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First Nations Leadership Council (FNLC)

INFORMATION BULLETIN

Provincial Cabinet

A new BC Cabinet was appointed on June 10, 2009:

- Premier – Hon. Gordon Campbell
- Minister of State for Intergovernmental Relations – Hon. Naomi Yamamoto
- Aboriginal Relations and Reconciliation – Hon. George Abbott
- Advanced Education and Labour Market Development – Hon. Moira Stilwell
- Agriculture and Lands – Hon. Steve Thomson
- Attorney General – Hon. Mike de Jong
- Children and Family Development and Minister Responsible for Child Care – Hon. Mary Polak
- Citizens' Services and Minister Responsible for Multiculturalism and the Public Affairs Bureau – Hon. Ben Stewart
- Community and Rural Development – Hon. Bill Bennett
- Education and Minister Responsible for Early Learning and Literacy – Hon. Margaret MacDiarmid
- Energy, Mines and Petroleum Resources – Hon. Blair Lekstrom
- Minister of State for Mining – Hon. Randy Hawes
- Environment – Hon. Barry Penner
- Minister of State for Climate Action – Hon. John Yap
- Finance and Deputy Premier – Hon. Colin Hansen
- Forests and Range and Minister Responsible for the Integrated Land Management Bureau – Hon. Pat Bell
- Health Services – Hon. Kevin Falcon
- Healthy Living and Sport – Hon. Ida Chong
- Minister of State for the Olympics and ActNow BC – Hon. Mary McNeil

- Housing and Social Development – Hon. Rich Coleman
- Labour – Hon. Murray Coell
- Public Safety and Solicitor General – Hon. Kash Heed
- Small Business, Technology and Economic Development – Hon. Iain Black
- Tourism, Culture and the Arts – Hon. Kevin Krueger
- Transportation and Infrastructure – Hon. Shirley Bond

Recognition and Reconciliation Legislation

The FNLC is holding engagement sessions with First Nations around the province to receive direction on this important initiative. Although there is no draft recognition and reconciliation legislation prepared, the work will begin soon to begin the technical drafting.

Six sessions will be held, the dates of which are as follows:

1. Central Interior/Central Coast – Prince George, May 28, Prince George Conference Centre
2. Cariboo – June 15, Esketemc Community Hall, Alkali Lake
3. Kootenay/Southern Interior – June 17, St. Eugene's Mission Resort, Cranbrook
4. Okanagan/Shuswap – June 29 (5pm start), Kamloops Indian Band
5. Northwest – June 24-25, Terrace, Kitsumkalem Hall
6. Vancouver Island, July 8-9, Location TBD
7. Lower Mainland/Sunshine Coast/Fraser Valley – July 15-16, Tzeachten Hall, Chilliwack
8. Northeast – July 29/30, Fort St. John, Location TBD

The FNLC is also planning a province-wide All Chiefs' meeting to develop a solid mandate for the FNLC in the legislative development discussions. Work is underway to ease the confidentiality restrictions to allow for First Nations' legal counsel

to review drafts of the legislation as the work proceeds.

Once a draft bill has been developed, it will be presented to First Nations for review. No legislation will be introduced without the approval of First Nations. Please visit the BCAFN, FNS and UBCIC websites for regular updates.

BC First Nations Fisheries Council

The First Nations Fisheries Council (FNFC) will be implementing the new Fisheries Council structure over the coming months. First Nations around BC are being asked to appoint a member to the FNFC, based on a model of fourteen geographic regions in BC. This move follows recommendations made at the 2009 Fisheries Assembly and subsequently approved by the UBCIC and FNS by resolution. More details relating to the appointment FNFC website at www.FNFisheriesCouncil.ca. We are working with BC First Nations fisheries organizations to facilitate the appointments.

The FNFC meets with Paul Sprout, Director General of Pacific Region for Fisheries and Oceans Canada later this month. One of the key items on the table for discussion is the approval of a Commitment to Action by the Council and DFO Pacific, which outlines priority workplan items to help bring about change in the way DFO currently manages fisheries. Specific items in the Workplan will relate to: 1) Process for developing a Co-Management Framework with BC First Nations; 2) Section 35.1 Food, Social and Ceremonial Fisheries; 3) DFO's proposed move to a defined share system for salmon; and 4) Aquaculture Framework discussions.

The FNFC is also beginning the planning for the next Fisheries Assembly, which will focus on engaging BC First Nations in substantive discussions about many pressing issues related to fisheries. If your First Nation is interested in keeping up to date on the work of the Council, and on fisheries issues that affect First Nations, please ensure

that your environmental or fisheries coordinator is on our e-mail listserve for BC First Nations Regional Fisheries Organizations. There are update conference calls for First Nations held every second Wednesday which are inclusive and provide an opportunity for information-sharing, policy analysis and discussion about issues that affect the fishing interests of all BC First Nations. Notes from past meetings are also available. Contact us at info@FNFisheriesCouncil.ca to be added to the list.

BC First Nations Energy and Mining Council

The First Nations Energy and Mining Council (FNEMC) formally registered as a society on May 1, 2009. The office is shared with the First Nations Forestry Council and is located at 618-100 Park Royal. Our mandate is to support First Nations in BC in the actions that were outlined in the First Nations Energy Action Plan and the First Nations Mineral Exploration and Mining Action Plan.

The board of directors consists of the following:

- Arnie Bellis: Vice President of the Council of the Haida Nation – appointed by the FNS
- Chief Roland Willson: West Moberly First Nation – appointed by the BCAFN.
- Chief Nelson Leon: Adams Lake First Nation – appointed by the UBCIC.

First Nations Equity proposal.

Development of a First Nations equity proposal to assist First Nations to participate in renewable energy projects. This proposal was developed in conjunction with the New Relationship Trust, the All Nations Trust Development Corporation and the Nuuchalnuh Economic Development Corporation. It proposes a \$75 million fund that would utilize the services of the existing BC First Nations trusts. Meetings have occurred with the Federal Minister of Natural Resources Canada and follow up discussions are being coordinated with Western Economic

Diversification and Indian and Northern Affairs Canada.

Bio-Energy. Cooperation with the First Nations Forestry Council on bioenergy opportunities for First Nations. The FNFC and FNEMC are cooperating to engage with the BC BioEnergy Network. Established in April 2008 with a \$25 million grant from the BC government, the BC Bioenergy Network is an industry-led initiative that acts as a catalyst for deploying near-term bioenergy technologies and organizing mission-driven research for the development and demonstration of new bioenergy technologies that are environmentally sustainable for the province of BC. The Bioenergy Network has agreed support the FNEMC request to the federal government for equity funds to support First Nations in BC to engage in renewable energy projects.

Mining. The FNEMC is providing technical support to the FNLC in their participation at the Minister's Mining Roundtable. Priority mining recommendations:

- Reforming the environmental assessment process to respect First Nations authority and decision-making for mining projects. First Nations must be provided the necessary tools to participate including: capacity funding to engage in discussions toward a new environmental review process that includes First Nations at a government-to-government level; research capacity funding to undertake the necessary preparation to engage with the Crown and industry; and resources to meet and receive input from First Nations throughout BC.
- Environmental considerations that include: lakes and other natural water bodies will not be used as tailings impoundments; amend the federal 'no net loss' policy to ensure the protection of fish habitat; cumulative impact assessments on all mining and associated projects (including new roads, power lines, dams, etc.).

- Commitment to reform the existing free entry system with a process that will ensure that mineral tenures are acquired in a manner respectful of Aboriginal rights and title.
- Land use planning: First Nations did not participate in most of the provincial land use planning processes and for the most part do not recognize the BC Land and Resource Management Plans. A First Nations land use planning proposal was provided to the Provincial government. First Nations supported land use plans are important elements in providing guidance to the Crown and industry for land and resource development.
- Resource revenue sharing with the Crown and First Nations on mineral exploration and development: The recently announced BC tax sharing proposal (for new mines only) was a unilateral announcement that lacked important details required for First Nations to gain a better understanding whether to support this concept. Revenue and tax sharing should also include existing mines, closed mines, as well as exploration proposals.
- Impact Benefits Agreements with industry. While the METF Report remains silent on this matter, IBAs are a standard business practices and should be negotiated before an Environmental Assessment application is submitted. IBAs with industry should include: profit sharing; equity positions; Traditional Ecological Knowledge protocols; commitments to undertake cumulative impacts assessments; jobs and contract commitments; environmental assessments funding agreements; and socio-economic participation agreements.

Engagement with the Federal Major Projects Management Office (MPMO). Discussions with the Major Projects Management Office to ensure that First Nations are aware of this new federal office and that the MPMO engages First Nations in an

appropriate manner. The MPMO is a Government of Canada organization whose main roles are to provide overarching project management and accountability for major resource projects in the federal regulatory review process, and to facilitate improvements to the regulatory system for major resource projects. In the coming months we will provide more information on the progress of these discussions.

BC Utilities Commission Inquiry into Long Term Electrical Transmission Needs; BCFNEMC Intervention. Section 5(4) of the BC Utilities Commission Act provides for an inquiry into BC's infrastructure and capacity needs for electrical transmission, and section 5(6) provides for the issuance of terms of reference for the Inquiry. In December 2008, the Ministry of Energy, Mines, and Petroleum Resources provided terms of reference for the Inquiry to BCUC, BC Hydro, BCTC, and Fortis.

Key provisions of the Inquiry terms of reference provide that BCUC shall:

- make determinations with respect to transmission infrastructure and capacity needs for a 30 year period;
- assess generation needs by geographic location, taking into account areas inappropriate for development, objectives of the 2007 Energy Plan including energy self-sufficiency and clean/renewable energy commitments, future export opportunities, and cost-effectiveness and efficiency;
- make determinations respecting need and timing of additional infrastructure consistent with the above;
- consider load-serving utility long-term plans and requirements;
- invite and consider submissions and evidence from interested persons - specifically including First Nations; and
- publish a draft report before June 30, 2010.

On March 23, 2009, the FNEMC filed notice of its intention to intervene with the BCUC. FNEMC will support First Nations interests in the

Province, and where requested may assist individual First Nations. First Nations are also invited to participate on their own behalf (and can apply for participant funding).

On April 1, BCUC formally invited First Nations participation and provided notice of initial workshops and procedural conference to guide the Inquiry.

An initial workshop for all Inquiry participants was held April 17th, followed by a scheduling conference April 27th. FNEMC representatives attended both, and made submissions regarding timing and regional aspects of the Inquiry.

Discussions have also taken place and submissions been made regarding capacity funding for FNEMC participation. BCUC have approved interim funding to cover costs to June 24. More detailed submissions to BCUC and BCH will be required for ongoing funding. It is anticipated that in addition to the formal BCUC process, First Nations consultations will be included within BCH and BCTC internal processes.

Next steps in the Inquiry are a BCUC paper on Issues and Scope due May 21; participant submissions due June 11; workshop on Issues and Scope June 18; and Procedural Conference before the BCUC panel June 24.

Protocol with MacDonald, Dettwiler and Associates Ltd. (MDA). The FNEMC and MDA have committed to cooperate on energy and mining issues, particularly the feasibility and development of on-grid tidal power generation. It is estimated that harnessing tidal power in B.C. could generate 4,000 additional megawatts of electricity and be a major boost to British Columbia's efforts to reduce greenhouse gas emissions. By comparison, the massive W.A.C. Bennett dam generates slightly more than 2,700 megawatts at peak capacity. The intent of this Protocol is to:

- affirm our intentions to work together in a cooperative and collaborative manner with respect

- to energy and mining-related matters, particularly the feasibility and development of on-grid tidal power generation;
- establish understandings between us that will encourage an enduring and respectful relationship; and
- provide reciprocal support for one another's efforts, particularly as related to the development self-sustaining capacity for First Nations in economic development in the energy and mining sectors.

Tourism

Aboriginal Tourism Association of British Columbia (AtBC) is continuing to implement the Aboriginal Tourism Cultural Blueprint Strategy and is currently into year 2 of the Blueprint Strategy. AtBC continues to design programs that support the development and current Aboriginal tourism businesses throughout BC. Year 2 of the Blueprint Strategy will focus on the 2010 Winter Olympic/Paralympic Games and as such AtBC is launching the 2010 Marketing Campaign. The AtBC 2010 Marketing Campaign has a number of activities including bill boards that will be placed throughout BC in June and run for 12 weeks designed to increase awareness about the Aboriginal tourism industry in British Columbia. In addition AtBC is releasing their new Aboriginal tourism consumer brochure and will have a revised website for public viewing in July.

For more information please contact AtBC by phone 1-604-921-1070 or view our website at www.aboriginalbc.com.

Economic Development – ICAB Forum

The Industry Council for Aboriginal Business (ICAB) is a key partner in the work on economic development. ICAB facilitates programs furthering dialogue and relationship-building between industry and Aboriginal communities in BC. In doing so, ICAB brings Aboriginal and non-Aboriginal leaders together to create opportunities for business.

The annual ICAB Forum brings together key decision makers with expertise in every conceivable aspect of Aboriginal/corporate relations.

The 7th Annual ICAB Forum will be held in collaboration with the Chehalis First Nation, Stó:lō Community Futures and the Stó:lō Tourism Commission. **Thursday, June 25 and Friday, June 26, 2009 - Harrison Hot Springs Resort**

The Forum 2009 will provide delegates the opportunity to examine multiple facets of Aboriginal economic development for communities, entrepreneurs, and industry partners. We will identify Aboriginal economic development ventures that continue to be successful. The ventures have been selected to assist delegates further understand how business, regardless of sector, can be successfully created between the Aboriginal community, entrepreneur, and industry partners.

We are privileged to be joined for dinner on Thursday, June 25 by His Honour, The Honourable Steven Point, Lieutenant Governor of British Columbia. On Friday, June 26 we will feature presenters and work with facilitators who successfully develop business opportunities between Aboriginal communities and industry.

To register and for more details on agenda, venue, accommodations and post-conference program please visit www.icab.ca or contact Katrin Harry, Executive Director, at 1-604-483-3532.

Children & Families

The interim First Nations Child and Family Wellness Council (IFNCFWC) was formed by direction of the BC First Nations Chiefs and is comprised of three representatives from each of five regions in BC. Its mandate is to finalize and commence the implementation of the Indigenous Child at the Centre Action Plan and to establish a permanent First Nations Child and Family Wellness Council. The IFNCFWC has been

meeting on a monthly basis since October 2008.

The IFNCFWC has recently released a detailed communiqué for May 2009, providing updates on the following key areas of work:

- **IFNCFWC Mandate and Membership:** The Terms of Reference for the IFNCFWC was recently endorsed by resolution of the BCAFN, FNS and UBCIC. The IFNCFWC will undertake a comprehensive regional and provincial engagement process to determine the permanent governance structure for the IFNCFWC that will be driven by, representative of, and accountable to, First Nations.
- **Protocols and Relationships:** On March 30, 2009, the FNLC and MCFD finalized a Protocol which includes a framework to support First Nations communities to exercise jurisdiction and responsibility for their children, youth and families. The IFNCFWC will take the lead on work under the Protocol on behalf of the FNLC. Using existing reports, studies, the Indigenous Child at the Centre Action Plan, and direction obtained through upcoming regional and provincial engagement sessions, the IFNCFWC will work with MCFD over the next six months to develop a detailed workplan for the implementation of the Protocol. The IFNCFWC is also working with the Representative for Children and Youth-BC to establish an effective working relationship consistent with the Protocol between the Representative and the FNS, UBCIC and BCAFN. The IFNCFWC, including through the establishment of an Indigenous Caucus, will continue to build relationships and partnerships with other First Nations organizations and service providers with an interest in children and families.
- **Indigenous Child at the Centre Action Plan:** A newly revised version of the Indigenous Child at the Centre Action Plan has

been developed based on feedback received from First Nations. This new version has now been posted to the following website: www.informationbc/child2. All First Nations are encouraged to provide any further comments on this draft Action Plan before it is presented for resolutions of approval.

- **Budget:** The IFNCFWC is currently awaiting a response to a draft budget submitted to MCFD that mainly focuses on upcoming regional and provincial engagement processes.

JOB POSTING: The IFNCFWC is seeking a coordinator (closing date is June 26):

Purpose of Position: The Coordinator is the senior representative responsible for implementing the direction of the IFNCFWC pursuant to the Indigenous Child at the Centre Action Plan. The Coordinator will ensure the IFNCFWC operates effectively and will coordinate available resources to meet the IFNCFWC's mandate.

Specific Duties: The Coordinator will be responsible for working in a number of areas related to the IFNCFWC. These include: policy; meeting preparation, attendance and follow-up; communications; finance and administration; workplanning and implementation; and relationship-building.

Education and Experience:

- A relevant degree from a recognized post-secondary institution or a minimum five years experience in a related field
- Experience in working with children and family issues
- Knowledge of First Nations and experience working with First Nations communities
- An understanding of the relationships between First Nations and the provincial and federal governments

Skills and Abilities:

- Excellent interpersonal and communications skills

- Excellent technical skills, including computer, writing, note-taking and workplanning skills
- Financial management and administrative skills
- Planning and project management skills
- Strong analytical skills
- Ability to work independently

The Coordinator will be based in the Lower Mainland and will occasionally travel throughout BC and Canada. The successful applicant will have a valid drivers' license. Please submit resumes to: Spokespersons, Interim First Nations Child and Family Wellness Council, c/o BC Assembly of First Nations, 507-100 Park Royal South, West Vancouver, BC V7T 1A2

Please visit the website www.informationbc/child2 for copies of the detailed communiqué, the latest version of the Action Plan, and other key IFNCFWC documents.

Housing and Infrastructure

On March 24-26, 2009, a province-wide First Nations On-Reserve Housing Forum was held in Vancouver, BC and attended by over 250 delegates. This Forum was in follow-up to the First Nations Housing Memorandum of Understanding signed on May 21, 2008 by the FNLC, Province of BC and the Government of Canada. This MoU commits the parties to develop interlinked on- and off-reserve housing strategies. A Forum proceedings report has now been finalized and distributed to all Forum participants. Please visit our websites for all materials relating to the Forum. The FNLC, CMHC and INAC will now take the feedback and develop a BC First Nations On-Reserve Housing Action Plan.

The province hosted a series of regional engagement sessions on off-reserve Aboriginal housing across the province. Based on the findings of this engagement, the FNLC, other Aboriginal organizations, and the Province of BC are working to develop the off-reserve Aboriginal housing plan.

First Nations Leadership Council: This bulletin is produced by the First Nations Leadership Council which is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit and the Union of BC Indian Chiefs. It presently consists of:

- BCAFN Regional Chief A-in-chut, Shawn Atleo
- FNS Task Group Grand Chief Edward John, Grand Chief Doug Kelly, Dan Smith
- UBCIC President Grand Chief Stewart Phillip, Vice-President Chief Robert Shintah and Chief Bob Chamberlin

The First Nations Leadership Council, through the *Leadership Accord* works together to politically represent the interests of First Nations in BC and develop strategies and actions to bring about significant and substantive changes to government policy that will benefit all First Nations in BC.

The New Relationship: In the New Relationship, commitments were made to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights and to reconciliation of Aboriginal and Crown titles and jurisdictions. The New Relationship acknowledges that aboriginal title includes the inherent right for the *community* to make decisions as to the use of the land.

On September 20, 2007, the FNLC and the Province of BC issued a Joint Statement on the New Relationship highlighting that the Province and FNLC are undertaking work to develop frameworks and tools to assist the Province and BC First Nations to implement the New Relationship. The FNLC and Province respect First Nations autonomy and recognize that First Nations are the holders of Aboriginal Title and Rights. The purpose of the New Relationship is to bring about policy changes and set a course forward that will be of benefit to all First Nations.

The New Relationship must not be used as an excuse not to engage with First Nations directly and the policy level discussions are not intended to impede upon or displace First Nations negotiations with the Crown. In fact, these community-level government-to-government negotiations provide valuable insights and guidance to broader discussions. Each First Nation has the right to a government-to-government relationship with the Crown, and the authority to enter into negotiations and agreements to suit the unique circumstances of the community.