

BRIEFING NOTE FOR INFORMATION

DATE: March 23, 2022

PREPARED FOR: Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation

ISSUE: Trilateral Nature Agreement with First Nations Leadership Council, Canada and BC

KEY POINTS:

- The Nature Agreement is a governance tool that will support identification of shared priorities and enable strategic alignment of funding from multiple sources towards these priorities.
- The Nature Agreement respects that stewardship initiatives must be developed between the provincial government and the government of the First Nation whose territory the initiative would occur. Based on agreements between a Nation and government, the parties then can seek supportive funds through various means including the Nature Agreement.
- If endorsed, the Nature Agreement provides a significant opportunity to leverage funding, improve administrative efficiency, and target stewardship impact through four key areas: indigenous-led conservation; habitat conservation, restoration, and enhancement; species at risk recovery; and knowledge acquisition and mobilisation. Several provincial mandates can benefit including reconciliation; implementation of agreements with First Nations (e.g., Treaty 8); Land Use Planning and 30 x 30; Together for Wildlife; Collaborative Indigenous Stewardship Forums; and, the Old Growth Strategic Review, including the policy framework for biodiversity and ecosystem health.

BACKGROUND:

- In June 2021, BC and Canada began negotiations of a "Nature Agreement" to improve coordination of a federal-provincial collaboration on land stewardship and to direct a significant portion of new federal funding envelopes through 2030.
- While the draft Nature Agreement was nearing completion in late 2022, concerns were raised by the First Nations Leadership Council (FNLC) that the agreement was not built with Indigenous involvement and that it should be a tripartite agreement with First Nations.
- In early 2023, BC and Canada began work with the FNLC to develop a tripartite agreement that reflects the importance of recognizing the role of First Nations in implementing initiatives that will be supported through the Nature Agreements.
- The FNLC obtained mandate, through resolutions from the Union of BC Indian Chiefs (UBCIC), Assembly of First Nations (AFN) and First Nations Summit (FNS), to enter into a trilateral Nature Agreement with BC and Canada.
- Ministry staff are working with technical staff from FNLC to finalize a draft trilateral agreement for Provincial, Federal and FNLC approval. FNLC approval will require resolutions from UBCIC (s.13); FNS (s.13) and AFN (s.13).

DISCUSSION:

- The Nature Agreement has potential to help advance BC's global leadership in conservation and protection of biodiversity, in partnership with First Nations and aligned with the Global Biodiversity Framework (Canada signatory). It will be the first trilateral agreement of its kind in Canada.

- Canada anticipates contributing up to \$600 million from the Federal Budget to support implementation. \$50 million of this funding is available to support socio-economic impacts of conservation in some coastal forest ecosystems and in the Interior wet belt forest ecosystem. In general, this funding must be match 1:1. Therefore, the Nature Agreement represents a potential \$1.2 billion investment.
- BC and Canada have a shared interest to finalize negotiations quickly and align the trilateral closely to the scope of the draft that was developed in December with FNLC staff. A long delay in finalizing the Agreement could result in Canada allocating funding to other provinces.
- The Agreement will not commit BC to any specific conservation initiative, it does commit to making progress towards targets which does imply a future fiscal impact for BC. Where funding is not already secured, future treasury board submissions may be necessary.
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Canada has committed that with approval of UBCIC and AFN they will hold the full funding for the Agreement.

INDIGENOUS PEOPLES:

- Stewardship, relationship with land, and sustainable management is central to reconciliation and the Rights and Title of First Nations. Alignment to the United Nations Declaration on the Rights of Indigenous People and advancing indigenous-led conservation is central throughout to the design of the Nature Agreement.
- The negotiation with FNLC has followed a distinctions-based approach which has created some concerns from Canada given broader federal responsibilities to Metis and Inuit in urban locations.
- Consultation directly with provincial rights and title holders is not planned. This may result in concerns from First Nations that are not members of any FNLC organizations. The Nature Agreement is not exclusionary, however, and implementation is driven from a local level.

NEXT STEPS:

- FNLC, BC, Canada finalize draft trilateral Nature Agreement (s.13).
- Seek approvals from leadership

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- Canada confirms transfer agreements (s.13)
- Approve trilateral Nature Agreement with signing ceremony

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PREPARED BY:

Jennifer Psyllakis
Executive Director
Wildlife, Habitat, Species Recovery
(250) 812-7797

REVIEWED BY:

	Initials	Date
DM	LH	March 29, 2023
ADM	DM	March 28, 2023
ED	JP	March 23, 2023