

March 14, 2011

Chief and Council
Tseycum First Nation
1210 Totem Lane
Sidney, BC
V8L 5S4

Re: Tseycum and BC Government Meeting March 9, 2011 – Proposed Reconciliation Agreement

Thank you for meeting with us on March 9, 2011, as we continue working together to set out the steps that could lead to a Reconciliation Agreement.

At the meeting, we revisited some key principles of the Protocol Agreement, including the process that was based on the jointly prepared work plan. The elements of the work plan included:

Cultural Heritage Protection and Management

- We understand that Chief Jacks has been attending the Joint Working Group on First Nation's Heritage Conservation as a Co-Chair with Judith Sayers, and a successful forum was recently held to discuss the pilot project under Section 4 of the Heritage Conservation Act. The next meeting of the Joint Working Group is scheduled for March 17, 2011.

Road Improvement Plan

- As discussed in the meeting with s.12 and confirmed in the follow-up letter by Deputy Minister Steve Munro dated March 9, 2011, we are still willing to jointly develop a plan, with timelines and costs, that the Ministry of Transportation and Infrastructure can act on to improve West Saanich Road for the Tseycum community.
- At our meeting on March 9, 2011, we heard Tseycum's interests with respect to West Saanich Road and a summary has been provided to you for review.
- You also identified several community members that are willing to observe and act should any future road work uncover ancient human remains.

...2

Land and Economic Development Opportunities:

- We are in receipt of your letter dated March 7, 2011, to s.22
s.22 and that Tseycum has no further interest in these lands. It is our understanding that we can collectively focus our efforts on negotiating the elements of a Reconciliation Agreement, to include the potential land option at Patricia Bay currently used by the Victoria Airport Authority for a seaplane base.
- It should be recognized that land negotiations encumbered by existing interests are challenging and can take time to resolve.
- The Victoria Airport Authority has expressed a number of concerns that we need to work through, to determine whether they are manageable and can be addressed.
- BC would require certainty regarding a long-term tenure for the Victoria Airport Authority's seaplane base. This means a lease will have to be concluded either before or be part of a Reconciliation Agreement.
- BC will have to negotiate legal access to the property with Canada, as they own the upland property.
- Canada's transfer of ownership arrangement for the adjacent property (ie. Coast Guard) will also have to be addressed.
- Local government issues (ie. zoning), and other third party interests will have to be considered.
- As we continue to work together collaboratively on other mutual interests in the future, BC would consider a land transfer to Tseycum as a resolution of your issues regarding West Saanich Road.
- BC Government staff are available to meet and discuss economic development opportunities with respect to the potential land option at Patricia Bay.

If there are any issues with respect to the inclusion of these elements in a Reconciliation Agreement as we have set out in this letter, please notify us as soon as possible.

We appreciated hearing your views regarding these negotiations, and look forward to our next meeting on Wednesday, March 30th at 2:00 pm to update you on our progress with the Victoria Airport Authority and Canada.

Yours truly,

Glenn Ricketts
Chief Negotiator

CONFIDENTIAL

WITHOUT PREJUDICE

Cc:

3

Dave Lutes, Ministry of Natural Resource Operations
Walter Van Bruggen, Ministry of Natural Resource Operations
Bob Webb, Ministry of Transportation and Infrastructure
Garth Stewart, Ministry of Transportation and Infrastructure

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s.12 ; s.13 ; s.16 ; s.18

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s.12 ; s.13 ; s.14 ; s.16 ; s.18

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s.12 ; s.13 ; s.14 ; s.16



Tseycum First Nation West Saanich Road Reconciliation Agreement (the “Agreement”)

Between Tseycum First Nation and the Province of British Columbia
as represented by the Ministry of Aboriginal Relations and
Reconciliation
(hereinafter Collectively the “**Parties**”)

The Province and Tseycum First Nation have worked together under the Halitun Nutusmat Protocol to seek to address concerns of the Tseycum First Nation and have, as an interim measure, agreed to a resolution of the following issues between them relating to West Saanich Road:

1. Journey Home Cemetery

The Province will provide the Tseycum First Nation with \$150,000 towards the costs that have been and will be incurred in relation to the establishment of the Journey Home Cemetery and the re-interment of Tseycum First Nation ancestors.

2. Acknowledgement and Honouring

The Provincial Government acknowledges the continuing pain and hurt felt by the Tseycum First Nation people as a result of the troubled history of the West Saanich Road and agrees that:

- (a) the Provincial Government will, in a public manner, express its deep and sincere regret for the pain and hurt felt by the Tseycum First Nation people,
- (b) the Province will erect a roadside landmark to acknowledge and honour the history of the Tseycum First Nation in the area, the wording of which will be developed and agreed to by both Parties.

3. West Saanich Road

The Parties agree to begin addressing Tseycum First Nation's interest regarding improvements to that portion of West Saanich Road through Union Bay Indian Reserve No. 4 (the "Road") as follows:

- (a) the Province will engage a Canadian Land Surveyor to conduct a field survey and prepare a sketch plan showing the location of the travelled Road through the reserve,
- (b) the Province will notify Tseycum First Nation of any contractual or employment opportunities that may be available as a result of the above field survey.

4. Further Engagement

The Province acknowledges the Tseycum First Nation's strong interest in acquiring additional land for its community. The Parties agree to continue to explore options to address that interest. The Province will make \$50,000 capacity funding available to the Tseycum First Nation to be applied towards the cost of ongoing engagement.

District staff from the Ministry of Transportation and Infrastructure (MOTI) will work with Tseycum First Nation to jointly identify and prioritize proposed improvements to the Road, and will then jointly request approval from MOTI executive to undertake the proposed improvements.

MOTI and Tseycum First Nation will work together to develop a potential Patricia Bay foreshore restoration pilot project.

The Tseycum First Nation and the Province will participate in discussions with the Victoria Airport Authority regarding the lease referred to in 5 (c).

5. Government Relations

The Parties have a mutual desire to foster a relationship based on cooperation, understanding and respect and to further that relationship agree that:

- (a) if either Party has an issue of concern it wants brought to the attention of the other it will do so by contacting that other Party directly by contacting the following representatives of the Parties:

(i) for the Province:

Ministry of Aboriginal Relations and Reconciliation
Laurel Nash, Chief Negotiator
2957 Jutland Road
Victoria, B.C., V8T 5J9
Tel: 250-953-4004 Fax: 250-387-0887

(ii) for the Tseycum First Nation:

Tseycum First Nation
Chief Tanya Jones
1210 Totem Lane
North Saanich, BC, V8L 5S4
Tel: 250-656-0858 Fax: 250-656-0868

The Parties have agreed to work together to reconcile and resolve the issues between them with respect to Tseycum First Nation burial sites that lie adjacent to and within the West Saanich Road right-of-way, and therefore in this regard:

- (b) the Tseycum First Nation will make every effort to avoid conflict or resolve an issue of concern through discussion and negotiation with the province.
- (c) the Province will seek to enter into a lease with the Victoria Airport Authority of the land referred to by the Parties as “the Seaplane Base”.

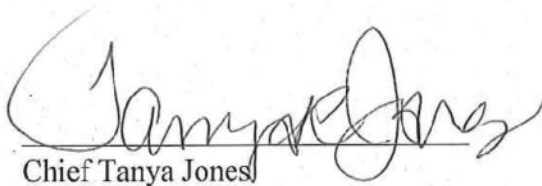
6. Nature of this Agreement

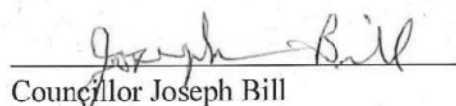
The Parties acknowledge and agree that this Agreement:

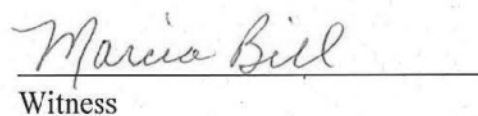
- (a) is intended to resolve some issues and concerns regarding West Saanich Road identified by the Parties through the Halitun Nutusmat Protocol work plan,
- (b) is not intended to address all issues of concern and that together the Parties will continue to seek to resolve the Tseycum First Nation’s desire to acquire more land for its community and to resolve the remaining issues between them,
- (c) is without prejudice to the position either Party may take in any legal proceeding,
- (d) does not and is not intended to contain any admission of fact or liability by either Party,
- (e) except as expressly provided herein, does not and is not intended to define, create, recognize, deny or amend the rights of the Parties.

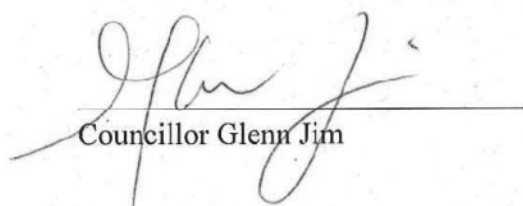
IN WITNESS WHEREOF the Parties have signed this Reconciliation Agreement this 16th day of November, 2012 in the Province of British Columbia

SIGNED ON BEHALF OF
THE TSEYCUK FIRST NATION:

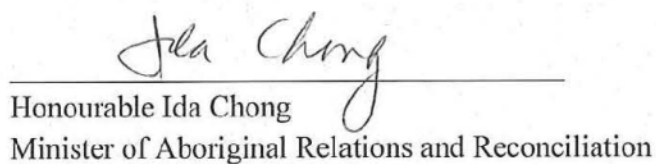

Chief Tanya Jones

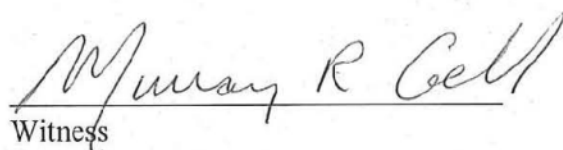

Councillor Joseph Bill


Witness


Councillor Glenn Jim

SIGNED ON BEHALF OF
THE PROVINCE OF BRITISH COLUMBIA:


Honourable Ida Chong
Minister of Aboriginal Relations and Reconciliation


Witness



April 29, 2013

File 1409033

Chief Tanya Jones
1210 Totem Lane
North Saanich BC
V8L 5S4

Dear Chief Tanya Jones:

In the spirit of the recently signed Reconciliation Agreement (the 'Agreement') between Tseycum First Nation and the Province of British Columbia, I am writing you to confirm the Ministry of Forests, Lands and Natural Resource Operations' (the ministry) commitment to further engage and participate in the discussions on the proposed long term lease for the land referred to as "the Seaplane Base", as referenced in section 5(c) of the Agreement.

I am also writing to share with you how the ministry will address the on-going uses at this site in the interim period until the long term lease has been negotiated and brought into effect.

In accordance with the Agreement, the Province will seek to enter into a lease with the Victoria Airport Authority (VAA) over the Seaplane Base, and it is our understanding Tseycum First Nation will participate in these discussions.

During the time the long term lease is negotiated between the Province, Tseycum First Nation and the VAA, the ministry will issue a short term (two years) License of Occupation to the VAA. This temporary license will ensure that the necessary insurance and security is in place while the current seaplane and barge loading uses continue.

Finally, I am sharing with you information the ministry has recently received regarding activities which are planned at this site in the near future, and how the ministry intends to authorize these activities. We wish to inform you of three scheduled barge loading activities that are planned to occur in May at the Seaplane Base. Ramsay Machine Works Ltd. is currently completing the manufacture of a large coal loading structure on the airport lands. The components of this structure will be moved onto the seaplane base site in preparation for loading onto barges during

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Ministry of Forests, Lands
and Natural
Resource Operations

West Coast Region

Location:
142-2080 Labieux Road
Nanaimo, BC
V9T 6J9
CANADA

Mailing Address:
142-2080 Labieux Road
Nanaimo, BC V9T 6J9

Tel: (250) 751-7220
Fax: (250) 751-7224

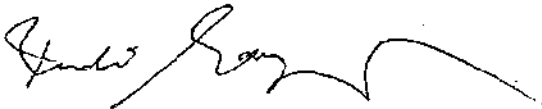
Tseycum First Nation

three high tide events on May 16, 22, 27. A temporary loading ramp will be constructed on the existing fill to provide a bridge to the floating loading barge.

Importantly, with this method of barge loading there will be no need to dredge or impact the intertidal area of Patricia Bay. The temporary loading ramp will be removed upon completion of these three barge loading events. The ministry will issue a Letter of Authorization to authorize this activity.

I am looking forward to further discuss any of the items described above during our meeting scheduled for April 30, 2013, at your office, and to working with you in the future in the interest of fostering a respectful and cooperative relationship. If you have any questions regarding this or other Crown lands related matters, please contact Walter Van Bruggen, Project Manager, directly at (250) 751 7255.

Yours Truly,



Rudi Mayser
Manager, Authorizations

pc: Tena Gilmore, MARR
Victoria Airport Authority (VAA)

Seaplane Base Discussions with VAA May 2014

From: Jordan, Ryan J ABR:EX s.15
To: Van Bruggen, Walter FLNR:EX <Walter.VanBruggen@gov.bc.ca>
Cc: Gilmore, Tena ABR:EX <Tena.Gilmore@gov.bc.ca>, Ihssen Williams, Karen ABR:EX <Karen.IhssenWilliams@gov.bc.ca>
Sent: April 24, 2014 2:03:45 PM PDT

Hi Walter,

Thanks for your time this afternoon. As discussed I will follow up with Terry Stewart at VAA, hopefully Geoff Dickinson will be available, to set up a meeting with agenda as follows:

1. Understanding VAAs interests
2. Expressing the Provincial interests
3. Lease rental and workplan
4. Other?
5. Next steps

Also, recalling our previous discussion to document the "Provincial" or our shared interests. I've outlined some bullets below and hope you can add or edit as you feel necessary. We can add context around these points in our discussion with Terry, which we would share as per the agenda above.

Provincial Interests:

- Certainty on the landbase
- Revenue generation from the lease
- Implementation of the Tseycum Reconciliation Agreement
- Fulfillment of legal obligations (consultation with First Nations)
- Reduced or eliminate liability (trespass is resolved)

Finally, I will draft a work plan for VAA and Tseycum regarding the Patricia Bay Seaplane Base and tie it to the 2-year interim lease. I should have this to you well before we meet with VAA.

Thoughts or concerns? Let me know if I've missed anything as an agenda item or in our interests piece.

Thanks again.

Ryan

Patricia Seaplane Base Considerations

From: Jordan, Ryan J ABR:EX s.15
:
To: terry.stewart@victoriaairport.com
Cc: Ihssen Williams, Karen ABR:EX <Karen.IhssenWilliams@gov.bc.ca>, Van Bruggen, Walter FLNR:EX <Walter.VanBruggen@gov.bc.ca>
Sent: April 24, 2014 3:17:07 PM PDT

Hi Terry,

Following up on a voice message I left. s.22

Walter and I would like to connect with you in early to mid May (8th, 9th or the week of the 12th) regarding the Patricia Bay Seaplane Base. We are hopeful that Geoff can participate in this discussion and I propose the following as a tentative agenda:

1. Understanding VAAs interests
2. Expressing the Provincial interests
3. Lease and rental structure update
4. Other?
5. Next steps

We are happy to visit you at your office. I think 2 hours will be plenty of time. Please let me know at your earliest convenience what date works well and if the agenda is acceptable to you. I am available on my mobile # if you have any questions.

Thank you.

Ryan Jordan
Assistant Negotiator
Ministry of Aboriginal Relations and Reconciliation
Office 250 356-9691
Mobile s.17

Summary of Discussion with Victoria Airport Authority regarding Patricia Bay Seaplane Base and consultation/engagement with Tseycum First Nation

Date: May 9, 2014

Attendees:

Walter van Bruggen, FLNRO

Ryan Jordan, MARR

Terry Stewart, VAA

Geoff Dickson, VAA

- Discussed general interests of VAA regarding the Seaplane Base with Geoff Dickson and Terry Stewart.
- Discussed general interests of the Province regarding the Seaplane base.

s.16

- Geoff advised that VAA would be present.
- Terry, Walter and Ryan proceeded to a site visit of the Seaplane Base.

Summary of Discussion with Victoria Airport Authority regarding Patricia Bay Seaplane Base and consultation/engagement with Tseycum First Nation

- Further discussion with Terry at the Seaplane Base was focussed largely around the Seaplane Base s.13; s.16
s.13; s.16

Action items:

1. Interim license will be issued with expectation that VAA will be applying for a 30-year license well before the 2 year license expires.
2. Invite VAA to the next meeting with Tseycum to present the capacity funding and the work plans.
3. Have a follow-up discussion with VAA, before they meet again with Tseycum, to:
 - a. Advise that success will be easier if intent of the relationship is more 'enduring' as opposed to a 'one-and-done' type of arrangement.
 - b. advise them to have an 'offer package' prepared for those discussions with Tseycum.

TSEYCUK FIRST NATION RECONCILIATION AGREEMENT

WORK PLAN FOR DISCUSSION REGARDING LEASE OF THE PATRICIA BAY SEAPLANE BASE

As one of the elements of the Reconciliation Agreement between the Province and Tseycum First Nation, the Province wishes to assist in facilitating discussions between the Victoria Airport Authority (VAA) and Tseycum First Nation regarding a long-term lease with the VAA of the land known as the Patricia Bay Seaplane Base.

The following items may support this engagement, and contribute to the Province's decision regarding a long-term lease of the Patricia Bay Seaplane Base:

1. The Province conducts consultation with Tseycum First Nation on the issuance of an interim (two-year) lease to VAA. Status: Complete.
- ~~1.2.~~ The Province offers short-term (two-year) lease to VAA. Status: Complete.
- ~~2.3.~~ Issuance of short-term (two-year) lease to VAA. Status: Under discussion with VAA.
- ~~3.4.~~ Transfer of capacity funding s.16; s.17 from the Province to Tseycum First Nation for participation in discussions with the Province and VAA regarding a long-term (30-year) lease to VAA. Status: June 18, 2014.
- ~~4.5.~~ Tseycum First Nation and VAA engage in discussions regarding the issuance of a long-term lease to VAA. The Province will participate in these discussions as requested. Commence July 2014.
- ~~5.6.~~ Related to the lease discussions, Tseycum First Nation and VAA may reach an agreement regarding the Patricia Bay Seaplane Base.
- ~~6.7.~~ The Province conducts consultation with the Tseycum First Nation on the issuance of a long-term lease to VAA within 18 months of issuance of the interim lease by January 2016. Status:
- ~~7.8.~~ The Province will consider a long-term lease within 24 months of issuance of the interim lease by June 2016. The decision will take into account the consultation with Tseycum as described in 6.

As per the Reconciliation Agreement, the Province will provide the remaining ^{s.16;} in capacity funding for Tseycum First Nation to have meaningful engagement regarding road improvements and the Patricia Bay Seaplane Base.

The Province remains committed to the Reconciliation Agreement. This work plan and the related capacity funding are presented to Tseycum First Nation as a testament of BC's enduring commitment.

June 2014

CONFIDENTIAL

TSEYECUM FIRST NATION RECONCILIATION AGREEMENT

WORK PLAN REGARDING PROPOSED LEASE OF THE PATRICIA BAY SEAPLANE BASE

Further to the Reconciliation Agreement between the Province and Tseycum First Nation, the Province wishes to facilitate discussions between Victoria Airport Authority (VAA) and Tseycum First Nation regarding a long-term lease with VAA of the land known as the Patricia Bay Seaplane Base and to set out a time frame for consultation with Tseycum First Nation regarding the proposed lease.

The following items may support this engagement, and inform the Province's decision regarding a long-term lease of the Patricia Bay Seaplane Base to VAA:

1. The Province conducts consultation with Tseycum First Nation on the issuance of an interim (two-year) licence of occupation to VAA. Status: Complete.
2. The Province offers interim (two-year) licence of occupation to VAA. Status: Complete.
3. Issuance of interim (two-year) licence of occupation to VAA. Status: Under discussion with VAA.
4. Transfer of remaining capacity funding ^{s.16; s.17} from the Province to Tseycum First Nation for participation in discussions with the Province and VAA. Status: June 18, 2014.
5. Tseycum First Nation and VAA may engage in discussions regarding the Patricia Bay Seaplane Base and may reach an agreement regarding their respective interests related to a long-term lease to VAA. The Province will participate in these discussions as requested. To commence July 2014.
6. The Province initiates consultation with the Tseycum First Nation on the issuance of a long-term lease to VAA by January 2016.
7. The Province will make a decision regarding a long-term lease by May 15, 2016. The decision may take into account any agreement reached between Tseycum First nation and the VAA as described in 5.

This work plan is for guidance purposes only and may be subject to change. Further to the Reconciliation Agreement, the Province will provide the remaining ^{s.16; s.17} in capacity funding for Tseycum First Nation to continue engagement regarding road improvements, the Patricia Bay Seaplane Base and other matters that Tseycum wish to pursue related to the Agreement.

The Province remains committed to the Reconciliation Agreement. This work plan and the related capacity funding are presented to Tseycum First Nation as a testament of BC's enduring commitment to the relationship.

June 2014

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Withheld pursuant to/removed as

s.12 ; s.13 ; s.16

RE: Patricia Bay Seaplane Base

From: Wong, Sean TRAN:EX <Sean.Wong@gov.bc.ca>
To: Schwaiger, Ashlyn ABR:EX <Ashlyn.Schwaiger@gov.bc.ca>
Sent: May 12, 2017 1:43:17 PM PDT

Hi Ashlyn,

My previous works and project in this area were along the provincial MOTI portion of West Saanich Road, essentially the section along Tseycum First Nation Reserve, to the N of the seaplane base. We also did restoration along about 500m of the small stream, Wsikum Creek, through the reserve and that flows to Pat Bay via a concrete box culvert under the MOTI section of road.

The road on either side of the reserve is municipal, under District of North Saanich.

So I do not have any info and am unaware of any possible contamination in and around the seaplane base. Not sure whether others nearby or with interests in the area may, such as Peninsula Streams Society, Institute of Ocean Sciences (under DFO) or Victoria International Airport Authority?

Regards,

Sean Wong

Sr. Biologist

Direct Line: (250) 952-0815

Fax: (250) 387-7735

Cellular: (250) 213-8659

E-mail: sean.wong@gov.bc.ca

Ministry of Transportation and Infrastructure
PO Box 9850, Stn Prov Govt
4B-940 Blanshard Street
Victoria, BC V8W 9T5

From: Schwaiger, Ashlyn ABR:EX
Sent: Friday, May 12, 2017 1:33 PM
To: Wong, Sean TRAN:EX
Subject: Patricia Bay Seaplane Base

Hi Sean,

Ryan Jordan suggested I touch base with you regarding the Pat Bay Seaplane Base—I believe you've been in touch with my colleague Ryan Jordan regarding this issue in the past, particularly relating to the base in light of past discussions with Tseycum First Nation.

Are you aware if there is any contamination at the site, and if so, can you share any assessments that may have been completed?

Many thanks,

Ashlyn

ASHLYN SCHWAIGER, M.A.

Senior Analyst | Critical Incidents and Emergency Management Branch

Ministry of Aboriginal Relations and Reconciliation

Office: 250.356.8721 | Cell: 250.380.8372

Critical Incident and Emergency Management Branch email: CIEMBranch@gov.bc.ca

RE: Patricia Bay Seaplane Base

From: Franklin, Janice ABR:EX <Janice.Franklin@gov.bc.ca>
To: Baan, Sandra M FLNR:EX <Sandra.Baan@gov.bc.ca>, Schwaiger, Ashlyn ABR:EX <Ashlyn.Schwaiger@gov.bc.ca>
Cc: Jordan, Ryan J ABR:EX <Ryan.J.Jordan@gov.bc.ca>, Grimes, Melissa ABR:EX <Melissa.Grimes@gov.bc.ca>
Sent: May 15, 2017 11:12:59 AM PDT

Hi Sandra,

Hope you had a good weekend.

I know this is a bit touchy, but we believe we've heard hints that the site may actually be contaminated. I understand that this may be difficult to answer, but is contamination a reasonable possibility, or unlikely?

Thanks,

Janice

From: Baan, Sandra M FLNR:EX
Sent: Monday, May 15, 2017 10:38 AM
To: Schwaiger, Ashlyn ABR:EX
Cc: Jordan, Ryan J ABR:EX; Franklin, Janice ABR:EX; Grimes, Melissa ABR:EX
Subject: RE: Patricia Bay Seaplane Base

Hello Ashlyn,

A site evaluation for contamination is one of the "subject to's" or requirements, prior to the interim Licence moving to a long term (30 year) Lease.

Ryan,

The Victoria Airport Authority has asked for an extension or replacement of the 2 year interim Licence, as they require more time to fulfill the requirements prior to the issuance of the long term Lease. The present interim licence expires June 15, 2017.

As the original referral and consultation for the interim Licence included the objective of the 30 year Lease, I do not intend to initiate new consultation however FLNRO will send notification to the applicable FN's once a decision has been made by FLNRO DM. s.12; s.13; s.16

s.12; s.13; s.16

The Tseycum FN have an operational agreement with the VAA (dock use, storage shed etc) which will not be impacted by FLNRO's work on the replacement request.

Sandra

Sandra Baan

Major Projects Specialist | **West Coast Region**
Ministry of Forests, Lands and Natural Resource Operations
2080 Labieux Road
Nanaimo, BC., V9T-6J9
Phone: 250. 751-7301
[Mailto:Sandra.Baan@gov.bc.ca](mailto:Sandra.Baan@gov.bc.ca)

From: Schwaiger, Ashlyn ABR:EX
Sent: Wednesday, May 10, 2017 2:24 PM
To: Baan, Sandra M FLNR:EX
Cc: Jordan, Ryan J ABR:EX; Franklin, Janice ABR:EX; Grimes, Melissa ABR:EX
Subject: Patricia Bay Seaplane Base

Hi Sandra,

I've been asked to reach out and connect with you regarding the Pat Bay Seaplane Base—I believe you've been in touch with my colleague Ryan Jordan regarding this issue and tenures relating to the base relating to discussions with Tseycum First Nation.

Are you aware if there is any contamination at the site, and if so, can you share any assessments that may have been completed?

Many thanks,

Ashlyn

ASHLYN SCHWAIGER, M.A.

Senior Analyst | Critical Incidents and Emergency Management Branch
Ministry of Aboriginal Relations and Reconciliation

Office: 250.356.8721 | Cell: 250.380.8372

Critical Incident and Emergency Management Branch email: CIEMBranch@gov.bc.ca

RE: Patricia Bay Seaplane Base

From: Baan, Sandra M FLNR:EX <Sandra.Baan@gov.bc.ca>
To: Grimes, Melissa ABR:EX <Melissa.Grimes@gov.bc.ca>
Sent: August 25, 2017 10:20:40 AM PDT

Melissa,
Are you available for a quick call?

From: Grimes, Melissa ABR:EX
Sent: Thursday, August 24, 2017 2:46 PM
To: Baan, Sandra M FLNR:EX
Subject: RE: Patricia Bay Seaplane Base

Hello Sandra,

Thank you for the clarification. I'm hoping to clear up the confusion for Tseycum, since as per Ryan's email, they are now under the impression that VAA is sitting on an expired parcel.

Given that lease terms are far outside the scope of work our team does, I must admit that I'm having some difficulty in fully grasping the current state of the lease and what that looks like for Tseycum, and want to ensure that Tseycum also fully comprehends the current status. If it isn't too much trouble, would you be able to provide a very basic summary of the status of the lease, and what the next steps will look like insofar as consultation with Tseycum? This would be much appreciated.

Thank you in advance,

MELISSA K. GRIMES, M.A.

Senior Analyst | Critical Incidents and Emergency Management Branch
Ministry of Indigenous Relations and Reconciliation
O (250) 953-3046 | s.17

From: Baan, Sandra M FLNR:EX
Sent: Friday, August 11, 2017 9:38 AM
To: Grimes, Melissa ABR:EX
Cc: Jordan, Ryan J ABR:EX; Meisner, Shawn FLNR:EX
Subject: RE: Patricia Bay Seaplane Base

Hi,

Just to clarify, as per my note yesterday (Aug 10th) of this email string. This is not a new decision. The First Nation consultation, file review and decision making was done based on the 2014 application, with a notice of Final Review January 15, 2015 to VAA.

From: Baan, Sandra M FLNR:EX
Sent: Friday, August 11, 2017 9:26 AM
To: Grimes, Melissa ABR:EX
Cc: Jordan, Ryan J ABR:EX; Meisner, Shawn FLNR:EX
Subject: RE: Patricia Bay Seaplane Base

Hi Jordan, Melissa,

Good morning.

The "Lease" has not expired. The temporary "Licence of Occupation" term has expired. The anticipated LEASE is still proposed under the terms of the conditions and therefore, under the terms of the tenure contract document, we are awaiting the completion of the conditions to administer the Lease. This is part and parcel of our everyday work here at FLNRO, we do not envision a JAG review and comment.

FLNRO does not do an appraisal of the land parcel in preparation for a Lease of this nature. If MIRR is interested in the Land value for your work/conversations with Tseycum, that would be an independent request or project outside of the tenure administration for this file. I'm not sure if you have access to BC Assessment, you may find the assessed value there.

Sandra

From: Grimes, Melissa ABR:EX
Sent: Thursday, August 10, 2017 4:01 PM
To: Baan, Sandra M FLNR:EX
Cc: Jordan, Ryan J ABR:EX
Subject: RE: Patricia Bay Seaplane Base

Hello Sandra,

Just to follow up from Ryan's earlier message, Tseycum has also requested an appraisal of the land parcel in question. Are you able to access and provide this information?

Thank you,
Melissa

From: Jordan, Ryan J ABR:EX
Sent: Thursday, August 10, 2017 2:52 PM
To: Baan, Sandra M FLNR:EX
Cc: Franklin, Janice ABR:EX
Subject: RE: Patricia Bay Seaplane Base

Thank you Sandra.

I met with Tseycum this morning and have advised them that the lease has expired and that the VAA are still occupying the land based upon the conditions of the lease agreement.

As you're aware, Tseycum had an agreement with the VAA based upon the term of the lease. That agreement has also now expired. I think it's important that the Province provide notification to Tseycum and other impacted First Nations of the conditions of the month-to-month lease that's now in effect. Has the Ministry of Justice provided an opinion on this matter? Just curious.

Thanks again for the info below.

RYAN JORDAN

Assistant Negotiator | Critical Incidents and Emergency Management Branch
Ministry of Indigenous Relations and Reconciliation
Ph: 250-356-9691 | Cell: s.17

From: Baan, Sandra M FLNR:EX
Sent: Thursday, August 10, 2017 9:13 AM
To: Jordan, Ryan J ABR:EX
Subject: Patricia Bay Seaplane Base

Hi Ryan,

For your information and understanding, and feel free to give me a call.

VAA's 2014 application was for a 30 year Lease. The application, file review and consultation with First Nations was with respect to the 30 year term.

FLNRO determined that an interim 2 year Licence of Occupation was best tenure to issue at the time, providing VAA with the needed time to meet the requirements for the Lease, and then proceed with the issuance of the Lease.

VAA has not yet completed requirements for the Lease and therefore requires additional time.

The conditions /requirements in the January 15, 2015 Notice of Final review letter are:

- Development Plan
- Contaminated site evaluation

Within the Licence of Occupation document, under Article 5 – Limitations 5.1 (i)

If, after the termination of this Agreement, we permit you to remain in possession of the Land and we accept money from you in respect of such possession, a tenancy from year to year will not be created by implication of law and you will be deemed to be a monthly occupier only subject to all of the provisions of this Agreement, except as to duration, in the absence of a written agreement to the contrary.

(this means VAA can continue to remain an occupier of the land, as FLNRO is understanding of the VAAs work and effort to meet those conditions/requirements and has received monies from VAA for the tenancy).

However, the total tenure term will not exceed the original term on the 2014 application. The VAA application, including the review and consultation, was for 30 year term. Once the Lease tenure is issued, the term of the Lease will be reflective of the Licence of Occupation (2 year) plus any additional time (present extension of time).

Therefore, the Lease term once issued will be 30 years minus 2 year plus (ie approx. 27 years, give or take the months that VAA is expending now in preparation for the Lease) and in light of the above information, no formal replacement of a 2 year is administered.

Sandra

From: Jordan, Ryan J ABR:EX
Sent: Wednesday, August 9, 2017 2:10 PM
To: Baan, Sandra M FLNR:EX
Subject: RE: Patricia Bay Seaplane Base

Hi Sandra,

Hope you're doing well.

Can you tell me if the request for the extension/replacement of the 2 year interim Licence was granted?

Thank you!

Ryan

From: Baan, Sandra M FLNR:EX
Sent: Monday, May 15, 2017 10:38 AM
To: Schwaiger, Ashlyn ABR:EX
Cc: Jordan, Ryan J ABR:EX; Franklin, Janice ABR:EX; Grimes, Melissa ABR:EX
Subject: RE: Patricia Bay Seaplane Base

Hello Ashlyn,

A site evaluation for contamination is one of the “subject to’s” or requirements, prior to the interim Licence moving to a long term (30 year) Lease.

Ryan,

The Victoria Airport Authority has asked for an extension or replacement of the 2 year interim Licence, as they require more time to fulfill the requirements prior to the issuance of the long term Lease. The present interim licence expires June 15, 2017.

As the original referral and consultation for the interim Licence included the objective of the 30 year Lease, I do not intend to initiate new consultation however FLNRO will send notification to the applicable FN’s once a decision has been made by FLNRO DM. s.12; s.13; s.16

s.12; s.13; s.16

The Tseycum FN have an operational agreement with the VAA (dock use, storage shed etc) which will not be impacted by FLNRO’s work on the replacement request.

Sandra

Sandra Baan

Major Projects Specialist | **West Coast Region**

Ministry of Forests, Lands and Natural Resource Operations

2080 Labieux Road

Nanaimo, BC., V9T-6J9

Phone: 250. 751-7301

Mailto:Sandra.Baan@gov.bc.ca

From: Schwaiger, Ashlyn ABR:EX
Sent: Wednesday, May 10, 2017 2:24 PM
To: Baan, Sandra M FLNR:EX
Cc: Jordan, Ryan J ABR:EX; Franklin, Janice ABR:EX; Grimes, Melissa ABR:EX
Subject: Patricia Bay Seaplane Base

Hi Sandra,

I’ve been asked to reach out and connect with you regarding the Pat Bay Seaplane Base—I believe you’ve been in touch with my colleague Ryan Jordan regarding this issue and tenures relating to the base relating to discussions with Tseycum First Nation.

Are you aware if there is any contamination at the site, and if so, can you share any assessments that may have been completed?

Many thanks,

Ashlyn

ASHLYN SCHWAIGER, M.A.

Senior Analyst | Critical Incidents and Emergency Management Branch

Ministry of Aboriginal Relations and Reconciliation

Office: 250.356.8721 | Cell: 250.380.8372

Critical Incident and Emergency Management Branch email: CIEMBranch@gov.bc.ca

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s.12; s.13; s.16

The Tseycum FN have an operational agreement with the VAA (dock use, storage shed etc) which will not be impacted by FLNRO's work on the replacement request.

CONSULTATION ACCORD

BETWEEN

VICTORIA AIRPORT AUTHORITY

210, 1640 Electra Blvd
Sidney, B.C. V8L 5V4

and

TSEYCUM FIRST NATION

1210 Totem lane
North Saanich B.C. V8L5S4

May 13, 2015

The Airport Authority recognizes and respects the responsibility that accompanies its ability to use and share land within the traditional territory of the Tseycum Nation.

The Airport Authority wishes to enter into a **2 year license of occupancy** with the Province of BC to conduct an environmental assessment and develop a plan around future uses of the property.

The Tseycum Nation supports the Province of British Columbia granting a **2 year license of occupancy** over the land at and surrounding the Seaplane Base to the Airport Authority.

The Victoria Airport and the Tseycum Nation **agree to consult during the 2 year period** on future land use in preparation to present a plan to the Province for a 30 year lease.

This agreement in no-way binds either party to any future lease arrangement outside of the **2 year license of occupancy** as contemplated.

IN WITNESS WHEREOF the parties hereto have executed this Accord as of the day and year first above written.


VICTORIA AIRPORT AUTHORITY

By its authorized signatories:



TSEYCUM FIRST NATION

By its authorized signatories:



"Schedule A"

In consideration of the consent and acknowledgment provided in the Consultation Accord dated May 13 2015, the Tseycum Nation shall have the following privileges related to the Seaplane Base for the duration of the Tenure:

- a) The Tseycum Nation shall have access to a portion of the Seaplane Base currently described as "Spot 10" and as shown in the attached drawing for the purposes of storing up to two boat trailers with or without boats and/or canoes that are no larger than outside dimensions of 19 feet in length x 7 feet in width. For greater certainty, this access includes the right of access over the Seaplane Base to the water by way of the dock.
- b) The allocated area of "Spot 10" shall be managed and administered by the Chief of the Tseycum Nation at his or her discretion and the Airport Authority shall not be required to manage or allocate the use of the area amongst Tseycum Nation users.
- c) The Tseycum Nation will be provided with up to two security remote devices to access the Seaplane Base at any time.
- d) The Tseycum Nation is authorized to use the launching ramp and the west side of the existing dock at the Seaplane Base to launch the boats stored at "Spot 10" provided that the launching and retrieval activity will always give way to aircraft traffic at the Seaplane Base.
- e) The use of "Spot 10" will be for non-commercial use only and will not be sublet, rented, or used by any other persons other than members of the Tseycum Nation without the prior written consent of the Airport Authority.
- f) The Tseycum Nation and those members of the Tseycum Nation using the Seaplane Base will act in accordance with all applicable safety and operational requirements relating to aircraft and vessel movements, and they shall not interfere with the safety or operational requirements of other tenants of the Airport Authority at the Seaplane Base, including in particular ensuring that there is proper handling of fish and other potential food sources for birds and other animals the attraction of which could cause safety or operational issues for aircraft.
- g) The Airport Authority will determine what constitutes a safety or operational issue and the Tseycum Nation agrees to follow any rules, guidelines or directives given by the Airport Authority in that regard.
- h) The Airport Authority reserves the right to re-allocate the storage space for the two boats/trailers to a location other than "Spot 10" in the future to accommodate the Airport Authority's requirements and/or accommodate reconfiguration of the Seaplane Base in the future, provided that the

replacement space is equally functional for the uses outlined in this Schedule A.

- i) The Airport Authority reserves the right to require the Tseycum Nation to use a different portion of the existing launching ramps and docks or any differently configured launching ramps and docks in the future as may be required from time to time if the Seaplane Base is reconfigured and/or if operational requirements dictate the need to change the location of vessel launching and retrieval.

Tseycum notes

From: Wilcox, Gracie IRR:EX <Gracie.Wilcox@gov.bc.ca>
To: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
Sent: June 7, 2018 2:55:45 PM PDT
Attachments: Tseycum meeting June 6 2018.docx

Hi Wisty,

I posted my notes in the file and made a little list of main points, if you think it is helpful.

s.22

Hope you have a fabulous weekend!

Kindly,

Gracie Wilcox

Analyst, Integrated Negotiations Branch

Ministry of Indigenous Relations and Reconciliation

Office: 778 974-2077

Cell: s.17

Tseycum meeting, June 6th 2018

Tseycum Administration building, Totem Lane

Tseycum: Chief Tanya Jimmy, Jennifer Jones, Caitlyn

MIRR: Carina Diller, Wisty Chaytor, Gracie Wilcox

Main points/ROD:

BC to send and/or ensure Tseycum receives funding information (from Stephanie)

BC to send support letters for housing

BC to update and circulate the workplan

BC potentially invited to future WASANEC Leadership Council meeting

Tseycum requested more funding, substantive funding, from BC

Tseycum in need of s.16; s.17 for renovation

Tseycum to follow up and introduce their team to the new VAA staff and keep working toward an access agreement/relationship

Tseycum interested in headlease (access for ferry and economic development opportunity at the sea plane base)

Tseycum is seeking funding for RBCM reinternment efforts (airfare)

Tseycum highest priority is an economic opportunity then housing

Tseycum interested in any Provincial/Crown land

Notes:

s.16; s.17

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Withheld pursuant to/removed as

s.16 ; s.17 ; s.22

Page 090 of 130

Withheld pursuant to/removed as

s.16 ; s.22

Victoria water areodome

From: Wisty.Chaytor@gov.bc.ca, Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
To: Gracie Wilcox <Gracie.Wilcox@gov.bc.ca>, Wilcox, Gracie IRR:EX <Gracie.Wilcox@gov.bc.ca>
Sent: March 12, 2019 9:15:43 AM PDT

I think you are right...

I did a little more digging into the emails and info on the shared drive.

Hopefully Rudi (FLNRO) will be able to give us an update on the current status of the floatplane lease.

If I am understanding the bits and pieces of what we have on file,

- there is no provincial commitment to provide land; the commitment in the RA was to provide capacity funding (which we did) and a recognition that they have an interest in land.
- the floatplane base came up in discussions because their previous lease expired and required consultation in order to be renewed. I suspect Tseycum objected to the renewal

s.12; s.13; s.16

- the interim agreement appears to be primarily an access agreement allowing the nation to access and use the foreshore as long as those activities did not interfere with the floatplane operations or safety.
- there may have been potential specific claim talks with Nav Can for a portion of the international airport land, but that does not look to have progressed.

Is this what you also pieced together?

I suspect that Aaron s.22 will pick up the conversation at this point in time s.22
s.22

With the exception of finding out more what happened with the issuance of the long term lease for the floatplane base and more info about their bilateral discussions with the floatplane base, I feel like the message back is that nothing has changed.

s.12; s.13; s.16

Thoughts?

https://www.google.ca/search?client=safari&hl=en-ca&ei=49WHXPH4MIb6-gT_94eYBA&q=victoria+water+areodome&oq=victoria+water+areodome&gs_l=mobile-gws-wiz-serp.3..0i13i30j0i8i13i30l2.141106.142081..142341...0.0..0.330.1182.2j4j1j1.....0....1.....0i71j30i10.kb7Or8OVEz4

RE: Tseycum - Seaplane Base Lease

From Chaytor, Wisty IRR:EX s.15
:

To: Baan, Sandra M FLNR:EX <Sandra.Baan@gov.bc.ca>
Sent: March 12, 2019 9:59:27 AM PDT

hi... can i give you a quick call?
or you can call me at 250-818-6392
thanks
wisty

Wisty Chaytor

Negotiator,
Ministry of Indigenous Relations and Reconciliation
2957 Jutland Rd. 3rd Floor, Victoria, BC
Tel: 250 818-6392 (cell)

From: Baan, Sandra M FLNR:EX
Sent: Tuesday, March 12, 2019 9:51 AM
To: Mayser, Rudi E FLNR:EX
Cc: Chaytor, Wisty IRR:EX; Meisner, Shawn FLNR:EX; Harvey, Mark FLNR:EX; Wilcox, Gracie IRR:EX
Subject: RE: Tseycum - Seaplane Base Lease

Thank you Rudi,

Wisty, thank you for enquiring for an update. As we chatted a few times on this file in previous months, the consultation portion of the review and decision making remains as complete as we(you & I) discussed on calls and email previously.

If you are asking whether the Lease itself has now been issued, we are in the process of that administrative piece now. FLNRORD has received the outstanding items from Victoria Airport Authority. The two items asked for were a recent management plan showing the lot and infrastructure, and to have an environmental assessment done.

Just to refresh your mind as it's been some time:

The application was for a Lease. The application was reviewed and a decision made to provide a Lease, however FLNRORD issued an interim Licence of Occupation while VAA had time to provide the 2 outstanding items I mentioned above. The First Nation consultation was determined complete at the time the review and decision making took place.

VAA had an agreement with the Tseycum FN which includes a number of things on site. The VAA and TFN have the opportunity to continue the working agreement or make changes etc as this part of the process is between VAA and TFN.

If you would like me to give you a call, please let me know, I'm happy to do so.

Best regards,

Sandra

Sandra Baan

Senior Project Manager

West Coast Region

Forests Lands Natural Resource Operations and Rural Development

From: Mayser, Rudi E FLNR:EX
Sent: Tuesday, March 12, 2019 9:00 AM
To: Baan, Sandra M FLNR:EX
Cc: Chaytor, Wisty IRR:EX; Meisner, Shawn FLNR:EX; Harvey, Mark FLNR:EX; Wilcox, Gracie IRR:EX
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s.22 Would you be able to help Wisty with a status update on this file?

Thanks,

Rudi

From: Chaytor, Wisty IRR:EX
Sent: Monday, March 11, 2019 8:12 PM
To: Mayser, Rudi E FLNR:EX; Harvey, Mark FLNR:EX
Cc: Wilcox, Gracie IRR:EX
Subject: Tseycum - Seaplane Base Lease

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Gracie and I are relatively new to the file so we are trying to get a little more background context on this subject. From what I can gather, there was an interim LoO signed in 2015 to allow for more time to engage and consult with Tseycum on the longer term lease that the VAA was seeking.

Do you know where that tenure application is at now? It looks like the interim agreement was set to expire in 2017....

Thanks

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Fwd: Tseycum - Seaplane Base Lease

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To: Gracie Wilcox <Gracie.Wilcox@gov.bc.ca>, Wilcox, Gracie IRR:EX <Gracie.Wilcox@gov.bc.ca>
Sent: March 12, 2019 10:33:26 AM PDT

FYI,

I just spoke with Sandra. She confirmed that the seaplane base lease has been finalized for the full (prorated) 30 year term.

As we have done, she encourages the VAA to continue working with the nation in whatever capacity they work out. It sounds like she has been sending the same message as us in terms of us encouraging the nation to continue building a relationship with the VAA and looking for opportunities to partner with them if something becomes available.

Wisty

Begin forwarded message:

From: "Baan, Sandra M FLNR:EX" <Sandra.Baan@gov.bc.ca>
Date: March 12, 2019 at 9:51:13 AM PDT
To: "Mayser, Rudi E FLNR:EX" <Rudi.Mayser@gov.bc.ca>
Cc: "Chaytor, Wisty IRR:EX" <Wisty.Chaytor@gov.bc.ca>, "Meisner, Shawn FLNR:EX" <Shawn.Meisner@gov.bc.ca>, "Harvey, Mark FLNR:EX" <Mark.Harvey@gov.bc.ca>, "Wilcox, Gracie IRR:EX" <Gracie.Wilcox@gov.bc.ca>
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Tel: 250 818-6392 (cell)

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Withheld pursuant to/removed as

s.15 ; s.16 ; s.22

Page 097 of 130 to/à Page 098 of 130

Withheld pursuant to/removed as

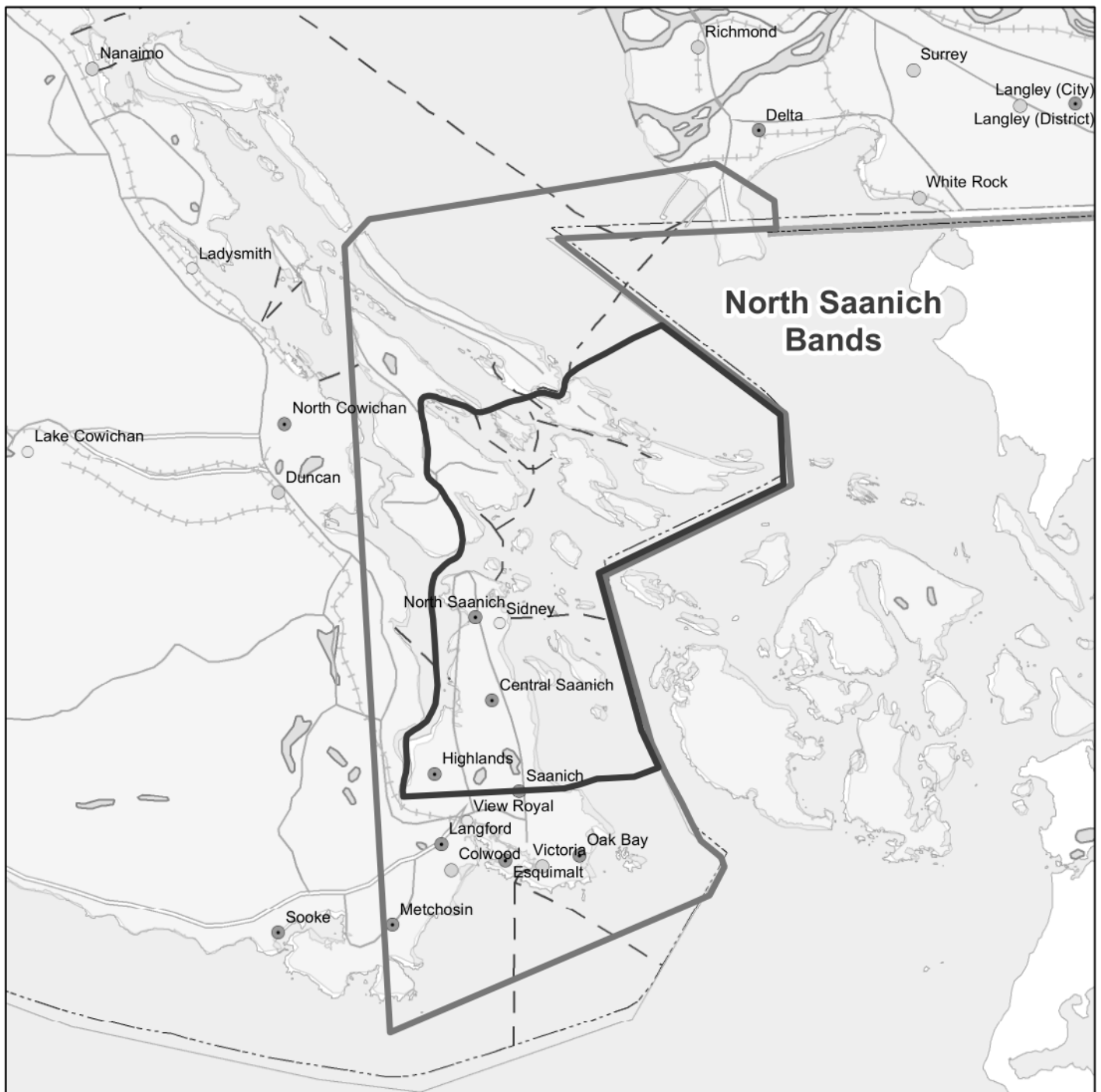
s.16 ; s.22

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Withheld pursuant to/removed as

s.16

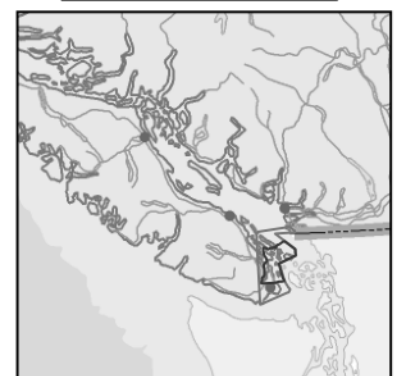
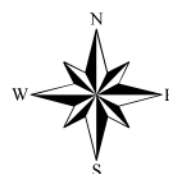
North Saanich Bands Traditional Territory



Key Map

-  North Saanich Bands Current Consultative Boundary
-  Saanich Nation Writ of Summons 2003

0 5 10 20
Kilometers



This map has been prepared for information purposes only and is not intended to create, recognize, limit or deny any aboriginal rights, including title, that any First Nations may have, or impose any obligations on British Columbia or alter the legal status of resources within the Province or the existing legal authority of British Columbia.

Date: Sept. 9, 2016

RE: Tseycum - floatplane base consultation record

From: Baan, Sandra M FLNR:EX <Sandra.Baan@gov.bc.ca>
To: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
Sent: March 28, 2019 1:11:18 PM PDT

Hi Wisty,

As this is an older file, I would have to go check in our warehouse for documents. I can tell you that consultation was considered complete in 2014.s.14

s.14

Here are a few dates of initial consultation letters:

November 4, 2014 – Initial letter to First Nations

December 5, 2014 – follow up letter to the FNs

The consultation was on the 30 year lease term and application.

If you want a copy of the Nov & Dec letters please let me know, as I will have them pulled from hard file and scanned to send to you. (The FN should have them though)

The Province also met with the Tseycum in June of 2014.

Thanks, talk with you soon.

Sandra

From: Chaytor, Wisty IRR:EX

Sent: Wednesday, March 13, 2019 1:48 PM

To: Baan, Sandra M FLNR:EX; Mayser, Rudi E FLNR:EX

Cc: Wilcox, Gracie IRR:EX

Subject: Tseycum - floatplane base consultation record

Hi Sandra,

Question, are we able to share with Tseycum the consultation record FLNRO engaged in when we issued the LoO back in 2013 (I think)?

I suspect their interest in seeing it is to see if there is any ongoing obligations on the tenure holder to continue engaging with them beyond the 2 year term agreement they signed (2015-17)? This is the agreement, which has now expired, set out that a storage area and access to the base and foreshore would be allowed.

Thoughts?

Wisty

Wisty Chaytor

Negotiator,

Ministry of Indigenous Relations and Reconciliation

2957 Jutland Rd. 3rd Floor, Victoria, BC

Tel: 250 818-6392 (cell)

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Withheld pursuant to/removed as

s.12 ; s.13 ; s.16

Wisty Chaytor
A/Senior Negotiator,
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FW: Wsanec

From: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
To: Rogers, James IRR:EX <James.Rogers@gov.bc.ca>
Sent: April 16, 2021 3:16:08 PM PDT
Attachments: Attachment 2 - WLC Constitution.pdf, Attachment 1 - WLC Mandate.pdf, WSANEC MO Briefing Feb 2 2021_.docx

I think you have this one already, but this is the other one I was think of for background / context

Wisty Chaytor

*Senior Negotiator,
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Tel: 250 818-6392 (cell)*

From: Rogers, James IRR:EX <James.Rogers@gov.bc.ca>
Sent: February 4, 2021 3:00 PM
To: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
Subject: RE: Wsanec
Hi Wisty,
Please see my draft BN attached. Happy to revise as necessary.
-James

From: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
Sent: February 4, 2021 10:41 AM
To: Rogers, James IRR:EX <James.Rogers@gov.bc.ca>
Cc: Harvie, Christie IRR:EX <Christie.Harvie@gov.bc.ca>; Crowe, Chandra IRR:EX <Chandra.Crowe@gov.bc.ca>
Subject: FW: Wsanec

Importance: High

Hi James,... can you add some details in here after todays call?

I think they are looking for a sense of the internal governance / relationships between the nations.

Thanks

Wisty

Wisty Chaytor

*Senior Negotiator,
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From: Chaytor, Wisty IRR:EX
Sent: February 2, 2021 6:01 PM
To: Lofthouse, Mark IRR:EX <Mark.Lofthouse@gov.bc.ca>
Cc: Crowe, Chandra IRR:EX <Chandra.Crowe@gov.bc.ca>
Subject: FW: Wsanec

Importance: High

Hi Mark,

Any thoughts on this one?

I have updated the last December MO note, but honestly all that has changed was the Woodwynn farm announcement.

s.13; s.16

I am at a bit of a loss of what to add for this one....

NOTE: I found an old email on the Woodwynn property addressed to the minister. This would have been one of his files, back in the day, so he may already know the internal dynamics or have some assumptions based on past experiences....

Thoughts?

Wisty

Wisty Chaytor

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On Jan 8, 2021, at 12:52 PM, French, Shawna IRR:EX <Shawna.French@gov.bc.ca> wrote:

They are looking for the relationship dynamic...internal politics? Without getting too detailed of course.

Shawna French

Executive Director, Executive Operations
Deputy Ministers Office
Ministry of Indigenous Relations & Reconciliation

5th Floor - 2957 Jutland
Victoria BC
Phone: 778 974-2096
Cell: 250-213-7671
[mailto: Shawna.French@gov.bc.ca](mailto:Shawna.French@gov.bc.ca)

Wisty Chaytor

Senior Negotiator,
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2955 Jutland Rd. 4rd Floor, Victoria, BC
Tel: 250 818-6392 (cell)

From: French, Shawna IRR:EX <Shawna.French@gov.bc.ca>

Sent: January 8, 2021 11:44 AM

To: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>

Subject: FW: Wasanec

Hi Wisty,

Trish mentioned you may have a current note on this already? If so, can you please add to the note what we have done with each of the nations separately and what we know about them in terms of their work together? No rush for today, next week sometimes is fine!

Thanks,

Shawna French

Executive Director, Executive Operations
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5th Floor - 2957 Jutland
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Phone: 778 974-2096
Cell: 250-213-7671
[mailto: Shawna.French@gov.bc.ca](mailto:Shawna.French@gov.bc.ca)

From: Balcaen, Trish L IRR:EX <Trish.Balcaen@gov.bc.ca>

Sent: January 7, 2021 4:31 PM

To: French, Shawna IRR:EX <Shawna.French@gov.bc.ca>

Subject: RE: Wasanec

Thanks Shawna

Wisty has some material on this that we've been made aware of. Recommend we ask her to repurpose one of her existing briefing notes that explains what activities we have with each of the Wasanec communities and what we do know about in terms of their work together.

I believe we have most of it in the BNs we did for Minister for his local FN calls in his first week – it'll just need to be collated.

T

From: French, Shawna IRR:EX <Shawna.French@gov.bc.ca>

Sent: January 7, 2021 12:47 PM

To: Balcaen, Trish L IRR:EX <Trish.Balcaen@gov.bc.ca>

Subject: Wasanec

Hi,

Before I reach out to staff, I thought you would have an opinion on this as I know you worked closely on it. The MO has asked:

Wsanec communities come together to work on some common issues/interests. Perhaps we can chat sometime about what this could look like, or any flags.

My concern would be the Province shouldn't really be getting in the middle of internal politics. But interested in your thoughts? Or I can reach out to the team if preferred?

Thanks,

Shawna French

Executive Director, Executive Operations
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Ministry of Indigenous Relations & Reconciliation

5th Floor - 2957 Jutland
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Ministry of
Indigenous Relations
and Reconciliation

PREPARED BY:

**Wisty Chaytor
Senior Negotiator
778 974-2157**

Mtg Bullets - May2020 MMR and Tseycum

From: Chaytor, Wisty IRR:EX <Wisty.Chaytor@gov.bc.ca>
To: Rogers, James IRR:EX <James.Rogers@gov.bc.ca>
Sent: April 20, 2021 12:38:48 PM PDT
Attachments: Mtg Bullets - May2020 MMR and Tseycum.dotx

Here is some thoughts. It might be a little long but we will see what christie thinks...

Thanks for taking this one on 😊

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s.12 ; s.13 ; s.16

FW: VAA position paper

From: Rogers, James IRR:EX <James.Rogers@gov.bc.ca>
To: Nicholson, George AG:EX <George.Nicholson@gov.bc.ca>, Harvie, Christie IRR:EX <Christie.Harvie@gov.bc.ca>
Sent: May 13, 2021 12:04:56 PM PDT
Attachments: 2021 02 25 WLC Victoria Airport Position Paper - Final (00360138xE1C2E).pdf
FYI,
-James

From: Lemon, Jeffery (AADNC/AANDC) <jeffery.lemon@canada.ca>
Sent: May 13, 2021 10:43 AM
To: Rogers, James IRR:EX <James.Rogers@gov.bc.ca>
Subject: VAA position paper

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Here you go.

Jeff Lemon
Negotiation Analyst
Treaties and Aboriginal Government | Negotiations-West
Crown-Indigenous Relations and Northern Affairs Canada
Mobile: 236.335.4679
E-mail: jeffery.lemon@canada.ca

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February 4, 2021 Initial RIRSD Meeting

September 9, 2021 10:57 AM

Attendees: Chief not able to join due to COVID in communities, Gordon Elliott Tsartlip Councillor and Director of , Justin Fritz, Eamon Murphy Legal Council and managing partner of woodward and co, Joni Olsen elected council for Tsartlop and policy negotiations analyst,

Ca: Spencer Go, Jeff Lemon, Megan Reiter

BC: Christie Harvie, Chandra, Wisty, Lofthouse,

Gordon Elliott: prepared to speak to BC's questions on behalf of WLC

9:30 – 10:30: Discussion with Province (Wisty and Mark Lofthouse)

- opportunity for BC to get a sense of who the members of the table are,
- how the various nations are represented,
- what the role of the council is in terms of representing the various nations,
- what is Canada's role, and
- for BC to get more clarity on what the priority interests of the nations are at this time.

**** FLNRO Question** - written confirmation from the chiefs is needed to confirm that the WLC represents the interests on the individual nations for the purposes of Consultation – is that a role of the WLC?

10:30 – 11:00: Updates on Ministerial Statement Questions from WLC, and Updates from CIRNAC on internal engagement

11:00 – 12:00: Discussion of Communications Plan (Karl Freeborn and WLC communications consultants).

From 10:30 onward is the continuation of discussions the Nations and CIRNAC have been engaged in for some time now. BC is welcome to stay on the line to get a flavour of the discussions moving forward.

Overview of WLC

Eamon:

- 2018 registered as WLC society: syeucm tsaltip and sayout, three reps from each nation, including chiefs and over member.
- Developed constitution. 2. enhance respect for and recognition of Douglas Treaty rights, 3rd to negotiated with Crown and local gov't re infringements, 4th negotiation reconciliation and co-mgmt agreements.
- Gord: developed a decision-making structure and process
- JF: endorsed through each nations chief and council process. WLC meets monthly to discuss items from chiefs or chouncils from each comm. Then have discussion of each item to assess if it should remain at individual nation level or dealt with by WLC. File delegation policy: right up issue, notify each community that being dealt with at WLC level. Have a negotiation table that each chief sits on. Justin shares Org Chart: chiefs and elders on council, Technical Advisory Committee WTAC and Ad Hoc

sub-committees.

- Gord: WTAC handles items chiefs and board don't have time to review. Policy team ensure Wasanec perspectives are considered when reviewing items. Positives that it includes community leaders and individuals to participate in making recommendations. Happy with process so far. WTAC issue recommendations on how to deal with items.

Megan Reiter:

- BC is familiar with Ca's dynamic with FNs - sometimes Ca is there first and sometimes Bc there first
- Started discussions through Tsartlip who was first to RIRSD process. Knowledge sharing e.g. Wasanec understanding of douglas treaties, joint statement, federal parks,

Gord:

- discussions about when to include BC. Became apparent that WLC needed BC. Identified the following topics to discuss with BC:
 - Land acquisition talks with Ca led to need to include BC
 - Repatriation in RBCM
 - Renaming Process through place names office
 - Hunting and wildlife
 - Local gov't act and municipal revenue sharing
 - Bc ferries
 - Referrals process
 - Revenue sharing
 - Sea plane base associated with Vic Internaiton airport (issue: dispute between municipal and federal gov't regarding land. Tseycum has been involved in working through ownership of seafloor, not entirely sure what issue is. Eamon: sea plane base is adjacent to Tseycum's reserve - issues with how sea plane base was aproved and how tenures were ut in place. Tseycum has been engaging directly on this but now bringing in WLC for additional support regarding concerns.)
 - Provincial property tax and property transfer tax

Going forward:

- How does WLC want BC to participate?
- JF: not effective to have BC to join every month. Would need funding agreement to support WLC -BC engagement. Need to work out a BC-WLC workplan.
- ML: day to day operations (Chandra and James)
- CH: BC wants to join in tripartite rather than bilateral parallel process. BC would like to join for monthly meetings to gain better understanding of Nations and their needs.
- JF: BC would be invited to attend.
- Joni Olsen: Q. re tripartite table and issues that are specific to Province (e.g. hunting regs that conflict with Douglas rights),
- CH: A. significant jurisdictoional overlap so helpful to have BC and Ca there togethe. Trilateral funding between BC and Ca can often be clunky but can be worked out.
- Gord: how does funding work for topics like hunting?
- MR: CIRNAC funding is contingent on worklan. CIRNAC HQ needs to see what table is doing with other party joining. Does WLC or BC have strong feelings on tripartite MoU or just bring BC into existing bilateral arrangement
- BC hasn't seen LoU yet but can share with BC if WLC is ok with that.

Next Steps:

- JF: Development of a workplan for next couple months (could be done via email, priority topics, how BC can participate) March: Transport Canada on Vic International Airport, April: fisheries w/ Elizabeth Seal, BC can join as spectators,
- GE: first meeting with BC to develop and formalize a living workplan to set stage so we are on same page. Like to do that... Target May to formalize tripartite workplan?
- MR: where are WLC and Ca at in terms of workplan and funding
- JF: ministerial statement by end of fiscal; co-mgmt agreement for Fed Parks chapter language,
- JF: WLC almost ready to submit funding request for 21/22 fy
- GE: all discussion will be tripartite?
- JO: where would we place BC's interests in Joint Statement. We just listed 8-10 new topics, how do we prioritize and WLC doesn't know how things get moved to cabinet?
- JF: need to go back to WLC to debrief on this first meeting with BC. So wouldn't be ready to discuss workplan in early March but possibly early April meeting.

Joni wants BC conservation laws to be exempt due to douglas treaty rights, wants unfettered rights not limited by public safety and conservation measures.

s.14; s.16; s.22

For douglas treaty we have to infer what was intended at the time of signing the treaty. Inferred that at the time their hunting activities would've been fettered by conservation needs, and therefore in a modern context those rights would be fettered by public safety and conservation. WASANEC believes that court case gave unfettered rights but BC believes findings were limited to harvesting with lights in today's equivalent but findings maintain that rights are fettered by public safety and conservation so can't hunt in populated areas.

s.14; s.16

s.14; s.16

s.16

IFE Funding request. Send to Leah C and Nicole Capsey. They take it to FAB. Make sure I am clear which fiscal year it's from. Streamlined criteria, make sure I am clear on this. Just provide strong business case.

BN

February 4, 2021 10:39 AM

- Tseycum
 - Interest in improving social wellbeing, early childhood education, language revitalization. Written letters to minister to air grievances.
 - Question from MIRR social staff, about engaging with Tseycum. Wisty advice would be to engage with WLC.
 - Seaplane Base - FLNRORD has 20 year tenure on Sea Plane Base. Tseycum interestd in revenue sharing of base.
 - Could be commercial opps on Seaplane Base footprint to capitalize on tourist traffic.
 - Sanddown property adjacent to new canadian tire. North Saanich District owns this property and Tseycum wants to partner with them. They have met. Mayor has interest in other pieces of land and wants to partner with Tseycum on those interests.

s.16

