filed three federal Specific Claims, but James Island is not among them.
- Prior to the claim, on Jan. 3, 2018, Tsawout sent a letter to B.C. and Canada to express concerns about Canada’s potential settlement with Songhees and Esquimalt First Nations related to their Douglas treaty claim for the Cadboro Bay area of Victoria. Tsawout stated that Cadboro Bay is a shared territory among the WSANEC (Saanich) First Nations, and the settlement is an infringement of Tsawout’s Douglas treaty and its Aboriginal rights and title.
- Tsawout is a signatory to a protective writ, in which the WSANEC (Saanich) First Nations are seeking Aboriginal title to their traditional territories, which includes James Island. The protective writ preserves the ability for the First Nations to reactivate their Aboriginal title claim.
- The Douglas Treaties are 14 historic treaties with Vancouver Island First Nations signed by the colonial government between 1850 and 1854 and involve a series of 14 land purchases.

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Successor nations include: Songhees; Esquimalt; Beecher Bay; T'sou-ke; Malahat; Tsawout; Tsartlip; Pauqhachin; Tseycum; Kwakiutl; and Snuneymuxw.

Communications contact: Stephen Binder

Program Area Contact: Hugh Gwillim (JAG), Wisty Chaytor, Gracie Wilcox

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation
Date: April 4, 2019
Minister Responsible: Hon. Scott Fraser

Private Land and Aboriginal title claims

RECOMMENDED RESPONSE:

- The Province is committed to creating a vision for reconciliation with Indigenous people, grounded in respect and recognition.
- We're committed to working with Indigenous peoples to reconcile Aboriginal rights and title in a way that balances the interests of all British Columbians.
- The Province is working with Indigenous groups to resolve claims that have the potential to create uncertainty on the land base, including claims that could affect private land owners.
- The Province will defend private land interests.
- We would prefer to resolve these claims outside of court in collaboration with Indigenous people, and in a way that balances the interests of all British Columbians.

KEY FACTS:

s.13; s.14

Page 282 of 288

Withheld pursuant to/removed as

s.14; s.13

Confidential Issues Note - ADVICE TO MINISTER

Ministry of Indigenous Relations and Reconciliation Date: April 5, 2019 Minister Responsible: Hon. Scott Fraser	Shxw'ōwhámel title claim and Fraser River debris trap
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RECOMMENDED RESPONSE:

- As part of our commitment to reconciliation, we are in discussions with the Shxw'ōwhámel (shu-wow-ha-mel) on a number of areas of interest, including the Fraser River Debris Trap.
- I met with the Shxw'ōwhámel First Nation last year to discuss how we can move forward together toward reconciliation.
- Our Government is focused on building true government-to-government relationships.

If asked about alternative access to debris trap and future options:

- The Province has established a new route via Crown land to access the trap to ensure access and ensure safety for downstream residents.

If needed (Stó:lō Nation), re: litigation:

- The Province was required to respond through the courts to the Notice of Civil Claim by the Shxw'ōwhámel.
- This issue is in front of the courts and the path we're on now is to find a way to move forward outside of the court process.
- The Province recognizes that First Nations that identify as Stó:lō are a people with shared language, traditions, customary laws and history.

KEY FACTS:

- Shxw'ōwhámel First Nation (SFN), located near Hope, launched an Aboriginal rights and title claim in September 2016 in response to ongoing grievances regarding the Fraser River Debris Trap. B.C. and Canada (as co-defendants) both filed responses to the civil claim. Canada has filed an application to add B.C. as a third party. The application has been adjourned generally pending further discussions. BC has recently filed an Amended Response to address complaints made by SFN regarding affiliation to the Sto:lo Nation and Tiyt Tribe.
- The debris trap, managed by Emergency Management BC (EMBC), is a catchment system installed on the Fraser River to divert wood and other debris from flowing downstream. Historically, SFN received annual payments and rent for debris stored and processed on a section of its reserve land, until the Province moved all operations to adjacent Crown land. The SFN have said downstream users benefit from the debris trap, while SFN has have suffered environmental damage. They have requested involvement in management of the debris trap.
- MIRR, EMBC and the Ministry of Forests, Lands, Natural Resources Operations and Rural Development (FLNRORD) restarted discussions with SFN in November 2017. The meetings are without prejudice to SFN's civil claim. Specific topics on the debris trap that have been discussed with SFN include:

Confidential Issues Note - ADVICE TO MINISTER

- Capacity Funding: In February 2018, MIRR finalized a grant letter with SFN to provide \$100,000 to support SFN participation in debris trap meetings. A first payment of \$50,000 was made to SFN on March 20, 2018. Two additional payments of \$25,000 each will be made after completion of a Letter of Agreement (LOA) and Environmental Site Assessment (ESA) joint scoping letter, respectively.
- SFN participation in debris trap operations: EMBC has a mandate to provide as much as \$100,000 per year to SFN to support opportunities for involvement in debris trap operations.
- Letter of Agreement (LOA): EMBC is in the process of developing an LOA with SFN outlining how the parties will collaborate.
- Environmental Site Assessment (ESA): SFN has raised concerns around environmental effects and potential contamination of reserve lands previously used for the debris trap operations. To address concerns, EMBC undertook extensive assessments. SFN has also undertaken their own independent studies.
- Operations plan: An operations plan to accompany the Water Sustainability Act permit application for the debris trap was collaboratively developed by EMBC with SFN input.
- Temporary lease: EMBC and SFN are finalizing a lease/licence to provide temporary access to the reserve lands portion of the site for trap operations.
- At SFN's request, discussions between SFN and the Province on the debris trap have been paused, along with work on the LOA, ESA, and temporary lease. In a meeting (and letter) in December 2018, SFN expressed frustration about the perceived lack of progress on these agreements and asked for a broader reconciliation mandate that captures their core interests in economic development, co-management and revenue loss.
- SFN has previously indicated a desire for expedited discussions with B.C. regarding reconciliation interests beyond the debris trap. On Jan. 15, 2018, SFN met with Minister Scott Fraser and MIRR where they tabled and sought B.C.'s commitment for a comprehensive Reconciliation Agreement, including interest such as: environmental stewardship; natural resource development (including co-management of forestry, mining); socio-economic matters; land transfers; revenue-sharing; and on-reserve issues. SFN and MIRR staff met in February and June 2018 for initial exploratory discussions regarding SFN's reconciliation interests, including possible reconciliation interests of other Tiyt Tribe First Nations. A draft mandate submission for a Reconciliation Framework Agreement (RFA) was shared with representatives of the Tiyt Tribe in late June 2018, and feedback from participating Tiyt Tribe members was provided to MIRR in November, 2018.
- In a Jan. 15, 2019, letter, MIRR communicated to SFN that B.C. would like to meet to discuss their priorities relating to the debris trap and the proposed Tiyt Tribe RFA, and outreach to SFN is expected in February 2019.
- EMBC has been working to facilitate opportunities for SFN participation in debris trap operations. In November 2017, Drake excavating offered SFN the opportunity to manage the sediment that has accumulated in the debris trap. Sediment removal is a component of the contract for trap operations and needs to be removed before freshet to keep the trap functional (so is time-sensitive). SFN understood the sediment was only fine silt, so declined the opportunity. The exact composition of the sediment was not known by Drake until they began removal and at that point they discovered there was gravel beneath the first layer of silt. As EMBC and Drake did not hear back from SFN (after several attempts) they made alternate arrangements for removing gravel, which later upset SFN. Moving forward, SFN's interest in recovered materials such as gravel will be captured under the LOA (including the establishment of an operations committee for regular trap-related discussions).

BACKGROUND:

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- B.C.'s response to SFN's Notice of Civil Claim, filed in November 2016, includes the denial of the existence of "a current Aboriginal, people or group known as the Stó:lō Nation." Stó:lō Nation is not a First Nation recognized by the federal Indian Act.
- The Province's response deals with deficiencies in the Notice of Civil Claim and is drafted to address issues raised in the specific claim by the SFN. The deficiencies are compounded by overlapping claims from other Indigenous peoples in the area and that various bands and Indigenous peoples in the area identify as Stó:lō.
- SFN is governed by a custom electoral system that elects a Si:yam Council consisting of 11 councillors and does not have an elected chief. They are a member of the Stó:lō Tribal Council and a party to the Stó:lō Strategic Engagement Agreement.

Communications contact: Cale Cowan

Program area contact: Patrick Thompson; GCPE EMBC; Hugh Gwillim (MAG)

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Ministry of Indigenous Relations and Reconciliation

Date: Jan. 14, 2019

Minister Responsible: Hon. Scott Fraser

Department of National Defense - Songhees proposed treaty land

RECOMMENDED RESPONSE:

- The Department of National Defence is discussing the potential disposal of lands in Greater Victoria with First Nations communities.
- These are discussions the federal government is having with First Nations and we support their efforts.
- The role of the Province is limited at this point since the lands being discussed are under federal jurisdiction.
- Questions should be directed to the Department of National Defence.

ROYAL ROADS UNIVERSITY:

- The Province is aware that Hatley Park, home to Royal Roads University, is one of the properties under discussion.
- Royal Roads is a historic site and a valued public university.
- The expectation is that Royal Roads University will continue to deliver high-quality education regardless of the current and future ownership of the land.

COLWOOD-SONGHEES MOU:

- The Province encourages local governments and First Nations to build strong working relationships, and this agreement is another example of that.

KEY FACTS:

- The Department of National Defence (DND) is working through a process to decide if Hatley Park National Historic Site (home to Royal Roads University) is surplus.
- DND is having Hatley Park appraised as part of that process, and the appraisal is expected on Jan. 21, 2019. If the property value lands within B.C. and Canada's treaty mandate, DND could declare the lands surplus and provide the land for treaty.
- DND has been in consultations with Songhees and Esquimalt Nations on disposing of federal properties in Greater Victoria, including Hatley Park. DND is also in discussions with RRU, Colwood and the Capital Regional District on disposing of Hatley Park. MIRR and CIRNA are not involved.

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- Songhees has expressed concern at the treaty table on the length of time it's taking for Canada to analyze the RRU property and to make progress in final agreement negotiations.
- DND discussions with Songhees and Esquimalt have focused on:
 - What parts of Royal Roads may/may not be developed;
 - What parts of Royal Roads have environmental or heritage values to be preserved;
 - The terms of a restrictive covenant setting out restrictions on land use;
 - RRU's continuation as a university under lease with any new landowner; and
 - Accommodation arrangements and potential ownership by Songhees and Esquimalt.
- Songhees Nation and RRU announced a Memorandum of Understanding on May 5, 2017. The MOU establishes a framework for the University and Songhees to engage in gathering and sharing information on history, boundaries, ecology and other attributes of the Royal Roads property.
- RRU and Songhees will also work together to define the boundaries of campus lands needed for the university's continued operation and will explore options for the campus lands' legal structure, such as fee-simple ownership.
- In a release, Songhees reaffirmed the continuation of the university, and that the property is "key to the process of reconciliation and an important part of reaching a modern-day treaty settlement."
- On March 27, 2017, Colwood and Songhees Nation announced an MOU that commits them to work collaboratively on the future of the Royal Roads lands, if and when DND disposes of the lands.
- Songhees is interested in acquiring all or part of Hatley Park as treaty settlement land. If Hatley Park becomes treaty land, it would not be subject to Colwood's official community plan or zoning. However, the parties have agreed to try to reach agreement on how to reflect each other's interests in Colwood's official community plan.
- Esquimalt Nation's interests on the land will need to be addressed through an accommodation package if the lands are disposed of.
- Hatley Park is 260 hectares and RRU leases 55 hectares from DND and manages the remainder of Hatley Park under a MOU with DND. RRU has a 50-year lease (for \$10 annually) with options that extend the lease to 99 years, to 2099. The federal government pays Colwood \$136,000 per year in payments in lieu of taxes for Hatley Park.
- Federal government records indicate Hatley Park holds 315 buildings and structures, including buildings designated as Classified Federal Heritage Buildings, such as Hatley Castle. A significant portion of the grounds are covered in second-growth forest and public walking trails.
- Songhees Nation is a member of the Te'mexw Treaty Association along with Beecher Bay, T'Sou-ke, Malahat and Snaw-Naw-As (Nanoose) First Nations. The five First Nations are in Final Agreement treaty negotiations with B.C. and Canada.
- Esquimalt Nation is not in treaty but is engaged in discussions with B.C. and Canada on a reconciliation agreement that would address Esquimalt interests on Songhees treaty settlement lands and facilitate the completion of a treaty with Songhees.
- Media: Significant interest from Victoria-area media.

Communications contact: Edward Hill

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Program area contact: Christie Harvie
File created: Dec. 19, 2016