

ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and Reconciliation

Date: Sept. 10, 2019

Minister Responsible: Hon. Scott Fraser

UNDRIP legislation and Free, Prior and Informed Consent

ISSUE SUMMARY:

The Province is committed to co-developing legislation with the First Nations Leadership Council to bring the UN Declaration on the Rights of Indigenous Peoples (UN Declaration) into provincial law. Legislation will be introduced in the fall of 2019. Government will carry out engagement activities with Indigenous peoples, various stakeholders and the public over the summer and fall of 2019.

The legislation will contain similar elements to the former federal Bill C-262, which died on the order paper in June 2019. It would have required taking all measures necessary for consistency of laws with the UN Declaration at the federal level, development and implementation of a national action plan, and annual reporting.

The provincial legislation is also expected to include an additional provision for joint decision-making.

s.13; s.16

ADVICE AND RECOMMENDED RESPONSE:

- We're working with Indigenous peoples and local communities to put the United Nations Declaration on the Rights of Indigenous Peoples into action.
- We're reaching out to Indigenous, business, labour and municipal leaders across B.C. to work together and make sure we get this right.
- This legislation will help create a predictable path forward for everyone — that means good jobs and opportunities, while respecting Indigenous rights and our environment.
- Instead of uncertainty and lawsuits, we can build a robust and sustainable economy by working together, creating opportunities for Indigenous peoples, all B.C. families, business and industry.
- Successful reconciliation takes time, but we're committed to getting there with a plan that works for everyone

If asked about free, prior & informed consent:

- 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.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and Reconciliation

Date: Sept. 9, 2019

Minister Responsible: Hon. Scott Fraser

UBCM Resolution: A4 – United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

RESOLUTION SUMMARY:

A resolution introduced by Logan Lake calls on the Province to provide details on the framework and implementation of proposed legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to better understand local governments' responsibilities.

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."

The commitment to legislation on the UN Declaration was prominent in both the 2019 Throne Speech and Budget and has been widely reported in the media.

The federal bill C-262, which passed in the House of Commons on May 30, 2018, died on the order paper in the Senate. It would have ensured Canada's laws are in harmony with the UNDRIP.

As part of the Ministry of Indigenous Relations & Reconciliation stakeholder engagement strategy prior to implementation of the legislation, Minister Fraser has a meeting scheduled with the UBCM executive before the UBCM convention, and outreach has begun to UBCM municipal regional committees to set up meetings.

In 2018, a renewed Memorandum of Understanding (MOU) between the Ministry of Indigenous Relations and Reconciliation and UBCM underscored the importance of the provincial government's relationship with local governments in fulfilling their commitment to reconciliation. The MOU will be reviewed in 2021.

ADVICE AND RECOMMENDED RESPONSE:

- We're working with Indigenous peoples and local communities to put the United Nations Declaration on the Rights of Indigenous Peoples into action.
- We are reaching out to and meeting with Indigenous, municipal, business and labour leaders across B.C. to work together and make sure we get this right.
- With this legislation, we're helping to create a predictable path forward for everyone – that means good jobs and opportunities, while respecting Indigenous rights and our environment.
- Successful reconciliation takes time, but we're committed to getting there with a plan that works for everyone.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Wet'suwet'en reconciliation

Ministry of Indigenous Relations and Reconciliation

Date: Sept. 10, 2019

Minister Responsible: Hon. Scott Fraser

ISSUE SUMMARY:

The Province and Office of the Wet'suwet'en are committed to 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 representative in the discussions. Rankin is also a lawyer and mediator and has deep knowledge of the Wet'suwet'en people and history and of the Delgamuukw decision.

ADVICE AND RECOMMENDED RESPONSE:

- The Province and the Office of the Wet'suwet'en have agreed to explore a path forward, nation-to-nation, to meaningfully advance reconciliation.
- 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.
- 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.
- 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.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and Reconciliation

Date: Sept. 10, 2019

Minister Responsible: Hon. Scott Fraser

Stakeholder engagement with local governments

ISSUE SUMMARY: UBCM Executive Special Resolution 1 – Provincial Consultation with Local Governments – calls for B.C. to change the way First Nations land use agreements and other frameworks are negotiated, asking the “provincial government ensure that the principles of mutual respect, consultation and co-operation as outlined in s. 2 of the Community Charter are adhered to and implemented as it moves forward with future initiatives.”

Because of frustration over the caribou plan and the Pender Harbour dock management plan, the Province is being asked to take a different approach to consultation with local government so that there is faith that negotiations are transparent and well-informed by local concerns.

The Province has acknowledged that it is important for local governments to have a good understanding of the goals and intentions, and that any concerns have been identified and mitigated. The Ministry of Indigenous Relations and Reconciliation (MIRR) builds a stakeholder engagement plan appropriate to every negotiation, working closely with other ministries across the provincial government as local governments are engaged.

As part of government’s commitment to collaborative relationships with local governments, a Memorandum of Understanding was renewed between the Province and the Union of British Columbia Municipalities in 2018. This MOU provides an important framework for provincial and local government engagement between the Province and UBCM on First Nations and Indigenous relations matters. It provides flexibility for local governments to identify and represent their interests in a way that they consider appropriate for their local circumstances.

The Ministry of Indigenous Relations and Reconciliation and Ministry of Municipal Affairs work together with other ministries and agencies to implement the MOU and underscore the importance of undertaking consultation and information sharing with local governments, so local interests are represented to the Province.

ADVICE AND RECOMMENDED RESPONSE:

- We are committed to collaborative relationships with local governments, collectively and individually.
- We recognize the importance of engagement and consultation with individual local governments on matters that may directly affect their interests, including treaties or other agreements the Province may be discussing with First Nations and Indigenous governments.
- Reconciliation and agreement-making are most successful when stakeholders and key government partners, including municipalities and regional district, can identify with, and share, the goals and intentions of the negotiations.
- We are also seeing more and more relationships growing at the local level between local governments and First Nations, where local and Indigenous governments are joining forces to work together on projects or issues that are important to everyone who lives in the area.
 - Powell River, quathet Regional District and Tla’amin Nation have worked on a number of reconciliation efforts together including Tla’amin gifting the name quathet to the Regional District, and Powell River and Tla’amin working together to resolve competing jurisdictional issues and renew their community accord.
 - Alberni-Clayoquot Regional District (ACRD) has as full members all of the area Nations: Huu-ay-aht, Toquaht, Uchucklesaht, and Ucluelet. As full members of the Regional District, the Nations participate in decision-making, budgeting, strategic planning and service provision.

- In 2017/2018, K'omoks First Nation met with each local government individually and then held a successful government-to-government forum with all eight local governments.
- Quesnel has been working with Lhatko Dene on a plan for a cultural centre at the confluence of the Quesnel and Fraser Rivers – an example of a collaborative tourism project that stems from a Protocol Agreement that committed to relationship-building
- We see great opportunity for advancing reconciliation through these kinds of partnerships at the community level.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and Reconciliation

Date: Sept. 10, 2019

Minister Responsible: Scott Fraser

Treaty Land Entitlement

ISSUE SUMMARY: 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 these First Nations and the federal government to identify land since 2004. The Ministry of Indigenous Relations and Reconciliation has Memorandums of Understandings (MOUs) with Blueberry River and Doig River First Nations to support the identification of land for TLE. First Nations view the extended period of time it's taken to settle these claims as having a negative impact on their economic, social and cultural opportunities.

s.12; s.13

Negotiations continue with respect to these settlement offers.

MIRR has engaged local government officials on these negotiations through a number of avenues. City of Fort St. John representatives are invited and have regularly attended the Province-led Northeast Roundtable where TLE and other land use issues have been discussed (six meetings over the last year). First Nations and MIRR have had TLE open houses in Fort St. John where city representatives were invited and attended to discuss TLE land selections for Blueberry River and Doig River First Nations. In the last year MIRR staff have made two presentations on the TLE process and land selections to the Peace River Regional District where the Mayor of Fort St. John is a sitting director.

ADVICE AND 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 local governments, industry, permit and tenure holders, and the public — will have opportunities to give feedback once the lands have been identified.

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ADVICE TO MINISTER

CONFIDENTIAL ISSUES NOTE

Ministry of Indigenous Relations and Reconciliation

Date: Sept. 10, 2019

Minister Responsible: Scott Fraser

Treaty transformation

ISSUE SUMMARY: Treaty transformation is one of this Ministry's mandated commitments. Since 2018, the Ministry has been working with First Nations, the federal government, and the First Nations Summit – also known as the Principals in the B.C. treaty process – on a new framework for treaty transformation in the province. This past September the Principals reached agreement on a new treaty policy that helps provide this framework.

Consistent with Minister Fraser's mandate letter, the policy helps transform treaty-making by establishing a framework for treaty negotiations that reflects case law and the UN Declaration (UNDRIP). The policy will enable the co-development of treaty mandates where applicable by government and First Nations, supports incremental, staged or stepping-stone approaches to negotiating treaties, and expresses a willingness to explore the negotiation of Indigenous title through a treaty, rather than having it declared through the courts.^{s.13; s.16}

Going forward, negotiations will be guided by the principles that treaties can be: incremental; open to evolution and flexibility; based on the co-existence of rights; managed to minimize impacts to third parties; and must be aligned and co-ordinated with the federal government. We will take a rights-recognition approach to treaty making that recognizes that Aboriginal rights are inherent and will not be extinguished or surrendered.

Ministry representatives have had ongoing discussions with representatives from UBCM's Indigenous Relations Committee and UBCM staff this year to share updates about this work as it has progressed.

There have been a number of recent innovative approaches taken at negotiation tables. These include: the Sto:lo Nations (SXTA Group), Ktunaxa Nation, Metlakatla First Nation; and Kitselas/Kitsumkalum Nations. These groups are moving directly to the final stage of treaty negotiations, implementing a "core treaty," an approach designed to meet the specific interests of a nation, incorporating flexibility for change as relationships, laws, policies and legislation evolve.

ADVICE AND RECOMMENDED RESPONSE:

- Treaties are one of the important paths to meaningful reconciliation with First Nations.
- We have been actively working with the federal government, First Nations Summit and First Nations in the B.C. treaty process to renew treaty-making in B.C. so that it reflects the UN Declaration on the Rights of Indigenous Peoples and new case law.
- Our goal is to base treaties on a recognition of the inherent rights of Indigenous peoples.
- We will no longer require Indigenous peoples to extinguish their rights in a treaty, which are agreements that should set the framework for a relationship that evolves over time – just like the relationship between all governments – and not freeze that relationship in time.
- In the past two years taking new and innovative approaches and having more flexibility has led to advancements at treaty tables.
- A new treaty policy signed by the provincial and federal governments and the First Nations Summit gives us an updated framework for treaty negotiations in B.C. going forward.

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UBCM 2019 CONVENTION

MEETING: District of Tumbler Ridge

TOPIC: Tumbler Ridge Urban Reserve and Treaty Land Entitlement

REQUEST(S):

- 1) Support from the Province in negotiating a service agreement and final land selections given competing interests.

KEY MESSAGES:

- Settlement of Treaty Land Entitlement (TLE) is a critical step in reconciliation with Treaty 8 First Nations in Northeast BC.
- The Province is pleased that the Community of Tumbler Ridge has been open and accommodating with Treaty 8 First Nations and we appreciate your ongoing efforts to find solutions.
- MIRR and FLNRORD staff are aware that there are multiple interests in the 100 Acre Woods and are working through those conflicts.
- In recognition of your concerns Saulteau First Nations have recently dropped their interest in the 100 Acre Woods area.
- The Final Settlement and Lands Agreement for TLE are being drafted and MIRR staff will be reaching out to each community and to the Regional District to discuss these Agreements.
- Though the Agreements will be completed soon the lands will not be transferred in the near term. Provincial staff understand your concerns and are interested in working with your community and the First Nations to develop solutions to ensure the land transfer process is transparent and responsive to issues as they become known.

BACKGROUND/DISCUSSION/ISSUES:

- TLE is a specific claim against Treaty 8 due to a failure to provide enough reserve lands at date of first survey in 1914.
- The Province has committed to resolving the TLE issue and will be providing the five Treaty 8 First Nations (West Moberly, Halfway River, Blueberry River, Doig River and Saulteau First Nations) with the shortfall reserve lands and an opportunity to buy land in northeast BC.
- Saulteau and West Moberly First Nations have chosen several TLE land parcels within the municipal boundary of Tumbler Ridge.
- The 100 Acre Woods (located very close to downtown Tumbler Ridge) is of interest for residential development by West Moberly, Saulteau and the town of Tumbler Ridge.
- West Moberly, Saulteau and MIRR staff have engaged with the mayor and council on several occasions regarding the Tumbler Ridge land parcels.
- The town is concerned that the addition of a new subdivision will greatly impact land values for current residents and the required services will drain limited town resources to support.

Staff engagement with Town of Tumbler Ridge

- Representatives from the Tumbler Ridge are invited and have regularly attended the Province led Northeast Roundtable where TLE and other land use issues have been discussed (6 meetings over the last year).
- First Nations and MIRR have met in the spring of 2019 in Tumbler Ridge with Mayor and Council to discuss the TLE selections with in Tumbler Ridge
- MIRR staff have had several meetings and phone call conversations with Mayor, CAO and Council of Tumbler Ridge regarding TLE land selections over the last year.
- West Moberly and Sauteau First Nations have both had meetings with Mayor and Council to discuss their TLE parcels.
- MIRR and FLNRORD staff will be reaching out to Tumbler Ridge Mayor and Council to discuss TLE in next several weeks to discuss 100 acre wood and Sauteau TLE selections.

Incoming Request:

Topic 1: Tumbler Ridge Urban Reserve

Background: Tumbler Ridge is currently in the process of establishing Urban Reserves in our community with both the West Moberly First Nations and Sauteau First Nations. We have spoken with both Dale Morgan and Renee Simard in this process. One of the items that we need support on is the next steps, timelines, and intentions of the Province through this process. Secondly, the building of a service agreement with our three communities will be vital. However, given competing land selections between our three communities, all centered around an area known as 100 Acre Woods, many issues are left to be decided.

UBCM 2019 CONVENTION

MEETING: Village of Canal Flats (The Village)

TOPIC: Ktunaxa Nation Treaty Negotiations

REQUEST(S):

- 1) Council wishes to discuss the Ktunaxa Nation Treaty Negotiations and the potential impact it may have on Village governance.

KEY MESSAGES:

- Our ministry is pleased that the Village of Canal Flats has joined the Columbia Lake East Side Partnership in support of a collaborative approach to stewardship of the East Side's important values.
- Our ministry is aware of the Village interests in the area where the Village municipal boundary coincides with the provincial Wildlife Management Area (WMA) and the Ktunaxa Cultural Landscape commitment. We understand the Village is engaged with MFLNRORD and the Ktunaxa Nation, to ensure alignment with the objectives of the WMA and Ktunaxa cultural values.
- Treaty negotiators will continue to support the interests of local government, including the Village, as we continue to negotiate a Ktunaxa core treaty and would be pleased to provide a presentation on Ktunaxa treaty negotiations or answer any questions from the Village Council.

BACKGROUND/DISCUSSION/ISSUES:

- The 2010 s.12; s.13; s.16 Treaty AIP Land and Cash Offer commits BC to: legislatively designate the Columbia Lake East Side as a Ktunaxa Cultural Landscape; for Ktunaxa Nation to name the area; and to continue to protect cultural, ecological and other values in the area.
- The Village, located at the south end of Columbia Lake, is undergoing revitalization following the closure of its sawmill in 2016, and is seeking opportunities in the WMA and Cultural Landscape. The Village has incorrectly interpreted their land jurisdiction to include the south area of the WMA and the Ktunaxa Cultural Landscape on the basis of their municipal boundary including this area.
- The Village Official Community Plan and bylaws omits the WMA which appears to signal Village efforts to establish a trail network in the WMA without approval from the province.
- WMAs are intended to give priority to fish and wildlife habitat conservation. MFLNRORD is working closely with the Village in the effort to guide the Village proposals for trail development and wildfire interface work within the WMA in respect of conservation priorities, as well as engaging the Ktunaxa Nation on extremely significant cultural heritage and archaeological values.
- The Village, along with other Regional District of East Kootenay governments, has been represented at the Ktunaxa treaty table by Treaty Advisory Committee representative Larry Binks.
- MIRR, FLNRORD, and Ktunaxa Nation have jointly provided updates to the Village Council regarding the Cultural Landscape and WMA in 2017 and 2018.

- The Shuswap Indian Band strongly opposes formal preference to Ktunaxa interests on the Columbia Lake East Side, and although invited to join the Partnership, has not signed the Letter of Agreement and is participating informally.
- The Columbia Lake East Side Partnership was initiated by MIRR and Ktunaxa in 2014 to support a landscape level cross jurisdictional approach to the stewardship of the East Side of Columbia Lake based on it's extremely important, unique and sensitive natural and cultural values. The Partnership includes land managers from: BC Parks; FLNRORD; Ktunaxa Nation; Shuswap Band; Regional District of East Kootenay, The Nature Trust of BC; The Nature Conservancy of Canada; The Village of Canal Flats and MIRR. When the Partnership began, the Village deferred it's interests to be represented by RDEK. In 2016/17 the Village started to participate informally and then joined formally in spring 2019.
- Columbia Lake East Side Partnership Vision: "CLES is a landscape that symbolizes excellence in collaborative stewardship for preservation and enhancement of cultural values inclusive of a healthy functioning ecosystem. Principle: Other land uses may be carried out provided they align with the vision and the CLES Stewardship Statement."

INCOMING REQUEST:

Topic #1: Council wishes to discuss the Ktunaxa Nation Treaty Negotiations and the potential impact it may have on Village governance.

UBCM 2019 CONVENTION

MEETING: City of Fort St. John

TOPIC: Local Government's Participation in the New Relationship with First Nations MOU

REQUEST(S):

1) N/A

KEY MESSAGES:

- MIRR has a long-standing relationship with local governments and recognizes the importance of engaging local government in reconciliation activities.
- The 2018 memorandum of understanding (MOU) with UBCM has established regular meetings and communication between the Province and UBCM on matters that affect local government jurisdictions, including treaty negotiations and non-treaty agreements, as well as other initiatives with Indigenous communities.
- I encourage active engagement between local governments and I trust the City of Fort St. John (Fort St. John) and the Peace River Regional District (PRRD) can work collaboratively on issues of mutual regional interest and represent those interests collectively to the Province.
- Ministry staff, in collaboration with the Ministry of Municipal Affairs and Housing and other agencies, will continue to coordinate to implement the MOU and underscore the importance of undertaking consultation and information sharing with local governments, so local interests are represented to the Province.

BACKGROUND/DISCUSSION/ISSUES:

- Fort St. John has proposed a UBCM resolution resolving that the MOU between the Province and UBCM be considered non-binding on local governments unless individual local governments become signatories to the MOU. The UBCM Resolutions Committee does not recommend the resolution for endorsement.
- In early 2019, the Province announced the Southern Mountain Caribou Bilateral Conservation Agreement with Canada (Section 11 Agreement) and a draft partnership agreement between the Province, Canada, West Moberly First Nations and Saluteau First Nations for the conservation of the central group of the southern mountain caribou. These agreements prompted local governments in the impacted region to express substantial concerns over lack of engagement with them during drafting of the agreements.
- Through the MOU with UBCM, the Province provides advisory assistance to local government on how to approach and engage First Nations to advance reconciliation at the local level.
- The MOU provides the framework for local government interests to have a clear voice and be considered as treaties and other agreements with First Nations and Indigenous governments are negotiated

- Fort St. John is the largest municipality in the Peace River Regional District (PRRD), which also includes several smaller municipalities and rural electoral areas. The relationship between Fort St. John and the PRRD has been challenging at times.

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Phone Number: 778-974-2163

ADM Approver: Jessica Wood

INCOMING REQUEST:

Topic #3: Local Government's Participation in the New Relationship with First Nations MOU

Background: Local Government's Participation in the New Relationship with First Nations MOU between UBCM and Ministry was agreed to although is considered non-binding on local governments unless local governments

Request: N/A

BRIEFING NOTE – UBCM 2019 CONVENTION

MEETING: City of Fort St. John

TOPIC: Value of TLE Land, Federal/Provincial/First Nation non-disclosure agreement.

REQUEST(s):

- 1) The revenue should stay in the region in which the land sale was completed to invest in that region.

KEY MESSAGES:

- I commend you on the success of the Treaty 8 Visibility Project art installations at City Hall, the airport, and the North Peace Cultural Center. This is a great demonstration of the partnerships you and your community are developing with local First Nations.

Issue #1

- For the Province, the settlement of Treaty Land Entitlement (TLE) is a critical step in reconciliation with Treaty 8 First Nations in Northeast BC.
- Any lands provided to First Nations for purchase under TLE will be purchased at fair market value. Fair market value will consider the end use of the lands being purchased which includes lands for conservation, industrial and residential development.
- Any money recovered through land purchases will go into general revenue, however; purchased lands that become fee simple private land will be taxed as per Provincial regulations.
- The Federal government is providing a financial component to the TLE settlement directly to the First Nations. We expect TLE money will be spent within the Region by First Nations.
- We see TLE as a significant benefit to Treaty 8 First Nations but also a significant benefit to the Region as First Nations are provided new tools to become significant contributors to the Region's success.

Issue #2

- We recognize the issues that have surfaced regarding the Caribou management situation in the Northeast.
- In response the Premier has created a panel to review the situation and provide recommendations for going forward on the Caribou file.
- I am interested in understanding more from your perspective on what we could do differently?
- I know you have connected with Blair Lekstrom to discuss your concerns and interests in this issue and I would hope that you continue to do so in the future.

2018 Meeting Issues/Discussion/Follow-up status

- Negotiators to identify any land transfers to City of Fort St. John.
 - *No lands have been identified within the City of Fort St. John for TLE transfer.*
- Deputy Minister followed up with Dianne Hunger, City Manager on November 14, 2018 via a phone call.
 - *Engagement with Fort St. John has occurred over the past year and the City is a regular participant at the Northeast Roundtable where TLE and other issues are discussed with Provincial representatives.*

BACKGROUND/DISCUSSION/ISSUES:

Issue #1

- TLE is a specific claim against Treaty 8 due to a failure to provide enough reserve lands at date of first survey in 1914.
- The Province has committed to resolving the TLE issue and will be providing the five Treaty 8 First Nations (West Moberly, Halfway River, Blueberry River, Doig River and Sauteau First Nations) with the shortfall reserve lands and an opportunity to buy land in northeast BC.
- To resolve this issue BC is prepared to provide approximately 40,000 ha of land to the 5 First Nations. Approximately 32,000 ha of this TLE land will be purchased by the First Nations from the Province at Fair Market Value.
- There are no lands under TLE that are within Fort St. John though there are TLE land parcels adjacent on lands within the Peace River Regional District.
- Canada, BC negotiators and Treaty 8 First Nations are close to developing a Final Settlement and Lands Agreement that will set the path that will settle the TLE specific claim.

Issue #2

- Federal/Provincial and West Moberly and Sauteau First Nations negotiated a Caribou partnership agreement in 2018 and 2019 under a non-disclosure agreement.
- The goal of the Agreement was to develop a path and plan forward to manage the declining populations of the Southern Mountain Caribou in Northeast BC.
- The proposed Partnership Agreement and Caribou plan recommended substantial protection in the Dawson Creek Timber Supply Area for Caribou recovery.
- Releasing of the plan resulted in significant public outcry and opposition. The Premier appointed former MLA Blair Leckstrom to develop a report and has recently implemented a panel of experts to review the Caribou plan. This panel is in the process of developing recommendations on a path forward for Caribou recovery in Northeast BC.

Staff engagement with City of Fort St. John

- Representatives from the City of Fort St. John are invited and have regularly attended the Province led Northeast Roundtable where TLE and other land use issues have been discussed (6 meetings over the last year).
- First Nations and MIRR have had TLE open houses in Fort St. John where City representatives were invited and attended to discuss TLE land selections for Blueberry River and Doig River First Nations.
- In the last year MIRR staff have made 2 presentations regarding the TLE process and land selections to the Peace River Regional District where the Mayor of Fort St. John is a sitting director.

INCOMING REQUEST:

Topic #1: Value of TLE land

Background: The lands value is being determined on what the First Nation is going to be using the land for, not highest and best use. The Federal Government is paying the Province for this land with the revenue going into the Provincial coffers.

Request: The revenue should stay in the region in which the land sale was completed to invest in that region.

Topic #2: The Federal/Provincial/First Nations non-disclosure agreement

Background: The Federal/Provincial/First Nations non-disclosure agreement has created a divisive nature between First Nations and local governments.

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.

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Withheld pursuant to/removed as

s.13; s.16

BRIEFING NOTE – UBCM 2019 CONVENTION

MEETING: Union of British Columbia Municipalities (UBCM) convention meeting with The District of Logan Lake

TOPIC: Legislation on the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), First Nations Accommodation

REQUEST(s):

- 1) BE IT RESOLVED BC provide clarity to LG's regarding implementation of UNDRIP processes and framework; AND THAT BC provide clear delineation of the responsibilities of LG's in relation to the implementation of these processes.
- 2) Provincial funds should be allocated to recover costs incurred by CFA's undertaking necessary engagement and supporting the government's responsibility to consult and engage in long-term sustained relationships with First Nations. Province should follow through on full accommodation

KEY MESSAGES:

Local government responsibilities with respect to provincial legislation on the UN Declaration

- Reconciliation is an ongoing commitment that includes engaging as partners in ways that respect the rights of Indigenous peoples. A key step forward is introducing provincial legislation on the UN Declaration in Fall 2019.
- Local governments like the District of Logan Lake are fundamental to reconciliation and the Province supports local government reconciliation as evidenced by:
 - the 2018 MOU with UBCM to advance local reconciliation efforts; and,
 - coordination by the Ministry of Municipal Affairs and Housing for provincially funded Community-to-Community (C2C) forums between First Nations and local government.
- Work underway by local government to build relationships with neighbouring First Nations is aligned with Provincial reconciliation efforts.
- The Ministry values its relationship with the District of Logan Lake and recognizes the importance of engaging with local government following introduction of the legislation.
- Meaningful reconciliation takes time, but we're committed to creating a predictable path forward for everyone.

Provincial funding for District of Logan Lake engagement with First Nations on Community Forest

- Costs incurred by the District of Logan Lake engaging with neighbouring First Nations regarding the Community Forest are associated with operating the Community Forest.
- A Business-to-Business Agreement with neighbouring First Nations is undertaken at the discretion of Community Forest.
- The Province has a duty to consult and where required accommodate First Nations whenever a decision or activity, such as the cutting permit application for a Community Forest Agreement, could impact treaty rights or asserted or established Aboriginal rights and title.
- If the District of Logan Lake requires guidance the Province suggests reviewing the public guidelines for proponents on consulting with First Nations, and engaging with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development's (FLNRORD) Thompson Rivers Natural Resource District in Kamloops at 250-371-6500 or ThompsonRiversDistrict@gov.bc.ca.

BACKGROUND:

Provincial legislation on the UN Declaration

- Goal 1, Action 1 of the *Concrete Actions* from the 2015 *Commitment Document* commits BC and the First Nation Leadership Council (FNLC) to co-develop provincial UN Declaration legislation that is aligned with federal Bill C-262 – a private member's bill that recently failed to pass the Senate.
- BC and FNLC are collaboratively developing legislation for introduction by Fall 2019. The legislation contains the core elements of former federal Bill C-262:
 - Ensuring alignment of provincial laws with the Declaration (consistency provision);
 - Development and implementation of a provincial action plan; and,
 - Annual reporting requirements
- Additionally, the provincial legislation includes provisions that affirm the rights of Indigenous peoples to determine their governing bodies; recognizes Indigenous legal entities for the purposes of entering into agreements; and through agreement, enables BC and Indigenous Nations to make joint and/or consent-based decisions together, starting with the areas of environmental assessment and child welfare.
- The legislation will establish the UN Declaration as the foundation and pathway for Crown-Indigenous relations and reconciliation in BC.

Provincial funding for District of Logan Lake engagement with First Nations on Community Forest

- Key messages and background are informed by advice from FLNRORD Indigenous Relations unit. Additionally, MIRR notified the Thompson Rivers Natural Resource District First Nations Relations Manager John McQueen of this matter.
- The Province is responsible for consultation and if accommodation is applicable to a provincial decision that impacts First Nation rights or title, then the Province will accommodate as necessary. This is determined through consultation done by the Province c/o FLNRORD locally based First Nations Relations Managers.
- If the Community Forest Agreement (CFA) holder identifies the need to establish a relationship with a First Nation, costs associated with this work should be considered an investment in that relationship. The Province will provide information and support, as required, regarding the consultation process but will not compensate the CFA for these costs.
- The First Nation may be suggesting a Business-to-Business and/or revenue-sharing agreement which would be undertaken at the CFA's discretion.
- The Province provides information on consulting with First Nations at <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations>.

INCOMING REQUESTS:

Topic 1: UNDRIP Implementation

Background: See UBCM Resolution: WHEREAS BC announced legislation to implement UNDRIP; WHEREAS announcement did not specify details in relation to framework and process implementation; WHEREAS Local Governments (LG's) require clear delineation of their responsibilities where implementation of provincial legislation is concerned:

Request: BE IT RESOLVED BC provide clarity to LG's regarding implementation of UNDRIP processes and framework; AND THAT BC provide clear delineation of the responsibilities of LG's in relation to the implementation of these processes.

Topic 2: First Nations Accommodation

Background: DLL and its Community Forest are engaging with First Nations as obligations under the Community Forest License. Both organizations believe they have gone beyond these obligations as they recognize they can ill-afford a negative relationship with First Nations, whom are pushing for accommodation and associated agreements with the Forest. Accommodation discussions have a direct impact on Logan Lake, both economically and from a forest management/stewardship point of view. Both the District and the Forest feel it is the Province's responsibility, as the community forest is a provincial license on provincial crown land, to support our discussions with First Nations and, ultimately, bare the cost

Request: Provincial funds should be allocated to recover costs incurred by CFA's undertaking necessary engagement and supporting the government's responsibility to consult and engage in long-term sustained relationships with First Nations. Province should follow through on full accommodation

UBCM 2019 CONVENTION

MEETING: District of Sechelt

TOPIC: Foundation Agreement

REQUEST(s):

- 1) Update on implementation of the recommendations in the Foundation Agreement.

KEY MESSAGES:

- The successful implementation of the Foundation Agreement remains a key priority for the Provincial government, and I am pleased by the progress to date.
- I understand that my staff provided you with a helpful overview presentation on the Foundation Agreement back in April 2019, and that they are in regular contact with you and your staff and the Sunshine Coast Regional District regarding your interests in the lands proposed for transfer.
- As we work towards fulfilling the commitments outlined in the Foundation Agreement, we will continue to work with your municipality and the regional district to ensure identified interests are addressed.
- We share the vision of moving towards reconciliation in partnership and working together to develop a thriving community.

BACKGROUND/DISCUSSION/ISSUES:

- In October 2018 B.C. and *shíshálh* Nation (*shíshálh*) signed the Foundation Agreement (Agreement).
- Key components of the Agreement include a government-to-government working relationship, new decision-making structures for natural resource use, economic and socio-cultural investments, land use planning and the transfer of Crown land for economic and residential purposes.
- The Relationship and Implementation Forum (Forum), made up of representatives from *shíshálh*, MIRR and the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD), has been meeting regularly since the signing of the Agreement. A status update on major implementation initiatives is provided below:
- Foundation Agreement Land Transfers:
 - The Agreement, and associated Land Transfer Agreement, identify transferring three parcels of land in two phases. Deputy Ministers have approved the transfer of phase one lands, which include District Lot 7613 and portions of DL 2725 (together referred to as the Gravel Lands). Next steps include commissioning surveys of the land parcels and resolving identified interests on the land base.
 - Provincial staff have been working closely with local governments to address their interests on the Gravel Lands and phase two of the land transfers will be advanced later and will include the remainder of DL 2725 and DL 1592.
- Residential Lands:
 - The Agreement includes a commitment to attempt to identify and seek approval to transfer an additional 80 hectares of provincial Crown land within the *shíshálh* swiya (territory) suitable for residential purposes.

- Review of Crown land options has begun, and local government will be engaged throughout the selection process to understand their interests. s.12; s.13; s.16
- Land Use Planning:
 - The joint B.C.-shíshálh land use planning table is collaboratively building a five-year workplan and initiating contracts for baseline studies to provide a foundation for developing informed and defensible management objectives. s.16
 - The stakeholder and public engagement strategy is being guided by principles outlined in the 2018 Memorandum of Understanding signed between the province of BC and UBCM. The proposed strategy will ensure early notice, ongoing information exchange and it will provide due consideration of local government interests. Draft documents are anticipated late fall/winter, 2019 with initial engagement beginning in 2020.
- Shared Decision-Making:
 - The Agreement establishes a joint B.C.-shíshálh working group and board who together review natural resource related applications within the shíshálh swiya. Since being established as a pilot in 2017, the shared decision-making framework has been working successfully for forestry decisions. Recently, *Land Act* dock authorizations have been included in the shared decision-making framework.
 - The Agreement commits the Province to including all forms of natural resource-related authorizations by October 2022. To achieve this objective, the Forum has developed a draft inclusion strategy to stagger the inclusion of all provincial legislation.
- Consent-based Decision Making:
 - The Agreement includes a commitment to negotiate and attempt to reach agreement on consent-based decision-making pilot areas that could be implemented in relation to land and resource decisions in the shíshálh swiya under existing provincial legislation. Early, exploratory discussions have begun with the parties focusing on determining the feasibility of such an approach. s.13; s.16
 - If the Parties reach consensus on a proposed consent-based approach related to specific topic areas, MIRR and FLNRORD would return to Cabinet to seek a mandate to implement the proposed approach. If consent-based decision making is pursued, extensive outreach with affected line agencies, local government, stakeholders and neighbouring First Nations would be required.
- Socio-cultural Initiatives:
 - Following the signing of the Agreement, shíshálh was provided with \$950,000 to support a range of socio-cultural initiatives. A socio-cultural working group has been focused on the development of a strategic plan for language and cultural revitalization, the development of health policies to enhance service delivery, and the development of a strategic education plan for all K-12 shíshálh learners.
- In 1986, shíshálh became the first self-governing Nation in Canada through the *Sechelt Indian Band Self-Government Act*, which provided for Provincial law-making authority over shíshálh Band Lands and provided shíshálh with a comparable legal standing to that of a municipality.
- The self-governing legislation provided shíshálh with the legal right to enter contracts, sell or dispose of property, pass certain laws, own, administer and manage its lands (the former Indian Reserves), tax and other responsibilities.
- shíshálh is a full voting member of the Sunshine Coast Regional District (SCRD) and holds one director seat on the nine-member Board.

INCOMING REQUEST:

Topic 1: Foundation Agreement

Background: A Foundation Agreement between the shíshálh Nation and the Province of BC was signed last October. This was the first agreement of its kind in BC. The District of Sechelt is situated on the unceded homeland of the shíshálh Nation. We want to support the shíshálh and the Province with successful implementation of the recommendations in the Foundation Agreement. Through reconciliation and partnerships we will develop a thriving community together.

Request: Update on implementation of the recommendations in the Foundation Agreement.

UBCM 2019 CONVENTION

MEETING: City of Campbell River

TOPIC: First Nations Treaty Negotiations

REQUEST(s):

- 1) The City respectfully requests funding assistance to preserve the Big House Pavilion.
- 2) The City respectfully asks for the opportunity to discuss how treaty negotiations are taking place and the process of local government consultation/engagement.

KEY MESSAGES:

- The Province values input from local government partners in the treaty process and is making efforts to ensure that meaningful opportunities exist for Local Government engagement in the negotiations.
- Our negotiators will follow up with you to arrange ongoing updates and further opportunities to provide input.
- Renovations to the Big House Pavilion in Ostler Park, within the city of Campbell River is outside of the scope of our Ministry however my staff can facilitate contacts with the Ministry of Community, Sport and Cultural Development or the Ministry of Tourism, Arts and Culture.

BACKGROUND/DISCUSSION/ISSUES:

The City wishes to discuss treaty negotiations and local government's role in consultation/engagement. There are three First Nations bands involved in the treaty process (all recently progressed to Stage 5) located inside the City boundary and Council anticipates increased infrastructure needs may arise from the negotiations. City of Campbell River is keen to receive ongoing updates, and opportunities for consultation and engagement as the treaty negotiations unfold.

MIRR Negotiators responsible for relevant negotiations have met with Mayor and Council of the City of Campbell River and with Strathcona Regional District Board of Directors and Indigenous Relations Committee in the past, and continue to do so. It is expected that these engagements will continue and increase in frequency now that three First Nations near Campbell River have moved into Stage 5 negotiations.

In July 2019, the Strathcona Regional District provided a list of treaty table assignments for various Regional District members to the Ministry. They suggested that these members be included as Treaty Advisory Committee members on each of the Provincial treaty negotiation teams active within the Strathcona Regional District boundaries. Local governments are an important part of the province's negotiating team and receive ongoing updates and opportunities to provide input as negotiations unfold.

The Treaty Advisory Committee members will receive invitations to a general treaty orientation session shortly, followed by specific table invitations provided by the appropriate provincial negotiation teams.

Incoming Request:

Topic #1: Ostler Park Big House Pavilion

Background: The City seeks funding to preserve its landmark Big House Pavilion, located in Ostler Park. Carved in 1972 by local indigenous artists, the heritage Big House pavilion features carved timbers and totems. It provides significant cultural value to our downtown park and is a key downtown tourist destination. This impressive structure is, unfortunately, becoming a safety liability, and must be dismantled if funding cannot be found to refurbish it.

Request: The City respectfully requests funding assistance to preserve the Big House Pavilion

Topic #2: First Nations Treaty Negotiations

Background: The City wishes to discuss First Nations treaty negotiations and local government's role in consultation/engagement. With three First Nations bands located inside the City boundary, Council anticipates increased infrastructure needs may arise as a result of the negotiations, and is keen to receive ongoing updates, and opportunities for consultation and engagement as the treaty negotiations unfold.

Request: The City respectfully asks for the opportunity to discuss how treaty negotiations are taking place and the process of local government consultation/engagement.

UBCM 2019 CONVENTION

MEETING: Town of Ladysmith (Ladysmith) and Stz'uminus First Nation (Stz'uminus)

TOPIC: Town of Ladysmith Waterfront Area Plan & Harbour Restoration

REQUEST(s):

- 1) The Town of Ladysmith and Stz'uminus First Nation respectfully request the assistance of Premier Horgan and the Province in discussions related to s.16 reconciliation and community impacts.

KEY MESSAGES:

- Thank-you for sharing the current interests and status of the Ladysmith Waterfront Area Plan; proposed Ladysmith Harbour restoration; and, Stz'uminus/ Ladysmith partnership efforts ("Itst uw'hw-nuts' ul-wum/we are working as one").
- I met with Stz'uminus in mid-June and I am very excited to see parts of their reconciliation interests moving forward in concert with Ladysmith.
- I applaud Stz'uminus and Ladysmith collaboratively working together and I look forward to seeing where this collaboration will take you. Your efforts are a wonderful example for all British Columbians showing how communities can work together in the spirit of reconciliation.

BACKGROUND/DISCUSSION/ISSUES:

- Ladysmith's Waterfront Area Plan was adopted through Bylaw 1950 (Official Community Plan Amendment) in May 2019 and was developed in partnership with Stz'uminus.
- Representatives from Ladysmith and Stz'uminus wish to provide an update on their current interests and status of: the Town of Ladysmith Waterfront Area Plan; the proposed Ladysmith Harbour restoration; and partnerships between Stz'uminus and Ladysmith.
- Ladysmith's Waterfront Area Plan builds on a shared vision of the waterfront as the place where people come together as one ("Itst uw'hw-nuts' ul-wum"). This joint project includes working together in the context of remediation and development of the Ladysmith waterfront area and the opportunity for the Province to be involved in discussions related to s.16 reconciliation and the impacts on local communities.
- The Waterfront Implementation Committee was formed to support resolutions by both the Stz'uminus and the Ladysmith Councils. Three representatives from each Council appointed to the Committee will advise and make recommendations on waterfront implementation items to each Council.
- s.13; s.16

Attachments 1: Ladysmith Harbour Concept Plan

INCOMING REQUESTS:

Topic #1: Town of Ladysmith Waterfront Area Plan & Harbour Restoration

Background: Ladysmith's Waterfront Area Plan builds on a shared vision of our waterfront as the place where Stz'uminus & Ladysmith neighbours come together as one. This joint project includes working together in the context of remediation and development of the Ladysmith waterfront area and the opportunity for the Province to be involved in discussions related to s.16 reconciliation and the impacts on our local communities.

Request: The Town of Ladysmith and Stz'uminus First Nation respectfully request the assistance of Premier Horgan and the Province in discussions related to s.16 reconciliation and community impacts.

UBCM 2019 CONVENTION

MEETING: Village of Queen Charlotte

TOPIC: Haida Reconciliation Request to rename the Village of Queen Charlotte to Daajing Giids Ilnagaay

REQUEST(s):

- 1) The Village requests support from the Province to enter into these discussions in a meaningful way that will not negatively impact the finances of the municipality, and financial/other forms of support from the Province for our businesses and residents should the renaming be approved.

KEY MESSAGES:

- Legally renaming the Village of Queen Charlotte is a big step, with significant implications and moving this item forward should take a pace that allows everyone to understand and be part of the process.
- It will be important to develop a process that takes the time required to ensure that we honour both the Haida culture and heritage of the village.
- Within the development of the process, it might be prudent to look at a phased approach or using both names as a start.
- The Ministry of Indigenous Relations and Reconciliation would like to thank the Village of Queen Charlotte/Daajing Giids Ilnagaay for its forward thinking and understands that being on the frontlines of reconciliation can cause community tensions. Taking the time to allow for discussion, analysis of implications and giving people the time and understanding will assist.

BACKGROUND/DISCUSSION/ISSUES:

- The Village of Queen Charlotte was approached by s.16 working to maintain the Haida Language and was asked to change their village name from the Village of Queen Charlotte to Daajing Giids Ilnagaay, which was the original Haida name of the area.
- The Village of Queen Charlotte is in the process of assessing this request.
- The request has created a rift in the community, with those supportive of the name change and those who want to take the time necessary to analyze the implications and feelings around the loss of the Villages identify and heritage that comes with their current name.
- Under the TRC calls to action, the government has a responsibility to provide sufficient funds for language revitalization and preservation. Under Article 13.1 of the UNDRIP indigenous peoples have the right to designate/retain their own community names.
- As the Province and the Haida Nation moves reconciliation forward, it will be important that the non-Haida communities on Haida Gwaii have the time to better understand and the time to adjust to the outcomes of reconciliation. The approach to s.16 on current reconciliation processes.

- Taking time and developing a phased approach to these types of requests and opportunities on Haida Gwaii will allow the adjustment to the future.
- The Minister suggests that the village work with Leonard Munt to look at opportunities and options around working together.

INCOMING REQUEST:

Topic #1: Haida Reconciliation Request to rename the Village of Queen Charlotte to Daajing Giids Ilnagaay

Background: The Village received a request from the S.16 to begin discussions to respectfully give back our name and restore the ancestral name of Daajing Giids Ilnagaay, and a resolution from the Council of the Haida Nation explaining the rationale for giving back colonial names. There will be costs to consider this request. If the renaming goes forward, there will also be significant costs to local businesses, and individual residents. Under the TRC calls to action, the government has a responsibility to provide sufficient funds for language revitalization and preservation. Under Article 13.1 of the UNDRIP indigenous peoples have the right to designate/retain their own community names.

Requests: The Village requests support from the Province to enter into these discussions in a meaningful way that will not negatively impact the finances of the municipality, and financial/other forms of support from the Province for our businesses and residents should the renaming be approved.

UBCM 2019 CONVENTION

MEETING: Tsawwassen First Nation

TOPIC: Cost of Policing

REQUEST(s):

- 1) TFN seeks support from the Premier, Minister of Finance, Minister of Public Safety and Solicitor General, and Minister of Indigenous Relations and Reconciliation to bring this long-standing issue to resolution, and seeks that the Province commit to funding 50% of the cost of TFN's police service.

KEY MESSAGES:

- Thank you for raising this matter with me. Policing is a matter for the Public Safety and Solicitor General. I understand TFN has brought this matter forward for his consideration and I will let him know that you have raised this matter with me as well.

BACKGROUND/DISCUSSION/ISSUES:

Tsawwassen First Nation (TFN) has been purchasing police services from the Corporation of Delta (Delta) and the Delta Police Board since they signed an agreement in 2007^{s.16}
s.16

s.13; s.16

Municipalities and Treaty First Nations with a population under 5,000 without a police force are provided police services by the RCMP under the Provincial Police Service Agreement through the *Police Act*.



Incoming Request:
s.16

Tsawwassen First Nation Joint Meeting with MoIRR

Attending: Chief Ken Baird, Acting Chief Administrative Officer Adrian Gibson, Executive Councillor Steven Stark, Acting Manager of Intergovernmental Affairs Tejas Madhur, Executive Councillor Valerie Cross-Blackett



*Ken Baird,
Chief*

TOPIC TO BE DISCUSSED: Tsawwassen First Nation (TFN) policing costs (PSB)

[Note to Minister: See attached for Ministry of Indigenous Relations and Reconciliation's meeting note.]

BACKGROUND SUMMARY: TFN is again requesting the Province to contribute 50% (over \$1M per year) of the costs of their policing agreement with the City of Delta for Delta PD to provide policing to TFN instead of having the RCMP provide policing under the Provincial Police Service Agreement (PPSA).

RECOMMENDED MINISTRY'S RESPONSE/POSITION:

- The Province has many community safety priorities including policing and limited resources in which to meet those priorities.
- There are First Nation communities across the province that require assistance addressing their community safety concerns. Those communities that are identified as having the most need will be given priority if resources become available.

BACKGROUND:

- TFN met with the Minister at UBCM 2018 and discussed this topic as well as the topic of supports for emergency planning. Attached is the Minister's meeting follow up letter.
- TFN entered into a policing agreement with Delta in 2006 for police services when it was not satisfied with the service provided by the RCMP Provincial Service.
- In 2014, TFN renegotiated its agreement with Delta which saw a significant increase in costs. TFN agreed that policing service fees would be calculated by applying the identical rate to TFN lands that the City of Delta applies to properties in Delta. At that time, TFN wrote to then Justice Minister Anton requesting the Province fund 50% of these costs. This was significantly higher than if TFN were policed by the RCMP Provincial Service.
- There is no requirement under the *Police Act* for the Province to provide funding to a Treaty First Nation which enters into an agreement with a municipality to receive police services.
- All other First Nation communities which the Province provides policing services for are policed by the RCMP Provincial Service.

- Note: The Ministry of Indigenous Relations and Reconciliation (MoIRR) has been renegotiating TFN's Fiscal Financing Agreement (FFA) and have been asking for updates from PSB staff on the funding request made by TFN regarding their Police Service Agreement. TFN has asked MoIRR to have a Police Service expert attend their FFA meetings to discuss/respond to the funding request.

OTHER MINISTER'S MEETINGS, ISSUES, COMMITMENTS OR CORRESPONDENCE:

- The Minister recently wrote to Chief Baird on August 15, 2019, regarding modernizing the Emergency Program Act. Attached is the Minister's letter.

Contact: Jacqueline Davies (PSB)

Phone: 778-698-7786

Date: August 20, 2019



October 16, 2018

Mr. Richard Zerr
Chief Administrative Officer
Tsawwassen First Nation
1926 Tsawwassen Drive North
Tsawwassen BC V4M 4G4

Dear Mr. Zerr:

We would like to thank you for such an informative meeting at this year's Union of British Columbia Municipalities (UBCM) Convention in Whistler. We are writing to follow up on our discussion regarding police services on Tsawwassen First Nation land and supports for emergency planning.

The policing needs of your community and current police service are both unique and complex. Let me assure you that ministry staff continue to work on this matter and as discussed we hope to have a decision for you prior to the First Nations Summit in November.

On the topic of First Nation Policing Program (FNPP) discussed during the meeting, ministry staff have advised us that Tsawwassen First Nation is part of the program and has a quadripartite agreement between Tsawwassen First Nation, City of Delta, Canada and the Province which provides enhanced, dedicated policing to Tsawwassen First Nation. The Delta Police Department officer responsible for delivering this program is Constable Mike Grandia, and we are advised that the work he undertakes with the community as part of this program is considered a best practice across Canada.

Ministry staff have also been working closely with your staff to develop a longer term agreement under the FNPP. We would like to encourage you to submit an application to the "Invitation to apply for new officers under the First Nations Policing Program" sent out by Public Safety Canada on September 17, 2018, which may enable Tsawwassen First Nation to obtain additional resources under the FNPP. Should you have any questions regarding the application process, you can contact Ms. Jacqueline Davies, Senior Program Manager, Policing and Security Branch at 250-356-7910 or by email at Jacqueline.Davies@gov.bc.ca and she will be able to assist you.

.../2

We are pleased to hear that Tsawwassen First Nation will be building the new youth centre to a high earthquake standard. Should the new youth centre be used in any way as an Emergency Operation Centre, you may wish to explore the Community Emergency Preparedness Fund (CEPF) as a possible funding option.

- CEPF is a suite of funding programs intended to enhance the resiliency of local governments and their residents in responding to emergencies. CEPF is administered through UBCM. The next application deadline for the Emergency Operations Centre stream will be on February 1, 2019. Please visit the CEPF website: www.ubcm.ca/EN/main/funding/lgps/community-emergency-preparedness-fund.html for application details and more information.

Other possible funding sources are as follows:

- The Federal Disaster Mitigation and Adaptation Fund (DMAF). This is a 10-year, \$2 billion national program designed to help communities better withstand current and future risks of natural hazards. This fund will support large-scale infrastructure projects with a minimum cost of \$20 million. Please monitor Infrastructure Canada's DMAF website: www.infrastructure.gc.ca/dmaf-faac/index-eng.html for information on future intakes.
- The Rural and Northern Communities (RNC) Program is a component of the wider Investing in Canada Infrastructure Program, which supports infrastructure projects in communities across the province with populations of 25,000 or less. For more information, please visit the RNC website: www2.gov.bc.ca/assets/gov/driving-and-transportation/funding-engagement-permits/grants-funding/investing-in-canada/rnc-program-guide.pdf.
- The Community, Culture and Recreation Infrastructure (CCR) Program is a component of the wider Investing in Canada Infrastructure Program, which also supports infrastructure projects in communities across the province. For more information, please visit the CCR website: www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/funding-grants/investing-in-canada-infrastructure-program/community-culture-recreation.

For more information on applicable funding programs, please feel free to contact Mr. Jesal Shah, Director, Disaster Mitigation Branch, at Jesal.Shah@gov.bc.ca. In addition, there is a list of applicable funding programs on Emergency Management BC's website: www2.gov.bc.ca/gov/content/safety/emergency-preparedness-response-recovery/emergency-management-bc/bc-disaster-mitigation/flood-mitigation-funding-programs.

.../3

Mr. Richard Zerr
Page 3

We appreciate opportunities to hear the views of local governments and share information.
Thank you again for a very informative meeting.

Sincerely,



Mike Farnworth
Minister of Public Safety
and Solicitor General



Jennifer Rice
Parliamentary Secretary
for Emergency Preparedness

pc: Mr. Clayton Pecknold
Ms. Madeline Maley
Mr. Jesal Shah

Davies (PSB) Jesal Shah (EMBC)/547781

August 15, 2019

Chief Ken Baird
Tsawwassen First Nation
Email: kenbaird@tsawwassenfirstnation.com

Dear Chief Baird:

I am writing to advise you that the Province is in the process of modernizing the *Emergency Program Act* (EPA) with the intent of having new legislation tabled in the Legislative Assembly in fall 2020 and implemented in 2021.

Beyond the requirements of the terms of the Tsawwassen First Nation Final Agreement, the Province views this initiative as a generational opportunity to further reconciliation in developing emergency management legislation that reflects shared values, principles, and approaches among our communities.

We are still in the early stages of the project but would like to offer an opportunity to meet with Tsawwassen First Nation's representatives to provide background information regarding this initiative, its scope, and your insights into your nation's emergency management. As well, we would like your advice on how the Tsawwassen First Nation would like to be involved in the EPA modernization consultation process, which will be launched this fall.

Please contact Monica Cox, Executive Director of Strategic Partnerships at Emergency Management BC (EMBC). Monica can be reached at by phone at: 250-952-4537 or by email at: Monica.Cox@gov.bc.ca.

I very much appreciate your perspective in this critical area of public policy and I look forward to our engagement.

Sincerely,

Original signed by:

Mike Farnworth
Minister of Public Safety
and Solicitor General

pc: Tejas Madhur
Nedinska Donaldson, Implementation Director, Ministry of Indigenous Relations and Reconciliation
Lori Halls, Deputy Minister, EMBC
Monica Cox, Executive Director, EMBC

557611

2019 CONVENTION

MEETING: Central Coast (Regional District)

TOPIC: Follow Up to 2018 UBCM Resolution "Financing Reconciliation: Solutions for Local Communities"

REQUEST(S):

- 1) Update to Minister's.

KEY MESSAGES:

- The Ministry has had a long-standing relationship with local government and recognizes the importance of ensuring local government is actively involved and understands opportunities to advance indigenous reconciliation at the local level.
- British Columbia is committed to transform its approach to reconciliation through the implementation of the principles of the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission of Canada: Calls to Action.
- Given the potential constitutional implications regarding federal jurisdiction for First Nations-related transfer payments, any provincial role and involvement in this matter would need to be carefully considered by the Province.
- Through the Ministry of Municipal Affairs and Housing (MAH), the Community to Community Forum Program (C2C) funding may help interested local governments and their First Nations neighbours to explore financing reconciliation and potential ways to move forward.
- Other key parties would also need to be part of any thoughtful exploration of financing reconciliation including the federal government, UBCM, MAH and the Ministry of Finance.
- Through the 2018 memorandum of understanding with UBCM, the Province provides advisory assistance to local government on how to approach and engage First Nations to advance reconciliation at the local level.
- The Province acknowledges the efforts you are making to seek solutions in advancing indigenous reconciliation at the local level.

BACKGROUND/DISCUSSION/ISSUES:

- Central Coast Regional District (CCRD), Regional District of Alberni-Clayoquot (RDAC), and members of several First Nations were instrumental in putting together a Financing Reconciliation all day workshop at this year's UBCM convention, September 23, 2019: *First Nations and Local Governments Inclusive Governance in B.C: That We May Be Good People Together*.
- The workshop followed up on a 2018 UBCM resolution and panel presentation on financing reconciliation. The 2018 resolution carried nearly unanimously, and the panel presentation was highly successful. This year's 2019 workshop explored the history and principles behind the resolution and solutions moving forward.

- Previously, the CCRD has asked the Province to support an audience with the federal government to ask them to commit to investigate providing equalization grants to local governments which provide shared or overlapping municipal-like local services to First Nation Reserve communities.
- This issue was first raised with both the Honourable Scott Fraser, Minister of Indigenous Relations and Reconciliation, and the Honourable Selina Robinson, Minister of Municipal Affairs and Housing, at the 2017 UBCM Convention.
- In 2018, as follow-up to the meeting at UBCM Minister Fraser spoke to the Honourable Carolyn Bennett, federal Minister of Crown-Indigenous Relations and Northern Affairs, providing her a copy of the resolution.
- Since 1999, local governments, First Nations and Indigenous organizations have participated in nearly 630 events across the province at an average grant amount of \$2,100 per forum. In the past 10 years, 85% of the events identified relationship building as the primary outcome. Many events have resulted in the parties signing memorandums of understanding, protocol agreements, accords and service agreements. In the past year, program scope was augmented to encourage reconciliation events and to also enable staff level events.
- The C2C Forum Program, funded by the Province and Federal Government and administered by UBCM and the First Nations Summit, is the primary source of funding available to local governments and First Nations to foster relationship building; applications from local governments and First Nations for funding under the program are accepted by the Union of BC Municipalities (UBCM) twice a year.

INCOMING REQUEST:

Topic 1: In 2018, CCRD submitted a resolution to UBCM entitled "Financing Reconciliation: Solutions for Local Communities" and also gave a panel presentation on the topic. The resolution carried nearly unanimously, and the panel presentation was highly successful. This year, at the request of the UBCM membership, CCRD and ACRD are presenting jointly with members of several First Nations and experts to explore the history and principles behind the resolution and solutions moving forward. This presentation, titled First Nations and Local Governments: Inclusive Governance in BC "That We May Be Good People Together" will be a morning Community to Community Forum, and an afternoon technical workshop.

Background: CCRD and ACRD would like to update the Minister on their progress with advocacy since CCRD brought the ideas inherent to their resolution forward to her during UBCM in 2017 and 2018. As well, both boards are requesting that the Minister seriously consider a pilot project related to the resolution.

2019 UBCM CONVENTION – Minister's Briefing Note

Joint Meeting with Ministers James and Fraser

Minister's Meeting with the Central Coast Regional District

Population 3,319

Same issue discussed at Convention in 2018

TOPIC: Financing Reconciliation: Solutions for Local Communities

RECOMMENDED COMMENTS:

- Thank you for your update on this matter. I will ask staff, lead through Tara Faganello, ADM Local Government Division, to review this in more detail and report back to me on ideas for a path forward.
- I also acknowledge the efforts you are making to seek solutions. Our government has made reconciliation a government-wide priority. As we work together to address challenges, we recognize that some of those challenges are around financing reconciliation.
- Ministry of Municipal Affairs and Housing (MAH) staff attended the September 23, 2019 Financing Reconciliation session, where challenges posed by the current fiscal framework between the provinces and the federal government, and solutions to advance reconciliation were explored. They will be taking back what they heard from communities for further Provincial discussion.
- Further discussion on this topic needs to recognize that other key parties also need to be part of any thoughtful exploration of financing reconciliation – including the federal government. As well, I know that the Union of British Columbia Municipalities (UBCM) has a clear interest and within the provincial government, both the ministries of Indigenous Relations and Reconciliation and Finance would need to be involved.
- The Province of British Columbia remains committed to the implementation of the Truth and Reconciliation Calls to Action and the commitments in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). As we discussed previously, given the potential constitutional implications regarding federal jurisdiction for First Nations-related transfer payments, any provincial role and involvement in this matter would need to be carefully considered by the Province.
- Community to Community Forum Program (C2C) funding may help interested local governments and their First Nations neighbours to explore financing reconciliation and potential ways to move forward. MAH continues to provide financial support to the C2C program and is happy that the program's scope was augmented to encourage reconciliation events.
- The Pathways to Collaboration initiative is showcasing a number of successful economic development collaborations and partnerships between First Nations and local governments, while highlighting lessons learned and key steps to success. I hope the stories shared from this joint initiative of UBCM, the Province and First Nations Summit, with funding from the Indigenous Business Investment Council, will help inspire communities to envision pathways to success.
- Brent Mueller, Director, Governance Relations, is attending Convention and would be pleased to meet with you to discuss this issue in greater detail. Please see the Provincial Appointment Desk staff here at Convention for possible meeting times or contact information.

- Central Coast Regional District (CCRD), Regional District of Alberni-Clayoquot (RDAC), and members of several First Nations were instrumental in putting together a Financing Reconciliation all day workshop at this year's UBCM convention, September 23, 2019 – First Nations and Local Governments Inclusive Governance in B.C: That We May Be Good People Together.
- The workshop followed up on a 2018 UBCM resolution and panel presentation on financing reconciliation. The 2018 resolution carried nearly unanimously, and the panel presentation was highly successful. This year's 2019 workshop explored the history and principles behind the resolution and solutions moving forward.

UBCM 2019 CONVENTION

MEETING: City of Quesnel

TOPIC: Indigenous Cultural Centre & T̓silhqot̓in Memorial Pavilion

REQUEST(s):

1) Mayor and Council would like to request MIRR support in confirming success in securing federal funding for an Indigenous Cultural Centre and provide background to work with TNG.

KEY MESSAGES:

- The Ministry is pleased to see the City of Quesnel continues to work proactively on two separate cultural projects with both the Lhtako Dene Nation and the T̓silhqot̓in Nation.
- We encourage the City of Quesnel to continue to work with Lhtako Dene on the Indigenous Cultural Centre and the transfer of Ceal Tingley Park and will inquire on the timing of funding decision federally.
- The Ministry is supportive of a more appropriate commemorative site for the T̓silhqot̓in Chiefs that were wrongfully hanged and will work with our partner agencies to identify any potential funding support.

BACKGROUND:

The City of Quesnel is interested in discussing two separate items:

1. Indigenous Cultural Center which involves the transfer of Ceal Tingley Park to Lhtako Dene. Lhtako Dene has applied to Infrastructure Canada and the Invest in Canada Infrastructure Grant under the Rural and Northern Communities stream. Mayor Bob Simpson is requesting MIRR support to get the results of the grant before the federal writ drops.
2. Mayor Bob Simpson would like to provide an update on the City of Quesnel's work with the T̓silhqot̓in National Government (TNG) to develop a more appropriate commemorative site at the burial site of the T̓silhqot̓in Chiefs.

Indigenous Cultural Center (Lhtako Dene Nation)

At the 2017 and 2018 UBCM, Mayor Simpson highlighted the proactive work that Quesnel continues to undertake with Lhtako Dene on a plan for an Indigenous cultural centre at the confluence of the Quesnel and Fraser Rivers. In early 2019, the Quesnel City Council announced plans to return the land at Ceal Tingley Park to Lhtako Dene Nation.

Through grant funding, the City of Quesnel has worked with Lhtako Dene to develop a business case and pre-design drawings for the Centre. The transfer of land ownership will occur once funding is in place for the project. Currently, the City is awaiting a status update from the Invest in Canada Infrastructure Grant Program under the Rural and Northern Communities Stream that Lhtako Dene have applied for that would see this project fully funded. Final decisions are anticipated in late 2019.

Pavilion (Tsilhqot'in Nation)

The City of Quesnel is working with the Tsilhqot'in National Government, Lhtako Dene Nation, and Northern Health to develop a more appropriate commemorative site at the location of the Tsilhqot'in Chiefs burial site near the GR Baker Memorial Hospital helipad.

On October 26, 2018, the Tsilhqot'in National Government held Lhat'as'in Memorial Day in Quesnel, to honour the 6 Tsilhqot'in War Chiefs who were wrongfully arrested, tried and hanged for murder on October 26, 1864. The Chiefs were exonerated of any wrongdoing by the Prime Minister of Canada in March 2018.

The Pavilion is a long-term vision (after 2021) as an upgrade to the Hospital will happen before the Pavilion is built. The City of Quesnel in conjunction with Northern Health have plans to fence the burial site while construction on the hospital is occurring and is looking for support from MIRR on fencing the site.

Other Possible Discussions (Southern Dakeh Nation Alliance (SDNA))

The Southern Dakeh Nation Alliance (SDNA) and the Province of British Columbia (BC) celebrate their continued work together implementing the *Hubulhsooninats'Uhoot'alh: Foundation Framework Agreement*, signed in July 2018. The Foundation Framework Agreement lays out a foundation for building comprehensive reconciliation.

Since signing the Foundation Framework Agreement, BC and the SDNA have made progress on key priorities, s.16

They are working, along with the Government of Canada, on a concept for a Nation Centre to promote governance, nation building, and health and wellness priorities. s.16

s.16

Incoming Request:

Topic #1: Indigenous Cultural Centre & Tsilhqot'in Memorial Pavillion

Background: The City of Quesnel has been working proactively on two separate cultural projects that we would like to bring the Minister up to date on: a proposed Lhtako Dene Cultural Centre at the confluence of the Quesnel and Fraser Rivers, and a proposed Tsilhqot'in Chiefs Memorial Pavillion at the location where the Chiefs were buried after being hanged in Quesnel

Request: Mayor and Council would like to request MIRR support in confirming success in securing federal funding for an Indigenous Cultural Centre and provide background to work with TNG.

UBCM 2019 CONVENTION

MEETING: Islands Trust

TOPIC: Reconciliation and First Nation Engagement, Policy Statement Amendment
Engagement

Request(s):

- 1.) Islands Trust Council seeks funding and guidance from MIRR to assist in the meaningful engagement with First Nations government and communities on the Islands Trust Policy Statement Amendment process to ensure the policy statement is reflective of guiding principles, recognition and reconciliation.
- 2.) Islands Trust Council seeks funding and guidance from MIRR to assist in the meaningful engagement with First Nations government and communities on the Islands Trust Policy Statement Amendment process to ensure the policy statement is reflective of guiding principles, recognition and reconciliation.

KEY MESSAGES:

- MIRR has a long-standing relationship with local governments and recognizes the importance of engaging local government in reconciliation activities.
- Through the Ministry of Municipal Affairs and Housing, the Province provides some support for local governments to advance its own reconciliation with First Nations through the Community to Community (C2C) Forum Program. Applications from local governments and First Nations for funding under the program are accepted by the Union of BC Municipalities (UBCM) twice a year.
- Through the 2018 memorandum of understanding with UBCM, the Province provides advisory assistance to local government on how to approach and engage First Nations to advance reconciliation at the local level.
- Local government's day to day relationship building with neighboring First Nations should be considered part of their existing role and responsibilities.
- The Ministry values its relationship with Islands Trust and recognizes the importance of ensuring local government is actively involved and understands the Indigenous reconciliation work that is being undertaken.

BACKGROUND/DISCUSSION/ISSUES:

- Most recently, the Islands Trust Council adopted the Islands Trust Reconciliation Action Plan (RAPlan) 2019-2022 and began work towards amending the Islands Trust Policy Statement.
- Islands Trust is seeking funding and guidance from MIRR to assist in the implementation of the RAPlan 2019-2022 and meaningful engagement with First Nations on the Islands Trust Policy Statement.

- The Province established the Islands Trust in 1974 and encompasses 13 major islands and more than 450 smaller islands covering approximately 5200 square kilometers of land and water within the Salish Sea (map attached).
- About 26,000 people live on these islands and another 10,000 people are non-resident property-owners.
- The Trust Area overlaps with the traditional territories of about 30 First Nations and the Islands Trust Council has expressed a desire to develop sincere and genuine relationships with area First Nations.
- s.12; s.13; s.16
- s.12; s.13; s.16

Attachments: 1. Islands Trust Reconciliation Action Plan 2019 - 2022
2. Islands Trust Area Map

Incoming Request:

Topic 1: Reconciliation and First Nations Engagement

Background: Trust Council passed a Reconciliation Declaration and Reconciliation Action Plan 2019-2022. We now seek to implement this mandate to advance recognition and reconciliation and support the work of this government in the principles of UNDRIP and the TRC. We seek to prioritize and undertake concrete steps to work collaboratively with First Nations within the Islands Trust Area to inform our mandate to preserve and protect the area for all British Columbians. First Nations communities have expressed to Council the requirement for our agency to educate and inform our constituents on recognition and reconciliation, as well as ensure our policies and processes are informed through FN engagement.

Topic 2: Islands Trust Policy Statement Amendment Engagement

Background: Islands Trust Council began the work reviewing, with the purpose of amending the Islands Trust Policy Statement, developing an engagement plan for community and meaningful First Nations engagement. The amendment will ensure the Policy Statement is informed by First Nations government and community since previous amendments were not inclusive of recognition or reconciliation. To fulfill the mandate of UNDRIP and the Draft Principles that Guide the Province of BC Relationship with Indigenous Peoples Islands Trust Council undertakes this central work to amend the Islands Trust Policy Statement and strength the mandate to preserve and protect this vital area so important to Coast Salish Peoples.



May 30, 2019

*Reconciliation Action Plan
2019 – 2022*



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UBCM 2019 CONVENTION

MEETING: Regional District of Fraser Valley

TOPIC: Stó:lō Xwexwilmexw Treaty Association Treaty regarding land claims

REQUEST(s):

- 1) Would like to discuss SXTA Treaty and the land claims in Area E

KEY MESSAGES:

- The B.C. government is committed to keeping community members and stakeholders informed and involved during the negotiation process, with opportunities to engage, ask questions and provide feedback.
- B.C. wants to build agreements with First Nations that are understood and supported by communities, local governments, industry and other Indigenous communities.
- The May 16, 2019 community meeting in the Chilliwack River Valley (Area E) was an important step in our ongoing engagement process, which will continue and deepen as negotiations with the Stó:lō Xwexwilmexw Treaty Association (SXTA) progress.
- Input from neighbouring Indigenous communities, local governments, tenure holders, stakeholders, and community members will be considered before the treaty land package for SXTA is finalized.

BACKGROUND/DISCUSSION/ISSUES:

Negotiations with SXTA have entered Stage 5 of the 6-stage treaty process. The parties have agreed on a proposed land package which is intended to form the basis of a future treaty. The proposed land package consists of approximately 10,000 hectares of provincial Crown land within the Fraser Valley Regional District, including 2,300 hectares in the Chilliwack River Valley (Electoral Area E), a rural-residential area that is heavily used by recreational groups. The lands remain subject to further negotiation, consultation with First Nations, and engagement with a broad range of stakeholders.

The MIRR negotiating team has focused engagement and consultation efforts on neighbouring Indigenous communities, local governments and forestry tenure holders. In early 2019, MLA Laurie Throness and Area E Director Orion Edgar urged the Province to engage directly with concerned residents in the Chilliwack River Valley. On May 16, 2019, the MIRR negotiating team held a community engagement session in the Chilliwack River Valley where a broad range of questions, concerns and support were expressed.

Local community groups including the Post Creek Community and the Chilliwack River Valley Resident's Association have since appointed representatives to lead ongoing treaty-related engagement on behalf of their members. Canada and SXTA have expressed their commitment to work with BC to ensure community members and stakeholders are kept informed and involved during the negotiation process.

Input from neighbouring Indigenous communities, local governments, tenure holders, stakeholders, and community members will be considered before the treaty land package for SXTA is finalized. It is expected to take several years to conclude a treaty with SXTA.

Public Update on Treaty Negotiations with SXTA
Map of SXTA's Proposed Treaty Land Package
Map of Proposed Treaty Land in the Chilliwack River Valley (Area E)

INCOMING REQUEST:

Topic 1: SXTA Treaty regarding land claims

Background: N/A

Request: Would like to discuss SXTA Treaty and the land claims in Area E



Update on Treaty Negotiations with SXTA

This update is part of the B.C. Government's commitment to provide information and opportunities for all residents, stakeholders and neighbouring First Nations to ask questions and provide feedback on treaty negotiations with the Stó:lō Xwexwilmexw Treaty Association.

BC Treaty Process

The Government of British Columbia is committed to reconciliation with Indigenous peoples based on respect and recognition of rights, leading to lasting reconciliation and prosperous, healthy and self-determining Indigenous communities.

The treaty negotiations process in B.C. provides a framework for three parties - Canada, B.C. and First Nations - to work toward the common goal of reconciliation, and to build a new relationship through treaties.

Some major components integral to modern treaty-making include Indigenous rights, self-government, land and resources, financial agreements, fishing and forestry.

Treaties bring predictability and new economic benefits not only to First Nation citizens, but also to the greater region.

When a treaty is completed, approved by all parties and brought into effect by legislation, it becomes a constitutionally protected, legal agreement with mutually binding obligations and commitments.

For more information on the B.C. treaty process, please visit www.bctreaty.ca.

Public and Stakeholder Engagement

The B.C. government is committed to keep community members and stakeholders informed and involved during the negotiation process, with opportunities to engage, ask questions and provide feedback.

Members of the public and stakeholders are encouraged to provide input so that the B.C. negotiation team can better understand and represent their interests in negotiations.

The B.C. government wants to build agreements with First Nations that are understood and supported by communities, local governments, industry and other Indigenous communities.

Treaty Negotiations with SXTA

The Stó:lō Xwexwilmexw Treaty Association ("SXTA") represents six Stó:lō First Nations who have come together to negotiate a treaty.

Negotiations with SXTA have recently entered Stage 5 of the 6-stage treaty process. The parties have agreed on proposed land and fiscal components which are intended to form the basis of a future treaty.

It is important to note that the SXTA treaty remains subject to further negotiation and consultation with a broad range of



Ministry of Indigenous Relations and Reconciliation

stakeholders, including neighbouring residents.

It is expected to take several years to complete negotiation of the final version of the treaty and land package.

For more information on SXTA, please visit www.sxta.bc.ca.

Proposed Fiscal Component

Treaties include funding to support First Nation government operations, programs and services. Treaties may also include funding for First Nations to transition from operating under the Indian Act to self government.

A proposed transfer of approximately \$150 million is intended to support SXTA's self-government. There will be further funding agreements negotiated to support the delivery of community programs and services.

Proposed Land Package

The proposed treaty land parcels for SXTA consist of approximately 10,000 hectares of provincial Crown land and 780 hectares of existing reserves within the traditional territories of the six SXTA Nations and the Fraser Valley Regional District.

The land selections seek to balance the interests of neighbouring Indigenous communities, stakeholders, and SXTA's interest in acquiring land with potential for economic, cultural and community development.

Input from neighbouring Indigenous communities, local governments, tenure holders, stakeholders, and community

members is welcome and will be considered before the treaty land package is finalized.

Private Property

Private property will not be considered as a transfer to SXTA except on a willing-buyer, willing-seller basis.

Access

Treaties include provisions which ensure continued access across treaty lands to adjacent private properties and existing tenures such as water licenses.

With the exception of areas designated as private, public access continues on treaty lands for temporary recreational and non-commercial purposes, such as hunting, fishing, hiking and canoeing.

The B.C. government retains ownership of public roads and primary resource roads that provide access to the public.

Public utilities and tenure holders continue to have access to treaty lands for authorized works.

Learn More and Connect

We encourage interested members of the public to visit the Ministry of Indigenous Relations and Reconciliation website at www.gov.bc.ca/irr to find out more.

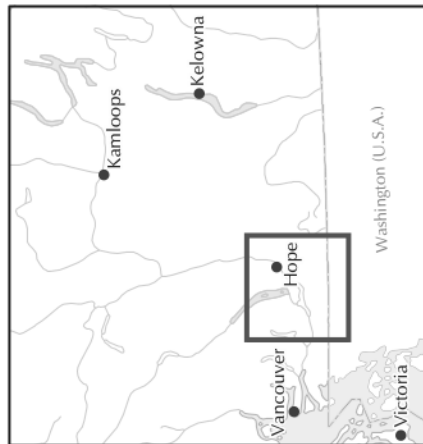
You are welcome to connect with ministry staff to ask questions, provide input and learn about upcoming engagement opportunities. Please contact: Chandra Crowe, Negotiator at: Chandra.Crowe@gov.bc.ca or by phone at 778-974-2090.

Proposed Reconciliation Lands (Provincial Crown Lands) Overview

- Proposed Reconciliation Lands
- Current Stó:lō Xwexwilmexw First Nation Indian Reserve
- Park or Protected Area
- Highway
- Railway

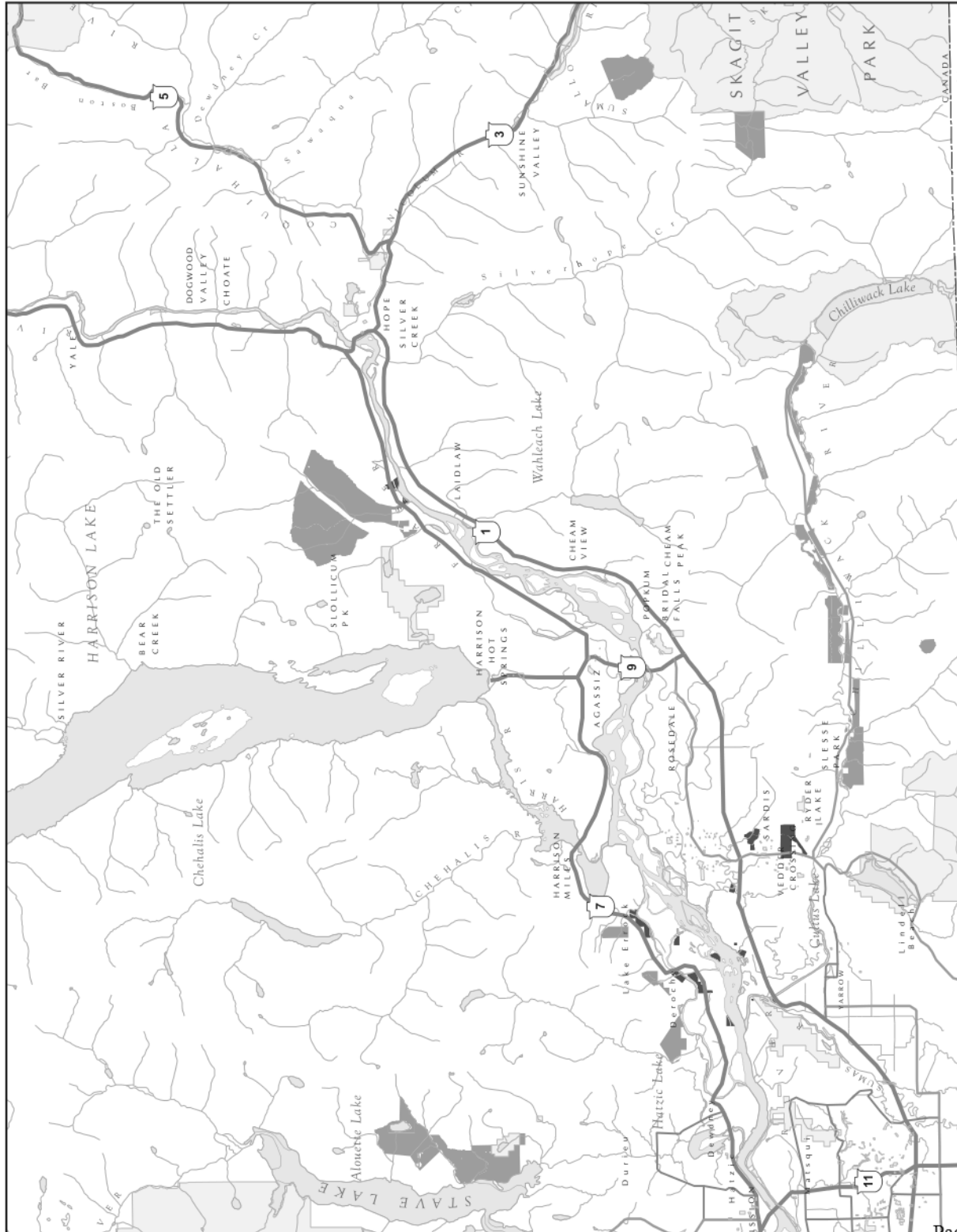
The information presented on this map is provided without prejudice for the purposes of consultation and engagement. The Proposed Reconciliation Lands are subject to further negotiation and consultation. This map is subject to further revision and does not constitute a legal definition

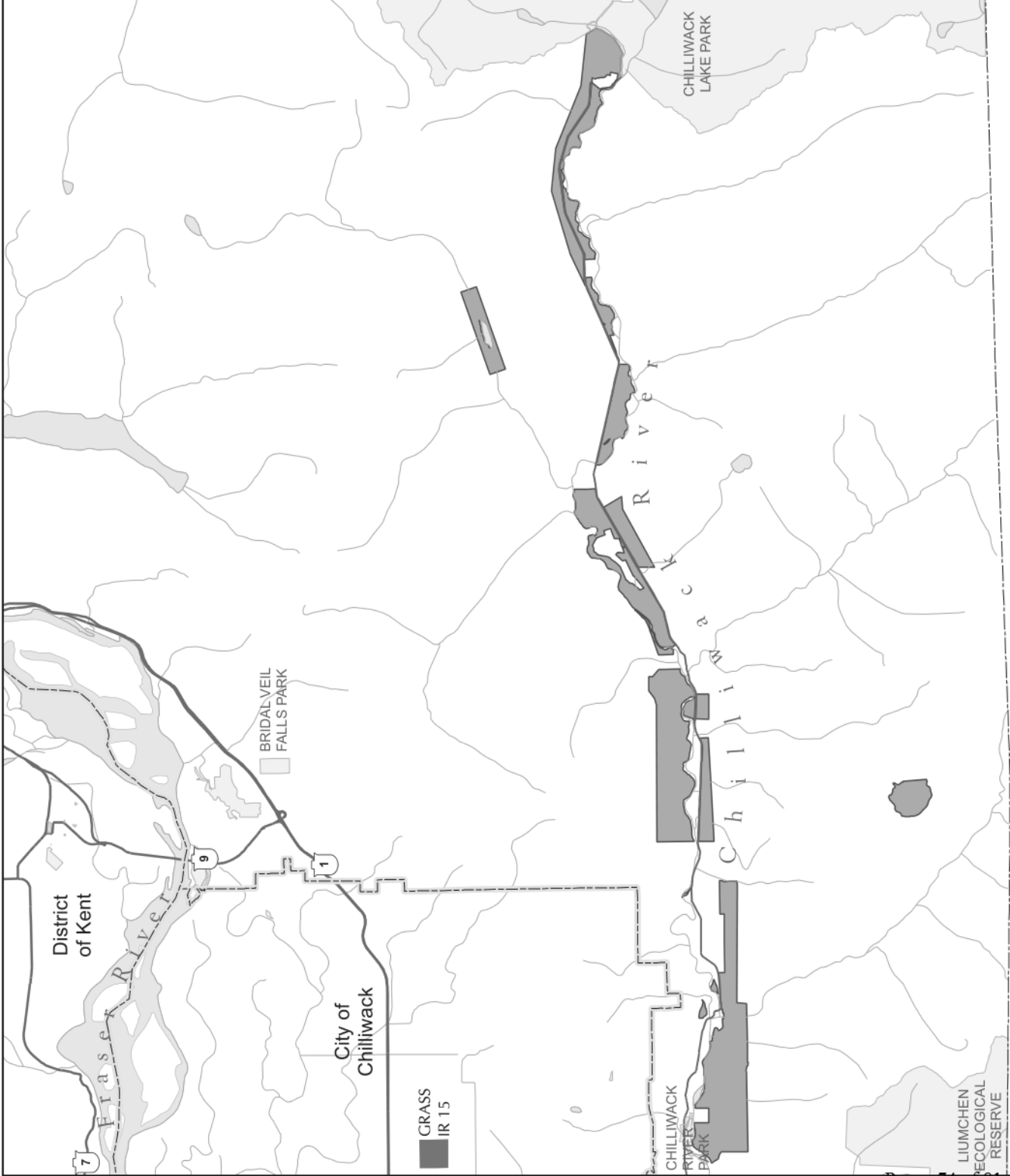
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Ministry of Indigenous Relations and Reconciliation

Stó:lō Xwexwilmexw
Treaty Association

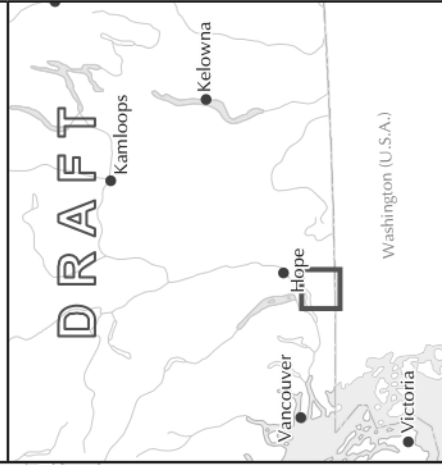




Proposed Reconciliation Lands (Provincial Crown Lands) Chilliwack River Valley

- Proposed Reconciliation Lands
- Current Stó:lō Xwexwilmexw First Nation Indian Reserve
- Shared Reserve (not included in this offer)
- Park or Protected Area
- Highway

The information presented on this map is provided without prejudice for the purposes of consultation and engagement. The Proposed Reconciliation Lands are subject to further negotiation and consultation. This map is subject to further revision and does not constitute a legal definition



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 Ministry of Indigenous Relations and Reconciliation

Stó:lō Xwexwilmexw
 Treaty Association

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UBCM 2019 CONVENTION

MEETING: Huu-ay-aht First Nations

TOPIC: Status of Fiscal Financing Agreement renewals

EQUEST(s):

- 1) We request a meeting with Ministers Fraser and James so we can put these negotiations back on track and give the negotiators a mandate to build, in collaboration with us, a provincial fiscal policy as committed to by your government.

KEY MESSAGES:

- The Province is committed to building a new fiscal relationship with all First Nations including Huu-ay-aht First Nations – gaming revenue sharing is the first step in that new relationship that will provide new revenues this year to all First Nations including Huu-ay-aht First Nations as the collaborative process develops
- As part of the New Fiscal Relationship, BC negotiators are engaging with Huu-ay-aht First Nations and other modern treaty First Nations to develop British Columbia Collaborative Fiscal Process.
- The new Huu-ay-aht 2019 Fiscal Financing Agreement has been signed by BC, Huu-ay-aht First Nations, and Canada.
- British Columbia intends to complete the fiscal policy engagement process and obtain a new mandate by the end of the 2019/20 fiscal year.

BACKGROUND/DISCUSSION/ISSUES:

Fiscal Financing Agreements (FFA) are tri-partite (First Nations, BC, and Canada) side agreements to all modern treaties in British Columbia (BC). The FFA set out agreed-upon programs, services, responsibilities, and funding amounts to the First Nations to provide programs and services to their members and is periodically renegotiated every five years. Maa-nulth First Nations' current Fiscal Financing Agreement (FFA) of which Huu-ay-aht First Nations are a part expired on March 31, 2019. As a result, Canada, BC, and the Huu-ay-aht First Nations extended the Fiscal Financing Agreement for another fiscal year until March 31, 2020. As of August 22nd, 2019, BC, Huu-ay-aht First Nations, and Canada have signed a new renegotiated Huu-ay-aht First Nations 2019 Fiscal Financing Agreement with a five-year term.

During the FFA renegotiation process, the five Maa-nulth First Nations including Huu-ay-aht First Nations brought forward a number of funding proposals to BC to consider based on the Shishalh Foundation bi-lateral agreement signed with BC in 2018. However, BC was unable to provide Huu-ay-aht First Nations with any of their proposal requests because BC negotiators were unable to secure the mandate to provide additional funding.

British Columbia provided the status quo of \$41,822 plus FDDIPI price adjustors for inflation in the Huu-ay-aht First Nations 2019 Fiscal Financing Agreement with a five-year term. The Huu-ay-aht First

Nations rejected the offer from BC of the status quo given the Province's recent announcement and commitment to building a new fiscal relationship with all Indigenous Nations under the United Nations Declaration on the Rights of Indigenous Peoples, the Ten Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and the Truth and Reconciliation Commission's Calls to Action.

As a result of the rejection s.12; s.13; s.16
s.12; s.13; s.16

committing BC to engage with Huu-ay-aht

First Nations and other modern treaty Nations to collaboratively develop a new fiscal policy with British Columbia. This language will enable the Province to re-open the recently executed Huu-ay-aht First Nation Fiscal Financing Agreement to include new funding if made available through the collaborative newly developed BC fiscal policy.

Recently, BC initiated a collaborative engagement process with the Modern Treaty Alliance that includes the Huu-ay-aht First Nations. British Columbia intends to complete the engagement process and obtain a new mandate by the end of the 2019/20 fiscal year.

INCOMING REQUEST:

Topic #1: The State of Negotiations on a new Fiscal Financing Agreement which expired March 31, 2019

Background: The Maa-nulth Nations, of which Huu-ay-aht are a part, are negotiating a new Fiscal Finance Agreement with Canada and BC. We are building a strong fiscal relationship with Canada, but the same collaborative approach has not been embraced by BC. BC's negotiators have been sent to the table without a mandate for meaningful change in the fiscal relationship. We have identified areas where the Province could make a meaningful contribution to the financial development of our Nations, but despite your negotiators' good faith efforts, they lack the mandate to act on them. Our Nations entered into Treaty with Canada and BC in 2011.

Request: We request a meeting with Ministers Fraser and James so we can put these negotiations back on track and give the negotiators a mandate to build, in collaboration with us, a provincial fiscal policy as committed to by your government.

UBCM 2019 CONVENTION

MEETING: Regional District of Alberni-Clayoquot (ACRD)

TOPIC: Reinforce the need for the Province to provide Capacity Funding for Reconciliation

REQUEST(s):

- 1) Confirmation that the Province will substantiate its commitment to Reconciliation with resources to support engagement with Indigenous Nations particularly where engagement exceeds capacity.

KEY MESSAGES:

- Thank you for bringing this matter to my attention. Ensuring First Nations have adequate time and resources to understand technical information, engage with their communities and assess impacts and/or accommodations to their Indigenous Interests is very important to the Province.
- I appreciate you raising the concerns last winter about First Nation capacity funding. Provincial staff continue to seek additional funding opportunities s.16

BACKGROUND/DISCUSSION/ISSUES:

- The ACRD is requesting “confirmation that the Province will substantiate its commitment to Reconciliation with resources to support engagement with Indigenous Nations particularly where engagement exceeds capacity.”
- ACRD representatives met with you in Port Alberni last winter specifically requesting capacity funding for Tseshah and Hupacasath on the pending ACRD landfill tenure decisions. Although the landfill request is a specific example, the ACRD views the issue of capacity funding as an ongoing conversation that is not meant to focus on any one application.
- s.16; s.17

INCOMING REQUEST:

Topic #1: Reinforce the need for the Province for capacity building for Reconciliation.

Background: Our request is a follow up from our meeting at UBCM in 2017 and our continued conversation in this topic. Opportunity for reconciliation will present itself in many forms. One of the most fundamental forms is in the Province’s duty to consult First Nations in Provincial decisions that could impact their Indigenous Interests. Such consultation cannot be successful where the First Nations does not employ the technical resources or whose staff compliment is insufficient to process mass quantities of technical data.

Request: Confirmation that the Province will substantiate its commitment to Reconciliation with resources to support engagement with Indigenous Nations particularly where engagement exceeds capacity.

UBCM 2019 CONVENTION

MEETING: City of Prince Rupert

TOPICS: Linking North Coast Communities and implementing the Prince Rupert and Area Corridor Analysis study

REQUEST(s):

- 1) N/A

KEY MESSAGES:

- The Province supports the strengthening of inter-governmental relationships between the City of Prince Rupert, the Lax Kw'alaams First Nation, and the Metlakatla First Nation.
- We acknowledge the efforts of the City to take a collaborative approach with Lax Kw'alaams and Metlakatla on improving access and transportation infrastructure in the Prince Rupert area.
- Upgrading the airport ferry service and the consideration of new highway and bridge construction to connect Prince Rupert with the communities of Lax Kw'alaams Metlakatla are matters falling under the responsibility of the Ministry of Transportation and Infrastructure.
- The Ministry of Transportation and Infrastructure advises that further investigation into the feasibility options for ferry operations and highway infrastructure development is needed, particularly in the context of the Province's current fiscal capacity.

BACKGROUND/DISCUSSION/ISSUES:

Topic 1: Linking North Coast Communities

- The City of Prince Rupert, which owns and operates the Prince Rupert airport ferry without provincial funding, is asking the Province to incorporate the ferry service into the provincial highway system.
- The Province partially funds separate ferry services to the First Nations communities of Lax Kw'alaams and Metlakatla, both of which are in the Prince Rupert area.
- Due to growing congestion at the Fairview container port, the City of Prince Rupert has proposed that the airport ferry terminal be relocated to Kwinitza, more central to the City. This also coincides with the need to rebuild the ferry ramps and replace the ferry, which are deteriorated and close to the end of their service lives.
- The Ministry of Transportation and Infrastructure will need to review the City's request to transfer operating responsibility (including capital upgrades) for the airport ferry service to the Province against the ministry's current priorities and the Province's fiscal capacity.

Topic 2: Implementing the Prince Rupert and Area Corridor Analysis

- The City is requesting the Province to initiate discussions regarding the implementation of the Prince Rupert Area Corridor Analysis (PRACA), a feasibility study that included options to connect

the communities of Lax Kw'alaams and Metlakatla and the airport into Prince Rupert through road and ferry service improvements.

- The study was a public-private partnership with funding from the provincial and federal governments and four LNG proponents previously considering projects in the Prince Rupert area.
- The final report was produced in the fall of 2017 with input from First Nations, local municipalities, the federal government and LNG proponents at the time.
- s.16; s.17

UBCM BRIEFING NOTE

MUNICIPALITY/ REGIONAL DISTRICT:	City of Prince Rupert
ISSUE 1:	Support the inclusion of a municipality run airport ferry service into the Highway system.
ISSUE 2:	Development of Prince Rupert and Area Corridor Analysis (PRACA) Scenario 4.

ISSUE 1: Support the inclusion of a municipality run airport ferry service into the Highway system.

RECOMMENDED RESPONSE

- The Province understands the interest in exploring service delivery options to address the challenges that exist with the current airport ferry service including the need to reinvest in the dock infrastructure for Digby Island Ferry.
- Further investigation into feasibility options for operations and infrastructure, and the Province's potential role or contribution, would be required.
- The ministry has several pressing infrastructure and capital investments around the province, which will need to be prioritized and fit within the province's fiscal capacity.
- The Province continues to make significant improvements to Hwy 16; recent projects include:
 - DoPE and Prince Rupert arterial Paving Project (\$4M – completed 2017)
 - Hwy 16 - Rainbow Hill Passing Lane Project (\$5M – completed 2018)
 - Mile 28 safety improvements (\$5M – Fall 2019 completion)
 - Mile 35 Avalanche mitigation (\$1.5M – Fall 2019 completion)
- The province was also pleased to partner with the federal government to jointly contribute \$22M to Prince Rupert's Potable Water Treatment and Submarine Waterline Replacement Project through the ICIP Environmental Quality Program.

BACKGROUND

- The existing Prince Rupert airport ferry is owned and operated exclusively by the City of Prince Rupert and receives no funding from the Province.
- The Province does partially fund ferry service to the First Nations communities of Lax Kw'alaams and Metlakatla, both of which are in the Prince Rupert area.
- Due to growing congestion at Fairview, the City of Prince Rupert has proposed that the ferry terminal be relocated to Kwinitsa, more central to the City. This also coincides with the need to rebuild the ferry ramps and replace the ferry, which are deteriorated and close to the ends of their service lives.
- The City advises that upgrade work at existing terminals is required in any event, as the ramps are reaching the ends of their useful life and reconstruction is pending.
- These upgrades were included as part of multiple scenarios proposed in PRACA.

- The City is looking for government support to include this service under the highway system through MOTI, and thereby transfer operating responsibility (including capital upgrades) to the Province.

ISSUE 2: Development of Prince Rupert and Area Corridor Analysis (PRACA) Scenario 4. RECOMMENDED RESPONSE

- The study was a public-private partnership with funding from the Provincial Government, Federal Government and the 4 LNG Proponents in the Prince Rupert area.
- A strong economic driver (e.g. an LNG terminal proceeding) would be needed for any PRACA options to proceed.
- Although the ministry is not moving forward with the PRACA-identified improvements at this time, the ministry is undertaking several planning projects to address transportation access in Prince Rupert.
- The ministry has recently completed, and is working on, several improvement projects to Hwy 16 and near Prince Rupert such as the Hwy 16 resurfacing project and the Rainbow Hill passing lane project.

BACKGROUND

- The PRACA study was a feasibility study to develop options to connect three coastal communities into Prince Rupert through road and ferry service improvements.
- The study was a public-private partnership with funding from the Provincial Government, Federal Government and the four LNG Proponents in the Prince Rupert area.
- The final report was produced in the fall of 2017 with input from First Nations, local municipalities, the Federal Government and LNG proponents at the time. Minister Trevena met with Mayor Brain on March 8, 2018 on the topic of the PRACA study.
- The PRACA options developed include linking Lax Kw'alaams to Prince Rupert, Metlakatla to Prince Rupert and the Airport to Prince Rupert.
- The Lax Kw'alaams recently requested some summary information on the final report from MoTI; which was provided to the Band's working group contact Erminio Pucci in November 2018.
- The cost of implementing any of the final options considered ranges from \$30M - \$83M for non-road options, to \$494M - \$834M for scenarios that involve improved road access to First Nations communities. Scenario 4 as referred to by City of Prince Rupert is estimated to cost \$619M.