

From: Henderson, Kim N PREM:EX
To: Main, Grant TRAN:EX; Nikolejsin, Dave EMPR:EX; Sheldon, Tim FLNR:EX; Carr, Steve MNGD:EX; Munro, Steve C ABR:EX; Fyfe, Richard J AG:EX
Subject: Fwd: Business Council of BC Statement regarding the Tsilhqot'in Nation v. British Columbia decision
Date: Thursday, June 26, 2014 12:03:07 PM

FYI

From: Cheryl Muir
Sent: June 26, 2014 11:34 AM
To: Greg D'Avignon
Subject: Business Council of BC Statement regarding the Tsilhqot'in Nation v. British Columbia decision

**Business Council of British Columbia statement regarding
the Tsilhqot'in Nation v. British Columbia Supreme Court decision
(The Williams Case)**

June 26, 2014 (Vancouver, BC) –
Copyright

-30-

Media Contact:

Cheryl Maitland Muir

Director of Communications and Events

Business Council of British Columbia

Direct: 604-696-6582

Mobile: 604-812-5965

www.bcbc.com

@bizcouncilbc

From: [Foy, Patrick G.](#)
To: [Fyfe, Richard J AG:EX](#)
Subject: FW: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC
Date: Saturday, June 28, 2014 6:52:29 AM
Attachments: William - draft agenda.docx

Richard,

This is one, of many, invitations I have received this week. Let's discuss.

PGF

From: Pauline Cusack [<mailto:pmc@pbli.com>]

Sent: June-27-14 4:25 PM

To: Foy, Patrick G.

Subject: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC

Hello Pat,

Further to my voice message this morning, I write to invite you to participate at PBLI's new program "**Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact**". The program is being chaired by Robert Janes of JFK Law Corporation and will be held in Vancouver, BC on October 7th & 8th, 2014.

Please find attached the draft agenda for your consideration.

We are inviting the speakers today and planning to go to print on Thursday of next week.

We sincerely hope that you will be able to join us.

I look forward to hearing from you.

Kind regards,

Pauline

Pauline Cusack

Founder & CEO



Pacific Business & Law Institute

305-1681 Chestnut Street | Vancouver, BC V6J 4M6

t: 604.730.2521 f: 604.730.5085

e: pmc@pbli.com w: www.pbli.com

**Tsilhqot'in Nation and Recognition of Aboriginal Title at the
Supreme Court of Canada: Analysis & Impact**

October 7-8, 2014 – UBC Robson Square

Chaired by Robert J. M. Janes, JFK Law Corporation

DAY ONE – OCTOBER 7TH, 2014 – AGENDA

9:00 am: Welcome and Introduction to Day One

Robert J.M. Janes – *Confirmed*
JFK Law Corporation

9:10 am: Keynote Address: How Does the Tsilhqot'in Nation Decision Fit in the Canadian Legal Framework?

Professor Brian Slattery – *Confirmed*
Osgoode Hall Law School

9:55 am: Questions and Discussion

10:05 am: What Do You Need to Prove Aboriginal Title?

Patrick Foy, Q.C. – <i>Invited</i>	Louise Mandell, Q.C. – <i>Invited</i>
Borden Ladner Gervais LLP	Mandell Pinder LLP

10:50 am: Questions and Discussion

11:00 am: Refreshment Adjournment

11:15 am: How Does the Infringement Test Work Now?

Terri-Lynn Williams-Davidson – <i>Invited</i>	Brian McLaughlin – <i>Invited</i>
White Raven Law Corporation	Department of Justice

12:00 pm: Questions and Discussion

12:10 pm: Networking Lunch

1:00 pm: Have Consultation Requirements Changed?

Greg McDade, Q.C. – *Invited*
Ratcliff & Company

1:45 pm: Questions and Discussion

1:55 pm: What Does the Tsilhqot'in Nation Decision Mean for the Division of Powers?

Robert J.M. Janes – *Confirmed*
JFK Law Corporation

John Hunter – *Invited*
Hunter Litigation Chambers

2:40 pm: Questions and Discussion

2:50 pm: Refreshment Adjournment

3:05 pm: Strategic Litigation Issues in an Aboriginal Case from Trial to the Supreme Court of Canada

David Rosenberg, Q.C. – *Confirmed*
Rosenberg & Rosenberg

3:50 pm: Questions and Discussion

4:00 pm: Importance of the Evidentiary Record

Jay Nelson – *Confirmed*
Jay Nelson Law / Tsilhqot'in Nation

4:45 pm: Questions and Discussion

4:55 pm: Chairs' Closing Remarks

5:00 pm: Program Concludes for Day One

DAY TWO – OCTOBER 8TH, 2014 – AGENDA

9:00 am: Welcome and Introduction to Day Two

Robert J.M. Janes – *Confirmed*
JFK Law Corporation

9:10 am: Keynote Address The Long Road to Aboriginal Title

Tom Berger Q.C. – *Invited*
Berger & Company

9:55 am: Questions and Discussion

10:05 am: Legal Implication for the Rest of Canada

Dr. Bruce Stadfeld-McIvor – *Confirmed*
First Peoples Law

Sandy Carpenter – *Confirmed*
Blake, Cassels & Graydon LLP

10:50 am: Questions and Discussion

11:00 am: Refreshment Adjournment

11:15 am: What Does This Decision Mean to the Tsilhqot'in Nation and British Columbia?

Chief Roger William – *Invited*
Tsilhqot'in Nation

12:00 pm: Questions and Discussion

12:10 pm: Networking Lunch

1:00 pm: What Does the Tsilhqot'in Nation Decision Mean for Aboriginal People in Canada and Internationally?

Professor John Borrows – *Invited*
UVic Faculty of Law

1:45 pm: Questions and Discussion

1:55 pm: Resource Development: What Has Changed?

Charles (Chuck) Willms – *Invited*
Fasken Martineau Dumoulin LLP

2:40 pm: Questions and Discussion

2:50 pm: Refreshment Adjournment

3:05 pm: What Does the Tsilhqot'in Nation Decision Mean for Reconciliation and the Treaty Making Process?

Steven Munro – <i>Invited</i> DM, Aboriginal Relations	Taiaiake Alfred – <i>Invited</i> UVic Indigenous Governance	Jean Teillet – <i>Confirmed</i> Pape Salter Teillet LLP
---	--	--

3:50 pm: Questions and Discussion

4:00 pm: Faculty Roundtable

4:55 pm: Chairs' Closing Remarks

5:00 pm: Program Concludes

From: [Fyfe, Richard J JAG:EX](#)
To: [Foy, Patrick G.](#)
Subject: Re: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC
Date: Saturday, June 28, 2014 2:54:02 PM

Sorry Pat. I was driving when you called.

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General
Tel. (250) 356-0149

This communication (both the message and any attachments) is confidential and may be protected by solicitor-client privilege. It is intended only for the use of the person or persons to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

On Jun 28, 2014, at 6:52 AM, "Foy, Patrick G." <PFoy@blg.com> wrote:

Richard,
This is one, of many, invitations I have received this week. Let's discuss.
PGF

From: Pauline Cusack [<mailto:pmc@pbli.com>]
Sent: June-27-14 4:25 PM
To: Foy, Patrick G.
Subject: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC
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t: 604.730.2521 f: 604.730.5085

e: pmc@pbli.com w: www.pbli.com

From: [Fyfe, Richard J JAG:EX](#)
To: [Foy, Patrick G.](#)
Subject: Re: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC
Date: Saturday, June 28, 2014 3:19:51 PM

I won't be in the office but will have my cellphone.

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General
Tel. (250) 356-0149

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> On Jun 28, 2014, at 9:55 AM, "Foy, Patrick G." <PFoy@blg.com> wrote:

>

> I left you a voicemail. Will you be in the office on Monday?

>

> PGF

>

> -----Original Message-----

> From: Fyfe, Richard J JAG:EX [<mailto:Richard.Fyfe@gov.bc.ca>]

> Sent: June-28-14 9:36 AM

> To: Foy, Patrick G.

> Subject: Re: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC

>

> Ok. My mobile is probably best. ^{s.17}

>

> Richard J.M. Fyfe QC

> Deputy Attorney General

> Ministry of Justice and Attorney General Tel. (250) 356-0149

>

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> On Jun 28, 2014, at 6:52 AM, "Foy, Patrick G." <PFoy@blg.com<<mailto:PFoy@blg.com>>> wrote:

>

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> PGF

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> From: Pauline Cusack [<mailto:pmc@pbli.com>]

> Sent: June-27-14 4:25 PM

> To: Foy, Patrick G.

> Subject: Tsilhqot'in Nation and Recognition of Aboriginal Title at Supreme Court of Canada: Analysis & Impact, Oct. 7 & 8, 2014, Vancouver, BC

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> We are inviting the speakers today and planning to go to print on Thursday of next week.
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> I look forward to hearing from you.
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> Kind regards,
>
> Pauline
>
>
>
> Pauline Cusack
> Founder & CEO
>
> <image003.jpg>
>
> Pacific Business & Law Institute
> 305-1681 Chestnut Street | Vancouver, BC V6J 4M6
>
> t: 604.730.2521 f: 604.730.5085
> e: pmc@pbli.com<<mailto:pmc@pbli.com>> w: www.pbli.com<<http://www.pbli.com>>
>
> <William - draft agenda.docx>

From: [Munro, Steve C ABR:EX](#)
To: [Dyble, John C PREM:EX](#); [Henderson, Kim N PREM:EX](#); [Carr, Steve MNGD:EX](#); [Sieben, Mark MCF:EX](#); [Fyfe, Richard J AG:EX](#); [Byng, Dave A JTST:EX](#); [Milburn, Peter R FIN:EX](#)
Cc: [Mentzelopoulos, Athana GCPE:EX](#)
Subject: FW: CBYG: Phillip - Tsilhqot'in decision meeting
Date: Friday, July 4, 2014 10:20:08 AM

John and others:

Transcript of comments on national radio

Steve Munro
Deputy Minister
Ministry of Aboriginal Relations & Reconciliation
(250) 356-1394

From: , "Corinna GCPE:EX" <Corinna.Filion@gov.bc.ca>
Date: Friday, 4 July, 2014 8:47 AM
To: Maria Wilkie <Maria.Wilkie@gov.bc.ca>, Neilane Mayhew <Neilane.Mayhew@gov.bc.ca>, Peter Cunningham <Peter.Cunningham@gov.bc.ca>, Peter Walters <Peter.Walters@gov.bc.ca>, Steve Munro <steve.c.munro@gov.bc.ca>
Cc: Robin Platts <Robin.Platts@gov.bc.ca>
Subject: Fwd: CBYG: Phillip - Tsilhqot'in decision meeting

Full transcript

Sent from my iPhone

Begin forwarded message:

From: "Today's News Online GCPE:EX" <tno@gov.bc.ca>
Date: July 4, 2014 at 8:45:04 AM PDT
Subject: CBYG: Phillip - Tsilhqot'in decision meeting

CBYG (CBC Prince George)

04-Jul-2014 07:04

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TNO...

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From: [Fyfe, Richard J JAG:EX](#)
To: [Richter, Connie AG:EX](#)
Subject: Fwd: CHANGE OF VENUE-BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014
Date: Friday, July 11, 2014 1:17:58 PM

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Justice and Attorney General
Tel. (250) 356-0149

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Begin forwarded message:

From: Nikki Roussanidis <nikki.roussanidis@bccbc.com>
Date: July 11, 2014 at 12:51:59 PM PDT
Subject: **CHANGE OF VENUE-BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014**

Hello

Thank you for your RSVP to the BCBC – Provincial Government Status Briefing meeting on the Tsilhqot'in Decision.

Just as a reminder, the meeting will take place on Tuesday, July 15, 2014 and will commence at 3:00 pm.

Due to the high level of interest in the meeting the venue has been changed from the BCBC Boardroom to:

Fasken Martineau DuMoulin

Suite #2900

550 Burrard Street

Vancouver BC

V6C 0A3

(Contact: Sherry Kelly – 604.631.4845)

Please arrive 10 minutes prior to the meeting, and reception will direct you to the meeting room.

Best regards,

Nikki Roussanidis

Executive Assistant to the President

Business Council of British Columbia

D: 604.696.6586

F: 1.888.488.5376

E: nikki.roussanidis@bcbc.com

W: www.bcbc.com

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From: [Munro, Steve C ABR:EX](#)
To: [Fyfe, Richard J AG:EX](#)
Subject: Fw: BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014
Date: Tuesday, July 15, 2014 1:24:09 PM
Attachments: William BCBC July1514.pptx

----- Original Message -----

From: Sparks, Sarah ABR:EX
Sent: Tuesday, July 15, 2014 01:22 PM
To: Munro, Steve C ABR:EX
Subject: FW: BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014

This work?

Kim Ponchet
A/Senior Executive Assistant
to Steve Munro, Deputy Minister
Ministry of Aboriginal Relations & Reconciliation
Office: 250-356-1394
Facsimile: 250-387-6073

-----Original Message-----

From: Munro, Steve C ABR:EX
Sent: Tuesday, July 15, 2014 7:58 AM
To: French, Shawna ABR:EX; Sparks, Sarah ABR:EX
Cc: Walters, Peter ABR:EX; Wilkie, Maria ABR:EX; Mayhew, Neilane ABR:EX; Cunningham, Peter C ABR:EX; French, Shawna ABR:EX
Subject: FW: BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014

Hi Shawna or Kim

Could you please put the PPP on a stick for me (I can't because the Apple uses a different format). Thx

Steve Munro
Deputy Minister
Ministry of Aboriginal Relations & Reconciliation
(250) 356-1394

On 2014-07-15 7:56 AM, "Munro, Steve C ABR:EX" <Steve.C.Munro@gov.bc.ca> wrote:

>Nikki

>

>If possible, I would like to have the attached PPP put on a screen today.

>However, I request that hard copies not be distributed. Thx

>

>Steve Munro

>Deputy Minister

>Ministry of Aboriginal Relations & Reconciliation

>(250) 356-1394

>

>

>

>

>On 2014-07-14 4:41 PM, "Greg D'Avignon" <greg.davignon@bcbc.com> wrote:

>

>>Yes, I will have Nikki arrange at the Fasken offices.

>>

>>Greg D'Avignon

>>President and CEO

>>Business Council of British Columbia

>>

>>Direct: 604-696-6580 or greg.davignon@bcbc.com www.bcbc.com |

>>@bcbcbgreg

>>

>>To unsubscribe from BCBC communications, please email info@bcbc.com

>>

>>CONFIDENTIALITY NOTICE: This email and any attachments are confidential.

>>If you are not the intended recipient, be aware that any disclosure,

>>copying, distribution, or use of this email or any attachment is

>>prohibited. If you have received this email in error, please notify

>>BCBC immediately by return E-mail and delete this copy from your system.

>>Thank you for your assistance

>>

>>

>>-----Original Message-----

>>From: Munro, Steve C ABR:EX [mailto:Steve.C.Munro@gov.bc.ca]

>>Sent: July 14, 2014 4:04 PM

>>To: Greg D'Avignon; Tom Syer

>>Subject: Re: BCBC-Provincial Government Status Briefing on Tsilhqot'in

>>Decision - July 15, 2014

>>

>>Hi Greg or Tom

>>

>>I have a small PPP for our meeting tomorrow. Will I be able to up it

>>on a screen? I prefer not to leave any paper.

>>

>>Steve Munro

>>Deputy Minister

>>Ministry of Aboriginal Relations & Reconciliation

>>(250) 356-1394

>>

>>From: Greg D'Avignon

>><greg.davignon@bcbc.com><mailto:greg.davignon@bcbc.com>>

>>Date: Wednesday, 9 July, 2014 9:16 AM

>>Subject: BCBC-Provincial Government Status Briefing on Tsilhqot'in

>>Decision - July 15, 2014

>>

>>Aboriginal Affairs Committee, Energy Committee and Executive Committee

>>Members

>>

>>As a follow-up to the Tsilhqot'in Decision, the provincial government

>>led by Deputy Minister Steve Munro and MARR staff have offered to

>>provide a status briefing on the government's initial response and

>>approach to this important Supreme Court of Canada judgment.

>>

>>This interactive session will be held at the Business Council of BC on
>>Tuesday, July 15, 2014 from 3:00 pm to 4:30 pm.
>>
>>We expect a large degree of interest in this meeting and space is
>>limited. Please RSVP your attendance by Friday, July 11 at 10:00 am
>>to Nikki Roussanidis
>>(nikki.roussanidis@bccbc.com<<mailto:nikki.roussanidis@bccbc.com>>)
>>
>>Below you will also find a link to a short blog that Tom Syer has
>>written on the decision, with the further commentary coming in the
>>days and weeks ahead
>>(http://www.bccbc.com/bccbc-blog/2014/the-tsilhqotin-williams-decision-a
>>-di
>>v
>>ersity-of-views-on-implications)
>>
>>Please feel free to contact Tom Syer, Jock Finlayson or myself if you
>>have any questions or comments.
>>
>>
>>Sincerely,
>>Greg D'Avignon
>>President & Chief Executive Officer
>>Business Council of British Columbia
>>
>>D: 604.696.6580
>>F: 1.888.488.5376
>>E: greg.davignon@bccbc.com<<mailto:greg.davignon@bccbc.com>>
>>W: www.bccbc.com
>>
>>To unsubscribe from BCBC communications, please email
>>info@bccbc.com<<mailto:info@bccbc.com>>
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BRITISH
COLUMBIA



William Decision —Initial Response—

July 2014



BRITISH
COLUMBIA

Ministry of
Aboriginal Relations
and Reconciliation



Decision

- Declared Aboriginal Title
 - New category of land in BC
 - Only applies to 170,000 hectares
- Clarity for determining title
 - Exclusive use and occupation
- FN has control, with limitation
 - Ability to benefit economically
- Confirm requirements to consult on non-title Crown land



BRITISH
COLUMBIA

First Nation Reaction

- Some 'Game-Changer' comments
- Increased FN Expectations
 - Likely increased willingness to litigate
- Other FNs are wanting to 'get on with it'



BRITISH
COLUMBIA

BC's Response to Date

- Welcome clarity provided
- Committed to negotiate rather than litigate
- Will build on relationships with FNs and effective treaty and non-treaty tools



Determining Title

- Title Litigation
 - Uncertain
 - Very time consuming
 - FN's ability to benefit not clear
- Treaty Negotiations
 - Defines FN jurisdiction
 - Self-government and removal from Indian Act
 - Capital transfer, fiscal finance and other tools
- Treaty Revitalization



BRITISH
COLUMBIA

Pre-Treaty Approach

- BC has a set of tools that:
 - Provide FNs with tools to participate and partner
 - Address legal requirements
- Revenue-sharing provides sector or project certainty
- Consultation Agreements
 - Defined and streamlined processes
- Economic Development Agreements
- Role of Industry

6



Addressing William

- Address FN expectations
- Celebrate success
 - Success is self-generating
- Existing tools and consider new tools
- Approaches to high strength of claim
- Coordinate with Canada
- Continued engagement with industry



Engaging with First Nations

- FN Communities
 - Legal rights holders
 - Varying interests
 - BC (and proponents) have had success targetting agreements at this level
- FN Political Leaders
 - Has influence but limited mandates
 - BC is engaged
- Sept 11 All Chiefs meeting



BRITISH
COLUMBIA

Next Steps

- Detailed analysis of William continues
- Continued engagement with FNs, industry and Canada
- BC will continue to evolve its response

From: [Munro, Steve C ABR:EX](#)
To: [Fyfe, Richard J AG:EX](#)
Subject: FW: CHANGE OF VENUE-BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014
Date: Friday, July 11, 2014 2:01:17 PM

Steve Munro
Deputy Minister
Ministry of Aboriginal Relations & Reconciliation
(250) 356-1394

From: Nikki Roussanidis <nikki.roussanidis@bccbc.com>
Date: Friday, 11 July, 2014 12:51 PM
Subject: CHANGE OF VENUE-BCBC-Provincial Government Status Briefing on Tsilhqot'in Decision - July 15, 2014

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Boardroom to:

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Suite #2900

550 Burrard Street

Vancouver BC

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(Contact: Sherry Kelly – 604.631.4845)

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Best regards,

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Executive Assistant to the President

Business Council of British Columbia

D: 604.696.6586

F: 1.888.488.5376

E: nikki.roussanidis@bccbc.com

W: www.bccbc.com

To unsubscribe from BCBC communications, please email info@bccbc.com

Richter, Connie JAG:EX

Subject: MEETING: Kim, Tim , Dave N (N/A), Steve C, Steve M, Richard, Kurt Sandstrom and Geoff Moyse - Strategic Aboriginal Issues - DM Working Group

Location: Rose Room - 272 West Annex

Start: Fri 2014-07-25 10:00 AM

End: Fri 2014-07-25 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Henderson, Kim N PREM:EX

Required Attendees: Sheldan, Tim FLNR:EX; Carr, Steve MNGD:EX; Munro, Steve C ABR:EX; Fyfe, Richard J JAG:EX; Sandstrom, Kurt JAG:EX; Moyse, Geoff JAG:EX

Roger William case (*Tsilhqot'in Nation v. BC*) Implementation

Strategic Aboriginal Issues DM Steering Committee

AGENDA

July 25, 2014

10:00 – 11:00 a.m.

Rose Room, Room 272 West Annex

1. Debrief from the July 23rd Cabinet meeting.
 - a. Presentation for Cabinet Retreat
 - b. Assignments
2. Update on Strategic Aboriginal Issues ADM Steering Committee Meetings (Standing Agenda Item)
3. Area Based Management - work toward more area based forest management tenures, from the current volume based model.
4. EAO and Strength of Claim Assessments
5. Operational Level Direction

**ENVIRONMENTAL ASSESSMENT OFFICE
DECISION NOTE**

Date: July 22, 2014
File: 30050-20/CGLT-05
CLIFF/tracking #: 104404

PREPARED FOR: Honourable Mary Polak, Minister of Environment

ISSUE: Release of the Environmental Assessment Office (EAO) draft Aboriginal Consultation Report for the proposed Coastal GasLink Project in light of *Tsilhqot'in Nation v. British Columbia* decision.

BACKGROUND:

The EAO has scheduled the proposed Coastal GasLink pipeline Project (proposed Project) for referral to Ministers for decision on September 8, 2014. Strength of claim assessments were undertaken for CGL and other Liquid Natural Gas (LNG) projects at earlier stages of the EA process, prior to the *Tsilhqot'in Nation V. British Columbia*, 2014 SCC decision (*Tsilhqot'in*). In conveying the initial strength of claim analysis to potentially impacted First Nations, EAO indicated that the analysis would be revisited should new case law arise.

Tsilhqot'in broadens the scope of title to include areas of exclusive and sufficient occupation which can include areas of seasonal use (including hunting, fishing, trapping, gathering sites, historic trails that connect key areas, etc.). *Tsilhqot'in* confirms that the Crown must consider potential impacts to aboriginal title including whether the project will affect:

- the right to possess, enjoy and occupy the land
- the right to the economic benefits of the land
- the right to proactively use and manage the land

If a title needs to be re-analysed, the EAO will need to share this analysis with First Nations and provide reasonable opportunity to respond.

DISCUSSION:

The EAO has developed a draft Aboriginal Consultation Report for the CGL project, that documents input received from 25 First Nations groups throughout the EA process. The draft Report summarizes EAO's understanding of the potential project impacts to First Nations, First Nations' concerns, efforts to accommodate (avoid or mitigate) impacts to aboriginal rights including title, and concludes on the adequacy of consultation including accommodation. The draft report does not reflect any re-analysis that may be required as a result of *Tsilhqot'in*.

EAO was scheduled to send the draft Report to First Nations on July 18, 2014 for a three week review and comment period, but is holding the draft Report pending direction on next steps. Any significant delay in releasing the draft Report to First Nations has the potential to delay the project referral to Ministers. On the other hand, First Nations are likely to respond negatively to the draft Report because it does not contain a re-analysis of strength of title in the wake of *Tsilhqot'in*. Ministry of Justice advises of the need to undertake a high-level reassessment of post-*Tsilhqot'in* strength of title claims.

Prior to *Tsilhqot'in*, First Nations involved in LNG-related environmental assessments (EA) expressed strong concerns that EAs are proceeding too quickly in the face of multiple projects. MARR has made benefit agreement offers to every First Nation along the three northern pipeline routes in order to gain the First Nations support for the projects and cooperation in the regulatory processes including the EA reviews. The release of the draft Aboriginal consultation report for CGL will be seen by First Nations as a sign of the Province's response to *Tsilhqot'in*, as will any delay be interpreted by industry.

OPTIONS:

s.13;s.16

Option: _____ /
DECISION & SIGNATURE
Honourable Mary Polak
Minister of Environment

DATE SIGNED

ATTACHMENTS: s.12
s.12

Contact:

Name: Doug Caul
Title: Associate Deputy Minister and
Executive Director
Phone: s.17

Prepared by:

Name: Cory Waters
Title: First Nations Lead, LNG
Phone: s.17

Reviewed by	Initials	Date
ED/EPD		
ADM	MC	July 22, 2014
Associate DM:	DC	July 22, 2014

Page 033 of 183 to/à Page 047 of 183

Withheld pursuant to/removed as

s.12; s.16

Richter, Connie JAG:EX

From: Sandstrom, Kurt JAG:EX
Sent: Wednesday, September 3, 2014 7:42 AM
To: Lalonde, Jarett JAG:EX
Cc: Fyfe, Richard J JAG:EX; Richter, Connie JAG:EX
Subject: RE: Briefing material
Attachments: s.12

Jarett: as indicated I met with a small group of deputies and John Dyble yesterday afternoon in Vancouver. I was supplied a binder of material prepared for the September 9th Cabinet meeting. The material was in draft and a number of changes were recommended to make it more useful for Cabinet. The binder was returned to cabinet operations following the material so I don't have material to share, with the exception of the material prepared by Justice.

Attached is the PowerPoint presentation s.12 that our team prepared with MARR. The messaging in the start of the deck will change to revert back to the previous cabinet presentation on the subject as that messaging was preferred.

I am also attaching a briefing note we were asked to prepare s.12 This is in response to s.12;s.16
s.12;s.16 I'm not sure whether this
document will in the end make its way into the cabinet material s.13;s.16
s.13;s.16

Item 4 on the draft Cabinet agenda includes s.12 from 9:05 to 10:05. The attached
presentation will be used, as modified as to messaging in the first few slides s.12
s.12 At the moment I am unclear as to who will make that presentation to Cabinet (likely the same party that delivered it at the Cabinet retreat).

I've taken a look at the agenda for September 11. It is still in draft and subject to change as the latest version is the one put forward by FNLC and as of yet not approved by the Premier. The agenda contemplates at 10:00 a presentation by Tsilhqot'in Nation Government entitled "Overview and Implementation of the Tsilhqot'in case" and is followed by "Provincial Perspectives (AG/DAG)". s.13;s.16
s.13;s.16

The other items on the agenda thus far include concurrent breakout sessions or plenary topics on the following:

- Identification and Demarcation of Aboriginal Title/Crown Lands
- Governance and Decision-making
- Foundation for Transforming BC Crown and FN Relations – the Path forward

In terms of format, it is expected there will be over 400 people in attendance and that breakouts will be upward of 150-200 people. It is anticipated that for the breakouts Ministers and Deputy Ministers will each lead a table in the discussions. It is anticipated that the Deputies WILL NOT be at the table with the Ministers who will be on their own.

s.13;s.16

s.13;s.16

s.12

As such the team is taking the
and distilling that into a one-pager for Cabinet.

I trust the above will be helpful for the Minister and you. There is much planning yet ahead (including finalizing the September 11 agenda). We'll know more when the Minister returns and we can chat further when we meet on September 8.

Kurt.

From: Sandstrom, Kurt JAG:EX
Sent: Friday, August 29, 2014 5:28 PM
To: Lalonde, Jarett JAG:EX
Cc: Fyfe, Richard J JAG:EX; Richter, Connie JAG:EX
Subject: RE: Briefing material

Sure. I'll be receiving draft material for the meeting on Tuesday and will share that with her (once deputies are satisfied there aren't any major problems with the material). MARR is lead on the preparation of the material but we have provided ^{s.12} Will send it to you Tuesday after the meeting.

From: Lalonde, Jarett JAG:EX
Sent: Friday, August 29, 2014 5:25 PM
To: Sandstrom, Kurt JAG:EX
Cc: Fyfe, Richard J JAG:EX; Richter, Connie JAG:EX
Subject: Briefing material

Kurt,

MSA would like a copy of the briefing material you are preparing for cabinet ^{s.12} as she should be able to speak to it during cabinet and afterwards. I will schedule some briefing time on the 8th but she would appreciate seeing something in advance, even if it is still in draft form. She has a long flight back on Sept. 6th and she wants to get back up to speed.

Thanks,

Jarett

Jarett Lalonde
Chief of Staff
Office of the Hon. Suzanne Anton, Q.C.
Attorney General and Minister of Justice B.C.
(250)-387-1866

" Outline "

Richter, Connie JAG:EX

From: Mayhew, Neilane ABR:EX
Sent: Wednesday, August 27, 2014 11:23 AM
To: Richter, Connie JAG:EX
Subject: FW: BC Cabinet and First Nations Leaders Gathering

Forwarding to you Connie as I received Richard's out of office.

Neilane Mayhew

Assistant Deputy Minister
Strategic Initiatives Division
Ministry of Aboriginal Relations and Reconciliation
Phone: 250 356-1439
Fax: 250 387-6073

From: Mayhew, Neilane ABR:EX
Sent: Wednesday, August 27, 2014 11:19 AM
To: Baskerville, Shannon MIT:EX; Brown, Stephen R HLTH:EX; Byng, Dave A EDUC:EX; Carr, Steve MNGD:EX; Carroll, Sandra AVED:EX; Denlinger, Becky CSCD:EX; Dyble, John C PREM:EX; Fraser, John Paul GCPE:EX; Fyfe, Richard J JAG:EX; Henderson, Kim N PREM:EX; Jacobson, John MTIC:EX; Main, Grant TRAN:EX; Mentzelopoulos, Athana JTST:EX; Milburn, Peter R FIN:EX; Munro, Steve C ABR:EX; Nikolejsin, Dave MEM:EX; Sheldan, Tim FLNR:EX; Shoemaker, Wes ENV:EX; Sieben, Mark MCF:EX; Sturko, Derek AGRI:EX; Sweeney, Neil PREM:EX; Tarras, Lynda PSA:EX; Taylor, Sheila A SDSI:EX; Wanamaker, Lori JAG:EX
Cc: Holmes, Rachel ABR:EX; French, Shawna ABR:EX
Subject: BC Cabinet and First Nations Leaders Gathering

Good morning,

I am pleased to provide you with further information regarding the BC Cabinet and First Nations Leaders Gathering on September 11 in Vancouver, including an overview of the event, your role in it and a time sensitive request for information from your respective ministries.

On Thursday, September 11th, the Gathering, which is co-hosted by the Province and the First Nations Leadership Council (FNLC), will take place at the Fairmont Hotel Vancouver. Invitations have been extended to 203 First Nations Chiefs, as well as Tribal Council leaders and delegates. Leaders and executive of the FNLC will be attendance, as well as all Provincial Cabinet Ministers. You will have received a meeting invite from John Dyble. All Deputy Ministers are expected to attend and to participate in the proceedings.

The purpose of the Gathering is to convene a meaningful dialogue between First Nations and Provincial leadership regarding key issues and priorities of mutual interest. The event also provides an opportunity for First Nations engagement with key decision makers and to demonstrate Government's commitment to working in partnership.

To support these outcomes, we anticipate that the agenda will be organized into both plenary and break-out components. We are in the process of completing these details and will provide further information as soon as possible.

The role of Deputy Ministers is to engage in dialogue throughout the day with First Nations representatives. To support you, we will be sending a full set of briefing materials next week. We will be organizing set tables at both the plenary sessions and lunch so that First Nations participants can seat themselves with a Minister or Deputy of their choice in order to have an opportunity to dialogue on topics of interest. Ministers and Deputies will be encouraged to 'mingle' throughout breaks. Volunteers, comprised of provincial and FNLC staff, will be on hand for support throughout the event.

Please note that briefing materials on key issues related to First Nations are required from each Ministry. It is requested that your ministry send an overview of key issues/opportunities (top 3-5), along with associated issues notes, to Shawna French at Shawna.French@gov.bc.ca by **10am on Friday, August 29** so that they can be organized in time for scheduled Executive briefings.

Thank you in advance for your participation and contribution. If you would like to arrange a pre-briefing to discuss any of the details noted above, please contact Rachel Holmes at Rachel.Holmes@gov.bc.ca or she can be reached through the Deputy Minister's office at 250 356-1394.

Neilane Mayhew

A/ Deputy Minister

Ministry of Aboriginal Relations and Reconciliation

Phone: 250 356-1439

Fax: 250 387-6073

Page 052 of 183 to/à Page 058 of 183

Withheld pursuant to/removed as

s.16

Richter, Connie JAG:EX

Subject: First Nations MW Cabinet Ministers (Breakfast will be provided)
Location: Fairmont Hotel Vancouver, 900 West Georgia Street
Start: Thu 2014-09-11 7:30 AM
End: Thu 2014-09-11 5:00 PM
Recurrence: (none)
Organizer: Fyfe, Richard J JAG:EX
Categories: Cabinet/Priority



BC Chiefs Forum - *"The Tsilhqot'in decision: Aboriginal Title in BC and the way forward"*

August 14th & 15th, 2014 - Musqueam First Nation Recreation Center, Vancouver, BC

Agenda (Draft) *Subject to change

DAY ONE – Thursday, August 14, 2014	DAY TWO, Friday, August 15, 2014
8:00 am Sign-in/Registration	8:00 am Sign-in/Registration
9:00 am Welcome/Opening Prayer	9:00 am Welcome/Overview of Day One
9:15 am First Nations Leadership Council – Setting the context <ul style="list-style-type: none"> FNS – Grand Chief Edward John, Cheryl Casimer, Robert Phillips UBCIC – Grand Chief Stewart Phillip, Chief Bob Chamberlin, Kukpi7 Judy Wilson BCAFN – Regional Jody Wilson-Raybould 	9:15 am Plenary – The Way Forward: Developing a First Nations' Strategic Response to Implement SCC Decision <ul style="list-style-type: none"> Relations among First Nations Relations with Crown (federal and provincial) Relations with industry
10:00 am Tsilhqot'in Leadership – Historical overview and impact of decision <ul style="list-style-type: none"> TNG – Chief Joe Alphonse, Chief Roger William, Chief Francis Lacceese, Chief Russell Myers Ross, Chief Bernie Mack, Chief Percy Guichon 	10:45 am Health Break
11:00 am Health Break	11:00 am Continued Plenary – Open Floor Discussion on Strategy
11:15 am Plenary Discussion – Tsilhqot'in Leadership	12:00 pm Lunch Break
Noon Lunch Break	1:00 pm Plenary – Building on "All Our Relations" Declaration
1:00 pm Legal Panel – Meaning and Implications of SCC Decision and Key Advice Moving Forward <ul style="list-style-type: none"> Tsilhqot'in legal team, intervenors and others 	2:00 pm Plenary – Preliminary discussions on a strategy for September 11th All Chiefs' Meeting with Premier and Cabinet <ul style="list-style-type: none"> This discussion will continue at the September 9th & 10th at BCAFN Chiefs' Meeting
2:30 pm Health Break	3:00 pm Closing Remarks/Adjournment
2:45 pm Open Floor Discussion – Implications of SCC decision	
4:30 pm Summary of Day 1	
5:00 pm Adjournment	

Draft – July 15th, 2014

BC Cabinet and First Nations Leadership Gathering Overview

Overview

- This meeting is the first of its kind for the Province
- A commitment to the meeting was made in February 2014 and planning commenced shortly thereafter
- Planning has been done collaboratively with the First Nation Leadership Council
- September 11 provides an opportunity for BC to:
 - Demonstrate commitment to continue and enhance engagement with First Nations
 - Dialogue and strengthening relationships with First Nations
 - Demonstrate the priority government places on First Nations and their critical role in advancing BC's economic and social agenda
- September 11 is also an opportunity to commit to on-going work with First Nations to address the Tsilhqot'in decision and other matters

Themes and Desired Outcomes

- Advance reconciliation with First Nations
- Acknowledge and recognize the significance of the Tsilhqot'in decision
- Create foundation for strengthening BC's relationship with First Nations
- Commit to moving forward in a productive and constructive way with a joint acknowledgement that:
 - An important step was taken towards strengthening the relationship between BC and FN Leaders
 - There is more work to be done
 - There is a commitment to continue to work together
 - There is a commitment to jointly build a high level strategic framework to guide our work and achieve reconciliation
- An understanding of the process to build a high level strategic framework that will guide the work.

First Nations Leadership Council - Overview

Background/Context:

In early 2005, the BC Government engaged in discussions with the three First Nation political organizations – The First Nations Summit (FNS), the Union of BC Indian Chiefs (UBCIC) and the BC Assembly of First Nations (BCAFN) – through a First Nation coalition known as the FNLC. The FNLC membership is comprised from the Executive of each organization, currently:

- BC Assembly of First Nations: Regional Chief Jody Wilson-Raybould from the We Wai Kai Nation.
- Union of BC Indian Chiefs: Grand Chief Stewart Phillip of the Penticton Indian Band; Chief Bob Chamberlin of Kwicksutaineuk-Ah-kwaw-ah-mish First Nation; and Kukpi7 Judy Wilson, Chief of the Neskonlith Indian Band in the BC Interior.
- First Nations Summit: Grand Chief Ed John, hereditary Chief of the Tl'azt'en Nation; Cheryl Casimer of the Ktunaxa First Nation; and Robert Phillips of the Northern Secwepemc te Qelmucw (Shusap) of the Canim Lake First Nation.

The three First Nation groups and BC agreed to the New Relationship document in 2005. For the first time in over 30 years, representatives from all First Nations in BC were participating in a single process.

While the members of the FNLC work together to engage with the Province, they remain separate entities. They are mandated separately from each of their organizations and are responsible to act on the resolutions of their respective organizations. Demonstrable progress at the community level is very important to their members. The FNLC member organizations represent BC First Nations who are recognized as "rights-bearing Aboriginals" or "Status Indians" by the federal government.

Government and the FNLC have followed an agreed engagement model which includes: an annual meeting with the Premier; quarterly meetings with the Minister of MARR; quarterly meetings with Deputy Ministers and meetings at a Technical Table level on individual topics such as the provincial strategy for working with First Nations to develop an LNG industry in BC. MARR has also facilitated meetings between the FNLC, provincial officials and members of the British Columbia business community.

In addition to meetings through the engagement model, the FNLC is engaged at the political and staff level with ministries across government in formal and informal ways. For example, discussions on Updated Consultation Procedures are occurring with MARR and FLNRO; Ministry of Environment engaged regarding the Water Act Modernization initiative. Other topics include: Housing; Economic Development; Emergency Management; Health; Education; and, Children and Families.

First Nations Leadership Council Biographies

BC REGION – ASSEMBLY OF FIRST NATIONS

BACKGROUND:

The British Columbia Assembly of First Nations (BCAFN) membership is open to all First Nations in British Columbia, both in and out of the treaty process, and with historic or modern treaties. The Regional Chief is elected by those First Nations Chiefs in BC that choose to attend the BCAFN meetings.

BCAFN is a regional arm of the National Assembly of First Nations (AFN). Regional Chief Wilson-Raybould is an Executive Member of the AFN Executive Committee.

The BCAFN have outlined four key areas as critical to meeting their shared objective of improving the lives of First Nation peoples and ensuring practicing and thriving cultures:

- Strong and Appropriate Governance;
- Fair Land & Resource Settlements;
- Improved Education; and
- Individual Health

BCAFN hosts regional assemblies that allow for the First Nations leadership of BC to engage in open socio-political discussion at the community level in order to provide direction and mandates to the BCAFN. The Regional Chief ensures that these mandates are represented and advocated at both the regional and federal levels, creating linkages between the two processes.

REGIONAL CHIEF

Jody Wilson-Raybould (PUGLAAS)

Regional Chief, Jody Wilson-Raybould was re-elected BC Regional Chief for the BC Assembly of First Nations during the BCAFN Annual General Meeting in November 2012. This is her second term. In July 2014 she acclaimed as the federal Liberal for the newly created riding of Vancouver–Granville.

Jody Wilson Raybould's traditional name is Puglaas. She comes from the Musgamagw/Laich-Kwil-Tach people, part of the Kwakwaka'wakw, the Kwak'wala speaking people. She is a member of the We Wai Kai First Nation and lives with her husband in Cape Mudge Village, Quadra Island. Jody holds a Bachelor of Arts in History and Political Science.

She obtained her law degree at UBC, was called to the Bar Association in British Columbia in 2000 and worked as a provincial crown prosecutor in Vancouver's Main Street criminal courthouse in the downtown eastside.



BC CABINET AND FIRST NATIONS LEADERS GATHERING

In 2003, Jody took a position as a process advisor at the BC Treaty Commission, a body established to oversee the negotiations of modern treaties between First Nations and the Crown but was soon elected a Commissioner by the Chiefs of the First Nations Summit in 2004. She served as Commissioner from 2003 to 2009, including one and a half years as A/Chief Commissioner. As a commissioner, Jody helped to advance a number of treaty tables and supported the establishment of a 'Common Table' of 60 plus First Nations and the Crown.

In 2011 and 2012, Jody co-authored the BCAFN Governance Toolkit: A Guide to Nation Building. Part 1 of the Governance Toolkit – *The Governance Report* is a comprehensive report, setting out what First Nations in BC are doing with respect to transitioning their governance from under the *Indian Act* to a post-colonial world based on recognition of Aboriginal title and rights. In 2012, Jody and the BCAFN launched Part 2 of the Governance Toolkit - *The Governance Self-Assessment* and Part 3 - *Guide to Community Engagement: Navigating Our Way Beyond the Post-Colonial Door*.

Jody believes passionately in the need for Nation building and empowering Indigenous peoples to take the practical steps necessary to implement the hard fought for rights as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the promise of the recognition of Aboriginal and treaty rights in section 35 of the Canadian *Constitution*.

In addition to her responsibilities as Regional Chief, she is an elected Councillor for the We Wai Kai Nation.

She is currently a director of the National First Nations Lands Advisory Board, and deputy chair of the First Nations Finance Authority. As Regional Chief, she holds portfolio responsibilities on the AFN executive for Governance and Nation building, the Chiefs Committee on Claims (including additions to reserve and specific claims) and chairs the Comprehensive Claims joint working group.

In 2011, Jody was awarded a Minerva Foundation for BC Women alumni award and in 2012 a distinguished alumni award from the University of Victoria.

BC CABINET AND FIRST NATIONS LEADERS GATHERING

UNION OF BC CHIEFS (UBCIC)

BACKGROUND:

Since 1969, UBCIC has consistently opposed Canada's comprehensive claims and the BC Treaty Commission treaty-making process because they believe that current treaty processes require the surrendering of Aboriginal title and rights in order to settle the land question.

UBCIC's stand on Aboriginal rights and title is based on the argument that Aboriginal title predates Crown title, and that the Imperial, federal and provincial governments were legally obliged to make treaties with First Nations before alienating any land for settlement or other purposes.

UBCIC does not share members' names, but a significant number of First Nations in the interior, on the coast, and in other areas have joined. Most of its members are not in the BC Treaty Commission (BCTC) process. Most First Nations in the BCTC process are members of the First Nations Summit.

Political direction for UBCIC is provided by a three-person executive committee. The most recent elections occurred in November, 2010

UBCIC EXECUTIVE COMMITTEE

Grand Chief Stewart Phillip, President:

Grand Chief Phillip is currently serving his fifth three-year term as the President of the UBCIC. In addition, he was Chief of the Penticton Indian Band for over 20 years, ending in October 2008. Prior to that, he served as a Band Councillor.

In October 2006, the Okanagan Nation, led by the Elders of the Penticton Indian Band, acknowledged his lifetime commitment to the defence of Indigenous Peoples' Title and Rights by bestowing on him the honour of the title of Grand Chief. Grand Chief Phillip continues to serve as the Chair of the Okanagan Nation Alliance.



He has taken an active role in the defence of Aboriginal Title and Rights by supporting First Nation communities. He has been involved in raising the impact of fish farms in the Broughton Archipelago, lobbying on Parliament Hill to defeat the First Nations Governance Act, standing with Elders of Treaty 8 against oil and gas development in the Peace River, burning referendum ballots with fellow chiefs in protest and has stood on the steps of the Legislature with 3000 other people under the Title and Rights Alliance banner.

"I hereby commit to work collectively with the Chiefs of the UBCIC, the First Nations Summit and the BC Assembly of First Nations. We must work together to ensure the governments of Canada and British Columbia endorse and implement the UN Declaration of the Rights of Indigenous Peoples for our

BC CABINET AND FIRST NATIONS LEADERS GATHERING

Nations and communities. We must work together to compel government to update the Comprehensive Claims Policy to reflect the many hard-fought court victories such as the *Delgamuuk'w*, *Haida* and *William* cases," said Grand Chief Phillip. "To bring justice and healing, we must work together with the many families and friends of the missing and murdered women throughout British Columbia."

Grand Chief Phillip and his wife Joan have four grown sons, two daughters, six granddaughters and seven grandsons. A firm believer in leading by example, he is currently enjoying over 23 years of sobriety.

Chief Bob Chamberlin, Vice-President:

Chief Bob Chamberlin is the Chief of the Kwicksutaineuk Ah-kwa-mish First Nation, first elected in 2005. In addition to this Bob served for 5 years as Chairman of the Musgamagw-Tsawataineuk Tribal Council. Prior to being Vice-President of the UBCIC, he served as Secretary/Treasurer for one term.

Bob Chamberlin is a Traditional singer for the Kwakwakawakw people. He has also worked as an Audio Consultant where he digitized libraries of reel to reel and cassette recordings of traditional songs of his people.



Chief Chamberlin has been successful in negotiating the necessary resources to rebuild much of the village of Gwa-yas-dums on Gilford Island. This included a water treatment facility, power supply, a new subdivision, six new homes and extensive renovations of existing homes.

In his role as Co-Spokesperson of the First Nation Chiefs Family and Wellness Council, Chief Chamberlin has turned his attention to address the short comings of adequate funds, resources and services for the children in care in British Columbia.

Chief Chamberlin said, "There are many issues, for example safe drinking water for our communities or the impact of industry on our waters and lands, that we as First Nations must address to protect our families and our territories. As Vice-President, I will always be respectful of each Nation's authority and autonomy to determine what is in the best interests for their families and their territories. I will be available to assist any and all UBCIC Member Nations protect and further their interests to government and/or industry."

Chief Chamberlin is also responsible for advancing the First Nations Wild Salmon Alliance, which will be organized by the Union of BC Indian Chiefs and is scheduled to begin strategizing on a larger campaign in fall 2013.

In the fall of 2010, Bob Chamberlin was active in supporting the Tsawataineuk (Kingcome) Band and seeking significant amounts of federal funding following the flooding of the Kingcome Inlet reserve.

Kukpi7 Judy Wilson - Secretary-Treasurer: (No photo available)

Chief Kukpi7 Judy Wilson was elected at the 27-November 2013 UBCIC Chiefs Council Meeting.

BC CABINET AND FIRST NATIONS LEADERS GATHERING

Chief of the Neskonlith Indian Band in the BC Interior, Judy Wilson has an extensive media background in audio-visual production, book publishing, broadcast journalism and web planning. Her work experience includes; data technician, communications officer, project developer, news reporter, broadcast manager and marketing coordinator. She is nearing completion of the second year of a First Nations Public Administration program leading to a Master's Degree in Public Relations.

BC CABINET AND FIRST NATIONS LEADERS GATHERING

FIRST NATIONS SUMMIT

BACKGROUND

The five-member First Nations Summit (FNS) Task Group is the Political Executive of the First Nations Summit. The Task Group is elected and authorized by Summit Chiefs in Assembly to carry out specifically-mandated tasks on issues related to treaty negotiations.

The FNS is comprised of a majority of First Nations and Tribal Councils in British Columbia, and provides a forum for First Nations to address issues related to treaty negotiations as well as other issues of common concern.

As one of the three principals of the BC Treaty Commission (BCTC) process, the First Nations Summit plays an important and ongoing role in ensuring that the process for conducting treaty negotiations is accessible to all First Nations.

The Summit does not negotiate treaties, but supports those negotiations, provides political direction, and speaks on behalf of First Nations involved in the BCTC process.

The current FNS Task Group members elected by FNS Chiefs at the June 2013 Assembly are Grand Chief Edward John, Cheryl Casimer, and Robert Phillips.

The First Nations Summit Co-Chairs are Chief Leah George-Wilson of Tsleil-Waututh Nation and Ray Harris (Shulqwilum) of Chemainus First Nation. The Co-Chairs are Executive Members responsible for the administration of the First Nations Summit. This is Ms. George-Wilson's fifth term and Mr. Harris' third term as Co-chairs.

EXECUTIVE BIOGRAPHIES

Grand Chief Edward John:

Grand Chief Edward John (Akile Ch'oh), hereditary Grand Chief of the Tl'azt'en Nation, is serving his tenth term as a member of the FNS political executive.

Chief John was a member of the tripartite BC Claims Task Force which recommended the establishment of the independent BC Treaty Commission to facilitate treaty negotiations. Chief John was also recently re-appointed by the President of the United Nations Economic and Social Council as an Indigenous Member of the United Nations Permanent Forum on Indigenous Issues (UNPFII) for North America for the term 2014-2016.

BC CABINET AND FIRST NATIONS LEADERS GATHERING

Cheryl Casimer [co-emcee of Gathering with Minister John Rustad]:

Cheryl Casimer, citizen of the Ktunaxa Nation and currently resides in the community of ?aqam (St. Mary's Band), is serving her first term on the FNS political executive.

She is a former Chief and Councillor of the ?aqam First Nation and a former Co-Chair of the First Nations Summit. Ms. Casimer is a longstanding advocate for First Nations Issues and perspectives, and is committed to building better bridges of understanding between neighboring cultures.

Robert Phillips:

Robert Phillips, member of the Northern Secwepemc te Qelmucw (Shuswap) of the Canim Lake First Nation, is serving his first term with the FNS political executive.

He previously served three terms as a Commissioner of the BC Treaty Commission and also previously served as Chief Negotiator and Self-Government Director at the Northern Shuswap Tribal Council. He holds a Bachelor of Arts degree from the University College of the Fraser Valley.

Pictured left to right:

Robert Phillips, Leah George-Wilson, Ray Harris, Cheryl Casimer, and
Grand Chief Edward John



The Pronunciation Guide contains aids to pronunciation of the names of First Nations communities and organizations listed in the 2013/2014 Guide to Aboriginal Organizations and Services in British Columbia. It was created with input from First Nations and other Aboriginal organizations, as well as from the First Peoples' Cultural Council.

British Columbia has a vast wealth of First Nations languages and cultures. B.C. is home to 60% of First Nations languages in Canada with 34 languages and 61 dialects. All of these languages contain a rich inventory of sounds, many of which are not found in English.

When preparing this guide, we asked representatives from Aboriginal organizations to help us understand how to pronounce the traditional name of their community. The pronunciation equivalents we have developed here are meant as an introductory guide for the reader and are not authoritative. Any errors in the spellings are ours.

It is important to note that many sounds in First Nations' languages do not occur in English and so cannot be expressed using the English writing system. Moreover, there are often multiple variations of a pronunciation based on dialectal and other differences. The pronunciations represented below come as close as possible to the correct pronunciation, while being restrained to the English alphabet. A few of the letter combinations below are used to represent specific sounds not found in English. These are:

- "wh" represents a breathy 'wh' sound that is pronounced with friction in the throat.
- "thl" represents a breathy 'l' sound with friction in the mouth, similar to the l in 'athlete'
- "ts" at the beginning of a word sounds like the 'ts' in 'cats'

First Nation communities and organizations continue to adopt Indigenous names distinct from anglicized versions or non-Aboriginal names. Names familiar to the reader are cross-referenced with traditional names in brackets.

The final authority on a pronunciation rests with the community. The reader is advised to always gain a first-hand understanding of how a particular name is pronounced by speaking directly with, and being guided by, representatives from each community.

For more information about First Nations languages in British Columbia, please visit the the First Peoples' Cultural Council's website (www.fpcc.ca), as well as the First Peoples' Language Map of B.C. on the outside cover of this guide.

Your comments and suggestions for improvement are welcome.

Adams Lake	
Ahousaht	a-howz-at
Aitchelitz	a-che-leetz
Akisqnuk	a-kissk-nook
Alexis Creek	(see Tsi Del Del)
Ashcroft	
A-Tlegay	at-le-gay
Ayas Men Men	ay-es mun mun
Beecher Bay	(see Scia'new)
Bella Bella	(see Heiltsuk)
Bella Coola	(see Nuxalk)
Blueberry River	
Bonaparte	bone-eh-part
Boothroyd	booth-roid
Boston Bar	
Bridge River	
Burns Lake	
Burrard	(see Tsleil-Wauthuth)
Campbell River	(see We Wai Kum)
Canim Lake	(see Tsq'escen')
Canoe Creek	
Cape Mudge	(see We Wai Kai)
Carrier Chilcotin	carry-er chill-ko-tin
Carrier Sekani	carry-er sek-an-ee
Cayoose Creek	keye-oos creek
Champagne and Aishihik	sham-pane and eh-zhee-ack
Chawathil	sha-wah-thul
	(alternatively) cha-wah-thul
Cheam	chee-am
Checlesht	sheh-kluh-szet
	(alternatively) chek-le-set
Chee Mamuk	chee mah-muk
Chehalis	sha-hay-liss
	(alternatively) che-hay-liss
Chemainus/Stz'um inus	sha-main-us
	(alternatively) tsuh-mee-nus
Cheslatta Carrier	chez-la-ta
	(alternatively) chess-la-ta
Ch-ihl-kway-uhk	chill-kway-uck
Clinton	(see Whispering Pines)
Coldwater	
Columbia Lake	(see Akisqnuk)
Comox	(see K'òmoks)
Conayt	kon-ate
Cook's Ferry	
Coqualeetza	co-ka-leetz-a
Cowichan	cow-i-chin
Cwenengitel	
	ka-wen-cha-tel
	(alternatively) kwa-nin-cha-tul
Dakh-ka Tlingit	daw-ka tling-get
Dana Naye	da-na-nay
Da'naxda'xw	dah-naw-dawk

PRONUNCIATION GUIDE

.....	(alternatively) da-naw-dawh
Daylu Dena	day-lou den-a
Deadman's Creek	(see Skeetchestn)
Dease River	dees river
Dene Tsaa Tse K'Nai	den-a zaa-zay ka-nai
Denisiqi	den-ne-se-kai
Dididaht	dee-tee-dot
Doig River	
Dzawada'enuxw	za-wah-day-nook
.....	(alternatively) dza-wa-day-noowh
Dze L K'ant	zel-kant
Ehattesah	ee-hat-a-sut
En'owkin	en-ow-kin
?Esdilagh	ess-dey-la
Esketemc	ess-ke-tem
Esiha7an	awes-la-hawn
.....	(alternatively) es-la-hawn
Esquimalt	es-kwai-malt
Fort Langley	(see Kwantlen)
Fort Nelson	
Fort Ware	(see Kwadacha)
Fountain	(see Xaxli'p)
Fraser Lake	(see Nadleh Whut'en)
Gingolx	gin-gol-lix
Gitanmaax	git-n-max
Gitanyow	git-n-yow
Gitksan	gicks-san
Gitmaxmak'ay Nisga'a	git-ma-mgai nis-gah
Gitsegukla	gits-a-guk-la
Gitwangak	git-wan-gawk
Gitwinksihlkw	git-win-silk
Gitxaala	git-gath-la
Gitxsan	gicks-san
Glen Vowell	
Gwa'Sala-'Nakwaxda'xw	gwa-sal-a nawk-wa-dawk
.....	(alternatively) gwa-sal-a nawk-wa-dawh
Gwawaenuk	gwah-way-ee-nook
Gya Wa Tlaab	gya-wah-tlawb
Hagwilget	hag-will-git
Haida Gwaii	hy-dah gwai
Haisla	highs-la
Halalt	hull-alt
Halfway River	
Hamatla	hum-mat-la
Hartley Bay	
Ha-Shilth-Sa	ha-shilth-sa
Heiltsuk	helts-uk
.....	(alternatively) haythl-tsooh
Heiltsuk Kaxla	helts-uk kaks-la
Hesquiaht	hesh-qwee-at
Hey-Way'-Noqu'	hay-way-nook
High Bar	
Hiiye'yu Lelum	he-yay-ya lay-lum

Homalco	hoe-mall-co
Hope	(see Chawathil)
Hulitan	hull-eet-n
Hul'qumi'num	hull-qui-mee-num
.....	(alternatively) hull-kuh-mee-num
Hupacasath	who-patch-eh-set
.....	(alternatively) ho-putch-eh-set
Huu-ay-aht	who-way-at
.....	(alternatively) ho-ay-at
In-SHUCK-ch	in-shuck-sh
Iskut	isk-cut
.....	(alternatively) is-koot
Ka:'yu:'k't'h' / Che:k'tles7et'h'	
.....	kai-you-cut / sheh-kluh-szet
.....	(alternatively) kai-you-cut / chek-tluh-szet
Kackaamin	ka-ka-min
.....	(alternatively) ka-kaah-min
Kahtou	kah-too
Kakawis	ka-ka-wis
Kamloops	
Kanaka Bar	can-a-ka bar
Kaska	kas-ka
Katzie	kate-zee
.....	(alternatively) kat-zee
Kekinow	kee-kin-oh
Kekuli	keh-koo-lee
Kermode	ker-mow-dee
Kikino	kee-kin-oh
Ki-Low-Na	key-low-nah
Kispiox	kiss-pea-ox
Kitamaat	kit-ah-mat
Kitasoo	kit-a-soo
Kitkatla	(see Gitxaala) kit-cat-la
Kitselas	kit-sel-us
Kitsumkalum	kits-um-kale-um
Kiwetin	key-wee-tin
Klahoose	kla-hoose
Kla-how-eya	kla-how-ee-ya
Klemtu	(see Kitasoo)
Kluskus	(see Lhoosk'uz Dene) looze-k' U z
Knucwentwecw	canuck-when-twah
K'òmoks	co-mox
Ksan	(as in gicks-san) ka-san
Ktunaxa-Kinbasket	te-nah-ha kinbasket
.....	(alternatively) te-nawh-ha kinbasket
KUU-US	koo-us
Kwadacha	kwa-da-chuh
Kwakiutl	kwa-gul
.....	(alternatively) kwa-gyulth
K'wak'walat'si	kwa-kwa-lawt-see
Kwantlen	kwant-len
K'watamus	kwat-a-muss
Kwaw-kwaw-apilt	kwa-kwa-plit

Kwiakah	kwai-ka
Kwicksutaineuk	quick-wa-sut-uh-nook
	(alternatively) quick-soo-tain-nook
Kwikwetlem	kwee-kwet-lum
Kwumut Lelum	kwa-mut lay-lum
Kyuquot	kai-you-cut
Laich-Kwil-Tach	lee-kwa-ta
Lake Babine	(see Nat'oot'en)
Lake Cowichan	
Lalum'utul' Smun'eem	lay-lum-atul smah-nawm
LĀU,WELNEW	lhay-wull-nough
	(alternatively) thlay-wool-nuw
Lax Kw'alaams	lacks-qwah-lambs
Laxgalts'ap	lax-galt-sap
Leq'á:mel	la-cam-el
Lheidli-T'enneh	clayt-clay den-ay
	(alternatively) thlaid-thlee ten-ay
Lhoosk'uz Dené	looze-k' U z den-ay
	(alternatively) thlooz-k-ooz den-ay
Lhtako Dene	lah-ta-ko den-ay
	(alternatively) thl-ta-ko den-ay
Liard	lee-ard
Lil'wat	lil-watt
Little Shuswap	little shoo-shwahp
Lower Kootenay	
Lower Nicola	
Lower Post	(see Daylu Denna)
Lower Similkameen	
Lu'ma	lou-ma
Lyackson	lye-ack-son
Lytton	
Maa-nulth	maw-nawth
Maiyoo Keyoh	my-you-kay-o
M'akola	ma-ko-la
Malahat	
Mamalilikulla-Qwe'Qwa'Sot'Em	ma-ma-leelah-kwalah kwe-kwah-sum
Matsqui	mats-sqwee
McLeod Lake	(see Tse'Khene)
Métis	may-tee
Metlakatla	met-la-cat-la
Miki'siw	mick-i-sue
Morictown	
Mount Currie	(see Lil'wat)
Mowachaht	mow-a-chat
Musgamagw Tsawataineuk	
	moos-ga-muk zow-wa-dane-nook
	(alternatively) moos-ga-mowk tsa-wa-tain-nook
Musqueam	mus-kwee-um
Nadleh Whut'en	nad-lee woo-ten
Nak'azdli	na-caused-lee
Namgis	nhum-geez
	(alternatively) nam-gis

Nanoose	(see Snaw-Naw-As)
Nanoose Te'mexw	na-noose tey-muck
	(alternatively) na-noose te-muw
Nat'oot'ten	nad-oo-ten
Naut'sa mawt	(Alliance TC) nawt-saw-mawt
Nawican	now-i-kin
Nazko	nazz-co
Necosli	(see Nak'azdli)
Nee-Tahi-Buhn	knee-tie-boon
Nemiah	(see Xeni Gwet'in)
Nenqayni	nen-ky-knee
Neskonlith	ness-con-lith
New Aiyansh	new eye-annch
New Westminster	(see Qayqayt)
Nezul Be Hunuyeh	nezul bay hun-yeah
Nicomen	ni-kuh-men
NiL / TU,O	neeth-two-wa
Nisga'a Lisms	nis-gah liss-ums
Nisga'a Ts'amiks	nis-gah tsa-miks
Nitinaht	(see Ditidaht)
Nlaka'pamux	ent-la-cap-um
Niha'7kapmx	ent-la-cap-um
Nooaitch	new-ich
North Thompson	(see Simpcw)
N'Quatqua	neh-qwa-qwa
Nuchatlaht	new-chat-lat
Nupqu	noop-ku
Nuu-chah-nulth	new-cha-nulth
Nuwitti	(see Tlatlasikwala)
Nuxalk	new-hawk
	(alternatively) new-hulk
Ohiaht	(see Huu-ay-aht)
Okanagan	
Old Masset	
OoknaKane	ooka-na-cane
Oregon Jack Creek	
Osoyoos	oh-soy-use
Oweekeno	(see Wuikinuxv)
Pacheedaht	pah-chee-dat
Pauquachin	paw-kwi-chin
	(alternatively) pa-kwa-chin
Pavilion	(see Ts'kw'aylaxw)
Pell'tiq't	pel-tighk
Penelakut	pen-el-a-cut
Penticton	
Peters	
Popkum	pop-kwum
Prophet River	(see Dene Tsaa Tse K'Nai)
Qayqayt	key-kite
Qualicum	kwal-i-come
Quatsino	quat-see-know
Quesnel Tillicum	qwi-nel till-i-kum
Quw'utsun'	ko-whuts-sun

PRONUNCIATION GUIDE

Quw'utsun' Syuw'entst Lelum'	ko-whuts-sun swheents lay-lum
Qwallayuw	qkwell-eye-you
	(alternatively) kwell-eye-you
Red Bluff	(see Lhtako Dene)
Saik'uz	sigh-cuz
	(alternatively) sigh-cooz
Sal'i'shan	sal-i-shan
Saulteau	so-tow
Scia'new	chee-a-new
Scowlitz	scow-litz
Scw'exmx	shwa-come
	(alternatively) shwa-kumwh
Seabird Island	
Sechelt	see-shelt
Secwepemc	sec-wep-emc
	(alternatively) sheh-wep-emwh
Semiahmoo	semi-ah-moo
Sen'klip	senk-leap
Seton Lake	
Sexqeltqin	se-kell-keen
Shackan	shack-n
Shuswap	shoo-shwaph
Shxwhá:y	shwhy
Shxw'owhamel	shwa-ham-ul
Simpcw	sim-ka
	(alternatively) sim-wh
Siska	sis-ka
Skatin	skuh-teen
Skawahlook	skow-look
Skeetchestn	ski-chas-ten
Skidegate	skid-eh-get
Skin Tyee	skin-tye-ee
Skowkale	skow-cale
Skuppah	scup-pa
Skwah	skwah
Skway	(see Shxwha:y) sh-why
Slelemw	sull-ay-mu
	(alternatively) slull-ay-muw
Sliammon	sly-am-mon
Snaw-Naw-As	snaw-naw-as
Snaza'ist	snaw-zay-ist
Snc'c'amala?tn	sun-chich-she-mall-it-ton
	(alternatively) sin-chu-cha-mall-ah-tin
Snuneymuxw	snue-ney-mowck
	(alternatively) snu-ney-muw
Soda Creek	(see Xats'ull)
Songhees	song-geez
Sooke	(see T'Sou-ke)
Soowahlie	sue-wall-e
Spallumcheen	(see Splantsin)
Splantsin	spla-cheen
	(alternatively) spla-tseen

Spuzzum	spuz-zum
Squamish	squa-mish
Squiala	skwai-all-a
Stehiyáq	stah-he-ack
Stellat'en	stull-a-tin
Stitsma	schtitz-ma
Stl'atl'imx	stat-lee-um
	(alternatively) stlat-lee-umwh
Sto:lo	staw-low
Stu"ate LeLum	stu-eight lay-lum
Sulsila Lelum	sawl-see-la lee-lum
Sumas	sue-mass
Tahltan	tall-tan
Takla Lake	
Taku River Tlingit	ta-koo-river tling-get
Tale'awtxw	tah-la-hout
	(alternatively) tall-a-hout
Tanakteuk	(see Da'naxda'xw)
Tansi	tawn-say
Te'mexw	tey-muck (alternatively) tey-muw
T'exelc	teh-huwl
Tillicum Lelum	till-i-kum lay-lum
T'it'q'et	tilth-kit
Tl'azt'en	tlaz-den
Tla-o-qui-aht	klay-o-kwee-at
	(alternatively) tla-o-kwee-at
Tlatlasikwala	tla-tla-see-kwa-la
Tl'etingox-T'in	kleh-deen-ko-teen
	(alternatively) tie-teen-koh-teen
Tlowitsis	tlow-eet-sees
Tobacco Plains	
Toosey	two-zee
Toquaht	tow-kwat
	(alternatively) tuu-qwa-at
Tsartlip	sart-lip (alternatively) tsart-lip
Tsawataineuk	za-wah-day-nook
Tsawout	say-out
	(alternatively) tsay-out
Tsawwassen	tsa-wah-sen
Tsay Keh Dene	say-kay-denay
	(alternatively) tsay-kay den-ay
TseK'hene	tse-kan-ay
Tseshah	say-shot
	(alternatively) tsish-aah-at
Ts'ewulhtun	say-wool-tun
Tseycum	say-come
	(alternatively) tsy-come
Tsi Deldel	tsigh-dell-dell
Tsilhqot'in	sill-ko-teen
	(alternatively) tsill-ko-teen
Tsimshian	sim-she-an
	(alternatively) tsim-she-an
Ts' 'Kel	tiss-kel

Ts'kw'aylaxw	tisk-why-lah
Tsleil-Waututh	sail-wha-tooth
T'Souke	tso-awk
Tsow-Tun Le Lum	sow-tun-lay-lum
.....	(alternatively) tsow-tun lay-lum
Tsq'escen'	chess-ken
Tsulquate	(see Gwa'sala-'Nakwaxda'xw)
Tzeachten	chee-ack-ten
Uchucklesaht	u-chuk-les-at
.....	(alternatively) ho-chuck-les-at-h
Ucluelet	u-clew-let
Ulkatcho	ul-kat-cho
U'mista	oo-miss-ta
Union Bar	
Upper Nicola	
Upper Similkameen	
Usma Nu-Chah-Nulth	us-mah nuu-cha-nuth
.....	(alternatively) us-mah nuu-cha-nulth
Wachiay	wha-chey
Waskahikan	wass-kee-gan
Wazdidadilh	woss-did-a-duh
Wei Wai Kai	wee-wa-kai
Wei Wai Kum	wee wah come
West Moberly	
Westbank	
Wet'suwet'en	wet-so-a-den
Whe-La-La-U	we-lala-you
Whispering Pines	
Williams Lake	
Wilp Si'Satxw	wilp-s-sat
Wilp Wilxo'oskwhl	wilp will-kosk-wuh
Winalagalis	win-a-la-ga-lees
WSÁNEĆ	wh-say-nuch
Wuikinuxv	whee-kin-au
Xai'xais	hay-hays
Xats'ull	hat-sull
Xaxli'p	hawk-leap
Xeni Gwet'in	hon-ay gwi-teen
Xolhemet	o-le-met
Xyolhemeylh	yothe-me
Yakwekwioose	ya-kweek-we-oos
Yale	
Yekooche	yeh-koo-chee
Yinka Déné	ying-kaw denay
Yunesit'in	you-neh-seh-teen

Prepared by
Intergovernmental & Community Relations
Ministry of Aboriginal Relations and Reconciliation

B.C. First Nation Overview

British Columbia is home to over 200 First Nations and 30 language tribal groupings. There is much diversity among B.C. First Nations. Differences are characterized in their social structures and traditions, their languages, histories and territories. As an example of this diversity, 7 of Canada's 11 unique language families are located exclusively in B.C. - more than 60% of the country's First Nations languages.

First Nations systems of governance can vary widely based on the history and cultural practices of a particular First Nation and include hereditary systems, elected systems and blended models.

B.C. is also unique in Canada in that B.C. is largely without treaties. There are historical treaties in the Northeast of B.C. and on Vancouver Island as well as some modern day treaties; however, the majority of the First Nations in B.C. are not part of a treaty.

Much of the Aboriginal population does not live on reserves – approximately 75%. As well, over 50% of B.C.'s Aboriginal population are under the age of 25.

The First Nation Leadership Council (FNLC) is made up by the B.C. Assembly of First Nations, the Union of B.C. Indian Chiefs and the First Nations Summit, and provides high level political representation; however the FNLC does not legally represent the individual nations in relation to their rights and title.

Issues facing First Nations, Metis and urban Aboriginal people in B.C. include:

- They experience significantly worse socio-economic conditions than other people of B.C.
- Infant mortality rates are 2.3 times higher.
- Life expectancy is 5.8 years lower.
- High school completion rates are 35% lower.
- Median income is 34% off the B.C. average.

The Transformation Change Accord (signed in 2005 by B.C., Canada, First Nation leaders) commits the parties to work together to achieve substantial improvements in the areas of crown first nations relations, health, education, housing, infrastructure and economic opportunities.

For ease of reference, information on First Nations communities has been organized into eight geographical regional areas. Some of these communities group themselves into larger councils or Alliances, like the Okanagan National Alliance. You will also find a pronunciation guide to First Nations names included in the information materials.

Page 076 of 183 to/à Page 086 of 183

Withheld pursuant to/removed as

s.12; s.16

From: CBA Public Sector Lawyers Forum
To: Fyfe, Richard J AG:EX
Subject: Tsilhqot'in v. British Columbia
Date: Monday, September 29, 2014 12:15:04 AM

If you experience problems viewing this e-mail, visit http://www.cba.org/CBA/conf_pslf/PSLC/



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Public Sector Lawyers Forum

***Tsilhqot'in v. British Columbia* – Impacts on Public Practice**

Friday, October 3, 2014 12:30 p.m. – 1:30 p.m. E.T.

Speaker: Drew Mildon, Managing Partner at Woodward & Company LLP

Free teleconference for CBA members

The decision in the *Tsilhqot'in* case marks the first time in Canadian law that a declaration of Aboriginal title has been made; prior cases had indicated that Aboriginal title as a legal concept existed, but no case had made an actual finding of Aboriginal title until now. In so doing, the Court has clarified the test for establishing Aboriginal title, and the implications of such a finding for Aboriginal, provincial and federal governments. The Court has also provided guidance as to the circumstances under which provincial or federal governments can infringe an Aboriginal title right, and the province's role in regulating lands subject to Aboriginal title. Mr. Mildon will discuss these and other implications of the decision.

Register Now!

The time spent attending this program (1 substantive hour) is eligible for credit towards the annual continuing professional development ("CPD") requirement in all mandatory CPD jurisdictions.

The John Tait Award of Excellence

The Public Sector Lawyers Forum is accepting nominations for the John Tait Award of Excellence. This award recognizes and celebrates the accomplishments of public sector lawyers in Canada. For more information or to nominate someone, please visit our [website](#).

Deadline for Applications: October 15, 2014.



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Richter, Connie JAG:EX

Subject: Meeting with FNLC
Location: UBCIC Main Boardroom, 500 - 342 Water Street, Vanc

Start: Mon 2015-03-30 1:00 PM
End: Mon 2015-03-30 2:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Armour, Ken ABR:EX

Categories: Mtg. Material

**BC-FNLC MEETING
MARCH 30, 2015
UBCIC MAIN BOARDROOM
500-342 WATER STREET, VANCOUVER, BC**

FNLC Participants:

BCAFN:

- Chief Maureen Chapman, BCAFN Spokesperson
- Staff

UBCIC:

- Grand Chief Stewart Phillip, President
- Chief Bob Chamberlin, Vice President
- Kukpi7 Judy Wilson, Secretary-Treasurer
- Staff

FNS:

- Grand Chief Edward John
- Cheryl Casimer
- Robert Phillips
- Staff

Possible Discussion Items:

FNLC Leadership Accord

- BC may want to open the meeting by congratulating the FNLC on the ten-year anniversary of their Leadership Accord, which brought the BCAFN, UBCIC and FNS together as a Council

FNLC's Four Principles

- The FNLC see the four principles as the main topic they want to discuss at the meeting
- The FNLC is increasingly frustrated with government's non-response to date on the four principles and is seeking formal feedback
- At a minimum, they are looking to engage in a dialogue with government on the four principles
- The FNLC has directed their staff to develop a document with 'informal thoughts on collaboration' that they hope will help launch conversation on the four principles
 - They will likely table this document at the meeting on Monday (the FNLC Executive will review and possibly approve the document at a meeting they are having on Monday morning in advance of the meeting with BC in the afternoon)

- FNLC staff have indicated that they do not expect the government to immediately respond to the document at the meeting.

Funding for FNLC

- Funding levels for the FNLC will likely be other main topic that they will want to raise at the meeting
- They will likely express dissatisfaction with the decline in funding over the years and the lack of year-end funding in 2014/15 (though they had already received \$500,000 this fiscal year)
- They will highlight ongoing FNLC political level and technical table engagements - reviewing and preparing materials, preparing for meetings, etc. – and the demand this places on their capacity

Minister Rustad's Proposed New Approach to Reconciliation

- Minister Rustad has publicly indicated that he wants to work with First Nations to explore new approaches to reconciliation, which would include exploring new approaches to accelerate the treaty process
- The FNLC may seek more information on this

2015 Cabinet-First Nations Leaders' Gathering

- While FNLC staff didn't raise this during a March 24 call with MARR staff, the FNLC may seek more information on this year's Gathering, including a possible timeframe and format

BCTC Chief Commissioner

- FNS staff have advised MARR staff that the FNS is unlikely to raise this subject at the meeting, preferring to handle this bilaterally with MARR
 - FNS met with Minister Rustad on March 24 and this was one of the items discussed

Possible Signing of an MOU between Ministry of Environment (MoE) and the FNLC

- This is not necessarily a discussion item but, given that all the FNLC Executive will be in one place for this meeting, MoE may seek to have them sign the MOU they have negotiated with FNLC staff
- The MOU is on environmental stewardship in BC – MoE has signalled the signed MOU could be a helpful component of their First Nations engagement strategy on the *Water Sustainability Act*

- A signing ceremony in November 2014 was postponed due to the last minute insistence of the FNLC that the four principles be included in the MOU
- The FNLC has recently agreed not to include the principles and have signaled they are prepared to sign the MOU as was originally negotiated

Joint MOU on Stopping Violence Against Aboriginal Women and Girls

- This is not likely to come up at the meeting, however it is useful to note that, on June 13, 2014, the FNLC, Metis Nation BC and the BC Government (the Premier and Minister Rustad) signed an MOU on Stopping Violence Against Aboriginal Women and Girls
- The work of Minister's Advisory Council on Aboriginal Women (MACAW) and the MOU ties into the provincial government's throne speech commitment to create a long-term, comprehensive strategy to move towards a violence-free B.C. so that all women, including Aboriginal and vulnerable women, have the supports they need to prevent violence, to escape from violent situations and to recover if they have been victims of crime
- As part of ongoing work with MACAW, the Province provided \$400,000 in 2014/15 to the Giving Voice initiative, which aims to help Aboriginal communities speak out and take action on the issue of violence against women and girls
 - This funding is in addition to the \$120,000 provided to the project in 2013/14
- BC is committed to working with the signatories of the MOU to establish a Joint Partners' Table to oversee implementation of the MOU commitments, including the development of shared priorities and actions required to achieve outcomes in stopping violence against Aboriginal women and girls
- BC worked with the MOU signatories to identify BC delegates to attend the dialogue at the National Roundtable on Missing and Murdered Indigenous Women in Ottawa on February 27, 2015

Page 092 of 183

Withheld pursuant to/removed as

s.14; s.16

Grand Chief Stewart Phillip
Chair
Okanagan Nation Alliance
101 – 3535 Old Okanagan Highway
Westbank BC V4T 3L7

Dear Grand Chief Phillip:

Thank you for your letter dated December 18, 2014, concerning recommendation #1 of the Representative for Children and Youth in her Special Report report entitled “When Talk Trumped Service: A Decade of Lost Opportunity for Aboriginal Children and Youth in B.C.”

After initial review and consideration of recommendation #1, the Ministry of Justice began work with the Ministry of Aboriginal Relations and Reconciliation and the Ministry of Children and Family Development on developing a policy response. Following the Supreme Court of Canada’s decision in *Tsilhqot’in Nation*, our ministry needed time to further consider the issues identified in the recommendation, in light of the significant developments in constitutional and Aboriginal law brought about by that decision. These developments included new law on the application of inter-jurisdictional immunity, clarification of the applicability of provincial law to rights protected by Section 35 of the *Constitution Act*, 1982, as well as issues relating to the identification of the First Nation collective and representational requirements.

Our ministry will continue to lead the work on the response to the recommendation, and has arranged further meetings with the Ministry of Aboriginal Relations and Reconciliation and the Ministry of Children and Family Development to discuss these issues. At this point, we anticipate concluding our review by the end of May 2015, which will permit us to finalize our response to this recommendation.

.../2

Grand Chief Stewart Phillip
Page 2

The Ministry of Children and Family Development has responsibility for service delivery with respect to Aboriginal child welfare. Questions about their current initiatives in that regard should be directed to that ministry.

I appreciate having received your letter.

Yours very truly,

Suzanne Anton QC
Attorney General
Minister of Justice

pc: The Honourable Stephanie Cadieux
The Honourable John Rustad

LSBCU/Drafter: Mittag (wording from Wilson with edits by Sandstrom)/Approvers:
Wilson, Hutchings, Sandstrom/sh/AG 413015

Page 095 of 183

Withheld pursuant to/removed as

s.12

Page 096 of 183

Withheld pursuant to/removed as

s.12; s.16

Page 097 of 183 to/à Page 100 of 183

Withheld pursuant to/removed as

s.12

Tsilhqot'in Reconciliation Negotiations
Key Activities

September 10, 2014	Province signs the Letter of Understanding with the Tsilhqot'in	-transition of title area - financial arrangements -framework for addressing rights, interests and goals across territory
October 23, 2014	Premier apologizes in the Legislature	
November 12, 2014	Initial Leadership Table meeting	MJR, MST, MBB
March 3, 2015	Update to CWGFN	
March 13, 2015	Leadership Table meeting	MJR, MST, MMP
April 28, 2015	MARR Associate Emails Deputies and leads across agencies	
May 19, 2015	CWGFN	Mandate request – Direction given s.12
May 27, 2015	Meeting of Ministerial Agreement Review Committee	
June 4, 2015	Treasury Board provides financial mandate	
June 4, 2015	MJR meets with TNG Chiefs	
June 16, 2015	Chair of TB provides update to financial mandate	
June 11, 2015	Meeting of Ministerial Agreement Review Committee in Parksville	MMP, MJR, MST, MSA Detailed line by line review Direction given s.13
July 14, 2015	Leadership Table meeting	Dan Doyle and Ministers in attendance Discussed impasse on governance; joint decision making; implementation funding & legacy fund
August 7, 2015	Provincial Chief Negotiator	

	finalizes language with JAG	
August 26, 2015	Penultimate draft for JAG internal review	No issues raised. Revisions w/ Kurb.
September 9 and 10, 2015	Various meetings between TNG Chiefs and Ministers	
September 24, 2015	Letter of Intent signed by the Province	Acknowledges agreement in principle reached on the framework for future reconciliation negotiations - Two outstanding issues: Community Engagement and Economic Opportunities
October 2015 – January 2016	Work under the LOI	Primarily MARR and FLNRO; ADMs involved on Working Group Updates provided by ADMs to Deputies
January 14, 2016	Joint Ministers Briefing	MJR, MST, MBB, MMP
January 18, 2016	Leadership Table meeting	MJR, MMP, MST, MBB Donna Barnett attended
January 28, 2016	MJR meeting with TNG Chiefs	MSA and MMM joined briefly TNG commits to sign reconciliation agreement

Key Points:

Ministerial Agreement Subcommittee Direction

s. 13; s. 16

- Working with JAG those items were all addressed.

From the outset of negotiations (signing of the LOU) commitment was made to negotiate to reconcile rights, interests and goals across the whole territory. This has been public.

Tsilhqot'in Territory – similar to a Statement of Intent Area

Category A lands – to be negotiated within the Tsilhqot'in Territory. Akin to treaty settlement land (TSL) being negotiated

Mandate request to CWGFN – key elements of the agreement identified

Category B lands – akin to areas outside of TSL

This is a detailed topographic map of the Alexis River region in the Northwest Territories, Canada. The map is oriented with North at the top. The Alexis River is the central feature, flowing from the north towards the south. Major tributaries include the Birdge River to the west and the Chilkiluk River to the east. Key locations marked on the map include Quesnel, Williams Lake, and 100 Mile House. The map is labeled with '1:1750,000' and includes a scale bar in kilometers.

Richter, Connie JAG:EX

Subject: FN Leadership Council Mtg.
Location: Fairmont Waterfront Hotel

Start: Tue 2015-06-02 9:00 AM
End: Tue 2015-06-02 4:00 PM

Recurrence: (none)

Organizer: Fyfe, Richard J JAG:EX

Categories: Cabinet/Priority

From: French, Shawna ABR:EX on behalf of Caul, Doug D ABR:EX
Sent: Wednesday, May 20, 2015 4:22 PM
To: Mentzelopoulos, Athana JTST:EX; Byng, Dave A EDUC:EX; Sieben, Mark MCF:EX; Carr, Steve MNGD:EX; Mayhew, Neilane ABR:EX; Fyfe, Richard J JAG:EX; Henderson, Kim N PREM:EX; Sheldan, Tim FLNR:EX; Brown, Stephen R HLTH:EX; Carroll, Sandra AVED:EX
Cc: Dyble, John C PREM:EX; Olson, Alisha PREM:EX; Kwan, Shirley JTST:EX; Ponchet, Kim ABR:EX; Shaw, Courtney EDUC:EX; Tripp, Allison MNGD:EX; Benn, Jennifer MCF:EX; Richter, Connie JAG:EX; French, Shawna ABR:EX; Armour, Ken ABR:EX; Wharf, Sandy PREM:EX; Rousselle, Jillian FLNR:EX; De Champlain, Rhonda MEM:EX; Obee, Sarah F HLTH:EX
Subject: June 1 & 2 FNLC Meeting
Attachments: DMs_FNLC Meeting Draft Outline.docx

Colleagues,

The agenda is now with FNLC for final confirmation, though we don't anticipate any significant changes. Attached is an outline of the two day meeting, which will be useful for the pre-brief on Friday. Ken Armour, from my office, has been working with each of your identified Executive Directors on materials and a final package, including finalized agenda, will be provided electronically to your offices on Thursday, May 28th.

Thanks,

Doug

From: French, Shawna ABR:EX **On Behalf Of** Caul, Doug D ABR:EX
Sent: Wednesday, May 13, 2015 9:10 AM
To: Mentzelopoulos, Athana JTST:EX; Byng, Dave A EDUC:EX; Sieben, Mark MCF:EX; Carr, Steve MNGD:EX; Mayhew, Neilane ABR:EX; Fyfe, Richard J JAG:EX; Henderson, Kim N PREM:EX; Sheldan, Tim FLNR:EX; Brown, Stephen R HLTH:EX
Cc: Dyble, John C PREM:EX; Olson, Alisha PREM:EX; Kwan, Shirley JTST:EX; Ponchet, Kim ABR:EX; Shaw, Courtney EDUC:EX; Tripp, Allison MNGD:EX; Benn, Jennifer MCF:EX; Richter, Connie JAG:EX; French, Shawna ABR:EX; Armour, Ken ABR:EX; Wharf, Sandy PREM:EX; Rousselle, Jillian FLNR:EX; De Champlain, Rhonda MEM:EX; Obee, Sarah F HLTH:EX
Subject: June 1 & 2 FNLC Meeting

Colleagues,

Work on a draft agenda is underway for the DMs/First Nation Leadership Council (FNLC) meeting on June 1 and 2 in Vancouver. Discussions are underway with the FNLC on the agenda. Our suggested focus will be on 1) social topics, 2) reporting out on post-Tsilhqot'in progress and 3) discussing the agenda/approach for September's Cabinet-First Nations Leaders' Gathering. We intend to suggest the following discussion items to the FNLC:

- Children-in-care, including FN governance and prevention services
- Health, including progress of FNHC/FNHA, FN determinants of health and community wellness
- K-12 education, including FN success rates and early childhood education
- Ending violence against Aboriginal women and girls, including a discussion on the proposed Family Gathering
- Youth, including wellness and leadership development
- First Nations culture and language

- Forestry dialogue
- Skills and training (Jobs Blueprint)
- Post-Tsilhqot'in progress, including
 - Marine Planning Partnership (MaPP)
 - Follow up to Mount Polley
 - LNG Environmental Stewardship Initiative
 - CSTC agreement
 - Heritage conservation, including Grace Islet
 - Arctos

If you are aware of any additional discussion items, please let us know. We hope to finalize the agenda with the FNLC within the next week and will provide you with confirmation. Once this occurs, we will need short background notes on the various agenda items. To assist us with this, I would ask that you **please identify someone at the Executive Director level who can work with Ken Armour (MARR's lead in organizing this meeting) to develop the notes for the meeting.** Ken will also be working with Shawna French with my office on this.

A pre-brief among DMs attending this meeting has been set for May 22.

Thanks,

Doug

From: Wharf, Sandy PREM:EX

Sent: Friday, April 24, 2015 3:02 PM

To: Caul, Doug D ABR:EX; Mentzelopoulos, Athana JTST:EX; Byng, Dave A EDUC:EX; Sieben, Mark MCF:EX; Carr, Steve MNGD:EX; Mayhew, Neilane ABR:EX; Fyfe, Richard J JAG:EX; Henderson, Kim N PREM:EX

Cc: Dyble, John C PREM:EX; Olson, Alisha PREM:EX; Kwan, Shirley JTST:EX; Ponchet, Kim ABR:EX; Shaw, Courtney EDUC:EX; Tripp, Allison MNGD:EX; Benn, Jennifer MCF:EX; Richter, Connie JAG:EX

Subject: FNLC meeting

Hi, dates for a 2 day session with the FNLC have been identified for June 1st and 2nd. Please put a hold in your calendars for both days as well as time on Monday evening. Meetings will be held in Vancouver.

The session is in response to a request from the FNLC to engage in an open and frank dialogue about First Nations-Crown relations and develop a vision for what we want to achieve in the next ten years. The goal is intended to be a mutual set of principles and an action plan for going forward which includes the planning for the next Cabinet and First Nations Leaders gathering in September.

We'll be in touch with your offices to set up a pre-brief for the week prior.

Thanks
Sandy

DMs/FNLC MEETING – DRAFT OUTLINE

Context

The session is in response to a request from the FNLC to engage in an open and frank dialogue about First Nations-Crown relations and develop a vision for what we want to achieve in the next ten years¹.

Location

- Fairmont Waterfront Hotel
- All meals to be held at the hotel

FNLC Attendees

- FNLC executive (seven people)
- FNLC staff (approximately eight people)

Provincial Attendees

- John Dyble, Kim Henderson, Doug Caul, Neilane Mayhew, Sandra Carroll, Mark Sieben, Athana Mentzelopoulos, Tim Sheldan and Richard Fyfe

Moderator

- Chief Leah George-Wilson (FNS)

¹ Excerpt from FNLC's March 31, 2015 letter to the Premier: "The FNLC is concerned that since the Gathering last September we have yet to engage substantively on next steps. To gain momentum, we respectfully recommend that the FNLC and the Premier's Office prioritize an intensive session as soon as possible with senior level officials from your office over the course of several days to engage in open and frank dialogue about First Nations-Crown relations in BC, and to develop a vision for what we want to achieve in the next ten years.

A similarly focused approach was successful in developing the *New Relationship* vision document, and aided in building mutual understandings of each other's perspectives and interests. We believe such a session would be an invaluable exercise to build a mutual set of principles and an action plan for our collaborative work going forward, which would include planning for the 2015 BC Cabinet and First Nations Leaders Gathering this Fall and would support ongoing direct engagement between the Province and First Nations.

The four principles for re-engagement are intended to build on momentum from the June 26, 2014 *Tsilhqot'in Nation v. British Columbia* decision and the BC Cabinet and First Nations Leaders' Gathering. The FNLC acknowledges that work is required to build a common understanding and vision between First Nations in BC and the Province in terms of the ways these principles can and should be actualized. Once the FNLC and the Province agree to an engagement structure, joint initiatives will be identified and prioritized which seek to build that common understanding and vision and, importantly, support recognition and implementation of Aboriginal Title, Rights, and Treaty Rights, and improvement in First Nations wellbeing."

Overall Timing

- Monday, June 1 (all day), including:
 - Ice-breaker breakfast (late enough to allow Victoria Deputy Ministers to fly in)
 - Lunch
 - Dinner (all DMs and FNLC Executive – no staff)
- Tuesday, June 2 (all day), including:
 - Breakfast offered
 - Lunch

Agenda – Day One

- Dialogue on a vision and principles
- Dialogue on resource and economic issues
 - Forestry
 - Skills and training
 - Tourism
 - Joint planning
 - Marine Planning Partnership (MaPP)
 - LNG Environmental Stewardship Initiative
 - CSTC agreement
 - Mt. Polley follow up

Agenda – Day Two

- Dialogue on social issues
 - Children-in-care
 - Health
 - K-12 education
 - Violence prevention
 - Youth
 - Culture and language
- Planning for Sept. 8-10 Cabinet-First Nations Leader's Gathering
- Next steps/future engagement

Page 109 of 183 to/à Page 116 of 183

Withheld pursuant to/removed as

s.16

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Contents

Agenda	1
Attendees.....	2
Biographies	3
Meeting Overview/Key Messages (MARR).....	5
FNLC Four Principles (MARR).....	7
FNLC Engagement Matrix (MARR).....	8
Aboriginal Title Explained (MARR).....	10
Forestry (FNLRO).....	12
First Nations Skills and Training (JTST).....	14
Support for Aboriginal Tourism (JTST).....	15
Mining – Collaboration on Mining Activities in BC (MARR).....	16
Tsilhqot'in LOU (MARR)	19
Strength of Claim (MARR).....	20
Doug Eyford Report to the Federal Government on Treaties (MARR).....	21
Lax Kw'alaams/LNG Offer (MARR).....	22
Joint Planning – CSTC Agreement (MARR).....	23
Joint Planning – LNG ESI (MNGD)	24
Joint Planning – Marine Planning Partnership (FNLRO)	25
Children and Youth in Care (MCFD).....	26
FNLC Correspondence regarding Children in Care	27
Health - Achievements in shared decision making (MoH).....	30
K-12 Education (MEd)	32
Violence Prevention (MARR)	34
Youth (MARR) -	35
Culture and Language (MARR).....	36
Planning for Cabinet-First Nations Leader's Gathering (MARR).....	37
The New Relationship Vision	39
Transformative Change Accord	39

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Agenda

Day One – Monday, June 1

9 am – 12 noon

- Breakfast
- Introductions and opening comments
- Re-visioning the relationship: building a common understanding and vision for reconciliation

12 noon – 1 pm

- Lunch

1 pm – 4:30 pm

- Land, resources and the economy

6 pm

- Dinner – Terrace Room (third floor)
 - FNLC Executive/DMS/Moderator only

Day Two – Tuesday, June 2

9 am – 12 noon

- Breakfast
- First Nations quality of life/social sector

12 noon – 1 pm

- Lunch

1 pm – 4 pm

- Preparation for Annual Cabinet-First Nations Leader's Gathering (September 2015)
- Next steps/moving the relationship forward

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Attendees

Moderator

- Leah George-Wilson (FNS)

FNLC

BCAFN:

- Chief Maureen Chapman, BCAFN Spokesperson
- 2 staff

UBCIC:

- Grand Chief Stewart Phillip, President
- Kukpi7 Judy Wilson, Secretary-Treasurer
- 4 staff

FNS:

- Grand Chief Edward John (Day 2 only)
- Cheryl Casimer
- Robert Phillips
- 3 staff

BC Government

- John Dyble, Deputy Minister to the Premier
- Kim Henderson, Deputy Minister
- Doug Caul, Deputy Minister
- Neilane Mayhew, Associate Deputy Minister
- Sandra Carroll, Deputy Minister
- Mark Sieben, Deputy Minister
- Athana Mentzelopoulos, Deputy Minister
- Tim Sheldan, Deputy Minister
- Richard Fyfe, Deputy Attorney General
- 2 staff

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Biographies

BC Assembly of First Nations (BCAFN)

Spokesperson Chief Maureen Chapman

Hereditary Chief of the Skawahlook First Nation, situated at Ruby Creek between Agassiz and Hope, and member of the BCAFN Board of Directors. The appointment is effective April 1, 2015 until a new Regional Chief is elected at the BCAFN Annual General Meeting on June 25, 2015. This is a dual role: official spokesperson for the BC Assembly of First Nations and political lead of the organization that reflects the direction of the Chiefs-in-Assembly in BCAFN Resolution 01/2014 – Transition of Regional Chief Jody Wilson-Raybould and the decision of the BCAFN Board of Directors.

Chief Chapman is the Inaugural chair for the Assembly of First Nations Women's Council. Her education and primary areas of interest and expertise include Child and Family Wellness, Health and Child Welfare. Skawahlook First Nation practices a matrilineal system and her successor is being mentored for the Chief's position.

Union of BC Indian Chiefs (UBCIC)

Grand Chief Stewart Phillip, President

Grand Chief Phillip is currently serving his fifth three-year term as the President of the UBCIC. In addition, he was Chief of the Penticton Indian Band for over 20 years, ending in October 2008. Prior to that, he served as a Band Councillor.

He has taken an active role in the defence of Aboriginal Title and Rights by supporting First Nation communities and continues to serve as the Chair of the Okanagan Nation Alliance.

Kukpi7 Judy Wilson, Secretary-Treasurer

Elected at the 27-November 2013, this is Chief Wilson's first term on the UBCIC executive. Chief of the Neskonlith Indian Band in the BC Interior, Judy Wilson has an extensive media background in audio-visual production, book publishing, broadcast journalism and web planning. She is nearing completion of the second year of a First Nations Public Administration program leading to a Master's Degree in Public Relations.

Chief Wilson was elected Chief in 2007 for Neskonlith Indian Band and has served on the Band Council for a total of ten years. In her current term (through to 2015), Chief Wilson is focusing on youth, traditional governance, caring for the land, ecological business solutions, and working relationships with local governance and the province and federal Crown.

First Nations Summit (FNS)

Grand Chief Edward John

Grand Chief Edward John (Akile Ch'oh), hereditary Grand Chief of the Tl'azt'en Nation, is serving his tenth term as a member of the FNS political executive.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Chief John was a member of the tripartite BC Claims Task Force which recommended the establishment of the independent BC Treaty Commission to facilitate treaty negotiations. Chief John was also recently re-appointed by the President of the United Nations Economic and Social Council as an Indigenous Member of the United Nations Permanent Forum on Indigenous Issues (UNPFII) for North America for the term 2014-2016.

Cheryl Casimer

Cheryl Casimer, citizen of the Ktunaxa Nation and currently resides in the community of ʔaqam (St. Mary's Band), is serving her first term on the FNS political executive.

She is a former Chief and Councillor of the ʔaqam First Nation and a former Co-Chair of the First Nations Summit. Ms. Casimer is a longstanding advocate for First Nations Issues and perspectives, and is committed to building better bridges of understanding between neighboring cultures.

Robert Phillips

Robert Phillips, member of the Northern Secwepemc te Qelmucw (Shúswap) of the Canim Lake First Nation, is serving his first term with the FNS political executive.

He previously served three terms as a Commissioner of the BC Treaty Commission and also previously served as Chief Negotiator and Self-Government Director at the Northern Shuswap Tribal Council. He holds a Bachelor of Arts degree from the University College of the Fraser Valley.

Moderator

Leah George-Wilson (Sisi-ya-ama)

Leah George-Wilson is a member of the Tsleil-Waututh First Nation (TWFN) located in North Vancouver. She was the first woman to hold the office of Elected Chief for the TWFN, a position she held from 2001-2003 and 2005 - 2009.

Ms. George-Wilson's educational background includes a Bachelor's Degree in Anthropology from Simon Fraser University. She is currently attending the University of British Columbia Law School. She also sits on a number of boards including: the First Nations Lands Advisory Board, the Canadian Tourism Commission and the BC First Nations Health Council.

Ms. George-Wilson was elected in 2004, 2006, 2008, 2010, and again in 2013 as co-chair of the 2 member administrative executive of the First Nations Summit.

DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Meeting Overview/Key Messages (MARR)

Context

- The FNLC has expressed the following concerns:
 - The government has yet to engage substantively with First Nations on next steps following last year's the Cabinet-First Nations Leaders' Gathering
 - The current administration has neither publically committed to the 2005 New Relationship vision document nor, alternatively, offered to work with First Nations to develop a new vision document for the future
 - The government has yet to respond (i.e., with new directions and initiatives) to the Supreme Court's Tsilhqot'in decision from last June, which First Nations see as a "game changer"

Meeting Purpose - FNLC

- The FNLC sought this meeting with Deputy Ministers to "engage in open and frank dialogue about First Nations-Crown relations in BC, and to develop a vision for what we want to achieve in the next ten years".
- The FNLC believes this meeting should "build a mutual set of principles and an action plan for our collaborative work going forward, which would include planning for the 2015 BC Cabinet-First Nations Leaders' Gathering and would support ongoing direct engagement between the Province and First Nations".
- In particular, the FNLC would like to discuss items such as recognition, governance, a new reconciliation policy framework, new standards for relationships, new decision making models, revenue sharing and the fiscal relationship, consultation and accommodation, and elements of an improved relationship.
- The FNLC notes that a similarly-focused meeting was used to develop the New Relationship vision document in 2005, and aided in building understandings of each other's perspectives.
- The FNLC has little interest in engaging in sector- or program-specific discussions.

Meeting Purpose - BC

- BC is looking to further build relationships with the FNLC and to engage in an open and frank dialogue with them.
- BC is looking to get feedback from the FNLC on its proposed approach to the September 8-10 Cabinet-First Nations Leaders' Gathering.

BC Key Messages

- The Supreme Court decision on Tsilhqot'in was a significant milestone that further clarified the legal landscape for First Nations.

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

- You are seeing the Provincial Government's response unfolding each and every day. The court ruling is a factor in every decision we make and our work with First Nations is more collaborative, innovative and dynamic than ever before.
- In response to the decision, the BC government is significantly enhancing economic, environmental, and government-to-government opportunities for First Nations.
- Economic opportunities are being enhanced through agreements on skills training and on benefit sharing, particularly in the emerging LNG industry.
- Environmental opportunities are being enhanced through joint land and ocean stewardship agreements and through an increased focus on cumulative effects.
- Government-to-government opportunities are being enhanced through forestry and mining dialogues, through annual meetings between Ministers and First Nations Chiefs, and through various agreements with individual First Nations.
- The BC government is also enhancing opportunities for business and First Nations to work together, while recognizing that it is ultimately the government's moral and legal obligation to work with First Nations to improve economic and quality-of-life outcomes.
- Because each First Nation is unique, an overarching, one size fits all approach will not work – the government is working with individual First Nations to enhance opportunities.
- We are on the right path because we are open to ideas and practical solutions. We have a long way to go but we are getting good at this in B.C. – good at achieving mutually beneficial agreements with First Nations and good at finding our way through difficult negotiations.
- The success of everyone in British Columbia is inextricably woven with the success of First Nations.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

FNLC Four Principles (MARR)

The FNLC presented the following four principles at the September 2014 Leaders' Gathering:

1. We acknowledge that all our relationships are based on recognition and implementation of the existence of Indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties, throughout British Columbia.
2. We acknowledge that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. We acknowledge the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. This means we immediately must move to consent based decision making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements.

The four principles were developed through an All-Chiefs meeting in August 2014 and a BCAFN Chiefs meeting in early September 2014.

The FNLC is no longer seeking government acceptance of the four principles (likely in recognition that this will not be forthcoming). Rather, they want to use them as a starting point for dialogue with the government. To quote the March 31, 2015 FNLC letter to the Premier:

"The four principles for re-engagement are intended to build on momentum from the June 26, 2014 *Tsilhqot'in Nation v. British Columbia* decision and the BC Cabinet and First Nations Leaders' Gathering. The FNLC acknowledges that work is required to build a common understanding and vision between First Nations in BC and the Province in terms of the ways these principles can and should be actualized."

Discussions with FNLC staff have indicated that in asking for government acknowledgement of Aboriginal title throughout BC (FNLC's first principle), the FNLC is not necessarily seeking title as defined and granted through the *Tsilhqot'in* decision. Essentially, they are seeking government recognition that:

- land is fundamental to First Nation culture and way of life
- First Nations were the first occupiers of land throughout BC; and, consequently
- First Nations be considered as partners in land-based decisions by the Province

JAG has provided a legal opinion that outlines a number of concerns with the four principles. In particular, they note that the legal reality is that the only authority First Nations have with respect to making land use decisions is intimately tied to aboriginal title and not to mere presence on the land base. Aboriginal rights to use land and resources in territories outside of the lands where title could be proved do not provide any legal basis for aboriginal land or resource use decision making.

DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

FNLC Engagement Matrix (MARR)

See attached PDF document: 2015March30 FNLC letter to the Premier and engagement matrix

FNLC PROPOSED MATRIX – SUMMARY AND ANALYSIS

The following draws from the FNLC's March 31, 2015 letter to the Premier, and particularly draws from the attached engagement matrix. The letter notes that the matrix was drafted to "to encourage a joint dialogue on operationalizing an improved engagement process, reflecting processes that are currently active."

Engagement Components	BC Comments/Possible Response
Annual BC First Nations and Cabinet Meeting <ul style="list-style-type: none"> Jointly develop the agenda, objectives and outcomes 	<ul style="list-style-type: none"> Joint planning has started for Sept-2015 meeting.
Senior Political Forum or "Recognition Table" (Premier, Deputy Minister to Premier, Cabinet Ministers, FNLC) <ul style="list-style-type: none"> Develop shared vision and principles Jointly identify priorities and action items 	<ul style="list-style-type: none"> The Premier and Ministers continue to meet with FNLC Executive as frequently as their schedule allows. Work on a vision, priorities and action items should be conducted at the DMs/FNLC table.
BC- FNLC Technical Table (Senior staff from Premier's Office, Senior staff from Ministries, FNLC)	<ul style="list-style-type: none"> BC agrees that FNLC staff and senior staff from ministries should continue to meet to share information, to seek input on proposed policy and legislation and to discuss trends and initiatives.
FNLC-FNO Forum (FNLC, First Nations Organizations)	<ul style="list-style-type: none"> This appears to be First Nations only; no BC involvement

Joint Initiatives	BC Comments/Possible Response
<u>Proposed</u> Working Group on a new First Nations-BC Decision Making Relationship and <u>Proposed</u> Working Group on a new First Nations-BC Economic Relationship <ul style="list-style-type: none"> Explore options and to support 1) recognition, 2) indigenous governance, 3) a "new mindset" based on respect, and 4) decision making based on consent 	<ul style="list-style-type: none"> This should be handled at the DMs/FNLC table – BC does not see the need for two additional tables.
<u>Proposed</u> Joint Table to update Forest Consultation and Revenue Sharing	<ul style="list-style-type: none"> This is essentially being done through the agreement among FLNRO, MARR and the FN Forestry Council

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Joint Initiatives	BC Comments/Possible Response
Agreements	(FNFC) to obtain First Nations input into forestry revenue sharing agreements and forestry tenure models.
Joint Senior Officials Table to address Mount Polley	<ul style="list-style-type: none"> • This table has been set up to implement the 2014 LOU between the Province and the Soda Creek and Williams Lake Indian Bands – members include MARR, MEM and MoE. • G2G partnership to address all impacts of the Mt Polley tailings pond breach.
Joint Working Group on First Nations Heritage Conservation	<ul style="list-style-type: none"> • This table is currently active – it includes MARR, FLNRO and Judith Sayers.
Joint Table to implement forthcoming MOU between the FNLC and Ministry of Environment	<ul style="list-style-type: none"> • This table will be set up to address issues of common interest and concern regarding environmental stewardship; the <i>Water Sustainability Act</i> is initial priority.
Joint Partner's Table to implement MOU between the FNLC and BC on Ending Violence Against Aboriginal Women and Girls (current)	<ul style="list-style-type: none"> • This group is currently active, led by MARR.

**DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Aboriginal Title Explained (MARR)

Direct Quotes from The Supreme Court Of Canada Decision On Tsilhqot'in

What is Aboriginal title?

The nature of Aboriginal title is that it confers on the group that holds it the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by future generations.

How is Aboriginal title obtained?

Aboriginal title flows from occupation in the sense of regular and exclusive use of land. To ground Aboriginal title "occupation" must be sufficient, continuous and exclusive. Occupation sufficient to ground Aboriginal title is not confined to specific sites of settlement but extends to tracts of land that were regularly used for hunting, fishing or otherwise exploiting resources and over which the group exercised effective control at the time of assertion of European sovereignty.

Aboriginal title post-sovereignty reflects the fact of Aboriginal occupancy pre-sovereignty, with all the pre-sovereignty incidents of use and enjoyment that were part of the collective title enjoyed by the ancestors of the claimant group — most notably the right to control how the land is used.

The claimant group bears the onus of establishing Aboriginal title.

What is the impact of Aboriginal title once obtained?

After Aboriginal title to land has been established by court declaration or agreement, governments and others seeking to use the land must seek the consent of the title-holding Aboriginal group to developments on the land.

Once title is established, it may be necessary for the Crown to reassess prior conduct in light of the new reality in order to faithfully discharge its fiduciary duty to the title-holding group going forward. For example, if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project upon establishment of the title if continuation of the project would be unjustifiably infringing. Similarly, if legislation was validly enacted before title was established, such legislation may be rendered inapplicable going forward to the extent that it unjustifiably infringes Aboriginal title.

In cases where lands are held under Aboriginal title, provincial laws of general application should apply unless they are unreasonable, impose a hardship or deny the title holders their preferred means of exercising their rights.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

What is the impact of asserted, but non-obtained, Aboriginal title?

Prior to establishment of title, the Crown is required to consult in good faith with any Aboriginal groups asserting title to the land about proposed uses of the land and, if appropriate, accommodate the interests of such claimant groups. The level of consultation and accommodation required varies with the strength of the Aboriginal group's claim to the land and the seriousness of the potentially adverse effect upon the interest claimed.

What were other key points made by the Supreme Court?

Governments and individuals proposing to use or exploit land, whether before or after a declaration of Aboriginal title, can avoid a charge of infringement or failure to adequately consult by obtaining the consent of the interested Aboriginal group.

Governments are under a legal duty to negotiate in good faith to resolve claims to ancestral lands. What is at stake is nothing less than justice for the Aboriginal group and its descendants, and the reconciliation between the group and broader society.

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Forestry (FNLRO)

Forest Consultation Revenue Sharing Agreements (FCRSA), Forest Tenures Opportunity Agreements (FTOA) and the First Nation Forestry Council (FNFC)

FCRSA and FTOA programs

- FCRSAs have three revenue sharing components:
 - Funding to support capacity for consultation;
 - Percentage of district stumpage, waste and annual rent collected by the province; and
 - Percentage of stumpage paid on First Nation owned Direct Award Tenures
- Through FTOAs, First Nations have grown their wood supply (AAC) to over 8.8 million m³ of AAC (11% of the provincial AAC). Through other ventures, including partnering with industry, First Nations have acquired control to another 3.4 million m³ of AAC or 4% of the provincial AAC.

FNFC Regional Workshops

- MARR and FLNR jointly funded the FNFC to host three regional workshops in May to review the FCRSA and FTOA programs in light of the *Tsilhqot'in Nation* decision: Prince George; Kamloops; and Nanaimo. \$80,000 of the total \$103,500 came from the FCRSA envelope; the balance from FLNR.
- A presentation at each workshop on the impact of the *Tsilhqot'in Nation* decision on forestry law from a First Nation perspective placed a heavy emphasis on the consent based model.
- The workshops also included an in-camera session for First Nations to develop recommendations;

s. 16

FNFC Funding Support

- FNFC has traditionally operated under a grant from both the Federal and Provincial Governments. FLNR has contributed approximately \$65,000 per year for the past several years to support their engagement with BC on Forestry policy development issues.
- FLNR also provides the FNFC with \$125,000 per year to support the First Nations Forest Technician Training Program; BCTS provides employment and mentoring opportunities.
- In December 2014, FNFC submitted a funding request rising to \$2.5 million per year to provide training programs and policy support. The FNLC wrote to Ministers Thomson and Rustad (December 2014) supporting the FNFC funding request.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

s. 16

Next Steps

- FNFC wishes to host a Provincial Strategy Session in July with the Chiefs, and Ministers Thomson and Rustad to present a report on the three regional workshops; format and invitees to be determined. MARR and FLNR to determine how to address the FNFC \$100,000 funding request for this session; s. 12; s. 13
s. 12; s. 13
- British Columbia is committed to reviewing the recommendations developed by the First Nations from the three regional workshops with FNFC and FNLC. This will be helpful to frame the dialogue going forward to improve the FCRSA and FTOA programs.

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

First Nations Skills and Training (JTST)

First Nations Perspective/Top Issues

- First Nations people must be seen as more than a source of labourers and tradespeople, and need opportunities for the full range of jobs available in the economy (engineers, business leaders, social workers, nurses etc.).
- First Nations need to be involved in planning for skills and training initiatives.
- Aboriginal Affairs and Northern Development Canada (AANDC) is withdrawing funding for First Nations post-secondary education and training (reductions in funding for First Nations Education Steering Committee (FNESC), elimination of funding for the Indigenous Adult and Higher Learning Association (IAHLA), reduction in funding for First Nations communities and institutes as a result of AANDC's new Post-Secondary Partnerships Program, insufficient funding for First Nations post-secondary students).

BC Government Perspective/Responses

- The Province agrees that First Nations must have opportunities for the full range of jobs available in the economy.
- The Province agrees that First Nations should be involved in planning skills training initiatives. AVED worked with First Nations and Aboriginal education and training partners to co-develop the Aboriginal Post-Secondary Education and Training Policy Framework and Action Plan. MARR is working with First Nations on the Skills Training Initiative.
- The Province shares First Nations' concerns about Federal withdrawal of funding for First Nations post-secondary education and training and will work with First Nations to engage the Federal government in discussion about respective roles and responsibilities.
- The Province will encourage the Federal government to continue to be an active partner in Aboriginal education and skills training initiatives.

Possible Questions for FNLC

1. What actions would you like the Province to take in response to AANDC's withdrawal of funding?
2. How can we better support First Nation communities to identify skills training needs and to access training once needs are identified?
3. Engaging Aboriginal youth and encouraging their participation in skills training and economic opportunities is a key priority outlined in the Blueprint. What should the Province be doing to meaningfully engage with this cohort?

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Support for Aboriginal Tourism (JTST)

First Nations Perspective/Top Issues

- Many Aboriginal people in BC recognize the power of tourism to help preserve Aboriginal cultures and economically benefit their communities.
- Aboriginal tourism developers have been careful to ensure cultural products are authentic and only presented by communities that want to share their stories.
- Since the *Blue Print Strategy* in 2005, good progress has been made to grow and support Aboriginal tourism.
- **KEY ISSUE:** Many Aboriginal communities recognize that the opportunity and market for Aboriginal products is growing but hands-on support for tourism entrepreneurs is needed to take advantage of the potential, particularly because business supports for tourism operators are limited as is access to financing for tourism businesses.
- **KEY ISSUE:** More Aboriginal communities could take advantage of tourism with targeted support for infrastructure upgrades, better transportation access, and product development.

BC Government Perspective/Responses

- The Province has a strong relationship with First Nations communities, and through organizations like Aboriginal Tourism BC (AtBC), has seen a significant growth in the development and promotion of Aboriginal tourism in BC.
- New national data reveals there were 301 Aboriginal tourism businesses in BC in 2014 (8,443 FTEs) representing 18% of all such businesses in Canada. This makes BC the second largest market in Canada after Ontario.
- DBC has provided approximately \$8 million in funding to AtBC (2008/09 to close of 2015/16). This investment has helped AtBC implement the *Blue Print Strategy* (2005) and develop *The Next Phase: A Five year Strategy for Aboriginal Cultural Tourism Development in British Columbia* (2012-2017).
- Continued support for Aboriginal cultural tourism is included in Government's *Gaining the Edge* Strategy and Destination BC's most recent mandate letter.
- The Province and Destination BC will continue to work with and support AtBC to foster opportunities for Aboriginal peoples, expand partnerships, skills development, authentic product development and marketing.

Possible Questions for FNLC

1. BC is seen as a global leader in delivering world-class authentic Aboriginal tourism cultural experiences. To ensure we remain a leader, what changes do we need from a policy and program perspective to address barriers?
2. How can we better showcase the successes of Aboriginal tourism entrepreneurs?

**DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Mining – Collaboration on Mining Activities in BC (MARR)

Background

The Province has engaged with First Nations and Industry to develop approaches to address First Nations concerns with mining in BC, while meeting provincial objectives for mining activities.

The Province and the Williams Lake and Soda Creek Indian Bands (WLIB and SCIB) signed a Letter of Understanding (LOU) on August 18, 2014 outlining how the parties would work together to address all aspects of the Mount Polley mine tailings breach and committed to engage in a mining dialogue with First Nation about existing laws, regulations and policies in relation to the mining industry in BC. Williams Lake and Soda Creek Indian Bands are the First Nations who have territories that directly overlap the breach area.

The Province has provided \$1 million in capacity funding for 2014/15 fiscal year to ensure WLIB and SCIB's full participation in all aspects of the Breach, including shared decision making on key aspects associated with site remediation and cleanup activities.

The Province and the First Nations Energy and Mining Council (FNEMC) co-hosted a mining dialogue workshop on March 20, 2015 that focused on tailings management and joint discussion on ideas and options for First Nations involvement in implementing the expert engineering panel recommendations.

Through the Province's mineral tax revenue sharing initiative the Province has, to date, entered into 19 Economic and Community Development Agreements (ECDA) with 19 First Nations in the Province.

ECDA's provide financial resources to First Nations to support the achievement of their community's socio-economic goals and create project and sector partnerships and facilitate collaborative economic development.

The Province has been consulting with the Tahltan First Nation regarding issues with Fortune Minerals and POSCO Canada's proposed coal mine development in the Klappan area located in northwest BC. The area is known as the sacred headwaters and has high cultural significance to the Tahltan. Coal resource development in this area has not been successful due to the strong First Nations linkages to the areas where key anthracite coals deposits occur. Discussions and development of a shared vision for responsible management requires significant time to resolve concerns and engage in joint development of a plan for the area.

Current Status

Mount Polley LOU

- The LOU has resulted in the creation of committees and technical working groups that have assisted in establishing positive working relationships and an avenue to mitigate issues as they arise.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

- The First Nations Leadership Council and the First Nations Energy and Mining Council have participated on the Principals Table and the Senior Officials Committee¹ to ensure First Nations leadership provincially are participating in mine breach cleanup activities and Mining Dialogue strategy development.
- WLIB and SCIB have collaborated with the Province on the creation of a streamlined consultation process for any Mount Polley mine permitting reviews required. First Nations are currently working with the Province in review of the mine restart permit and water discharge permit for Mount Polley mine.
- First Nations are an important partner in addressing the breach and through this process the province has been able to increase the level of trust and develop a collaborative, constructive and respectful working relationship.
- The Province is currently requesting \$2.1 million in capacity funding for 2015/16 Fiscal to provide capacity for First Nations continued participation and collaboration on breach clean up, remediation and planning activities and participation in the mining dialogue.

First Nations Mining Dialogue

- Government is currently working with the Senior Officials Committee to develop the scope and strategy for engagement with First Nations examining current laws, regulations and policies to restore confidence in mining.
- First Nations and the province have identified the scope of the dialogue to include review of mine regulatory processes, mining code reform, tenure system exploration and resource revenue sharing.
- The parties will discuss First Nations engagement on the mine code review scheduled to begin summer of 2015 and mining dialogue activities for 2015 at an upcoming Seniors Officials Committee meeting May 26th, 2015.

ECDA

- ECDA discussions are underway for Gilbaltar mine, north-eastern coal projects, Blackwater Gold, Endako, Harper Creek, KSM and Bruce Jack Mine.
- Three coal agreements in the north east are currently being finalised.
- Negotiations with Tahltan for the Red Chris Mine project were completed early in the year and are currently undergoing ratification by the Tahltan Nation.
- These discussions were unique in that they were closely linked to MARR's Northwest Strategy which received approval from the Cabinet Working Group on First Nations Issues and this included a mandate to negotiate a revenue sharing agreement (RSA) that aligned with the existing provincial fiscal mandate for revenue sharing on mines, but allowed for agreement terms outside of current ECDA policy.
- This agreement will create a new precedent around the certainty provisions in ECDAs and other revenue sharing agreements.

¹ Principals Table consists of Ministers of Environment, Aboriginal Relations and Reconciliation, and Energy and Mines as well as WLIB, SCIB FNLC and FNEMC representatives. The SQC consists of Assistant Deputy Ministers from Ministries of Environment, Aboriginal Relations and Reconciliation, and Energy and Mines, as well as WLIB, SCIB, FNLC and FNEMC representatives.

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

- The Red Chris Agreement does not include standard ECDA certainty provisions such as binding releases, continuing acknowledgments and the linking of the revenue sharing to specific socio-economic goals and initiatives.

Coal Mine Development in Tahltan Territory

- The province has committed to acquire 61 coal licenses currently held by Fortune Minerals and POSCO Canada Ltd. The acquisition addresses time constraints regarding discussions with Tahltan associated with a shared vision for the management of Klappan.
- The Province acquired the licences for \$18.3 million and included a 10 year option for Fortune Minerals and POSCO Canada Ltd. to purchase the tenures at their original price.
- This collaborative solution reduces existing conflicts between industry, government, and First Nations, and allows for the necessary time to continue discussions with the Tahltan, Government and Industry in the creation of a shared vision for management of the Klappan.
- The Province and the Tahltan will continue to build a strong government to government relationship to develop long term sustainable management plan for the scared head waters.

Next Steps

The Province through collaboration and government-to-government relationships will continue to identify creative solutions to resource development issues while balancing government, Industry and First Nations interests.

A broad provincial revenue sharing policy review is being undertaken in response to the Tsilhqo'tin decision which may recommend changes to current provincial revenue sharing policy based on internal analysis and discussions with First Nations.

DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Tsilhqot'in LOU (MARR)

British Columbia - Tsilhqot'in National Government (TNG) Letter of Understanding (LOU) Working Group negotiations on a new reconciliation (i.e. protocol) agreement.

Background

- On June 26, 2014, the Supreme Court of Canada rendered a judgment recognizing the Tsilhqot'in Nation has Aboriginal title over 1,750 square kilometres of land in the Cariboo.
- On September 10, 2014, Premier Clark and the TN Chiefs signed a LOU committing to achieve reconciliation. In the LOU, the parties commit to strengthening their government-to-government relationship and to negotiate in good faith a Protocol Agreement by March 31, 2015. By mutual consent, the timeline was extended to June 26, 2015.
- The Protocol Agreement will set out a comprehensive framework for negotiations to reconcile the rights, interests and goals of the parties for the Tsilhqot'in lands and territory, and to commit sufficient resources to support its implementation. The LOU also outlines work priorities, such as transition of title lands, remedies for breach of Crown duty, finding innovative financial arrangements, exploring economic opportunities, and addressing health, education and social issues.

Current Status

- BC continues to negotiate the reconciliation (i.e. protocol) agreement with the TNG. Regular meetings have taken place over April and May, with agreement on 80% of the agreement language.
- Key areas of disagreement continue, however, including joint decision making over Tsilhqot'in territory (outside the declared title area), wildlife management (specifically moose quotas and Limited Entry Hunt), and the level of funding required for both agreement implementation and the final settlement (still to be determined). Compensation for past breaches (as per the SCC decision) is also still to be determined.
- The Cabinet Working Group on First Nations was briefed on the progress of negotiations on Tuesday, May 19th. They confirmed BC is not interested in going beyond current land and resource management mandates such as Haida.
- Minister Rustad met with TNG Chiefs on Friday, May 22nd to clearly articulate the Province's position on reconciliation topics such as joint decision making and specific economic development projects, including HDI Mining's Amarc exploration permit.

Next Steps

- BC will continue to meet with the TNG on finalizing the agreement.
- Next meeting is June 3, 2015.

DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Strength of Claim (MARR)

Assessing aboriginal title claims

Background

- Government is legally required to assess aboriginal rights and title claims in order to determine the scope of consultation and any accommodations.
- The methodology for assessing title claims has been updated to reflect the *Tsilhqo'tin Nation* decision.
- It is the Crown's responsibility to assess claims in consultation processes, interim to a final determination by a court or reconciliation in treaty. First Nations are given the opportunity to provide information should they want it considered in that assessment.

Current Status

- JAG has provided oversight to the provincial approach to assessing title claims.
- ROUGH estimates suggest that an average of 40% of the provincial land base could be subject to strong or moderate title claims.
- The number of strong and moderate title claims highlights the need to adequately consult and accommodate land/resource use decisions that could impact title claims.
- Significant progress has been made in assessing title claims for priority proposed decisions. However, in many cases decisions may be delayed due to needing further guidance and tools for accommodating impacts to moderate to strong title claims.
- Staff face capacity challenges in assessing claims on a transactional basis for all land and resource decisions that can have something greater than a minor impact.
- Sharing assessments with First Nations is inconsistently applied across regions/agencies.
- Proponents in a number of sectors are requesting the Province's assessments to inform their own engagement with First Nations on proposed land/resource activities.

Next Steps

- To improve the efficiency, consistency and reliability of strength of claim analysis:
 - work is underway in developing a corporate tool to view rights and title ethno-historic features and or narratives in a spatial format; and,
 - a territory wide approach to assessing claims is being explored as an alternative to analysis being undertaken on a decision by decision (transactional) approach.
- Internal guidance on when and how to approach accommodating Aboriginal Interests has been updated and waiting approval following NRSADMC review.
- The development of additional accommodation tools (or greater access to existing accommodation tools) is pending direction of Government.
- Further guidance is being developed to assist staff with communicating assessments with First Nations and proponents.

DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Doug Eyford Report to the Federal Government on Treaties (MARR)

Background

- The report of Doug Eyford, Minister Valcourt's Special Representative on Renewing the Comprehensive Land Claims Policy, was released on April 2, 2015. Over the previous six months, Doug Eyford met with representatives from more than 100 Aboriginal groups, federal, provincial and territorial governments, and industry.
- In his report, Eyford recommends that Canada:
 - Continue its efforts to complete modern treaties;
 - Improve the treaty-making process by considering the following:
 - link funding to progress;
 - encourage strategic land use planning exercises and/or mediation as options to help deal with overlapping claims;
 - develop a standardized umbrella agreement identifying provisions that are, and are not, open for negotiations;
 - develop a "thin treaty" approach that focuses constitutional protection only on core components of treaties, with the remain components addressed in time-limited, renewable side agreements;
 - develop exit strategies for tables not heading for successful conclusions;
 - expand the BC Treaty Commission's mandate to give it "the teeth to meaningfully supervise negotiations" by conducting assessments of the parties' readiness, capacity or mandate to continue negotiations once commenced.
 - Explore other options to achieve reconciliation outside of the treaty process, citing BC's efforts as a possible model.

Next Steps

- Over the coming months, Aboriginal Affairs and Northern Development Canada (AANDC) will be engaging with Aboriginal groups as well as other stakeholders, including those who provided input to Doug Eyford, in order to seek their feedback on the report's recommendations. The federal government will then "carefully review and consider this additional feedback, along with Mr. Eyford's recommendations".
- It is not expected that the federal government will respond further to the report prior to the October 19, 2015 federal election.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Lax Kw'alaams/LNG Offer (MARR)

**Status of the Province's engagement with Lax Kw'alaams on the Pacific Northwest LNG project.
(PNW LNG)**

Background

- PNW LNG is proposed for Lelu Island, which is within the jurisdiction of the Prince Rupert Port Authority.
- The PNW LNG project is to be served by the Prince Rupert Gas Transmission (PRGT) natural gas pipeline.
- The Province has engaged in benefits discussions with Lax Kw'alaams on both PNW LNG and PRGT.
- A term sheet including capacity funding (\$250,000), lands (~2100 ha), funding for Tuck Inlet Road paving (up to \$3 million) and Coastal Fund benefits was initialled with the negotiator for Lax Kw'alaams in April 2015.
- The term sheet also includes assurances to the Province addressing legal risk and claims of rights and title.
- A PRGT offer was tabled by the Province but negotiations have not concluded.
- PRGT initialled a benefits term sheet with Lax Kw'alaams and PNW LNG has tabled a substantive offer but agreement has not been reached.

Current Status

- The benefits proposed in the Province's and PNW LNG's and PRGT's negotiations with Lax Kw'alaams were presented to the Lax Kw'alaams community in a series of three meeting sessions during May, 2015.
- The total scope of the benefits that had been offered became public during this community process.
- Community members who attended these sessions and who expressed their views on the project through an open 'show of hands' all opposed the project on the grounds of environmental risk to the Skeena salmon and impacts to Lelu Island.
- The Province and PNW LNG announced an MOU for a Project Development Agreement on May 20th.

Next Steps

- The Premiers office is now leading the Province's engagement with Lax Kw'alaams to explore options to address the community's concerns.
- The Canadian Environmental Assessment Agency is expected to make a decision on project certification in the coming months (BC EA certification is in place).
- It is anticipated that PNW LNG may be making a conditional Final Investment Decision (FID) in the coming weeks.

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Joint Planning – CSTC Agreement (MARR)

Commitments to joint planning with the seven Carrier Sekani First Nations (CSFN) and Carrier Sekani Tribal Council (CSTC).

Background

On April 2, 2015, BC, seven Carrier Sekani First Nations and the Carrier Sekani Tribal Council signed an Environmental and Socio Cultural Initiatives Agreement (ESCIA) and Collaboration Agreement (CA). The seven First Nations have come together for the purposes of negotiating and implementing collaborative planning and management with BC on topics of mutual interest.

Current Status

The agreements establish principles for collaboration including collaborative decision making, to guide negotiation of new g2g agreements and the implementation of immediate commitments through collaborative planning. [Chief Ed John will participate the meeting. Avoid overstating progress as agreements are new and governance only being established.]

The agreements commit to move forward a suite of joint planning initiatives in the short term, highlights include:

- **a joint stewardship work plan** to monitor EA Certificate conditions, coordinate response to accidents or malfunctions and compliance management for identified natural Gas Pipelines ;
- **joint approach to cumulative effects assessment on CSFN territories** building on the current provincial model (through the Environmental Stewardship Initiative);
- **collaborative management of natural resource development**, including access management, fish and wildlife management.;
- **joint Socio-Cultural Strategy** to mitigate impacts from proposed pipelines and mitigate socio-cultural issues including skills, training, education and language; and
- **collaborative planning for the Environmental Assessment** process and collaborative decision making for major approvals to increase the compatibility the parties respective decision making.

The agreements establish the essential governance to enable collaborative planning through the BC-CSTC Stewardship Working Group, Social Cultural Working Group and Collaboration Working Groups.

Next Steps

Complete establishment of governance structures, implement joint planning activities and negotiate new g2g commitments identified in the agreements.

Joint Planning – LNG ESI (MNGD)

Liquefied Natural Gas – Environmental Stewardship Initiative (LNG ESI)

Background

- First Nations affected by LNG development raised common concerns regarding environmental stewardship and cumulative effects – those concerns remain regardless of the regulatory regime or negotiations mandates.
- In response, the Province committed to create and fund LNG ESI (\$30M).
- ESI is being designed in collaboration with First Nations, the federal government and industry. The goal of ESI is to create high quality, accessible and trusted environmental information to inform natural resource decisions.

Current Status

- Four regional groups of First Nations/industry/govt have formed in the Northeast, Omineca, Skeena and Prince Rupert – several workshops have been held in each region to build consensus on pilot projects that could be implemented by fall 2015.
- Examples of pilot projects currently being explored are:
 - Prince Rupert - cumulative effects assessment in partnership with Environment Canada
 - Skeena – priority setting on environmental values to inform assessments
 - Omineca – moose habitat modeling, aquatics assessment
 - Northeast – regional strategic environmental assessment in North Montanay basin area
 - Pan-north – development of a First Nations Monitors Program
- A governance working group has been formed to establish organizational structure, decision making principles, funding allocations, and financial mechanisms to generate future investment from industry and federal partners.

Next Steps

- Workshops to decide on and implement pilot projects and governance models are scheduled through September 2015.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Joint Planning – Marine Planning Partnership (FNLRO)

Background

The Marine Planning Partnership (MaPP) is a collaborative marine resource management partnership between the Province of British Columbia and 18 coastal First Nations. The marine plans produced by this partnership provide:

- business certainty and the identification of economic opportunities;
- information and guidance supporting integrated and durable decisions creating efficiencies in land authorizations and First Nation's referrals;
- social licence for business proponents (e.g., LNG);
- recommendations on oil spill preparedness and emergency response measures;
- a common vision between the Province and First Nations for managing marine resources; and,
- guidance on marine protection and stewardship.

Current Status

In December 2014, ELUC approved a two phased approach regarding implementation of the MaPP's plans for Haida Gwaii, North Coast, Central Coast and North Vancouver Island:

- Endorsement by all partners of the marine plans and a joint public announcement with First Nations was held on April 27th, 2015; and
- BC and First Nations to work on implementation strategies for the (ELUC) review and endorsement.

Next Steps

An overall implementation strategy / agreements will be presented to government (ELUC) for approval in the fall of 2015. The strategy will largely consists of four important elements:

1. Implementation agreements with the relevant First Nations for each sub-region;
2. The development of a *Marine Trust* for long term financial oversight and implementation;
3. Integration of Marine Plan recommendations with ongoing intergovernmental initiatives; and
4. Continued engagement with stakeholders and local governments and adaptive management of the plans.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Children and Youth in Care (MCFD)

First Nations Perspective/Top Issues

- Reducing the overrepresentation of Aboriginal children and youth in care (CYIC).
- Self-determination, jurisdiction and governance work as it pertains to child welfare and desire for a forum with First Nations chiefs to discuss Aboriginal child welfare governance.
- Culturally appropriate adoptions and permanency options for Aboriginal CYIC.
- Discrepancies in services between on and off reserve, and in practice standards by services delivered by the ministry and Delegated Aboriginal Agencies (DAA's).

BC Government Perspective/Responses

- BC is committed to finding permanency, with cultural connectedness, for even more than the 870 Aboriginal CYIC that found permanency in 2014.
- The *'Talked Trumped Service'* Report by the Representative for Children and Youth identified that nearly \$66 million has been expended over the last decade without children being directly served. This reinforced the Ministry of Children and Family Development's shift to focus contracts from governance to service delivery that address risk so that children can be kept safe without coming into care, improve permanency, and enhance attachment to children's community and culture.
- We recognize the importance of governance discussions with First Nations. Work is underway to identify the lead ministry or office for First Nations to engage with regarding the pursuit of jurisdiction and self-determination, and to determine the need for explicit policy regarding the negotiation of jurisdictional transfer and exercise of governmental powers as it pertains to child welfare.
- If a child is removed from their home, then every effort is made to place a child (in priority order) with their extended family; cultural community; another Aboriginal family; or with a non-Aboriginal family. All adoption requests by a non-Aboriginal family must be reviewed and approved by the Aboriginal Adoptions Exceptions committee.
- We are working with DAA's to implement an Aboriginal Policy and Practice Framework to apply culturally appropriate services across all service areas.
- Off reserve, we continue to work with communities to promote prevention and early intervention initiatives while on-reserve we continue to strongly advocate for the implementation of Enhanced Prevention Focussed Approach (EPFA) in BC with AANDC.

Possible Questions for FNLC

1. How can we encourage Aboriginal families to find permanency for Aboriginal children and youth in care?
2. How can we encourage a Federal Government funding commitment for the Enhanced Prevention Focussed Approach?

Page 144 of 183 to/à Page 146 of 183

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s.16

**DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Health - Achievements in shared decision making (MoH)

Tripartite First Nations Health Plan (2007)

As a result of the above 10-year plan, all health authorities now have staff dedicated directly to improving health services delivered with and for First Nations. In addition, health partnership accords signed between health authorities and First Nations regional caucuses have formalized the closer partnership between health authorities and First Nations.

Creation of the First Nations Health Authority (2013)

This historic first in Canada is the culmination of thousands of hours of hard work and collaboration among all of the Tripartite partners - First Nations Health Council (FNHA), the federal government, and the Province of BC. The shared decision making examples as a result of the work to create FNHA are:

- The Joint Project Board, co-chaired by FNHA and MoH, has been working with the regional caucuses and regional health authorities to identify primary care projects in under-served communities. Regional Partnership Accord Steering Committees collectively decide on proposals to put forward to the JPB. Of the 3-year total of \$15.33 million available for First Nations MSP primary care projects and initiatives, the JPB has approved 17 projects totaling \$10.08 million.
- Coordinated response to H1N1 outbreak. Unlike other provinces, the tripartite work in BC to create the FNHA resulted in an almost seamless coordination between federal, provincial and First Nations health systems. While this was occurred years ago, it was a shining achievement of our partnership.
- FNHA CEO Joe Gallagher is a full member of the health authority Leadership Council.

First Nations Perspective/Top Issues

Regional First Nation caucuses have identified priorities and are working to address these with regional health authorities. Better access to primary care, mental health and substance use, and maternal child care services are top of the list in most regions. Recruitment and retention of health professionals to rural and remote areas, transportation barriers, and cultural safety in accessing health services are also often cited as barriers to positive health outcomes.

In addition, the FNHC under the leadership of Grand Chief Doug Kelly has been discussing the creation of a Wellness 2025 strategy that would build on the health infrastructure of FNHA/HC to address other social policy areas, starting potentially with child protection. This strategy was presented to First Nations leadership at the recent Gathering Wisdom Forum. Grand Chief Doug Kelly has secured a federal commitment to provide funding for this strategy, but no commitment has been made yet by the BC Government.

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

BC Government Perspective/Responses

Improved linkages between the FNHA and MoH/health authorities have benefited our efforts to improve how health services are delivered with and for First Nations. MoH's commitment is to "hard wire" First Nations perspectives and needs into health system planning by continuing to build a close partnership with FNHA, invite FNHA to sit on key health system leadership committees as a full partner, and require accountability by health authorities to monitor and report out on progress to improve services, cultural safety and ultimately health outcomes.

Possible Questions for FNLC

1. How can we collectively support the work of regional health partnership tables to strategically improve services in cost-effective ways with and for First Nations in each region and sub-region?
2. As FNHA and FNHC have focused on a wellness model to improve the health of individuals, families and communities, how can other sectors build on this through improving the social determinants of health?

DMs/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

K-12 Education (MEd)

First Nations Perspective/Top Issues

- Bilateral agreement on implementation of the Tripartite Education Framework Agreement (TEFA).
- Ensuring School Districts report out annually on First Nation student progress.
- Ensuring First Nations students graduate with options for post-secondary, careers, and/or employment.
- First Nations language learning in public schools.
- Supporting the development of Local Education Agreements (LEA) between First Nations and School Districts.

BC Government Perspective/Responses

- Ministry of Education and First Nations Education Steering Committee (FNESC) are working collaboratively to develop a bilateral Memorandum of Understanding to guide the implementation of TEFA.
- The Ministry of Education agrees that a mandatory report is needed and is putting this requirement in place over the next school year.
- The education transformation efforts under way have included, in all areas, First Nations Education Steering Committee members and First Nations education expertise. This is to ensure all students graduate with an awareness and understanding of First Nations cultures, histories and languages and that First Nations students are supported. As well, academic success and cultural awareness are the main goals in all of the Aboriginal Education Enhancement Agreements (AEEA) across the province.
- There are currently 16 First Nations Language curriculum documents in use in public schools. First Nations Education Steering Committee and the Ministry of Education are jointly conducting an environmental scan to review the impact of these curriculum documents and to inform the joint development of a First Nations language learning policy document.
- The TEFA working group will be developing a collaborative strategy on how to best support the development of Local Education Agreements.

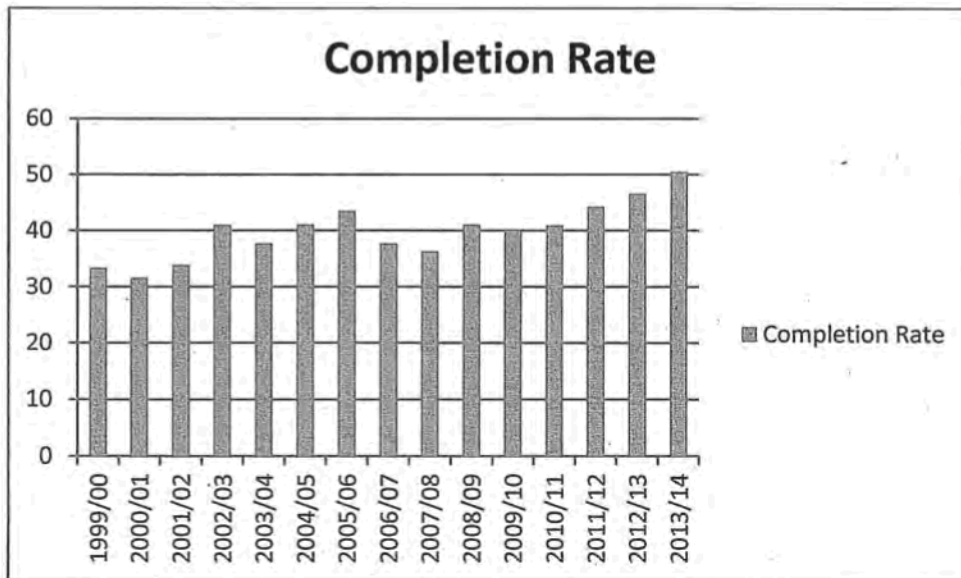
Possible Questions for FNLC (to encourage dialogue)

1. How are First Nations encouraging language learning in their communities? What strategies seem to be working most effectively?
2. What relationships or agreements appear to be most supportive of students transitioning to post-secondary, career training or employment?

DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

6-Year Dogwood Completion Rate for First Nations On-Reserve Students Attending Public Schools

- Although the Dogwood completion rate for First Nations students is increasing over the past 5 years but is considerably lower than that for all Aboriginal students (61.6%) and Non-Aboriginal (86.4%).



**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Violence Prevention (MARR)

Ending violence against Aboriginal women and girls, including a discussion on the proposed Family Gathering

First Nations Perspective/Top Issues

- Aboriginal women continue to experience a disproportionate level of violence.
- Our membership is upset that they have not seen improvements for women, despite Aboriginal leadership signing the Memorandum of Understanding (MOU) Regarding Stopping Violence Against Aboriginal Women and Girls in June 2014.
- It is critical that the BC Family Gathering involve families and community organizations in the planning of the event, and that the Province commits to holding more than one gathering.

BC Government Perspective/Responses

- We recognize the importance of this issue; in 2011, the Minister's Advisory Council on Aboriginal Women was established to provide advice to government on how to improve the quality of life for Aboriginal women.
- The Provincial Domestic Violence Plan articulates the need to work with Aboriginal people to ensure programs and services reflect a holistic Aboriginal world-view and incorporate cultural ways of supporting families and eliminating domestic violence.
- The Provincial Domestic Violence Plan includes a \$2M investment for the development and delivery of programs and services specifically for Aboriginal women, men, children and youth.
- The Violence Free BC strategy, released in February 2015, is a roadmap to end the violence, and to support women whose lives and well-being have been impacted by violence. It is a strategy that combines immediate actions with a long-term vision to keep women safe from harm. One of the strategies is addressing violence against Aboriginal women.
- The Province signed the MOU with Aboriginal leadership because it is committed to working together; the Minister will be meeting with the MOU signatories on June 16, 2015 (TBC) to identify priorities for the Joint Partners' Table, including the BC Family Gathering.
- Minister Rustad has proposed the BC Family Gathering occur in late 2015 in Prince George, ensuring the event takes place before the 2nd National Roundtable on Missing and Murdered Indigenous Women, which is anticipated before the end of 2016.

Possible Questions for FNLC (to encourage dialogue)

1. What are the most important outcomes from a BC Family Gathering?

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Youth (MARR) -

First Nations Perspective/Top Issues

- **Youth suicide** – disproportionately high rates of suicide among First Nations youth remain a deep concern for communities and First Nations leaders; no significant improvement to relevant stats has been seen.
- **Skills training** – opportunities that set youth up for success; holistic approaches to skills training and employment readiness that build cultural confidence need to be integrated into training opportunities.
- **Sports and recreation** – need for space (infrastructure and programming) that provides consistent extracurricular activities for First Nations youth; youth and recreation centres offer safe spaces for youth to gather (contributes to health and wellness).

BC Government Perspective/Responses

- Integrated, cross government approach to support Cowichan Tribes in response to their declaration of a State of Emergency related to suicide.
- Provide support to communities on youth engagement and leadership development initiatives at a community's invitation.
- Provide networking and training opportunities for youth workers and other relevant service providers to youth through the BC Aboriginal Youth Workers Network which helps support those who serve the frontline for First Nations youth.
- Provide leadership development and capacity support for the Unified Aboriginal Youth Collective which is a collective of provincial Aboriginal youth organizations.
- Provide support to the BC Association of Aboriginal Friendship Centres for their annual *Gathering Our Voices* Youth Conference.

Possible Questions for FNLC (to encourage dialogue)

1. How can we work together better to support the health and wellness of First Nations youth in BC?
 - What does this look like for northern and remote communities?
2. In helping prepare youth for employment opportunities, what do you see in current initiatives related to skills training that is working?
 - What does a successful program/initiative look like or encompass?

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

Culture and Language (MARR)

First Nations Perspective/Top Issues

- The majority of First Nations communities across the Province have indicated that revitalization of their traditional languages and culture is a top priority.
- Many First Nations have indicated that the revitalization of their traditional languages and culture is critical to the wellbeing and health of their communities.
- Many First Nations have communicated that they see their traditional language and culture as part of a holistic viewpoint that cannot be separated from other areas such as natural resources, land development, health and education.
- The funding reduction to the First Peoples' Cultural Council (FPCC) has impacted their ability to support community-based language and culture revitalization; the funding should be restored.

BC Government Perspective/Responses

- We appreciate the importance of language and culture, and recognize that it contributes to community health and well-being.
- B.C. is the only province in Canada that has created a Crown corporation to be the lead agency for First Nations heritage, language, culture and the arts.
- Since 2001, this government has provided over \$17 million to the First Peoples' Cultural Council for language and cultural revitalization. This level of funding has continued even through tough economic times.
- We will continue to support them as best we are able. This year we provided an additional \$300K to FPCC to assist with rebuilding FirstVoices.
- The Province is also working with individual First Nation communities to include language and culture revitalization provisions in negotiated agreements (such as reconciliation agreements).

Possible Questions for FNLC (to encourage dialogue)

1. What, in their experience, are the key components or best practices that support language and culture revitalization?
2. Are there Provincial or regional level initiatives that can support cultural and language revitalization or should the focus be at the individual community level?

DMs/FNLC MEETING

JUNE 1-2, 2015

FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC

Planning for Cabinet-First Nations Leader's Gathering (MARR)

DRAFT OUTLINE

Context

- The focus of this year's Gathering will be on maximizing interactions and engagement among First Nations leaders, Ministers and Deputy Ministers, while minimizing speech-making. This will be done by increasing the amount of time devoted to breakout sessions, to one-on-one sessions and to networking events, while minimizing the time devoted to plenary sessions.
- Federal Cabinet Ministers will be invited (though the October 19 federal election makes their attendance unlikely). Federal Deputy Ministers and Doug Eyford will also be invited. Industry may be given the opportunity to participate through a BCBC pre-event.

Budget

- It is estimated the Gathering will roughly cost about \$540,000. This cost includes:

Venue and room rental	\$ 60,000
Food and beverage	\$150,000
Event management support	\$ 80,000
Audio-visual	\$ 70,000
First Nation travel expenses	\$150,000
(rough – difficult to estimate in advance)	
Other miscellaneous items	<u>\$ 40,000</u>
Total -	\$550,000

Location

- Sheraton Wall Centre

Overall Timing

Evening, Sept. 8:	Opening remarks and networking event
Day, Sept. 9:	One-on-one sessions, policy sessions and lunch/networking event
Evening, Sept 9:	Networking event
Morning, Sept. 10:	Policy sessions
Noon, Sept. 10:	Lunch and closing remarks

Attendees

- Provincial Cabinet Ministers and DMs
- First Nations Chiefs and leaders
- Federal senior officials (as observers)
- Industry (for BCBC-hosted event only)

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

MC/Moderator

- Stephen Point (TBC)

Agenda

- The Gathering would officially open on the evening of Sept. 8 with welcoming remarks at a networking event.
- The morning of Sept. 9 would start with a brief plenary and possibly a talk on reconciliation by Chief Robert Joseph (Hereditary Chief of the Gwawaenuk First Nation) from Reconciliation Canada (a non-profit organization dedicated to “building new relationships among Aboriginal peoples and all Canadians”).
- The balance of Sept. 9 would be devoted to one-on-one sessions between First Nations leaders and Ministers (based on the UBCM model).
- The morning of Sept. 10 would be devoted to concurrent breakout sessions. There could be about five sessions repeated up to two times, enabling First Nation leaders to attend up to two different sessions. Topics could include:
 - Social and health
 - Education, skills training, culture and language
 - Forestry and mining
 - Environment
 - Recognition Framework/Path Forward

Government Pavilion

- Government could consider the possibility of an onsite government pavilion (with information booths) to showcase specific government initiatives related to First Nations (e.g., NRPP’s Transforming First Nations Consultation Initiative (TFNCI)). This would also provide an activity for First Nations leaders who are not participating in one-on-ones with Ministers at a given time.

**DMS/FNLC MEETING
JUNE 1-2, 2015
FAIRMONT WATERFRONT HOTEL – VANCOUVER, BC**

The New Relationship Vision

See attached document: New Relationship Spring-05.pdf

Transformative Change Accord

See attached document: Transformative Change Accord.pdf

AG-DAG

Referral Slip for ID:415943

2015/06/23

Log Type: Letter

Action: Information

Batch:

Subaction:

Type: First Nation

Written: 2015/06/15

Ernie George, Director

Received: 2015/06/22

Entered By: kking

Treaty, Lands and Resources Department

Tsleil-Waututh Nation

Interim:

3075 Takaya Drive

Closed: 2015/06/23

File No.: 30000-01/AL

North Vancouver, BC, V8W 3A8

Address To: Michael Shepard, BC Environmental Assessment Office

Issue:

Copy To: Alanaya Smith, Kevin Jardine, DAG Richard Fyfe, MARR DM Doug Caul

X-Ref:

Drafter:

MLA: James, Carole (BC NDP)

Electoral Dist: Victoria-Beacon Hill

Subject

Tseil-Waututh Strength of Claim to Aboriginal Title in the Indian River Valley - Tseil-Waututh's comments on draft BC Environmental Assessment Office's Application Package for the "Eagle Mountain - Woodfibre Pipeline Project Draft Assessment Report" including "Part C - Aboriginal Consultation."

Attachments

Title: Incoming

Version: 1

Last Update: 2015/06/23

File: incoming.pdf

Referral AG-DAG -> AG-DAG

From: AG-DAG

Sent: 2015/06/23

Status: Completed

Ref Action: Information

To: AG-DAG

Received:

Reason:

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Completed: 2015/06/23

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File No.:

Referral Comments

2015/06/23 AG-DAG kking - DAG has seen. Filed in 30000-01/AL.

2015/06/22 AG-DAG kking - CR rec'd and forwarded to DAG for his information.



TSLEIL-WAUTUTH NATION

People of the Inlet



June 15, 2015

Our ref: 13-097

Michael Shepard
Project Assessment Manager
BC Environmental Assessment Office
PO Box 9426 Stn Prov Govt
Victoria, BC
V8W 9V1

RECEIVED
415943
JUN 22 2015
30000-01/AL
DEPUTY ATTORNEY GENERAL

FYI
RF

Dear Michael,

Re: Re: Tsleil-Waututh Strength of Claim to Aboriginal Title in the Indian River Valley

Tsleil-Waututh has been afforded the opportunity to provide early comments on a draft version of the British Columbia Environmental Assessment Office's (BCEAO) Application Package for the "Eagle Mountain – Woodfibre Pipeline Project Draft Assessment Report" including "PART C – ABORIGINAL CONSULTATION." Tsleil-Waututh has deep concerns regarding the BCEAO's determination of the strength of Tsleil-Waututh's *prima facie* claim to Aboriginal title in the Indian River Watershed (IRW). Specifically, in "Part C", Section 20.1.2 (p24) states:

On June 26, 2014, the Supreme Court of Canada released its decision in *Tsilhqot'in Nation v. BC* which clarified the test for Aboriginal title relating to the elements of sufficient and exclusive occupation at 1846. EO is of the view that Tsleil-Waututh Nation has a moderate *prima facie* Aboriginal title claim to the proposed pipeline route along the portion of the pipeline that parallels the Indian River. There is a lack of clarity regarding the extent of use of the Indian River by the Tsleil-Waututh, and there is information to suggest that another Aboriginal Group traditionally fished at the head of the Indian Arm and along Indian River at around 1846. The Tsleil-Waututh Nation Aboriginal title claim weakens the further the pipeline runs from Indian Arm. The information also indicates that the eastern portion of Burrard Inlet, including Port Moody within the vicinity of the Eagle Mountain compressor station location, is within an area used by Tsleil-Waututh Nation at around 1846. This area appears to be at what is considered the edge of Tsleil-Waututh Nation's traditional territory and either borders or overlaps with the traditional territory of other Aboriginal groups. As such, there is uncertainty regarding exclusive use of this area which suggests a moderate Aboriginal

title claim for Tsleil-Waututh Nation in the vicinity of the Eagle Mountain compressor station in Port Moody. (Underlining ours).

Tsleil-Waututh contests this conclusion of "a moderate prima facie Aboriginal title claim to the proposed pipeline route along the portion of the pipeline that parallels the Indian River." It is our experience that the BCEAO in particular undertakes weak and limited research by unqualified individuals to arrive at such unwarranted conclusions. This tactic of purposeful incompetence is nothing new to us.

The BCEAO indicates "(t)here is a lack of clarity regarding the extent of use of the Indian River by the Tsleil-Waututh, and there is information to suggest that another Aboriginal Group traditionally fished at the head of the Indian Arm and along Indian River at around 1846." Tsleil-Waututh requests copies of the report that arrived at this conclusion, including relevant citations.

It is our position that there is absolutely no "lack of clarity regarding the extent of the use of the Indian River Valley by Tsleil-Waututh." Tsleil-Waututh has a copious amount of evidence that demonstrates the extent of their use of the IRW. Additionally, the recent Archaeological Impact Assessment (AIA) undertaken by Inlailawatash (on behalf of Fortis) has identified a number of new archaeological sites demonstrating aboriginal use and occupancy here over the last 1500 years, specifically within Fortis's pipeline corridor.

Additionally, the BCEAO's contention that the possible presence of another Aboriginal Group fishing at Indian River at AD 1846 undermines Tsleil-Waututh's exclusive occupation here is not defensible. The key passage from the Supreme Court Decision (McLachlin et al. 2014, para 48 and 49) are:

[48] Exclusivity should be understood in the sense of intention and capacity to control the land. The fact that other groups or individuals were on the land does not necessarily negate exclusivity of occupation. Whether a claimant group had the intention and capacity to control the land at the time of sovereignty is a question of fact for the trial judge and depends on various factors such as the characteristics of the claimant group, the nature of other groups in the area, and the characteristics of the land in question. Exclusivity can be established by proof that others were excluded from the land, or by proof that others were only allowed access to the land with the permission of the claimant group. The fact that permission was requested and granted or refused, or that treaties were made with other groups, may show intention and capacity to control the land. Even the lack of challenges to occupancy may support an inference of an established group's intention and capacity to control.

[49] As with sufficiency of occupation, the exclusivity requirement must be approached from both the common law and Aboriginal perspectives, and must take into account the context and characteristics of the Aboriginal society. The Court in *Delgamuukw* explained as follows, at para.

157:

A consideration of the [A]boriginal perspective may also lead to the conclusion that trespass by other [A]boriginal groups does not undermine, and that presence of those groups by permission may reinforce, the exclusive occupation of the [A]boriginal group asserting title. For example, the [A]boriginal group asserting the claim to [A]boriginal title may have trespass laws which are proof of exclusive occupation, such that the presence of

trespassers does not count as evidence against exclusivity. As well, [A]boriginal laws under which permission may be granted to other [A]boriginal groups to use or reside even temporarily on land would reinforce the finding of exclusive occupation. Indeed, if that permission were the subject of treaties between the [A]boriginal nations in question, those treaties would also form part of the [A]boriginal perspective.

Thus, the BCEAO's facile conclusion that the mere presence of another Aboriginal group fishing in the IRW undermines Tsleil-Waututh's title runs precisely counter to the Supreme Court of Canada's decision in the matter of *Tsilhqot'in Nation v. BC*. As the passage from Delgamuukw cited in the McLachlin decision clearly indicates, trespass and the presence of other groups by permission reinforces, rather than undermines, the exclusive occupation of the Aboriginal group asserting title. Clearly, both the legal staff and ethnohistoric researchers at the BCEAO need to re-evaluate their understanding of Canadian case-law regarding Aboriginal title and deepen their knowledge of the Aboriginal perspective pertaining to resource access.

The ethnographic literature on Coast Salish peoples clearly indicates that rights to access particular resource patches were owned and inherited and that there were clearly defined rules against trespass. Most importantly, access to resources was predicated on permission seeking from the appropriate rights holder. This is precisely the Aboriginal perspective that is completely ignored by the BCEAO.

Rather than provide the citations to these primary references, we suggest that the BCEAO go back to the drawing board and re-evaluate their evidence and conclusions, and consider additional evidence that we are willing to provide.

Tsleil-Waututh has undertaken and supported a large amount of research documenting that documents Tsleil-Waututh's Aboriginal rights and title in the IRW and elsewhere. Along these lines, we are forwarding you three relevant documents that provide a robust body of evidence for Tsleil-Waututh's sufficient and exclusive occupation of the IRW at AD 1846. We are providing these without prejudice to Tsleil-Waututh's rights, title and interests. These are:

1. Morin, 2015 "Tsleil-Waututh Nation's History, Culture and Aboriginal Interests in Eastern Burrard Inlet" (submitted to the National Energy Board in May 2015)
2. Treaty, Lands and Resources Department (TLR)-2013 "A Brief Summary of Additional Evidence Pertaining to Tsleil-Waututh's Aboriginal Interests in the Indian River Watershed and the Investigative Use Licence Proposed for Hixon Creek" (submitted to the Ministry of Lands, Forests and Natural Resources Operations June 2013)
3. TLR 2014 "Tsleil-Waututh Nation Aboriginal Interests – In Relation to Fortis' Eagle Mountain Woodfibre Natural Gas Pipeline Looping Project" (submitted to Fortis July 2014)

The first document listed above, is by far the most extensive consideration of evidence pertaining to Tsleil-Waututh's Aboriginal rights and title compiled to date. This document also describes the Aboriginal perspective on resource access and Tsleil-Waututh's relationships with neighbouring Aboriginal groups.

Tsleil-Waututh insists that these documents are read and considered closely before the BCEAO renders any preliminary conclusion on Tsleil-Waututh's claim of Aboriginal title to the IRW. The BCEAO has clearly failed to adequately evaluate the available evidence in light of current case law regarding Aboriginal title, and the conclusions of the BCEAO could never be upheld in court.

We therefore expect that BCEAO will take the time required to review the attached documents and revisit their assessment.

In addition, we request that BCEAO provide Tsleil-Waututh with the documents and references that informed your determination regarding Tsleil-Waututh's strength of claim.

The potential damage to Tsleil-Waututh's Aboriginal rights, title and interests of these unilateral conclusions regarding Tsleil-Waututh's "strength of claim" by BCEAO and other government agencies cannot be underestimated. Add to that, the fact that they are communicated in such a cavalier and disrespectful way without substantiation and you can begin to understand Tsleil-Waututh's frustration with the process that relates to this specific project, but to our relationship with the Crown in right of BC in general.

We look forward receiving the BCEAO report substantiating your conclusion of "moderate *prima facie* Aboriginal title claim to the proposed pipeline route and responding to it in detail.

Sincerely,



Ernie George
Director, Treaty, Lands and Resources Department
Tsleil-Waututh Nation

Cc: Alanya Smith, Project Assessment Officer, BCEAO
Kevin Jardine, Associate Deputy Minister, BCEAO
Richard Fyfe, Deputy Attorney General, Ministry of Justice and Attorney General
Doug Caul, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation

Encl: Morin, 2015 "Tsleil-Waututh Nation's History, Culture and Aboriginal Interests in Eastern Burrard Inlet"

TLR 2013 "A Brief Summary of Additional Evidence
Pertaining to Tsleil-Waututh's Aboriginal Interests in the Indian River Watershed and the
Investigative Use Licence Proposed for Hixon Creek"

TLR 2014 "Tsleil-Waututh Nation Aboriginal Interests – In Relation to Fortis' Eagle Mountain
Woodfibre Natural Gas Pipeline Looping Project"

Richter, Connie JAG:EX

Subject: FN Leadership Council Mtg.
Location: Fairmont Waterfront Hotel

Start: Tue 2015-06-02 9:00 AM
End: Tue 2015-06-02 4:00 PM

Recurrence: (none)

Organizer: Fyfe, Richard J JAG:EX

Categories: Cabinet/Priority

AG-Attorney General

Referral Slip for ID:417581

2015/10/07

Log Type: Letter	Action: Filing
Batch:	Subaction:

Type: Provincial Government

Written: 2015/09/06

Suzanne Anton, Attorney General and Minister of Justice

Received: 2015/10/07 Entered By: kking

Office of the Minister of Justice and Attorney General

Interim:

PO Box 9044 Stn Prov Govt

Victoria, BC, V8W 9E2

Closed: 2015/10/07 File No.: 200-20/FNLC

Address To: Chief Joe Alphonse

Issue:

Copy To: MARR Minister John Rustad, DAG Richard Fyfe, DSG Lori Wanamaker, Shawna French

X-Ref: SG 512299

Drafter:

MLA: James, Carole (BC NDP)

Electoral Dist: Victoria-Beacon Hill

Subject

Copy of signed thank you letter to Chief Joe Alphonse, following Roger William, Bernie Mack and Crystal Verhaeghe's meeting with Minister at the BC Cabinet-First Nations Leaders' Gathering on September 9, 2015 in Vancouver.

*was processed for Minister's signature under SG 512299

Referral AG-Attorney General -> AG-Attorney General			
From: AG-Attorney General	Sent: 2015/10/07	Status: Completed	Ref Action: Filing
To: AG-Attorney General	Received: 2015/10/07	Reason:	Subaction:
Assign To:	Completed: 2015/10/07	Due:	File No.:

Referral AG-Attorney General -> AG-Attorney General -> AG-DAG			
From: AG-Attorney General	Sent: 2015/10/07	Status: Completed	Ref Action: Filing
To: AG-DAG	Received:	Reason:	Subaction:
Assign To:	Completed: 2015/10/07	Due:	File No.:
Referral Comments			
2015/10/07 AG-DAG kking - rec'd DAG's copy, advised CR of log number and filed in 200-20/FNLC.			



RECEIVED
417581
OCT 07 2015
200-20/FNLC
DEPUTY ATTORNEY GENERAL
X-ref: SG 512299

OCT 06 2015

Chief Joe Alphonse
Tribal Chairman
Tsilhqot'in National Government
102-383 Oliver Street
Williams Lake BC V2G 1M4

Dear Chief Alphonse:

I am writing to thank you and your colleagues, Mr. Roger William, Mr. Bernie Mack and Ms. Crystal Verhaeghe, for meeting with me at the BC Cabinet-First Nations Leaders' Gathering on September 9, 2015, in Vancouver.

I am greatly encouraged by the success of the gathering. The Province and First Nations Leadership Council hosted the three-day event in which over 520 individuals participated, including First Nations leaders, Cabinet ministers, and deputy ministers. At the gathering, First Nations leaders had the opportunity to raise the issues and ideas that are important to their communities. A number of First Nations leaders expressed that they believe that we have made progress and that the gathering provided us a great opportunity to foster key relationships.

At our meeting we discussed a number of important justice related issues in your community, including a possible prolific offender project, conditions of sentencing, policing, and correctional statistics. In order to further these discussions, Deputy Attorney General Richard Fyfe and Deputy Solicitor General Lori Wanamaker are available to travel to meet with you and other representatives of the Tsilhqot'in National Government. Ministry staff will be following up with you shortly to discuss the possibility of a meeting and to make any necessary arrangements. Should you need to reach Mr. Fyfe he can be contacted by phone at 250-356-0149. Ms. Wanamaker can be reached at 250-387-5131.

.../2

Ministry of
Justice

Office of the
Minister of Justice
and Attorney General

Mailing Address:
PO Box 9044 Stn Prov Govt
Victoria BC V8W 9E2
e-mail: JAG.Minister@gov.bc.ca
website: www.gov.bc.ca/Justice

Telephone: 250 387-1866
Facsimile: 250 387-6411

Chief Joe Alphonse
Page 2

I enjoyed having the opportunity to meet with you to discuss these important matters. I believe that our relationship will provide a strong foundation as we move forward, in partnership, toward achieving reconciliation with First Nations in British Columbia. I look forward to working with you in the future.

Yours very truly,

Original Signed by

Suzanne Anton, QC
Attorney General
Minister of Justice

pc: The Honourable John Rustad
✓ Mr. Richard Fyfe
Ms. Lori Wanamaker
Ms. Shawna French

**LETTER OF INTENT
ADDENDUM**

Dated for reference January __, 2016

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
("British Columbia")

AND

THE TSILHQOT'IN NATION as represented by:

Xeni Gwet'in First Nations Government,
Yunesit'in Government,
Tl'etinqox Government,
?Esdilagh First Nation,
Tsi Deldel First Nation,
Toosey Indian Band, and
The Tsilhqot'in National Government ("TNG")

(the "Tsilhqot'in Parties")

(Collectively, the "Parties")

BACKGROUND AND PURPOSE

- A. The Parties are preparing to enter into a Reconciliation Framework Agreement that outlines further negotiations to achieve lasting reconciliation of the rights, interests and goals of the Tsilhqot'in Nation and British Columbia within Tsilhqot'in Territory.
- B. Prior to finalizing the Reconciliation Framework Agreement the Parties recognized the importance of taking immediate steps to improve participation of the Tsilhqot'in Nation in the economy as a way of demonstrating results can be achieved by working together, and to start to build trust, confidence and commitment. For this purpose the Parties signed a Letter of Intent, dated September 24, 2015, and British Columbia provided resources for economic development capacity and to study options to restart the River West Forest Products Mill and related economic initiatives at the River West Mill site.
- C. The Parties also agreed to work jointly to identify measures for moose recovery.
- D. The above economic study and identification of moose recovery measures are now complete and the purpose of this addendum to the Letter of Intent is to identify the initial

measures the Parties will adopt in regard to economic development at the River West site and moose recovery.

ECONOMIC INITIATIVES AT THE RIVER WEST MILL SITE

1. The Parties will work together to develop business cases that include an assessment of fibre requirements, to better understand the economics of a Post and Rail plant, swing mill and log sort/merchandising facility.
2. For the purpose of carrying out the above analysis British Columbia is prepared to do one of the following:
 - a. take \$100,000 of the monies previously provided as an advance to the Tsilhqot'in Parties (for the purpose of purchasing private property in the title lands) and convert it to a contribution for completion of the business analysis, or,
 - b. British Columbia will advance the second \$100,000 payment under the Letter of Intent and make best efforts to replenish these funds in the next fiscal year.
3. Subject to business cases that establish the viability of the above to the satisfaction of both Parties, British Columbia is prepared, subject to consultation, to commit to the following:
 - a. A long term replaceable fibre supply tenure, not exceeding 25,000 m³ annually, with stand eligibility focused on supporting a post and rail facility, with some flexibility to allocate a portion (e.g. 20%) for saw-logs.
 - b. Together with the Tsilhqot'in Parties, in a manner consistent with paragraph 13.13 of the Reconciliation Framework Agreement, to explore financing options for the construction of the facilities. In addition the Province is prepared to set aside up to \$500,000 of the monies previously provided as an advance to the Tsilhqot'in Parties (for the purpose of purchasing private property in the title lands) and convert it to a contribution for economic development.
4. In addition to the above, consistent with section 13.0 of the Reconciliation Framework Agreement, British Columbia commits to:
 - a. Subject to consultation, provide to the Tsilhqot'in National Government or its designate: up to 400,000 m³ of timber from within the Williams Lake Timber Supply Area in the form of non-replaceable Forest Licence(s) targeting stands impacted by Mountain Pine Beetle or other forest health agents. This opportunity would be available for a minimum of 5 years and could be activated through a series of smaller licenses.

- b. furthering the goal of electrification of the Highway 20 corridor by pursuing funding for a feasibility study for a local energy generation and working with the Federal government to establish a pilot plant/project designed and developed with the Tsilhqot'in Nation.
- c. advancing funds from a future settlement commitment with the TNG for the purchase of equity in a local forest operation, subject to the approval of the appropriate fiscal mandate and the ability of the Parties to secure commitment from the Federal Government to participate in a future settlement.

IMMEDIATE MEASURES FOR MOOSE RECOVERY

- 5. British Columbia will work with the Tsilhqot'in Parties on joint moose surveys consistent with British Columbia's business and investment plan for winter 2015/16. This includes Tsilhqot'in Nation participation in data collection and interpretation, analysis and full access to reports.
- 6. Subject to the development and approval of a work-plan by March 31, 2016 British Columbia will provide \$170,000 to the Tsilhqot'in Nation for the development of a First Nation Sustenance Hunting Policy that includes actions to reduce the reliance on cow moose. The policy, to be endorsed by the Tsilhqot'in leadership, will describe policies for governance of community wildlife harvest practices including matters such as (but not limited to) wildlife harvest reporting, use of ATVs, and harvest of antlerless moose.
- 7. British Columbia will work with the Tsilhqot'in Nation to complete a joint review of the South Chilcotin Stewardship Plan (SCSP) by May 1, 2016, and the province will establish legal orders to address core elements of the plan by March 2017. The province will continue to engage with forest licencees to explore options for the expansion of the SCSP commitments to all of Tsilhqot'in Territory.
- 8. In order to promote the recovery of moose populations by increasing the frequency of bull moose encounters for Tsilhqot'in hunters, and thereby reducing or eliminating their reliance on cow moose, British Columbia is prepared to propose to the appropriate decision maker the following regulatory change: elimination of the September 10 to 30th hunting block for a 33% reduction in the projected harvest of moose in the following Management Units: 5-03, 5-04A, 5-04B, 5-04C, 5-05, 5-12A, 5-13A, 5-14. It is estimated this will reduce the harvest from 250 moose to approximately 170.
- 9. The advancement of the regulatory change in section 8 is subject to the Tsilhqot'in parties committing to the implementation of a hunter harvest protocol. BC recognizes that the Tsilhqot'in will take a phased approach to meeting this commitment as follows:
 - a. Provision of moose harvest needs by March 31, 2016;

- b. Development of protocol by June 30, 2016;
 - c. Start Community engagements around the draft protocol by September 2016;
 - d. British Columbia will consider Tsilhqot'in progress towards the development of a sustenance hunting policy and harvest reporting implementation when assessing the extension of the regulation change to the 2017 season;
 - e. British Columbia recognizes that the success of the implementation of this commitment is linked to advancements in other areas of the over-all moose recovery plan.
10. British Columbia will propose to the appropriate decision maker a regulation change, to take effect in 2016, requiring Compulsory Inspections of Moose harvest by licenced hunters.
 11. Subject to the development and approval of a work-plan by March 31, 2016, British Columbia will provide \$200,000 to the Tsilhqot'in to support their participation in the joint development of a Moose Management Plan. Using a collaborative strategic landscape level planning process and building on the South Chilcotin Stewardship Plan, the Parties will work with stakeholders to develop strategies to aid Moose Recovery in areas severely affected by Mountain Pine Beetle. The plan will address:
 - a. Landscape level strategic planning over Tsilhqot'in Territory on a priority basis;
 - b. Access management planning and implementation including road deactivation.
 12. FLNRO will create strategic policy direction, through engagement with the Tsilhqot'in Nation, to ensure that joint recommendations from the Fish and Wildlife Panel are fully considered and reasons for decisions are provided by decision makers.
 13. British Columbia will work with the Tsilhqot'in to identify opportunities for their involvement in or leadership of a program to mitigate the effects of wolf predation on moose.

ADDITIONAL MATTERS

14. The Parties agree that the economic initiatives and the advancement of the regulatory changes identified in this addendum to the Letter of Intent are being pursued in the interest of and subject to the Parties entering into a Reconciliation Framework Agreement.
15. The funding and forest tenures provided by British Columbia under this addendum for the purposes of developing strategic land management plans and policies to support

measures for moose recovery and economic development in the Tsilhqot'in Territory is a contribution towards any accommodation or compensation that may be required to address the impacts of forest activity within Tsilhqot'in Territory.

16. All funding provided by British Columbia under this addendum is subject to appropriations by the Legislature and the *Financial Administration Act*.
17. The Minister for Aboriginal Relations and Reconciliation commits to making best efforts to replenish the sum previously advanced from future settlement for the purpose of 13.20 of the Reconciliation Framework Agreement.
18. This addendum to the Letter of Intent may be executed in counterparts and by facsimile by the Parties.

**On Behalf of the Tsilhqot'in Nation and the
Tsilhqot'in Parties:**

Nits'il?in (Chief) Joe Alphonse
Tribal Chairman
Tsilhqot'in National Government
Tl'etinqox Government Office

**On Behalf of the Province of British
Columbia:**

Hon. John Rustad
Minister of Aboriginal Relations and
Reconciliation

STATEMENT

For Immediate Release
[release number]
Oct. 23, 2014

Office of the Premier
Ministry of Aboriginal Relations and Reconciliation

Premier apologizes for 1864/1865 hanging of six Tsilhqot'in chiefs

VICTORIA – Premier Christy Clark read the following statement in the B.C. legislature today to explain past wrongs inflicted on the Tsilhqot'in people and apologize on behalf of the Province of British Columbia for the wrongful hanging of six Tsilhqot'in chiefs:

"Thank you, Madame Speaker, fellow Members of the Legislative Assembly, guests, and of course, honoured chiefs of the Tsilhqot'in Nation who are here with us on the floor of the legislature today.

We come together today to acknowledge and to explain the wrongs done by past governments to the Tsilhqot'in people. We come today to talk about how we must overcome them and how we must take a new path of mutual respect, and to begin the process of healing.

In the spring of 1864, the Tsilhqot'in people took action to defend their territory. It was a critical event in the conflict that we want to talk about today known as the Chilcotin War.

Long before the arrival of Europeans, the Tsilhqot'in lived on and cared for their homelands. After the colony of British Columbia was established, Tsilhqot'in lands were declared open for access, without notice or without effort at diplomacy.

Many newcomers made their way into the Interior. Some of those came into conflict with the Tsilhqot'in, and some brought with them an even greater danger. That was smallpox, which by some reliable historical accounts, there is indication was spread intentionally.

Facing the risk of extinction and in response to a series of threats, the Tsilhqot'in convened a council to declare war. The Tsilhqot'in attacked the road crew near Bute Inlet, and over the ensuing days, they removed all settlers from their lands. The Tsilhqot'in war party took refuge in their territory beyond the reach of the colonial militia, who had threatened the Tsilhqot'in people.

That summer, gold commissioner William Cox sent the Tsilhqot'in chiefs a sacred gift of tobacco and with it, an invitation to discuss terms of peace. Chief Klatsassin and his men accepted this truce. They rode into the camp to negotiate peace, and then in an unexpected act of betrayal they were arrested, imprisoned and tried for murder.

On October 26 five chiefs were hanged:

Head War Chief Klatsassin,
Chief Biyil,
Chief Tilaghd,
Chief Taged, and
Chief Chayses.

Their bodies are all buried in the City of Quesnel.

The following summer, Chief Ahan sought to pay reparations to compensate for any harm caused to innocents in the events of the Chilcotin War. He was also hanged. He is buried in New Westminster.

Madame Speaker, today we acknowledge that these chiefs were not criminals, and they were not outlaws. They were warriors, they were leaders, and they were engaged in a territorial dispute to defend their lands and their peoples.

Their descendants continue to reside on and care for those territories, and they do it with the same commitment to their lands and their culture that their forbearers showed. The Tsilhqot'in continue to assert their right and their responsibility to govern those lands.

Despite every success that they have had, the pain of 1864 has never receded.

So, Madame Speaker, I stand here today in this legislature, 150 years later, to say that the Province of British Columbia is profoundly sorry for the wrongful arrest, trial and hanging of the six chiefs, and for the many wrongs inflicted by past governments.

To the extent that it falls within the power of the province of British Columbia, we confirm without reservation, that these six Tsilhqot'in chiefs are fully exonerated of any crime or wrongdoing.

The Tsilhqot'in people rightly regard these chiefs as heroes of their people. So today we offer this apology, a historic day 150 years later, in the presence of two of the six chiefs who have fought so hard as heroes of their people.

So today we offer this apology, a historic day 150 years later, in the presence of two of the six chiefs who have fought so hard to ensure that their territories and their people are recognized by the laws of this land.

I know that this legislature — I hope that this legislature — will join me in supporting this redress that we offer today.

Contact:

Sam Oliphant
Press Secretary
Office of the Premier
Government of British Columbia
250 952-7252

Lisa Leslie
Ministry of Aboriginal Relations and Reconciliation
250 213-7724

Page 174 of 183 to/à Page 175 of 183

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Page 176 of 183

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Page 177 of 183

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Page 178 of 183

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s.12

Tsilhqot'in Nation – Reconciliation Framework Agreement

Key Element of the Agreement	Nature of the Commitment	Compare/Contrast
Purpose	<ul style="list-style-type: none"> - The agreement is fundamentally a commitment to further negotiations. - Stated purpose is to establish the shared vision, principles and structures for the Parties to negotiate one or more agreements to effect comprehensive and lasting reconciliation. 	<ul style="list-style-type: none"> - Scope of shared vision outcomes similar to treaty (eg governance; children and families; education; justice; lands and resources)
Geographic Scope	<ul style="list-style-type: none"> - Tsilhqot'in Territory is defined as the area identified in the map attached 	<ul style="list-style-type: none"> - Negotiation area does include overlap areas but is smaller than was already negotiated as Tsilhqot'in territory in the Tsilhqot'in Stewardship Agreement (TSA) in effect as of June 1, 2014
Land	<ul style="list-style-type: none"> - Commitment to negotiate Tsilhqot'in ownership, management and control over areas of Tsilhqot'in Territory (Category 'A' Lands) Quantum and nature of Category 'A' Lands to be guided by principles in court decision and not confined to specific sites of settlement or intensive use (no specific quantum committed to) - The legal status of the Category 'A' Lands [e.g. fee simple or section 91(24) lands] will be determined through further negotiations 	<ul style="list-style-type: none"> - Category 'A' Lands would be akin to Treaty Settlement Lands (TSL) – the standard treaty mandate would allow for more land than the declared title area - Commitments have been made to negotiate transfers of lands outside of treaty process in other agreements (e.g. LNG facility agreements)
	<ul style="list-style-type: none"> - Category 'B' Lands defined to mean all lands in Tsilhqot'in Territory except for the Declared 	<ul style="list-style-type: none"> - Many Strategic Engagement Agreements which commit to shared decision making apply across territories which are

	Title area, Category 'A' Lands and Indian Reserves	defined by map and do not explicitly exclude private land (e.g. Tahltan SEA effective March 14 2013; Sto:lo SEA effective April 1, 2014)
Decision Making	<ul style="list-style-type: none"> - Section 12.1 - Parties will jointly develop an efficient and effective management framework that: (d) supports collaborative and efficient decision-making between the parties about lands and resources on Category 'B' Lands in a manner that strives to achieve to the fullest extent possible, consensus between the Parties, with a particular focus on projects, decisions and activities that may have significant impacts - Joint strategic recommendations respecting Fish and Wildlife management and harvest allocation to government statutory decision-makers - In due course, jointly design and implement collaborative processes and structures that guide additional planning initiatives and statutory decisions, as prioritized and agreed to by the Parties - Nothing in the agreement fetters or limits the decision making authority of any Party 	<ul style="list-style-type: none"> - Framework still to be negotiated - 12.1 sets out vision - Specific commitments on fish and wildlife - Language in CSTC Collaboration Agreement <p>The Parties will use a collaborative decision-making framework for major projects as follows:</p> <ul style="list-style-type: none"> o Collaboration Working Group (CWG) will oversee all major approvals for major projects in the Territories from the onset of project development o CWG will seek to develop consensus recommendations in relation to the design and implementation of environment assessments and regulatory review processes in relation to major projects in the Territories o The Parties will seek consensus in relation to decisions on major approvals o The Parties will use dispute resolution mechanisms to assist in resolving disagreements on decisions for major approvals before making their respective decisions <ul style="list-style-type: none"> - In treaty negotiations, agreements in relation to areas outside TSL. E.g. AIP with NstQ contains the following commitment: <ul style="list-style-type: none"> o The Parties recognize and respect that NstQ has an interest in land and resource use decisions particularly to the extent that these land and resource use decisions have the potential to impact upon the NstQ rights set out in the Final

		<p>Agreement.</p> <ul style="list-style-type: none"> ○ Prior to the Final Agreement, British Columbia and NStQ will negotiate cooperative approaches to land and resource decision-making and management of Crown land within the NStQ Territory and, as part of these discussions, British Columbia and NStQ will consider whether their treaty-related interests can be met under existing agreements or other non-treaty agreements. ○ Any land and resource use shared decision-making and management agreement contemplated in the above paragraph will not form part of the Final Agreement.
Strategic Planning	<ul style="list-style-type: none"> - Parties will engage in collaborative strategic planning for Category 'B' Lands - Reasonable efforts to establish, by consensus, a shared strategic management framework - Incremental approach as Parties will jointly identify geographic, issue and/or sector based priorities to begin the process 	<p>Tahltan - Land Use Planning/Decision Making</p> <ul style="list-style-type: none"> • In September 2013, the Klappan Strategic Initiative (KSI) was announced as a collaboration between the Province and the Tahltan Nation on future decisions about conservation and protection in the Klappan area. • B.C. and the Tahltan Nation are currently scoping a reconciliation agreement, including land use planning, to address: <ul style="list-style-type: none"> ○ shared land and resource use throughout Tahltan Territory (complete Klappan as per 2013 mandate and include the Shelsay, Level Mountain areas) ○ decision making (the depth of SDM determined by the land use zones)

		<ul style="list-style-type: none"> - NStQ AIP commits the following: <ul style="list-style-type: none"> • The Parties recognize the importance of taking early steps prior to the Final Agreement to begin implementing aspects of shared decision-making and land use planning.
Revenue Sharing	<ul style="list-style-type: none"> - Parties will negotiate enduring, innovative agreements to share benefits from resource development on Category B Lands 	<ul style="list-style-type: none"> - Commitment made in the LOU signed by the Province on September 10, 2014 to establish innovative and enduring agreements to share benefits from resource development in the Tsilhqot'in territory. <p>NStQ AIP makes the following commitment:</p> <ul style="list-style-type: none"> • Nothing in the Final Agreement will preclude NStQ from participating in a provincial process or initiative including a process or initiative that may address matters of shared decision making and revenue and benefit sharing
First Nation Consultation	<ul style="list-style-type: none"> - Parties enter into the Agreement as a high-level framework and do not intend in signing and establishing a framework for discussions to affect or impact in any way asserted or established rights of other First Nations - Parties agree the Agreement will be implemented in a manner consistent with the rights of other First Nations - Parties recognize and acknowledge that other First Nations assert rights and interests in the area that is the subject of the Agreement and commit to engaging with those other First Nations in an open and positive manner to attempt to resolve differences and reconcile 	<p>Ensures Province can meet obligations to other First Nations. Specifically negotiated recognizing that areas of the defined Tsilhqot'in Territory overlap with other First Nations asserted territories.</p>

	interests	
Federal Government	<ul style="list-style-type: none"> - Parties acknowledge that participation and commitment from Canada is required to fully achieve the shared vision and reach final reconciliation 	<ul style="list-style-type: none"> - Consistent messaging at Leadership Table by Minister of Aboriginal Relations and Reconciliation that federal government is needed to achieve full reconciliation - In treaty negotiations, federal government cost shares on the final package
Implementation/Capacity Funding	<ul style="list-style-type: none"> - \$4.2M within 30 days of effective date - \$3.0M on or before March 1, 2017 - \$3.0M on or before March 1, 2018 - Amounts agreed to for year 4 and 5 	<ul style="list-style-type: none"> - Fully consistent with TB approval
Past Breaches of Crown's Duties in Declared Title Area	<ul style="list-style-type: none"> - Section 16.1 - Reasonable efforts to negotiate appropriate remedies by May 1, 2016 for the breach identified by the court decision 	<ul style="list-style-type: none"> - First step will be scoping discussion on nature of the breach and appropriate remedies to determine how far apart parties are - Room here for negotiation in context of overall reconciliation efforts
Dates	<ul style="list-style-type: none"> - Agreement commits to a number of activities at different points in time all aimed at making progress in negotiations and demonstrating progress towards vision 	<ul style="list-style-type: none"> - Strive to make progress in areas that will be considered positive by both Aboriginal and non-Aboriginal communities - Will manage dates to avoid any sensitivities on timing and areas of stakeholder concern