

# MLA First Nations Stakeholder Advisory Committee

LAND TRANSFER RECOMMENDATIONS – AUGUST 19, 2016

MLA PAT PIMM, PEACE RIVER NORTH

## Table of Contents

Introduction.....	1
Treaty 8 First Nations in Northeast BC .....	2
Figure 1: Membership numbers and reserve area land mass .....	2
Transparency Recommendations .....	3
Consultation Recommendations .....	3
Access Recommendations .....	4
Other Recommendations.....	4

## Introduction

On July 6, 2016, as MLA for Peace River North, I finalized the formation of an MLA First Nations Advisory Committee. This committee was formed after it was brought to my attention that certain parcels of land were being discussed for possible future transfer from the Government of BC to Treaty 8 First Nations as part of Government to Government discussions. This committee was formed after discussions with the Premier's office, Ministry of FLNRO, MARR, and Ministry of Energy and Mines.

The committee has identified that there are currently 31 parcels of land that could be partially or completely transferred to Treaty 8 First Nations Bands in Northeastern BC. These Government to Government discussions are a result of keeping with Section 35 of the Constitution and previous direction from the Supreme Court of Canada.

The committee has been formed to bring representatives from the Peace River region representatives together in one venue to review and make recommendations to Government on properties that have been identified as possible, future First Nations Treaty land entitlement, court rulings, Site C compensation, and future land transfers. The Committee consists of the following representatives: the local MLA's, Regional Provincial Ministry managers, former Provincial Ministry managers, regional residents, local BCWF reps, local Trappers Associations reps, local Guide and Outfitter reps, local Grain Growers reps, local Cattlemen reps, and local winter and summer recreational and back country reps.

The Committee is formally making the following recommendations to the Government of British Columbia and to the Federal Government before any of these suggested land transfers are finalized in order to ensure that the interests of all British Columbians are considered in these discussions. The Committee will also be going through each parcel of identified land individually to get the exact information and will be making parcel specific recommendations at a future date.

Pat Pimm, MLA- Peace River North

## Treaty 8 First Nations in Northeast BC

Figure 1: Membership numbers and reserve area land mass

Treaty 8 First Nations	Reserve Land Size (in Hectares)	Members on Reserve				Members off Reserve			Total Registered Population	Hectares per Member
		Males on Reserve	Females on Reserve	Males on Other Reserves	Females on Other Reserves	Males off Reserve	Females off Reserve	Crown Land - Various		
Prophet River First Nation	373.9	52	43	7	5	77	88		272	1.37
West Moberly First Nation	2033.6	65	58	1	3	79	89	1	296	6.87
Fort Nelson First Nation	9752.6	211	200	9	9	238	261	7	935	10.43
Doig River First Nation	1358.1	72	64	10	3	73	86		308	4.41
Halfway River First Nation	3988.6	79	64	2	4	67	66		282	14.14
Saulteau First Nation	3025.8	189	174	14	14	295	365	11	1062	2.85
Blueberry First Nation	1505.8	101	87	23	18	117	134		480	3.14
McLeod Lake Indian Band	18285.7	55	53	19	13	189	221	1	551	33.19
<b>TOTAL</b>	<b>40324.1</b>	<b>824</b>	<b>743</b>	<b>85</b>	<b>69</b>	<b>1135</b>	<b>1310</b>	<b>20</b>	<b>4186</b>	

  

	On Reserve/Other Grand	Off Reserve/Crown Grand Total		On Reserve Membership Percentage	Off Reserve Membership Percentage
Prophet River First Nation	107	165	Prophet River First Nation	0.39	0.61
West Moberly First Nation	127	169	West Moberly First Nation	0.43	0.57
Fort Nelson First Nation	429	506	Fort Nelson First Nation	0.46	0.54
Doig River First Nation	149	159	Doig River First Nation	0.48	0.52
Halfway River First Nation	149	133	Halfway River First Nation	0.53	0.47
Saulteau First Nation	391	671	Saulteau First Nation	0.37	0.63
Blueberry First Nation	229	251	Blueberry First Nation	0.48	0.52
McLeod Lake Indian Band	140	411	McLeod Lake Indian Band	0.25	0.75
	1721	2465	Total		

Registered Population Statistics as of July 2016 from Aboriginal Affairs and Northern Development Canada

## Transparency Recommendations

- 1- The BC Government and Treaty 8 First Nations have agreed upon potential identified lands for possible transfer to First Nations negotiations and Site C negotiations; there must be a continuous public meeting process that clearly identifies every parcel of land that is currently on the table for discussion.
- 2- Each Treaty 8 First Nation has at least one current land reserve, but there are further discussions that more lands may be added to these reserves through Treaty Land Entitlement (TLE) discussions; the BC Government and Federal Government must commit to a continuous public meeting process to update the general public on how much land is on the table for possible transfer.
- 3- In Northeastern BC we currently have the construction of the Site C project, and as a result, there will be some traditional territory lands flooded by the reservoir, and there will be compensation to Treaty 8 First Nation members; when these lands are identified for discussion there must be a continuous public meeting process to let the general public know which lands and how much land could be transferred as part of these discussions.
- 4- Both the BC Government and BC Hydro must immediately release the value of the lands they plan on discussing for possible transfer to Treaty 8 First Nations once they have been identified.
- 5- The Committee recommends that the Federal Government immediately release how much land will be transferred to each northeast BC Treaty 8 First Nations Band as a result of Treaty Land Entitlement discussions.
- 6- The Committee recommends that the Government of BC immediately release how much land will be transferred to each northeast BC Treaty 8 First Nations Band as a result of Site C negotiations.

## Consultation Recommendations

- 1- There must be consultation with the MLA First Nations Advisory Committee as soon as possible once potential lands have been identified by Government to Government discussions; consultation must occur before land negotiations begin.
- 2- There must be consultation between rural land owners, residential, and stakeholder groups within five miles (8 kilometers) of the identified land boundaries as soon as possible after lands have been identified by Government to Government discussions; consultation must occur before negotiations begin.
- 3- There must be a public consultation process for the general public on an annual basis, explaining possible outcomes within the region as a result of Government to Government land negotiations, and to show the general public all lands made available for possible future transfers. These public meetings must show any changes from the previous year.
- 4- Local Governments, Regional Governments, and Industry must be consulted with once lands are identified for possible transfer in Government to Government discussions.
- 5- If consultations identify a large amount of controversy for a particular parcel of land, then Governments will have to seriously consider taking the particular identified parcel off the table for possible future transfer.

- 6- When identified parcels with land conditions are being negotiated, all stakeholders - including, but not limited to – affected or potentially affected landowners, recreation users, ranchers, hunters, trappers, outfitters, industry, and the general population, must be consulted before negotiations begin.

## Access Recommendations

- 1- Full and complete access must be maintained on all pre-existing roads, to all back country areas, for all residents and stakeholders, so as to not create isolated islands of private or crown lands, regardless if land is transferred through First Nation agreements. This includes - but is not limited to - vehicles, back country vehicles, fishing and hunting gear etc. and must not be negotiable. (The intent is to not create isolated islands of land that would not be accessible to all users that value the use of such lands.)
- 2- Trail accesses – both designated and unidentified non-designated – must be identified and remain open and fully accessible for all residents and stakeholders, regardless if land is transferred through First Nation agreements. This includes - but is not limited to - vehicles, back country vehicles, fishing and hunting gear etc. and must not be negotiable.
- 3- There must be a legal mechanism written into the agreements to guarantee full and complete access into all negotiated land transfers; this must not cost the affected stakeholder legal fees or time restraints.
- 4- There must be a resolution procedure written into agreements to immediately solve any access issues that arise; they must be resolved immediately with no cost or legal fees to stakeholders.
- 5- All rights and conditions must stay the same for all individuals - including, but not limited to - affected or potentially affected landowners, ranchers, back country users, trappers, hunters, outfitters, and the general population. If these conditions will not remain the same then we must have a process for compensating those affected.
- 6- All lands identified for possible future transfer must notify publicly which land accesses and stakeholders have been preserved and which have not, for each possible future transfer.

## Other Recommendations

- 1- Priority for Crown Lands being considered for transfer should be lands that are in the closest proximity to existing First Nations Reserve Lands.
- 2- There should be no Crown Lands – other than those near existing First Nations reserves – considered for transfer that other British Columbian residents cannot have an opportunity to bid on as well.
- 3- There should be no Crown Lands considered for transfer that have existing Provincial orders assigned to them, such as the Charlie Lake Watershed Reserve, Provincial Parks, the Muskwa-Kechika Management Area, etc. For example: the Charlie Lake Water

Reserve, which was established in 1968 by the Government of British Columbia and also adopted in the fringe area plan and regulations of the PRRD, must not – under any circumstances – be part of any land transfer.

- 4- The Federal Government must consider buying private lands near existing First Nations Reserves for TLE settlements rather than using Provincial Crown Lands.
- 5- There must be compensation to affected stakeholders for any lands that are transferred to First Nations that affect the stakeholder. This includes, - but is not limited to - residents, outfitters, hunters, trappers, ranchers, placer miners, and Industry.
- 6- Local Government must be compensated if land within a municipal boundary is transferred to the First Nation and taken out of the municipality and converted into Urban Reserves; undue tax and revenue loss in this case must be compensated.
- 7- The committee has identified numerous parcels of land that should not be part of any future land transfers. These lands will be further discussed as parcel-specific recommendations are made. Government must know that lands in the Charlie Lake Watershed and lands surrounding the Mile 63.5 Subdivisions are perfect examples of the above recommendations, and must be taken off of the table for discussion purposes immediately
- 8- The Committee recommends that the Federal Government selects a member to attend Committee meetings to ensure communication between all parties can occur.
- 9- Local Government Official Community Plans must be considered and discussed with the affected Governments before any transfers can be considered.