Page 01 of 23 to/à Page 04 of 23

Withheld pursuant to/removed as

s.14; s.16

Page 05 of 23 to/à Page 06 of 23

Withheld pursuant to/removed as

s.14

Page 07 of 23 to/à Page 08 of 23

Withheld pursuant to/removed as

s.13; s.14

Page 09 of 23

Withheld pursuant to/removed as

s.14

FW: FYI 2018 APRIL Internal Discussion on WLIB Chimney Creek

From: Ramsay, Devon IRR:EX < Devon.Ramsay@gov.bc.ca>

To: Thiagarasan-Flegg, Jennifer IRR:EX < Jennifer. Thiagarasan-Flegg@gov.bc.ca>

Sent: July 29, 2020 8:54:52 AM PDT

From: Ramsay, Devon IRR:EX Sent: July 10, 2020 9:51 AM

To: O'Sullivan, Susan FLNR:EX <Susan.OSullivan@gov.bc.ca>
Subject: FYI 2018 APRIL Internal Discussion on WLIB Chimney Creek

Importance: High

Susan,

I looked back to see what I had – this was the latest note.

Devon

From: Drummond, Dawn B TRAN:EX <Dawn.Drummond@gov.bc.ca <mailto:Dawn.Drummond@gov.bc.ca> > Sent: April 24, 2018 11:39 AM

To: McCormack, Ron C TRAN:EX <Ron.McCormack@gov.bc.ca <mailto:Ron.McCormack@gov.bc.ca> >; Gash, Michael IRR:EX <Michael.Gash@gov.bc.ca <mailto:Michael.Gash@gov.bc.ca> >; Cheverie, Lynn Ann TRAN:EX <Lynn.Ann.Cheverie@gov.bc.ca <mailto:Lynn.Ann.Cheverie@gov.bc.ca> >; Bowman, Jennifer N FLNR:EX <Jennifer.Bowman@gov.bc.ca <mailto:Jennifer.Bowman@gov.bc.ca> ; Nicol, Jane FLNR:EX <Jane.Nicol@gov.bc.ca <mailto:Jane.Nicol@gov.bc.ca> >; Reese, Leeah TRAN:EX <Leeah.Reese@gov.bc.ca <mailto:Leeah.Reese@gov.bc.ca> >; O'Sullivan, Susan FLNR:EX <Susan.OSullivan@gov.bc.ca <mailto:Susan.OSullivan@gov.bc.ca> >; Ramsay, Devon IRR:EX <Devon.Ramsay@gov.bc.ca <mailto:Devon.Ramsay@gov.bc.ca> >; Anderson, Tammy TRAN:EX <Tammy.Anderson@gov.bc.ca <mailto:Tammy.Anderson@gov.bc.ca> >; Stolar, Harold B FLNR:EX <Harold.Stolar@gov.bc.ca <mailto:Harold.Stolar@gov.bc.ca> >; Richmond, Patrick IRR:EX <Patrick.Richmond@gov.bc.ca <mailto:Patrick.Richmond@gov.bc.ca> >

Cc: Conarroe, Stephen JAG:EX <Stephen.Conarroe@gov.bc.ca <mailto:Stephen.Conarroe@gov.bc.ca>>

Subject: RE: Pre-discussion on WLIB Chimney Creek

Importance: High

Good Morning All,

It may be hard to have a call with everyone, please let me know if you have anything to add on the agenda – Patrick – is there anything that MIRR wants to add.

s.13; s.14; s.16

s.13; s.14; s.16

I am just working on an agenda for the meeting on Thursday with WLIB.

- 1. Introductions
- 2. History of Chimney Creek Reserve WLIB
- 3. MoTI overview of research on MoTI roads to Chimney Creek Reserve MoTI
- 4. FLNRO overview of the Crown Grant
- 5. Next Steps options

s.14

I will send over the maps of the area again.

Thanks,

Dawn

-----Original Appointment-----

From: Drummond, Dawn B TRAN:EX Sent: Friday, April 20, 2018 4:38 PM

To: Drummond, Dawn B TRAN:EX; McCormack, Ron C TRAN:EX; Gash, Michael IRR:EX; Cheverie, Lynn Ann TRAN:EX; Bowman, Jennifer N FLNR:EX; Nicol, Jane FLNR:EX; Reese, Leeah TRAN:EX; O'Sullivan, Susan FLNR:EX; Ramsay, Devon IRR:EX; Anderson, Tammy TRAN:EX; Larden, Monica A FLNR:EX; Stolar, Harold B

FLNR:EX; Richmond, Patrick IRR:EX

Subject: Pre-discussion on WLIB Chimney Creek

When: Tuesday, April 24, 2018 4:00 PM-5:00 PM (UTC-08:00) Pacific Time (US & Canada).

Where: Conference Call - 1-877-353-9184 ID: 9002013

Hi All,

Just would like to discuss the following agenda for the WLIB Meeting:

- 1. Opening Remarks Discuss the history of the Reserve
- 2. MoTI's Position of the access and steps/actions taken
- 3. FLNRO Update on the Crown Grant and Road access to the reserve

Anything else to add?

FW: WLFN - Chimney Creek I.R. No. 5 Access Issue

From: Ramsay, Devon IRR:EX <Devon.Ramsay@gov.bc.ca>
To: Thiagarasan-Flegg, Jennifer IRR:EX <Jennifer.Thiagarasan-

Flegg@gov.bc.ca>

Sent: July 29, 2020 8:55:06 AM PDT

Attachments: ltr_flnrord_moti_adm_20200715_fin-signed.pdf

From: Ramsay, Devon IRR:EX Sent: July 20, 2020 9:18 AM

To: Richmond, Patrick IRR:EX <Patrick.Richmond@gov.bc.ca>; Shepheard, Corinne IRR:EX

<Corinne.Shepheard@gov.bc.ca>

Cc: Thiagarasan-Flegg, Jennifer IRR:EX < Jennifer. Thiagarasan-Flegg@gov.bc.ca>

Subject: FYI: WLFN - Chimney Creek I.R. No. 5 Access Issue

Importance: High

Good morning,

FYI, re: Access through Stafford Ranch

Susan gave me an update on this file, on July 10 – noting she's been working on a summary for FLNR. In the interim, this letter has come in.

Take care, Devon

From: O'Sullivan, Susan FLNR:EX < Susan.OSullivan@gov.bc.ca>

Sent: July 20, 2020 9:11 AM

To: Ramsay, Devon IRR:EX < <u>Devon.Ramsay@gov.bc.ca</u> > Subject: FW: Chimney Creek I.R. No. 5 Access Issue

Importance: High

From: Whitney Spearing < Whitney.Spearing@wlfn.ca>

Sent: July 17, 2020 10:48 AM

To: Richter, Kevin J TRAN:EX < Kevin.Richter@gov.bc.ca>; Richard.Manwaring@gov.bc.ca **Cc:** Drummond, Dawn B TRAN:EX < Dawn.Drummond@gov.bc.ca>; O'Sullivan, Susan FLNR:EX

<Susan.OSullivan@gov.bc.ca>; Conarroe, Stephen AG:EX <Stephen.Conarroe@gov.bc.ca>; Jennifer Griffith

<jennifer_griffith@aboriginal-law.com>; Kirk Dressler <Kirk.Dressler@wlfn.ca>; Willie Sellars

<willie.Sellars@wlfn.ca>; Aaron Mannella <Aaron.Mannella@wlfn.ca>; Julia Flinton <Julia.Flinton@wlfn.ca>

Subject: Chimney Creek I.R. No. 5 Access Issue

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

Please see the attached correspondence from Chief Willie Sellars, regarding access to Williams Lake First Nation reserve lands, Chimney Creek IR. 5.

If you require anything further in this regard, please be in touch.

Regards, Whitney

Whitney Spearing, MA Candidate

Manager, Title & Rights

Office: 778.417.0196 (direct)

Mobile: 604.317.8097 Toll Free: 1(877)856.3507

Email: whitney.spearing@wlfn.ca

Web: www.wlfn.ca

Fax: 778.417.0199

Office Address: 315 Yorston Street, Williams Lake, BC, V2G 1H1 Mailing Address: 2672 Indian Drive, Williams Lake, BC V2G 5K9

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July 14, 2020

Via Email: Kevin.Richter@gov.bc.ca

Ministry of Transportation and Infrastructure

940 Blanshard Street Victoria BC V8W 9T6

Via Email: Richard.Manwaring@gov.bc.ca

Ministry of Forests, Lands, Natural Resources

Operations and Rural Development

Victoria, BC

Attn: Associate Deputy Minister Richter Attn: Associate Deputy Minister Manwaring

Dear Associate Deputy Ministers Richter and Manwaring:

Re: Chimney Creek I.R. No. 5 Access Issue

As you will be aware from previous correspondence and information provided by your staff, the Williams Lake First Nation has been seeking access to our IR No. 5 for many years now. We have been working with both MOTI and FLNRORD to determine access alternatives in light of the existing road network, topography and significant archaeological sites. Through this work we have determined that the only viable access is across adjacent land owned in fee simple. We have attempted several times to discuss the creation of access with the land owner, but have been unable agreement.

In November of 2019, British Columbia enacted the *Declaration on the Rights of Indigenous Peoples Act*. This legislation calls for alignment of BC's laws with the United Declaration on the Rights of Indigenous Peoples (UNDRIP) and for the development of an action plan to achieve the objectives of UNDRIP.

The continued lack of access we have to Chimney Creek IR No. 5 is contrary to several of the principles set out in UNDRIP:

- Article 8.2(b) of UNDRIP provides that States shall provide effective mechanisms for the
 prevention of, and redress for any action which has the aim or effect of dispossessing
 Indigenous peoples of their lands, territories or resources.
- Article 26.2 of UNDRIP provides that Indigenous peoples have the right to own, use, develop
 and control lands, territories and resources that they possess by reason of traditional
 ownership or other traditional occupation or use, as well as those which they have otherwise
 acquired.

 Article 28 of UNDRIP provides that States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Our continued lack of access to Chimney Creek IR No. 5 is also inconsistent with current subdivision requirements under the *Land Title Act*, and Crown land use policy for roadways, which states:

The province assumes responsibility for ensuring that the need for future roads is considered before disposing of Crown land. When a decision is made regarding sale or lease of Crown land, the road needs for the surrounding area should be considered, and the appropriate public road allowance made. The provision of access to lands beyond by leaving access corridors of vacant Crown land, is an essential consideration in the allocation of Crown land.

Our previous correspondence has set out our position that the Old Chilcotin Road provided access to our reserve when it was set aside in the 1880s, that this was a travelled public road which has never been closed, and that on the basis of *Douglas Lake Cattle Company v Nicola Valley Fish and Game Club* decision, BC ought to enforce a public right to that road.

If we are wrong, it is important to consider that under current policies a parcel of land like Chimney Creek IR No. 5 would not be allowed to become deprived of access. It is also clear that in this age of reconciliation, it is imperative that road access be established to our reserve.

The Williams Lake First Nation has been patiently working with representatives of MOTI and FLNRORD to identify the "appropriate measures" which are required to redress the effect that the lack of road access has in limiting our use of Chimney Creek IR No. 5. It now time for the Province to move forward with some definitive steps to ensure this access.

We are confident that the Province has tools at its disposal to make this happen and we remain committed to working with the Province on this issue.

Regards,

Chief Willie Sellars Williams Lake First Nation

Cc: Dawn Drummond, Regional Manager, Indigenous Relations, MOTI

Email: dawn.drummond@gov.bc.ca

Susan O'Sullivan, Regional Manager, First Nations Relations, FLNRORD

Email: Susan.OSullivan@gov.bc.ca

Stephen Conarroe, Legal Counsel Email: Stephen.Conarroe@gov.bc.ca

Jennifer Griffith, Legal Counsel

Email: Jennifer griffith@aboriginal-law.com

January 23, 2021, Saturday

Conversation with \$.22 Home number: \$.22

Summary completed by Susan O'Sullivan, Regional Manager, First Nations Relations Reviewed and Agreed to by ${\bf s}.22$

Regarding s.22

s.16; s.22

Page 17 of 23

Withheld pursuant to/removed as

s.14



Reference: Lands file 230843

March 24, 2021

Bill s.22 Stafford

s.22

Dear Bill^{s.22} Stafford:

Following up on our conversation of January 23, 2021, and emails since then, please find enclosed copies of historical documents that show the existence of the roads and pathways around your ranch holdings with reference to Indian Reserve #5 (Chimney Creek). I have also included a memory stick as some of the documents are more easily viewed digitally.

In response to my enquiry to you on these records on March 3, 2021, and further clarification of the status of the gravel pit application, you did leave me a phone message and sent me an email with additional questions and statements. I was not able to respond to those questions until now as I had not seen the January 26, 2021, Williams Lake First Nation correspondence that you referred to. You had stated in your email that I believe you have had input, I have a letter from Whitney Spearing commenting on how you object to us operating our private pit until you get what you want.

My staff and I oversee and lead consultation with Indigenous communities on all proposed natural resource decisions. We do not receive these proposals for consultation until these applications have been reviewed by the incoming business area technical staff. For example, the Notice of Work gravel pit application (NOW) submitted by you in the fall of 2020 remained with the Front Counter staff via the Ministry of Energy, Mines and Low Carbon Innovation (EMLI) until Tuesday, March 16, 2021. On Tuesday, my staff received the application and it is now being prepared for First Nations consultation.

In my understanding, the January 26, 2021, WLFN correspondence is in response to this same NOW application submitted by yourselves to the Agricultural Land Commission (ALC) given the overlap with the Agricultural Land Reserve. I became first aware of this application through the Williams Lake Tribune newspaper coverage on February 17, 2021. And as mentioned above, I sought a copy of the January 26, 2021, WLFN correspondence due to

Bill s.22 Stafford

your comments to me on March 3, 2021. The ALC process is separate to the provincial government's technical and consultation review of the proposed decision of the NOW permit. However, the EMLI statutory decision-maker will require approval from ALC as part of the overall approval process for the NOW permit application.

Upon reviewing the WLFN's correspondence, I note discussions on a variety of subjects associated with your property including references to the position of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). This correspondence is entirely WLFN's position on these topics. FLNRORD was not consulted on this correspondence and nor should we have been. The second paragraph discusses the ongoing discussions that have been occurring between Ministry of Transportation and Infrastructure (MOTI) and FLNRORD, regarding the concerns that the WLFN have expressed for a number of years on the lack of consistent access to their Indian Reserve #5 (Chimney Creek). There is no new information being shared here in this correspondence.

Hopefully this provides some clarity on the communication and processes within the provincial government in managing information, proposals and the constitutional obligation to carry out First Nations consultation.

Sincerely,

Susan O'Sullivan, MA

Regional Manager, First Nations Relations

Strategic Initiatives (250) 302-5649

No Sullian

Encl: Binder and memory stick

cc: Mike Pedersen, Regional Executive Director, FLNRORD



BRIEFING NOTE FOR INFORMATION

DATE: August 23, 2021

PREPARED FOR: Honourable Katrine Conroy, Minister of Forests, Lands, Natural Resource

Operations and Rural Development (FLNR)

Honourable Rob Fleming,

Minister of Transportation & Infrastructure (MOTI)

Honourable Murray Rankin,

Minister of Indigenous Relations and Reconciliation (MIRR)

ISSUE: s.13; s.14

BACKGROUND:

- With reference to INFO note 257287 (dated July 24, 2020), FLNRO, MOTI and MIRR
 Assistant Deputy Ministers approved the action of FLNR staff to explore options directly with
 the Staffords on how to resolve the continuing and ongoing lack of access to the Chimney
 Creek IR 5 land parcel (IR 5) by Williams Lake First Nation membership; INFO note 257287 is
 attached to this BN as it includes detailed historical information on this issue.
- In September, 2020, correspondence was signed by the 3 Ministry representatives to the Staffords opening up the discussion to explore the resolution of the lack of access to IR 5 and appointed Susan O'Sullivan, Regional Manager, First Nations Relations (Cariboo Region) to contact the Staffords to discuss further.
- The 2020 fall election call paused any further communication between the provincial government and Staffords until January 23, 2021 when O'Sullivan had a lengthy conversation with the Bill, s.22 Stafford on this topic. The minutes of that call are attached and were reviewed and approved by the Staffords.
- The Staffords' comments were consistent with messages that various provincial staff have heard over the years. In their view, they do not see an issue that needs resolving as they have always provided access to certain WLFN members upon their request. They expressed a number of complaints concerning actions committed against them due to WLFN requiring access to IR 5. The Staffords also speculated on WLFN's sincere interest in IR 5 questioning the value and importance that it may hold for WLFN. They are not prepared to explore or negotiate solutions that would involve resumption or expropriation of land.
- Meanwhile, the Staffords had applied for a Notice of Works (NOW) for an existing gravel pit that is located between their homestead and IR 5. This has been a contentions gravel pit with an ongoing compliance and enforcement action occurring and as well, in past years gravel was extracted with no provincial authorization in place. This application covers an area beyond their private land into Agricultural Land Commission area of which a decision is pending from the ALC and required before the Ministry of Energy of Mines, Energy and Low Carbon Innovation (EMLI) proceeds with a decision on the NOW. WLFN have reacted strongly to this pending decision requesting that it not proceed.



The Staffords communicated to O'Sullivan suggesting that inappropriate communication was
occurring between the provincial government and WLFN on both the road access issue to IR 5
and the Staffords' pending NOW. O'Sullivan wrote to the Staffords on March 24, 2021
clarifying mainly the NOW consultation and decision-making process and the status of the IR
5 road access issue. This was the last communication with the Staffords.

DISCUSSION:

s.13: s.14

NEXT STEPS:

- Confirmation from FLNR, MOTI and MIRR that the proposed steps align with the Ministries' mandate in moving forward to resolve this issue.
- Seeking additional advice or guidance from senior FLNR, MOTI and MIRR Executive on other components to be explored or decided upon that would be integral in s.13; s.14 s.13; s.14

Attachment(s):

- 1. Information Note# 257287
- 2. January 23, 2021 Stafford meeting minutes
- 3. March 24, 2021 correspondence to Staffords

PREPARED BY:

Susan O'Sullivan, Regional Manager, First Nations Relations, Strategic Initiatives Cariboo Region (250) 302-5649

REVIEWED BY:

	Initials	Date
DM		
DM, LNRO		
Associate DM		
ADM		
Program Dir/Mgr.		

RE: final draft IR 5

From: O'Sullivan, Susan FLNR:EX <Susan.OSullivan@gov.bc.ca>

To: Drummond, Dawn B TRAN:EX <Dawn.Drummond@gov.bc.ca>, Williams,

Duncan FLNR:EX <Duncan.Williams@gov.bc.ca>, Wood, Lindsey FLNR:EX

<Lindsey.Wood@gov.bc.ca>, Ramsay, Devon IRR:EX

<Devon.Ramsay@gov.bc.ca>

Cc: Williams, Taylor FLNR:EX <Taylor.Williams@gov.bc.ca>, Nicol, Jane

FLNR:EX <Jane.Nicol@gov.bc.ca>, Larden, Monica A FLNR:EX

<Monica.Larden@gov.bc.ca>

Sent: August 23, 2021 8:50:23 AM PDT

Attachments: image002.gif, 20210823_IR 5 INFO Note.docx

Hello Dawn, s.13; s.14

Taylor – please replace the previous BN version with the attached one.

Jane/Monica -s.13; s.14

From: Drummond, Dawn B TRAN:EX < Dawn.Drummond@gov.bc.ca>

Sent: August 20, 2021 1:05 PM

To: O'Sullivan, Susan FLNR:EX <Susan.OSullivan@gov.bc.ca>; Williams, Duncan FLNR:EX

<Duncan.Williams@gov.bc.ca>; Wood, Lindsey FLNR:EX <Lindsey.Wood@gov.bc.ca>; Ramsay, Devon IRR:EX

<Devon.Ramsay@gov.bc.ca>

Cc: Williams, Taylor FLNR:EX <Taylor.Williams@gov.bc.ca>

Subject: RE: final draft IR 5

Thanks Susan, sorry saw that I missed this while I was \$.22 s.13; s.14

s.13; s.14

Dawn Drummond, B.Sc.

Director, Indigenous Relations Southern Interior Region Tel: 778-362-4487 Cell: 250-319-2864

From: O'Sullivan, Susan FLNR:EX < Susan.OSullivan@gov.bc.ca >

Sent: August 20, 2021 11:17 AM

To: Williams, Duncan FLNR:EX < <u>Duncan.Williams@gov.bc.ca</u>>; Wood, Lindsey FLNR:EX < <u>Lindsey.Wood@gov.bc.ca</u>>; Drummond, Dawn B TRAN:EX < <u>Dawn.Drummond@gov.bc.ca</u>>; Ramsay, Devon IRR:EX < <u>Devon.Ramsay@gov.bc.ca</u>>

Cc: Williams, Taylor FLNR:EX < Taylor.Williams@gov.bc.ca >

Subject: final draft IR 5

This was submitted into our eApprovals last week with a note that you receive it through our approval system. Taylor is stick handling this for me, as my access to eApprovals is at the most minimal access due to systems deficiencies re eApprovals – its very frustrating.

Once Taylor has review the INFO note and assigned a cliff #, it can be funnelled to your respective Executive for approval.

From: Williams, Duncan FLNR:EX < Duncan.Williams@gov.bc.ca>

Sent: August 17, 2021 10:56 AM

To: O'Sullivan, Susan FLNR:EX < Susan.OSullivan@gov.bc.ca > **Subject:** RE: IR 5 INFO note - Request review by July 15th

Any updates on this Susan?

From: O'Sullivan, Susan FLNR:EX < Susan.OSullivan@gov.bc.ca>

Sent: July 28, 2021 10:15 AM

To: Drummond, Dawn B TRAN:EX < Dawn.Drummond@gov.bc.ca >; Williams, Duncan FLNR:EX

<<u>Duncan.Williams@gov.bc.ca</u>>; Wood, Lindsey FLNR:EX <<u>Lindsey.Wood@gov.bc.ca</u>>; Ramsay, Devon IRR:EX

<Devon.Ramsay@gov.bc.ca>; Moody, Chanda TRAN:EX <Chanda.Moody@gov.bc.ca>

Subject: RE: IR 5 INFO note - Request review by July 15th

Importance: High Good morning,

I have only received comments from Duncan (attached). I would like to have confirmation from everyone before moving up through EApprovals.

Chanda – I see s.22 , I had a specific question below re MOTI's responsibility.

From: O'Sullivan, Susan FLNR:EX

Sent: July 7, 2021 3:32 PM

To: Drummond, Dawn B TRAN:EX < Dawn.Drummond@gov.bc.ca >; Williams, Duncan FLNR:EX

<<u>Duncan.Williams@gov.bc.ca</u>>; Wood, Lindsey FLNR:EX <<u>Lindsey.Wood@gov.bc.ca</u>>; Ramsay, Devon IRR:EX

<Devon.Ramsay@gov.bc.ca>

Subject: IR 5 INFO note - Request review by July 15th

Hello,

I have prepared an INFO note based on our conversation last month on next steps. I haven't included the attachments but I can if that will help with the review.

Looking for comments by next Thursday, July 15th.

Dawn – looking for your review on my references to s.13; s.14 it correctly.

Thanks!

- whether I have phrased