



MLA PIMM'S FIRST NATIONS STAKEHOLDER ADVISORY COMMITTEE

Submitted by MLA Pat Pimm, Peace River North

[Abstract](#)

The purpose of this report is to identify parcels of land that have been set aside by Government that could possibly be involved in future Government discussions with First Nations. In clarification, this report has been compiled and edited by MLA Pat Pimm as a source of education for public policy users.

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EXECUTIVE SUMMARY

In February 2016, I was contacted by members of the Fort St John Rod & Gun Club asking if I was aware of the details regarding the full status of the Government to Government discussions that were ongoing between the Province and Treaty 8 First Nations. At that time, I was aware of ongoing discussions but I was not aware of the details. The Fort St John Rod & Gun Club filled me in on what they knew and I left feeling quite uninformed, by what was my BC Liberal Government at the time. I arranged a meeting with the Premier and her staff regarding my constituent's concerns. Following the meeting, the Premier gave me the green light to create my MLA First Nations Stakeholder Advisory Committee with the support and supervision of Ministry of Aboriginal Relations and Reconciliations (MARR).

On March 12, 2016 I attended a public meeting put on by the Fort St John Rod & Gun Club, in which approximately 300 local BC Wildlife Federation members, South Peace MLA Mike Bernier and Kootenay West MLA Katrine Conway were also in attendance. At this meeting the Fort St. John Rod & Gun Club presented their concerns about the lack of transparency regarding land transfer in the Peace Country. They stressed that there was a need for public and stakeholder input. Moose management troubles were also discussed. At the end of this meeting I notified the audience that the Province was going to put together a committee to create a provincial strategy on moose management and secondly that I had been given the approval to form a MLA First Nations Stakeholder Advisory Committee.

In May of 2016, I established the first ever non-partisan MLA First Nations Stakeholder Advisory Committee, consisting of North and South Peace River constituents that are the best representatives of the general public. I also included representatives from the largest locally affected property owners in the North Peace, namely the Charlie Lake and Mile 63.5 resident associations. Our committee consists of locals that have an extensive history in the Peace Country with hundreds of years of experience in the area. We also have on our committee, former Provincial managers from Environment and Forests Ministries with over fifty years of combined experience. These groups are listed in the "Terms of Reference" and was established and approved by MARR. The Treaty 8 First Nations and Federal Government representatives were invited to participate as members of the committee and discussions, however those requests were not answered.

Our non-partisan committee had many questions throughout the process such as why were certain lands even part of any Government to Government discussions, as they already had Section 16 or 17 designations attached to the properties, and in some instances for nearly 50 years as Watershed Reserve. This report is a complete team effort and I am extremely proud of the hard work and effort put in by all members. Until this committee was established, the government had been working in isolation and with zero transparency. Our committee has definitely re-shaped how government will be negotiating in the future, and for that I am very satisfied. Our committee feels very strongly that our model should be held up and used by other MLA's around the province so that all BC residents can have an active voice on land discussions that affect us all. The lack of public consultation has been extremely poor by Government and many of the Peace Country Regional Directors and their constituents have expressed their disappointment.

The committee felt very strongly from the very first day that the lack of transparency in Government to Government discussions was extremely disturbing. This committee is

determined to demand consistent transparency of all government negotiations. This committee is not opposed to the discussions that are ongoing, but we are opposed at how the discussions are being conducted.

This committee is demanding the following:

1. TRANSPARENCY;
2. PROPER PUBLIC CONSULTATION;
3. PROPER STAKEHOLDER CONSULTATION;
4. PROPER COMMUNICATION TO PUBLIC and
5. ABSOLUTE ACCESS TO BACK COUNTRY FOR ALL

General definitions important to discussion

Notice of Interest (NOI) means that once a Ministry such as Ministry of Aboriginal Relations and Reconciliation (MARR) asks The Ministry of Forest Lands and Natural Resource Operations (FLNRO), for a NOI designation for a particular parcel of land, it would be extremely unusual for that NOI to be removed for a different use.

Section 16 Application is when a Ministry applies to the Government to have lands moved from NOI status to an enhanced status that allows the land to be used for multiple temporary discussions such as: land transfer, Treaty Land Entitlement (TLE) discussions, special management area, park, etc.

Section 17 Application is when a Ministry applies to have a NOI or Section 16 Application moved to a designated purpose, at which time it is used for that particular designation only.

The first task that our committee addressed was to identify properties that were presently under serious discussion (NOI) between the Government and First Nations. What our committee found was a bit astonishing, in that so many discussions were taking place, with zero input from the general public, or in other words complete secrecy.

Our committee found that there were 32 properties in the Peace Country that were under the NOI designation, with a total approximate land mass of 128,437 hectares, (317,374 acres) of land under discussion. The committee also found out that Site C land discussions and TLE discussions could be over and above that previously stated amount. Finally the committee found that lands in the Peace Moberly Track (PMT) identified on MARR's website did not include the lands within the District of Hudson's Hope. However, when the Section 17 Application was made for the PMT lands, it now does include those lands within the boundaries of Hudson's Hope, for an additional 30,000 plus hectares of land. CP212 is an agreement near the Halfway Indian reserve of approximately 12,000 hectares that again was not included in the NOI lands on the MARR website. The lands identified on MARR's website throughout the province are not up to date and must be read that way. This means that the lands in the Peace Country could be under estimated by close to 50% according to the current NOI's and what the committee has actually found out.

A breakdown of lands in the Peace Country

1. Approximately 128,437 hectares, (317,374 acres) currently under NOI;
2. Site C Tripartite Land Agreements (Government, Treaty 8, and BC Hydro) could be added to that quantity: Approximately 10,000-20,000 hectares;

3. Peace Moberly Track lands within the boundaries of Hudson's Hope: 35,000 hectares; and-
4. CP212 Agreement lands: Approximately 12,000 hectares.
5. This means that the Peace Country could actually have an additional 67,000 hectares or a grand total of 195,437 hectares (482,953 acres)

In fairness to the Government, we do want to acknowledge that while there are over 128,000 hectares of lands under NOI and in discussions, it does not mean that all of that land will be transferred to First Nations. It does however mean that there could be special management conditions put on the crown land which will be solely for the benefit of First Nations. Government has told our committee that through Treaty Land Entitlement discussions and Tripartite Land Agreements (Government, First Nations and BC Hydro), they expect that less than 65,000 hectares of land will be transferred to Treaty 8 First Nations.

Our committee also found many troubling situations like the lands that were formally in a Charlie Lake Section 16 watershed reserve, had been now changed to a Notice of Interest for MARR. The Peace Boudreau lands that had been set aside for future park or conservatory by the Land Resource Management Plan tables of the 90's were now also to be under a NOI by MARR for future discussions. The committee also found situations where all of the lands surrounding existing sub divisions were now under NOI by MARR, again with no discussion with the people that owned the lands within the subdivision. The committee also identified properties that are located within the Muskwa-Kechika Management area that MARR currently has a NOI upon.

I want to personally thank our committee for all of their hard work and for the 27 recommendations that that form part of this report. Those recommendations were submitted to Minister Rustad and will help change the direction that negotiations take moving forward. I also want to thank the residents of the Charlie Lake community and the Mile 63.5 community that have also sent very strong letters to the Minister. These two groups attended a good percentage of the meetings that our committee had between May 2016 and February 2017.

Once our committee found out the magnitude of the lands being negotiated in our region, we decided to have a quick look at the rest of the Province also. The committee is including that information in the report as well. In total the committee has found out that there is approximately 636,507 hectares (1,572,841 acres) of lands within the Province that MARR has a NOI currently established on. The report shows these lands and how they affect each one of the Provincial ridings. There are 56 ridings that have no lands under NOI designation at the present time, and yes most of those lands are in the lower Mainland and Okanagan areas.

We must also note that the maps on the MARR website are not up to date and there could be up to 50 percent more land under discussion in these other areas in the Province, just as is the case in the Peace Country.

Introduction

MLA First Nations Stakeholders Advisory Committee
Press Release

May 25, 2016

This note is to inform Northeast BC residents that myself and Mike Bernier the MLA from Peace River South are in the process of organizing a group of local stakeholders and finalizing the committee membership to look at, comment on and make recommendations on some parcels of land that has been set aside by Government that could possibly be involved in future Government to Government discussions between the BC Government and Treaty 8 First Nations.

The Federal Government along with Federal courts have recently ruled in favour of First Nations gaining access to parts of their traditional territories as land in fee simple terms. It is because of these rulings that the Provincial Government is now working with First Nations across the Province to identify parcels of land that that could be utilized for future and current land transfers.

In the Northeastern part of British Columbia, we also have Site C that is presently under construction and could also see some lands being transferred to First Nations as a result of some of their traditional territory being lost to flooding of the valley for the project, we are also watching for all other crown tenures, and resident interests.

The purpose of this committee is to bring representatives from the Peace River region including the local MLA's, Regional Provincial Ministry managers, former provincial ministry mangers, regional residents, local BCWF reps, local trappers associations reps, local guide and outfitter representatives, local grain growers representatives, local cattlemen representatives, local winter and summer recreational and back country representatives together in one venue to review properties that have been identified as possible, future First Nations Treaty land entitlement, court rulings, Site C compensation, and future land transfers.

This committee will facilitate timely information exchange to ensure accurate information regarding the properties, in particular regards of transparency, maintaining access for all, mitigation and compensation for loss of Crown Land, court rulings, Site C compensation, future land transfers and making sure that all other pertinent questions are being asked and relayed to the Minister prior to negotiations happening.

This committee is also being formed to provide a forum for stakeholders and community representatives to discuss and address local interests, enquiries and concerns in a timely and cooperative manner and receive feedback from such input, and to ensure that all stakeholder and public interests are being identified and acknowledged in these discussions.

We have had our first 2 meetings, have worked through our Terms of reference and have also identified how we will be moving forward in the very near future. We will be keeping the public informed as we move forward and make recommendations. We will also be doing a final report and present that to the Ministry. We will be doing press releases from time to time and will be posting all our material to my MLA website.

Pat Pimm, MLA - Peace River North

Affected Areas in British Columbia



Note: Yellow marks potential land transfers

Link to Map of Province:

<https://www.google.com/maps/d/viewer?mid=1DaBjBFNfCSsex7Jux7CsuFas0Lk&ll=56.17883615163734%2C-118.65042206250001&z=5>

Terms of Reference

This non-partisan committee is being formed for affected Stakeholders to look at and comment on future land discussions between First Nations and Government.

1. Background

The Federal Government along with Federal courts, have recently ruled in favor of First Nations gaining access to parts of their traditional territories as land in fee simple terms. It is because of these rulings that the Provincial Government is now working with First Nations across the Province to identify parcels of land that could be utilized for future and current land transfers.

2. Purpose

- 2.1** To bring representatives from the Peace River region including the MLA's, Regional Provincial Ministry managers, former Provincial Ministry managers, regional residents, local BCWF reps, local trapper's associations reps, local guide outfitter representatives, local grain grower's representatives, local cattlemen representatives, local winter and summer recreational and back country representatives. For purpose of reviewing properties that have been identified as possible future First Nations Treaty land entitlement, court rulings, Site C compensation, and future land transfers.
- 2.2** To facilitate timely information exchange to ensure accurate information regarding the properties, in particular regards of transparency, maintaining access for all mitigation and compensation for loss of Crown land, court rulings, Site C compensation and future land transfers.
- 2.3** To provide a forum for Stakeholders and community representatives to discuss and address local interests, enquiries and concerns in a timely and cooperative manner and receive feedback from such input.
- 2.4** To ensure that all Stakeholder and public interests are being identified and acknowledged in these discussions.

3. Meeting Logistics

- 3.1** Chair: Peace River North MLA will be Chair of the committee and if the MLA is not available then Peace River South MLA will chair in place of.
- 3.2** Venue: Venue will be determined by Chair
- 3.3** Schedule: The schedule will be determined by the committee and of the chair
- 3.4** Expenses:
- 3.5** MLA will arrange for and pay for meeting venue costs and refreshments
 - The MLA will provide an assistant to manage meeting logistics and committee records as described below:

Committee Records: MLA will provide an assistant to manage the distribution of materials as described below:

3.5.1. Agendas: The draft agenda will be circulated before meetings take place via email.

3.5.2. Meeting Materials: All members will have the opportunity to add items to the agenda prior to the meeting.

3.5.3 Meeting Notes: The MLA assistant or alternate will attend meetings and prepare a draft meeting summary, including recommendations which will be distributed to all members. Members will then have their opportunity to suggest any changes to the notes via email.

3.5.4 Reporting: The MLA assistant will prepare a report of the committee. Members will have the opportunity to add input to the report prior to it being forwarded to the Minister of MARR. The MLA will then review recommendations with the Minister and report back to committee.

3.6 Communications & Confidentiality

3.6.1 Media Communication: The committee will issue press releases as required and approved by the committee. This is to ensure that our message remains consistent between all members. Once the release is public it will be posted to the MLA website

3.6.2 Confidentiality: The public and the media will not be permitted to attend meetings except by invitation. To foster open dialogue between representatives, information shared during general discussions of the committee will be kept confidential. Messages must be approved by the committee before being released to media (includes social media etc.) Representatives will be able to report informally to their memberships.

3.6.3 Press: The MLA will deliver the official press release for the committee. The chair is the official spokesperson of the committee.

4. Membership

4.1 Stakeholder membership will be as follows:

- North Peace BCWF Rep
- South Peace BCWF Rep
- North Peace Guide Outfitters Rep
- South Peace Guide Outfitters Rep
- North Peace Trappers Rep
- South Peace Trappers Rep
- North Peace Winter Recreation Rep
- South Peace Winter Recreation Rep
- North Peace Summer Recreation Rep
- South Peace Summer Recreation Rep
- North Peace Grain Grocers Rep
- South Peace Grain Growers Rep
- North Peace Cattlemen's Rep
- South Peace Cattlemen's Rep
- North Peace Resident
- South Peace Resident
- Northern Rockies Winter Recreation Member
- Northern Rockies Summer Recreation Member
- Two (2) community specific residents (specific to affected areas)
- Former Government Manager

- Former Government Manager
- Special invitations as requested by the committee
- Committee representatives may designate an alternate, if they are unable to attend

4.2 MLA Representatives:

- MLA for Peace River North
- MLA for Peace River South

4.3 Ministry Representatives – will be designated as observers and will provide expertise and answer all questions of the committee

- MARR (Ministry of Aboriginal Relations and Reconciliation)
- FLNRO (Forest Lands and Natural Resource Operations)
- MOTI (Ministry of Transportation and Infrastructure)
- BC Hydro Rep
- Conservation Officer
- OGC (Oil and Gas Commission)
- Other Government officials by invitation of the Chair

4.4 Duration of the MLA First Nations Stakeholder Advisory Committee

- The committee will review all existing lands that have been identified for possible consideration for future transfer. The committee will also examine future issues at all call of the Chair. The committee will generate a final report on its initial findings, report to MARR and then relay responses back to the committee in a timely manner.

5. Summary of Responsibilities

5.1 Chair will:

- 5.1.1. Facilitate discussion to achieve committee purposes and to promote and communicate a balance of views
- 5.1.2 Circulate the agenda and necessary materials via email

5.2 MLA First Nations Stakeholder Advisory Committee will:

5.2.1 The committee will make recommendations on all presently identified lands that are being considered by MARR for negotiations with First Nations and will also meet and make recommendations on any new lands identified for future discussions between First Nations and Ministries

5.3 Ministry Staff:

- 5.3.1:** Ministry staff will provide expertise and answer all questions of the committee

Letters of Invitation

Constituency Office:

10104-100th Street
Fort St. John, BC V1J 3Y7
Phone: 250-263-0101
Fax: 250-263-0104
E-mail: pat.pimm.mla@leg.bc.ca
Website: www.patpimmmla.bc.ca

Pat

MLA



Pimm,



(Peace River North)

July 27, 2016

ATTN: Treaty 8 First Nations Chiefs and Councils
10233-100th Ave,
Fort St. John, BC
V1J 1Y8

Re: MLA First Nations Stakeholder Advisory Committee

On February 15, 2016 I was made aware by the British Columbia Wildlife Federation and the Fort St John Rod and Gun Club that there were several parcels of land that had been identified by Treaty 8 First Nations and Government of BC, in their government to government discussions for possible future land transfers. It is unclear if these lands have been identified for Treaty Land Entitlement discussions, Site C discussions or for future benefitting agreements. On March 12, 2016 myself and Minister Bernier, the MLA from Peace River South attended a public meeting hosted by the Fort St John Rod and Gun Club in the Pomeroy Hotel in Fort St John. At this meeting we were made aware that the parcels had been identified for possible future transfer without any input or knowledge from the broader community and affected stakeholders. During that meeting there was a commitment made to create an advisory committee to discuss these matters.

This letter is to advise you of my MLA First Nations Stakeholders. The purpose of this committee is to bring representatives from the Peace River region including 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, local winter and summer recreational and back country reps together in one venue to review Crown land parcels that have been identified as possible future land transfers.

This committee will facilitate timely information exchange to ensure accurate information regarding the proposed Crown land parcels, with particular regards to transparency, maintaining access for all, and making sure that all other pertinent questions are being asked and relayed to

the Ministry of Aboriginal Relations and Reconciliation (MARR) prior to negotiations happening. This committee is also being formed to provide a forum for stakeholders and community representatives to discuss and address local interests, enquiries and concerns in a timely and cooperative manner and receive feedback from such input. The committee will also ensure that all stakeholder and public interests are being identified and acknowledges in these discussions.

I am extending an official invitation to all Treaty 8 First Nations to attend committee meetings and to be involved in the discussions pertaining to future land transfers. A representative from each Nation is welcome to attend and act on behalf of their respective bands. I am also extending an invitation for all Treaty 8 First Nations to be listed in the committee's Terms of Reference if desired; please let me know as soon as possible so I can update the Terms of Reference to reflect your decision. As meetings dates are decided I will notify all parties and those who are interested in attending are more than welcome.

Sincerely,

Pat Pimm, MLA
(Peace River North)

Constituency Office:
10104-100th Street
Fort St. John, BC V1J 3Y7
Phone: 250-263-0101
Fax: 250-263-0104
E-mail: pat.pimm.mla@leg.bc.ca
Website: www.patpimmmla.bc.ca



Pat Pimm, MLA
(Peace River North)

August 17, 2016

ATTN: Hon. Carolyn Bennett, Minister of Indigenous and Northern Affairs
House of Commons
Ottawa, Ontario
Canada K1A 0A6

Re: MLA First Nations Stakeholder Advisory Committee

Hon. Carolyn Bennett:

On February 15, 2016 I was informed by the BC Wildlife Federation and Fort St. John Rod and Gun club that several parcels of land had been identified by Treaty 8 First Nations and the Government of BC for possible future transfers. It is unclear at this time if the identified lands are for Treaty Land Entitlement, Site C mitigations, or future Benefit Agreements. Furthermore, on March 12, 2016 MLA Bernier (Peace River South) and I attended a public meeting hosted by the Fort St. John Rod and Gun club at the Pomeroy Hotel in Fort St. John. At this meeting, we were made aware that the parcels had been identified without any input or knowledge from the broader community and affected stakeholders. During that meeting there was a commitment made to create an advisory committee to discuss these matters.

This letter is to advise you of my MLA First Nations Stakeholder Advisory Committee. The purpose of this committee is to bring representatives from the Peace River region including 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, local winter and summer recreational and back country reps together in one venue to review Crown land parcels that have been identified as possible future land transfers.

This committee will facilitate timely information exchange to ensure accurate information regarding the proposed Crown land parcels, with particular regards to transparency, maintaining access for all, and making sure that all other pertinent questions are being asked and relayed to the BC Ministry of Aboriginal Relations and Reconciliation (MARR) prior to negotiations happening. This committee is also being formed to provide a forum for stakeholders and community representatives to discuss and address local interests, enquiries and concerns in a timely and cooperative manner and receive feedback from such input. The committee will also ensure that all stakeholder and public interests are being identified and acknowledged in these discussions.

I am extending an official invitation to the Honorable Carolyn Bennet, or a representative, to attend Committee meetings and to be involved the discussions pertaining to future land transfers. I am also extending an invitation for the Ministry of Indigenous and Northern Affairs to be listed in the

Committee's Terms of Reference if desired; please let me know as soon as possible so I can update the Terms of Reference to reflect your decision. Meetings are ongoing and the committee has asked that the Federal Government be extended an invitation to sit at the table so that we can get continuity in the process. As meetings dates are decided I will notify all parties and those who are interested in attending are more than welcome.

Enclosed with this letter is a copy of the Committees first set of recommendations; these recommendations are being presented to the BC Provincial Government.

Sincerely,

Pat Pimm, MLA
(Peace River North)

MLA Stakeholder Questions

Here are some questions that the committee asked Government as we went through the process of evaluating the parcels of land that have been identified for possible future transfer or designated use.

- 1- What were the reasons why this piece of land was identified?
- 2- What is the size of the parcel under consideration?
- 3- Is the land near existing residential property?
- 4- Are these lands going to continue to be lands under Provincial Jurisdiction?
- 5- Are these lands being considered for Treaty Land's compensation, or for other negotiations?
- 6- How will the general public view the transfer of this parcel?
- 7- Are there any existing trap lines in this parcel of land?
- 8- Are there any existing Guide outfitting tenures on this parcel of land?
- 9- Are there any grazing leases or licenses associated with this parcel of land?
- 10- Are these lands utilized as hunting areas for resident hunters?
- 11- Will any residents or tenure holders be affected or land locked as a result of this transfer?
- 12- Is any access going to be blocked as a result of this parcel being transferred?
- 13- Will there be any road access that will not be maintained by this transfer?
- 14- Will any Industry have concerns in regards to this transfer?
- 15- What are the committee recommendations for this parcel of land if it is to be transferred?
- 16- Has there been any consultation with stakeholders to this point?
- 17- Are there any legislative designations associated with the parcel and associated impacts?
- 18- Is this parcel being slated for near or future disposition? Please give approximate timelines
- 19- Have all ministries been made aware of these parcels?
- 20- Which First Nations is the parcel designated for?
- 21- How do these parcels compare (fit into) the LRMP process?
- 22- How many privately titled parcels are in this parcel?
- 23- What is the quantum of lands identified for First Nations negotiations for Site C?
- 24- When will we see the lands identified for Site C?
- 25- Will any access be blocked as a result of this transfer?

Please note that the Ministry tried to answer most of these questions but many of these questions have still not been adequately addressed.

Letters from Peace River Stakeholders

Letter from Charlie Lake Golf Course Subdivision

September 11 2016

MLA First Nations Stakeholder Advisory Committee
C/O Pat Pimm
10104 100th St.
Fort St. John, BC
V1J 3Y7

In July of 2016 the residents of the Golf Course Road, Charlie Lake BC became aware that the government has identified 31 parcels of land that may be transferred to the Treaty 8 First Nations as part of Treaty land entitlements and Site C mitigation, and that the Minister is utilizing government to government negotiations as per section 35 of the Constitution and direction by the Supreme court of Canada withholding this information from the public.

The residents of the Golf Course Road struck a committee to address the issue (the Committee). The Committee would like to address the issue of land transfer on two levels. First: the local issue that directly affects the Charlie Lake Watershed and second: the larger issue of land claims.

The Committee has adopted a principles based approach to the issue of land claims and has used these principles to govern the development of recommendations. Our recommendations highlight the following issues:

1. Transparency and consultation
2. Protection of Civil Rights and Democratic principles
3. Protection and stewardship of public lands and watershed (capacity)
4. Adherence to land use law and policy
5. Historic use of properties
6. Crown lands are a public asset and should be preserved for the use of all Canadians
7. The Minister is accountable to the electorate

The following are our comments related to each of the above:

1. Transparency and Consultation

- Our Committee of residents and constituents of Charlie Lake strongly opposes any process related to land title changes in our community where residents are not given the opportunity to both receive full disclosure to deliberations in these negotiations and also be invited to provide input to those negotiations.
- Public processes must be made public in a way that is accessible and understandable to citizens and the process must be followed demonstrating a respect and recognition that these decisions greatly impact communities and the people who are heavily invested in those communities.

2. Protection of Civil Rights and Democratic principles

- Democratic principles require a consultation with ALL people involved in the transfer of lands that belong to the people.
- Transparency, accountability, and consultation are core values of the Canadian democratic system that are not negotiable and must be upheld.
- Any action that denies people of these basic rights has the potential to enrage every community in a broad reaching manner that would be detrimental to the objectives of this initiative. People appropriately take these rights very seriously.

3. Protection and stewardship of public lands and watershed (capacity)

- The Charlie Lake watershed is critical to all Citizens of the region. In the past the lake has been the primary source of potable water for the region and remains a critical source of water. Today Charlie Lake is still designated as the back-up water supply for the City of Fort St. John and Charlie Lake.
- The initial reserve for a watershed reserve was placed on all vacant Crown Land around Charlie Lake in 1968. A permanent designation was placed on the land in 1974. Standing agreements that protect the interests of the people regarding watersheds and sensitive areas must be upheld such as the 1968 agreement established by the British Columbia government protecting the Charlie Lake watershed.
- In 2000, Charlie Lake was classified as a “Special Case Lake” within the PRRD Lakeshore Development Guidelines, July 2000. Clearly established in the PRRD Official Community Plan is the statement that the development of Charlie Lake should be at no more than 50% and 15 years ago in 2001 development had already reached 35%. It is far greater than that today.
- The Ministry of the Environment recognizes the sensitivity and importance of the Charlie Lake watershed reserve #0288651 for the purpose of watershed management affecting lands referenced on Map No. 10, Sch. B. Our committee requests a full review of their document 73265 which encompasses the two properties under consideration which have frontage on Charlie Lake.

4. Adherence to land use law and policy

- The Committee objects strongly to the government ignoring long standing land use policies to simply facilitate a settlement to these Treaty 8 negotiations. Land use policies have been established and rigidly adhered to since that time to preserve the lands and protect them in the best interest of all Canadians including regional property owners.
- The impacts of loss of tax revenues to local Governments must be addressed in order to ensure that core services are provided and that the taxpayer is not expected to subsidize provision of service to Treaty Land Entitlements;

5. Historic use of properties

- Property owners around the lake have made very significant real-estate investments with assurances from the PRRD and a clear understanding that the land designated as Crown Land around the Lake was to remain in perpetuity.

- Long established policy has blocked any opportunity for public purchases of any portions of the lands.
- Land "gifting" is a contravention of the rights of Canadians. As the "Owners" of those lands, Citizens must be consulted to avoid the creation of a two tier system of civil rights.

6. Crown lands are a public asset and should be preserved for the use of all Canadians

- Charlie Lake must be maintained as a recreational area which is heavily used year-round by residents of Charlie Lake, Fort St. John and all surrounding communities, and is a major tourist attraction for the region for fishing, camping, cross country skiing, hiking, snowshoeing, snowmobiling, hockey and skating, boating, water skiing and swimming. The lake sees more public use every year.
- Publicly accessible Crown Land is a valued regional asset on Charlie Lake and must be maintained.

7. The Minister is accountable to the electorate

- Entitlements have the potential to be a highly divisive issue and may serve to damage relationships that have been decades in the making. Elected representatives assume an obligation to the full electorate to preserve those relationships and protect the interests of the public in general.
- The Committee strongly encourages the Minister to rethink the current plan and come to the people with an open and transparent process.

CONCLUSIONS

The Committee understands the importance of TLE and Land claims to First Nations people and to the long term stability of the north and the nation. We fully support the efforts of the MLA First Nations Stakeholder Advisory Committee that is participating in the Land Transfer process and in doing so, we urge the parties to act on the following recommendations:

- 1. Regarding lands in the Charlie Lake watershed that are proposed for transfer; the Committee position is that these lands be immediately removed from the land transfer proposal for all of the reasons above.**
- 2. The Committee also recommends the exclusion of a third property around the subdivision at Alaska Highway Mile 63.5 from transfer consideration recognizing that this area is also highly sensitive to strong community objection.**
- 3. Regarding Treaty Land Entitlement and Land Claims in general:**
 - a. We respectfully invite (Minister & Deputy Minister) to attend a public meeting to be held in Charlie Lake before any further decisions are finalized relating to these impending land transfers in an open forum to fully clarify the issue being addressed and receive public input.**
 - b. The Committee requests that we be kept fully informed on activity and discussions through the course of these remaining land transfer negotiations for our region.**

- 4. The Committee requests that the Stakeholder Advisory Committee obtain a copy of the Ministry of the Environment Charlie Lake Watershed Reserve No. 0288651 document 73265 and contact the Ministry of the Environment to obtain any related information pertinent to these negotiations. We would appreciate receiving a copy of this document.**

The Committee cannot over-emphasize the passion we are experiencing over this issue. Thank you very much for your consideration of our position. We are very hopeful that these recommendations will be adopted respecting the input from the Community enabling this process to come to a mutually satisfactory solution.

We look forward to your prompt response

Respectfully

Charlie Lake Subdivision

Letter from Mile High 63.5 Subdivision

Sept 30/16

MLA First Nations Stakeholder Advisory Committee C/O Pat Pimm
10104 - 100th St.
Fort St. John, B.C.
VIJ 3Y7

The residents of Red Creek Subdivision, Mile 63 ½ Alaska Highway, have recently learned that the provincial government has identified 31 parcels of land that may be transferred to the Treaty 8 First Nations as part of Treaty Land Entitlement (TLE) and Site C mitigation, and that the Minister is utilizing government to government negotiations as per section 35 of the Constitution and direction by the Supreme Court of Canada. This action is effectively withholding this information from the general public. The majority of these lands are in direct contact with the residents of this subdivision.

The residents of Red Creek Subdivision (RCS) would like to speak to the issue of land transfer on two levels. First; the local issue that directly affects the RCS landowners, second; the larger issue of land claims.

We would address the issues based on the following principles;

1. Transparency and Consultation
2. Protection of Civil Rights and Democratic Principles
3. Adherence to land use law and policy
4. Historic use of properties
5. Crown lands are a public asset for all Canadians
6. Minister Accountability to the electorate

Transparency and Consultation

The residents of Red Creek Subdivision strongly oppose any process related to land title changes in our community where residents are not given the opportunity to both receive full disclosure to deliberations in these negotiations and also be invited to provide input into those negotiations.

Public processes must be made public in a way that is accessible and understandable to citizens and the process must be followed demonstrating a respect and recognition that these decisions greatly impact communities and the people who are heavily invested in those communities.

Protection of Civil Rights and Democratic Principles

Democratic principles require a consultation with ALL people involved in the transfer of lands that belong to the people.

Transparency, accountability and consultation are core values of the Canadian democratic system that are not negotiable and must be upheld.

Any action that denies people of these basic rights has the potential to enrage every community in a broad reaching manner that would be detrimental to the objectives of this initiative. People appropriately take these rights very seriously.

Adherence to Land Use Law and Policy

Red Creek and area residents strongly object to the government ignoring long standing land use policies to simply facilitate a settlement to these Treaty 8 negotiations. Land use policies have been established and rigidly adhered to, to preserve the lands and protect them in the best interest of all Canadians including regional property owners.

Historic Use of Properties

In the early 1970's the BC government established rural acreages for sale throughout the province in the format of subdivisions to sell to people who wanted more space and a closer connection with the outdoors. Red Creek was one of those.

Property owners in RCS and area have made very significant real-estate investments with a clear understanding from government that the surrounding Crown Land was not for sale and was to remain Crown Land.

Long established policy has blocked opportunity for public purchase of these lands.

RCS residents have dealt with many challenges in the past, such as timber sales and hydro transmission lines. They did this to steward the crown land around their residential area.

Land "gifting" is a contravention of the rights of Canadians. As the "Owners" of these lands, citizens must be consulted to avoid the creation of a two-tier system of civil rights.

Crown Lands are a Public Asset for all Canadians

Red Creek and area must be maintained as a recreational area. This area is heavily used year-round by outdoor enthusiasts from Fort St. John and surrounding communities as well as the local residents. Hiking, hunting, quading, horseback riding, snowmobiling, cross country skiing, snowshoeing, birdwatching and wildlife viewing are some of the activities enjoyed on these Crown Lands.

Publicly accessible Crown Land is more than just a valued regional asset at RCS, it is the reason that residents located here. Residents of RCS purchased land and built homes here for the primary reason of being able to walk out their back door onto Crown Lands to enjoy the peace, quiet and seclusion of this area.

Pileated Woodpeckers, Blue Jays, Canada Jays, Ravens, Chickadees, Sparrows, Hawks, Owls, Mule Deer, White-tailed Deer, Moose, Black Bears, Coyotes, Lynx, Red Fox, Cross Fox and Elk are just a small sample of the wildlife that are to be seen in this area and enjoyed by those who live and recreate here.

Minister Accountability to the Electorate

Entitlements have the potential to be a highly divisive issue and may serve to damage relationships that have been decades in the making. Elected representatives assume an

obligation to the full electorate to preserve those relationships and protect the interests of the public in general.

The residents of Red Creek Subdivision and area strongly encourage the Minister to rethink the current plan and to come to the people with an open and transparent process.

Conclusions

The residents of RCS and area understand the importance of the TLE and Land claims to the First Nations people and to the long-term stability of the north and the nation. We fully support the MLA First Nations Stakeholder Advisory Committee that is participating in the Land Transfer process and in doing so we urge the parties to act on the following recommendations; In regards of the land surrounding the Red Creek Subdivision that are proposed for transfer; the residents of RCS insist that these lands be immediately removed from the land transfer proposal for all of the above reasons.

The residents of RCS also recommend the exclusion of the proposed land transfers in the Charlie Lake watershed. Regarding the Treaty Land Entitlement and Land Claims in general;

We respectfully invite Aboriginal Relations & Reconciliation Minister John Rustad and Deputy Minister Doug Caul to attend a public meeting to be held in Charlie Lake before any further decisions are finalized relating to these impending land transfers in an open forum to fully clarify the issues being addressed and receive public input.

The residents of RCS request that we be kept fully informed on activity and discussions through the course of these remaining land transfer negotiations for our region.

Any transfer of Crown Lands surrounding the Red Creek Sub division, no matter to whom, will have a huge negative impact on the resale values of the properties in the subdivision as their value is greatly established by the availability of recreational lands surrounding it.

Red Creek residents cannot over-emphasize the passion our community is experiencing over this issue!

Thank you very much for your consideration of our position. We are hopeful that these recommendations will be adopted respecting the input from our community enabling this process to come to a mutually satisfactory conclusion.

We look forward to your prompt response!

Respectfully,

Red Creek Subdivision Residents

General Recommendations from Committee

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 Stakeholder 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.

Minister's Response to Recommendations

Ref. 40097
Pat Pimm, MLA Peace River North
September 21, 2016

Dear Mr. Pat Pimm:

Thank you for the August 19, 2016 recommendations from the MLA Stakeholder Advisory Committee. These recommendations provide feedback to the Province on negotiations with Treaty 8 First Nations where the transfer of Crown land is involved. As you are aware, my ministry has implemented enhanced guidelines for our negotiators to ensure we have a solid understanding of local government and stakeholder interests as we negotiate agreements with First Nations. I have attached the Guiding Principles for Stakeholder Engagement which are in place for all provincial negotiators. Our objective is to reach agreements with First Nations that are well informed, understood and supported by Aboriginal and non-Aboriginal communities alike.

The Province and First Nations are working together on a variety of agreements, negotiations and initiatives. The Province believes these are critically important steps towards reconciliation with Treaty 8 First Nations, ensuring British Columbia meets its legal obligations to Treaty 8 First Nations, and impacts from industrial development to Treaty 8 rights are adequately accommodated. Agreements with First Nations also provide operational clarity for resource development and major projects, and therefore, are key to attracting investment and creating jobs for all British Columbians.

The following is a summary of the types of agreements that might entail land transfers to First Nations in the northeast, and our existing negotiation approaches:

Treaty Land Entitlement Treaty Land Entitlement (TLE) is the resolution of claims made by Treaty 8 First Nations that they did not receive all of the land they were entitled to under Treaty 8 when it was signed in 1899. TLE settlement agreements are being primarily negotiated between the First Nations and the Government of Canada. An important outcome of TLE settlements is to ensure that the Crown's commitments made under Treaty 8 are upheld.

The parties will typically expect British Columbia to provide land to these settlements. Key objectives for the Province in these negotiations are to ensure clarity of the status of land (ie fee simple or reserve), access provisions, avoidance/mitigation of third party impacts (including local governments), and appropriate fiscal arrangements for the surface and subsurface resources. Stakeholder engagement will be critical in ensuring that we are able to meet these objectives.

Tripartite Land Agreements the Site C Environmental Assessment Joint Review Panel determined that Site C will have significant adverse impacts on Treaty 8 First Nations treaty rights. In order to meet our legal obligation to accommodate these impacts and provide enhanced certainty for the project, the Province, BC Hydro and participating First Nations are negotiating tripartite land agreements

(TLAs). Once concluded, TLAs will transfer parcels of Crown land to First Nations in fee simple. TLAs may also include land protection measures. Our negotiators will seek to avoid/mitigate third party impacts and will ensure necessary access across the parcels.

Government to Government Agreements the Province and several Treaty 8 First Nations are in negotiations or have completed government to government (G2G) agreements. G2G agreements have different details and scope, but in general the goal of G2G agreements is to establish a constructive relationship with the First Nation that leads to greater self-sufficiency and improved community health and well-being for a First Nation, and provides more predictability and clarity for the Province, investors, and stakeholders. G2G agreements may provide revenue sharing and economic development opportunities, new land protections or management measures, social and cultural initiatives. Where BC considers Crown land transfers, it is done as fee simple. We first attempt to avoid any stakeholder impacts, or in the second instance, negotiate provision to minimize or mitigate impacts, including access requirements.

Enhanced Stakeholder Engagement Process the Province is committed to engaging with stakeholders throughout the negotiation process on all agreements. The committee's input is consistent with our approach to stakeholder engagement and negotiations as outlined above. During the earliest stages of negotiations, our negotiators will inform stakeholders and provide an overview of the anticipated topics. We recognize that stakeholder engagement is an important aspect that informs our negotiation strategy, and is key to building a strong understanding of, and support for, an agreement. I can confirm our commitment to transparency called for by the committee.

I also confirm that we will engage and work with the committee as soon as possible once potential lands have been identified in any negotiation. Our negotiators will do this throughout the negotiation process. In addition, the Province will carefully review the information provided through the engagement process and will ensure it is taken into account before a final decision is made. We will continue to negotiate provisions that maintain full and complete access on pre-existing roads, and to Crown land beyond parcels transferred to a First Nation.

It is important to add that there are some instances where confidentiality is required due to the nature of the negotiations. In those situations, our negotiators explore options such as nondisclosure agreements as a means seek input from the appropriate interested parties.

I also want to be clear that while we aim to reach agreements that balance the interest of all parties, it is not always possible to give everyone exactly what they want. BC provides mandates to our negotiators that must balance many interests. However, creative solutions are most often found when all parties, including stakeholders, are informed and flexible. Again, this underscores the importance of stakeholder engagement.

The Province appreciates the input provided by the committee and looks forward to further engagement with stakeholders in the northeast. Moving forward, please coordinate any future engagement of your MLA committee through my office and we will be happy to hear your feedback and provide you with information on the negotiations occurring in the northeast. As I mentioned in our telephone conversation, Cam Ehl, Chief of Staff, will regularly check in with you regarding our engagement with the committee.

Sincerely,

John Rustad Minister

2 Attachments included below:

Appendix 1. Guiding Principles for Stakeholder Engagement

1. Communication: early and open engagement. a. Communicate early with stakeholders on what the Province is negotiating or engaging in with First Nations, the reason for engagement and the expected benefit to all British Columbians that flows from success within First Nations communities. b. Communicate plans and actions in a way that provides openness to receive and respond to feedback, and to listen to the concerns and expectations of surrounding communities. c. Communicate stakeholder interests at the negotiating table with First Nations to support successful agreement ratification and implementation. d. Put in place mechanisms that support openness with stakeholder groups (e.g. non-disclosure agreements).

2. Transparency: clear information and feedback processes. a. Share with stakeholder's information that is clear, timely, sufficient and accessible to support meaningful participation in engagement opportunities. b. Clearly state at the outset the specific objectives and expectations about what can and cannot be influenced, the constraints or boundaries within which the Province is operating (i.e. policy, legislation, time, resources), and the level of engagement being asked of stakeholders.

3. Collaboration: working cooperatively to seek mutually beneficial outcomes. a. Identify and pursue opportunities for collaboration as part of meaningful engagement that strengthens stakeholder support for what is being negotiated. b. Collaborate with other ministries and agencies for consistent messaging and support for agreements being negotiated. c. Collaborate with First Nations, in advance of sharing information with stakeholders about agreements and invite First Nations to participate in the consultation process.

4. Inclusiveness: recognize, understand and involve stakeholders early and throughout the process. a. Make efforts to reach out to third parties to engage in a meaningful way. All parties with a significant interest in the issue should have an opportunity to be involved in the engagement process. b. Make adequate time available for engagement to be effective.

5. Integrity: conduct engagement in a manner that fosters mutual respect and trust, and establish a realistic understanding of potential outcomes. a. Value and respect the needs and interests of stakeholders and their ability to contribute to the Province's decision-making process. b. Recognize the need for the Province to be responsive to community engagement and to communicate how stakeholder input has been considered.

6. Lasting Commitment: maintain engagement throughout the negotiation and implementation process. a. Document engagement efforts with stakeholder groups throughout the process to support follow-up and communicating how stakeholder input has been considered. b. Share promising and best practices to inform or improve future engagement and agreement components.

Appendix 2. Land Selection Criteria

This appendix presents general guidelines for land selection as it relates to transfers of Crown land to First Nations. These criteria are presented as guidance only and are subject to the outcomes of negotiations.

1. The land will be subject to a detailed review to identify existing land use conflicts and non-compatible land use factors that define pre-existing encumbrances that would make the land not open for selection.
2. Areas subject to pre-existing uses, e.g. areas with long term leases, approved forestry plans, special use permits, map notations and environmentally restricted zones such as areas prone to flooding or slope failure, will be considered on a case-by-case basis and may be sufficient to preclude selection. The Province is not prepared to expropriate or compensate pre-existing users in order to free up land for the purposes of land settlement.
3. The land to be transferred will be untitled provincial Crown land.
4. The land is not a provincial Park and Protected Area.
5. The land is situated within the traditional territory of the Nation.
6. The land possesses resource values, including forests, that are representative of the overall geography found within the traditional territory of the First Nation.
7. Intended use(s) of the land is consistent with the Land and Resource Management Plan and other land use objectives.
8. Isolated parcels without permanent road access should be avoided. As well, areas associated with river and lake margins, lands subject to flooding and environmentally sensitive areas (e.g. critical wildlife habitat, sensitive soils) should also be avoided.
9. The land should be accessible from a publically maintained highway or industrially maintained Forest Service road. Where residential or commercial use is contemplated, the selection should take advantage of existing infrastructure (e.g. power, phone and other services such as school bus transportation).
10. Parcels involving extensive lakeshore frontage should be avoided where possible. Land selection that effectively denies public or third party access to a lake with high recreational value should be avoided.
11. Land selections that would restrict future or existing access corridors should be avoided.
12. Lands contiguous with other lands held by the First Nation and in the proximity of the First Nation's community are preferable.
13. Lands should be transferred in fee simple and subject to provincial jurisdiction, including municipal jurisdiction if applicable, as of the date of transfer.
14. Parcels meet the criteria for lots that can be surveyed and registered under the Land Title Office.

Peace River Regional District Presentation

Presented: October 13, 2016

HISTORY



- On February 16, 2016, we were notified by Fort St. John Rod and Gun Club about land that had been made available to First Nations.
- Between February 15th to March 1st, 2016 several meetings have taken place with Ministers and the Premier.
- On March 12, 2016, the BCWF meeting took place in FSJ.

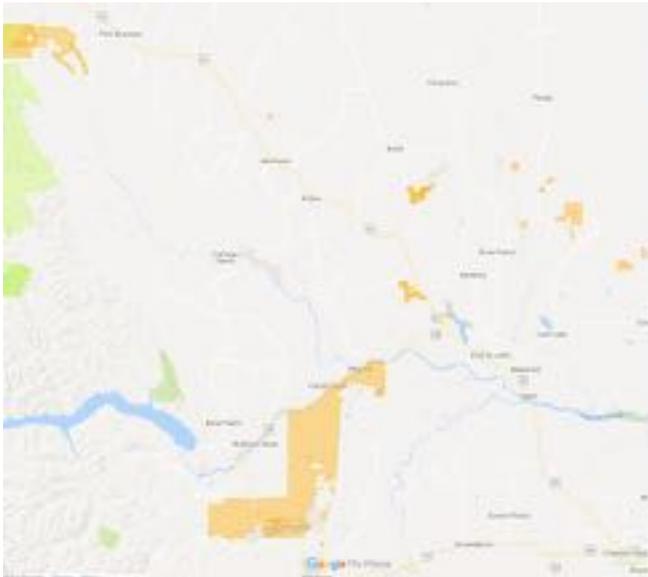
March 12, 2016 Meeting in FSJ - 300 people in attendance

Commitment from March 12th Meeting:

1. Provincial Moose Enhancement Program
2. MLA led Advisory committee

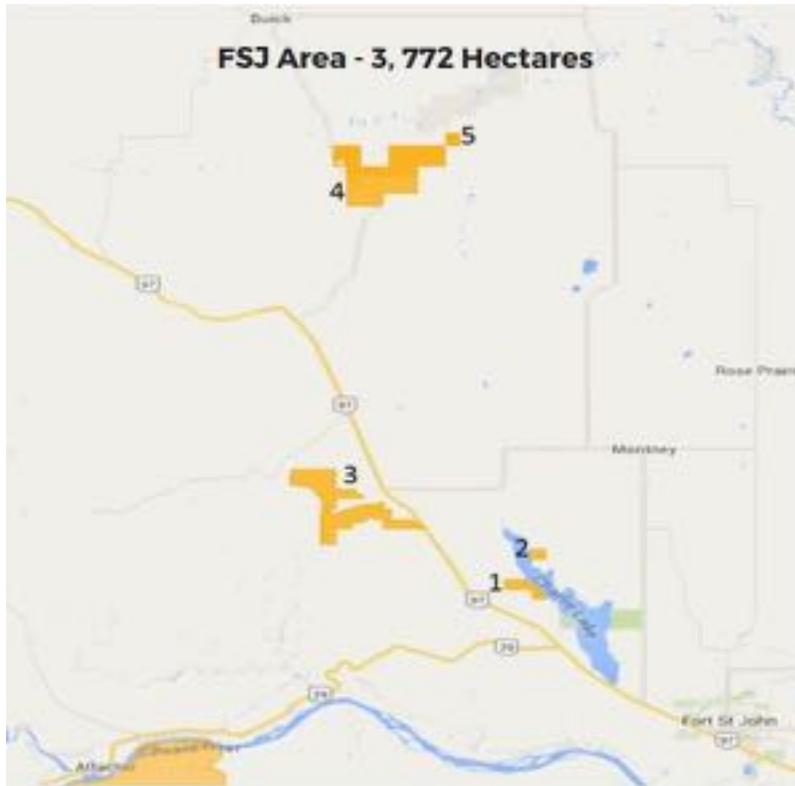
Stakeholder Meetings

1. Friday May 13, 2016
2. Tuesday May 24, 2016
3. Tuesday June 28, 2016
4. Thursday Jul 14, 2016
5. Monday July 18, 2016 CL residents
6. Monday August 15, 2016
7. Friday, October 7th,
8. Tuesday, October 12th, 2016
 - Conference: P.O., MARR, Energy, Pimm



32 PROPERTIES IDENTIFIED IN PEACE REGION

- FSJ area
 - 3, 772 hectares
- Rose Prairie/Goodlow area
 - 39,000 hectares
- Pink Mountain area
 - 17, 007 hectares
- Peace Moberly Track area
 - 68, 625 hectares



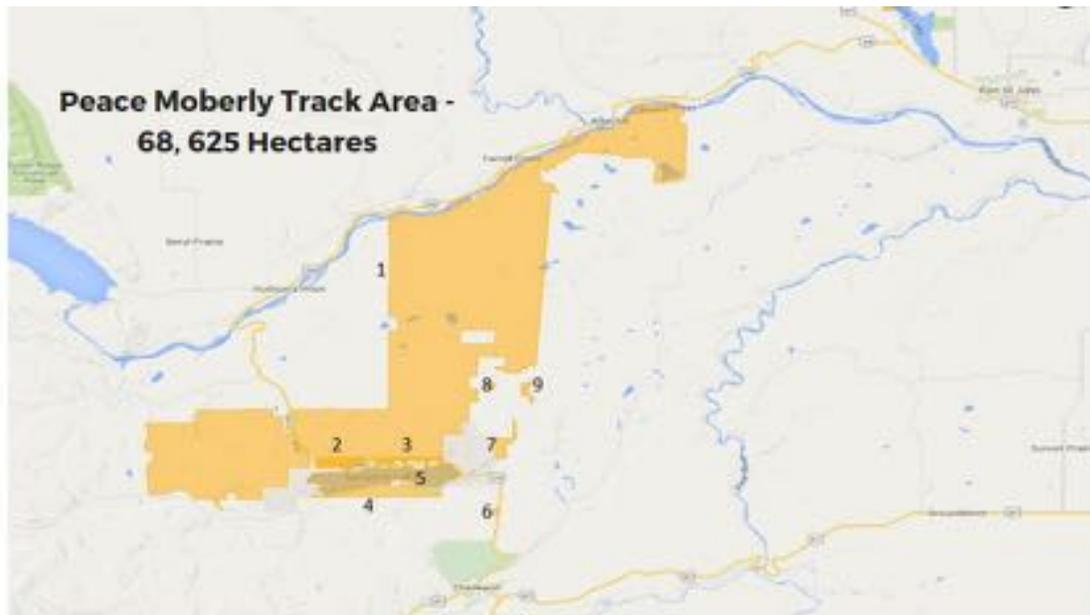
- FSJ Area (mostly lands to be transferred to Blueberry FN).
- In this area there are 5 parcels of land with an approximate land amount of 3,772 hectares.
- Land is located around the mile 63.5 subdivision. Land with Charlie Lake frontage and a couple of parcels near the Blueberry reserve.
- The 5 parcels of land consist of 5 different KML identity numbers 511, 1212, 1213, 1259, and 1260 along with 3 CL file numbers, 8015748, 8015755 and 801575



- Rose Prairie-Goodlow area (mostly lands to be transferred to Doig River FN).
- In this area there is a total of 11 parcels of land with a total of 39,033 hectares
- 11 KML numbers, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, and 1504 as well as one CL file number 8015769.
- These parcels of land are from the Rose Prairie area, up the Milligan Creek road near the Doig Reserve and into the Goodlow area.



- Pink Mountain area (mostly lands to be transferred to Blueberry FN and Halfway FN).
- There are 7 parcels of land for a total of approximately 17,007 hectares.
- 7 KML numbers, 396, 653, 667, 852, 856, 857 and 474. As well as 5 CL file numbers, 8015623, 8015640, 8015649, 8015668 and 8015756.
- These parcels of land are all in the mile 147 area of Pink Mountain and some of the land in this area is already stopping access to private people in this area. There is also one parcel just North of Wonowon.



- Peace Moberly Track area (mostly lands to be transferred to West Moberly and Saultea FN).
- There are 9 parcels of land for a total of approximately 68,625 hectares
- 9 KML numbers 37, 965, 966, 967, 968, 982, 983, 984 and 985 as well as 3 CL File numbers, 0331463, 8014340 and 8015812.
- These lands front on the Peace River Valley, through the Monias and Jack Fish road area as well as the West Moberly and Saultea Reserves and the entire land around Moberly Lake and Moberly Lake itself.

Presentation from MARR

- We had a presentation by MARR employees and they confirmed to us that the amounts of land that has been identified on the MARR maps are land that has had notice of intents put into place and that FLNRO have or will be putting section 16 or section 17 applications on these lands in the future.
- The total amount of land that we have been discussing in the Peace area is approximately 128, 437 hectares or 312, 101 acres or 487 sections (640 acres in section) of land.

Correction: Please note the approximate land amount of 312,101 acres mentioned above has been slightly modified in the rest of the report to a more accurate amount of 317,374 acres to correct an initial error.

- This amount of land may not include the lands that we are transferring to First Nations as a result of Site C discussions.
- We already know that McLeod Lake has negotiated a quantum of land between 2000 and 2500 acres. (However, BC Hydro states 4500 acres during their presentation to PRRD on September 22, 2016)
- We are nearly certain that Saultea, West Moberly, Blueberry, Doig and Halfway will each get at least 3 to 4 times that amount based on how close they are to future reservoir of Site C, in comparison to the distance McLeod Lake is from the project.
- This means that approximately another 37,000 acres of land will likely be transferred to First Nations as part of BC Hydro's negotiations.
- It must also be noted that the Site C reservoir will flood approximately 5,000 hectares or 12,150 acres of "traditional territory lands."

Site C Negotiations

- Currently underway with most of the Nations.
 - Our Committee and BC Hydro fundamentally disagree on process.
 - Committee wants transparency in the process.
 - BC Hydro says transparency will jeopardize their ability to negotiate.
 - Neither BC Hydro or MARR will confirm if Site C lands are part of identified lands or if they are over and above that.
 - The public has no idea what lands are on the table for these discussions. This means it could be land anywhere, even the BC Hydro 85th Avenue lands.
-
- BC Hydro will be transferring approximately 37,000 acres "fee simple" of land to 6 Treaty and 8 First Nations with a total of 2,979 members with only 1,185 of the members living on Reserve lands.
 - The Fort Nelson First Nations will not be receiving lands as part of the Site C negotiations.
 - Neither BC Hydro or MARR intended on having any consultations with Peace area residents until my MLA First Nations Stakeholder Advisory Committee formed.
 - BC Hydro still has no plans to discuss this matter with residents of the Peace Country of what lands they intend to transfer to First Nations, until the deal is done.
 - The lack of transparency within Government and within BC Hydro on these transfers is absolutely deplorable and an insult to the 98% non First Nations population in the Peace Country.

Presentations to Others

- Committee members presented to Charlie Lake Golf Course area residents
- Committee members presented to mile 63.5 area residents
- Both Groups have now sent written submissions back to the Committee with their recommendations

- Keep in mind there are approximately 70,000 residents in the Peace Country with only 1,721 First Nations living on the Reserve lands, which is approximately 2.4% of the regions residents.
- My Committee has submitted a set of recommendations to MARR, FLNRO and the Provincial Government. However, the response was less than the committee was expecting and they did not answer any of our recommendations directly

Committee Submitted Recommendations to MARR

- 6 Transparency Recommendations
- 6 Consultation Recommendations
- 6 Access Recommendations
- 9 Other General recommendations

MARR Response as of September 21st, 2016

- Zero Commitment to Transparency Recommendations
- Partial agreement to 2 of the committees Consultation recommendations
- Partially Yes on one of the committees Access Recommendations
- Yes to one of the other General recommendations
- In total - One Yes, One almost Yes, two partially yes
- 23 No, or No comment out of the 27 Total recommendations.

Charlie Lake and Mile 63.5 Subdivision Lands

- MARR made no commitment to removing these lands from Discussions.
- The Committee has demanded these parcels of land come off the table and will not accept anything less.
- There could be other parcels that may require removal from discussion as well.

Conclusion

As of September 21, 2016

- MARR and FLNRO have not committed to public transparency yet.
- BC Hydro have not committed to public transparency yet.
- There would have never been any discussions around this topic if the Committee had not identified all of these lands and problems associated with it.
- 98% of the population deserves more from the Government.
- The public demands and deserves transparency in these discussions.

Letter from the Honourable John Rustad Re: Agreeing to Meet Committee

Ref. 40247

October 12, 2016

Pat Pimm, MLA Peace River North 10104, 100th Street Fort St. John BC V1J 3Y7

Dear MLA Pat Pimm:

Thank you for your time this morning to discuss the various negotiations we have underway with Treaty 8 First Nations. You have made your point clearly, and I completely agree with the need for transparency with stakeholders, members of the public and local governments.

Our practice in the past has been to treat negotiations with First Nations as confidential and, therefore, have not fully engaged stakeholders, the public and local governments. This practice is changing. We are implementing new engagement principles that serve as clear instructions to our negotiators. The core of these principles is that we are transparent and seek input at the earliest stages and throughout negotiations from stakeholders, local governments and members of the public, including those who do not have tenures but use or access Crown land. Our engagement must be meaningful, and any input that we receive must be fully considered as we develop our mandates and negotiating positions. To be even more specific, no lands will be transferred to a First Nation unless and until there has been appropriate engagement with stakeholders, local governments and members of the public.

Also note that we have implemented land selection criteria for our negotiators. Our negotiators are to avoid or mitigate any third party impacts and ensure any existing public access is maintained across a transferred land parcel.

Doug Caul, Deputy Minister, Ministry of Aboriginal Relations and Reconciliation (MARR), has ensured that all MARR negotiators, and all negotiators across other resource ministries, are abiding by the newly implemented engagement principles and land selection criteria.

As I offered in our call, I am prepared to meet with your Advisory Committee in the near future to discuss this matter further. In the meantime, I trust that this letter provides you with absolute clarity that we entirely agree with the importance of transparency with stakeholders, members of the public and local governments.

Sincerely,

John Rustad Minister

Letter to Honourable Christy Clark Re: Committee Requests

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Pat Pimm, MLA



(Peace River North)

Premier of British Columbia
October 26, 2016
Re: Land Transfer to Treaty 8 First Nations
Attn: Premier Clark

Dear Premier Clark

I am taking this opportunity to write this letter to you as the MLA for Peace River North and also as the spokesperson for my MLA First Nations Stakeholder Advisory Committee. As you are aware we formulated our committee after the Fort St John Rod and gun club, which is an arm of the British Columbia Wildlife Federation, discovered and let me know that there were multiple parcels of land in the Peace Country that have been identified for possible transfer to Treaty 8 First Nations through either Site C compensation discussions, Treaty Land entitlement discussions, Government to government discussions, or other agreements that could see lands either transferred or set aside for Treaty 8 First Nations.

Our committee has identified that there are discussions going on between Government and Treaty 8 First Nations that could see as much, or even more than 140,000 hectares of crown land either designated or transferred to Treaty 8 First Nations as a result of the various negotiations in the Peace Country. Our committee has identified that there are 32 parcels of land that Forest Lands and Natural Resource Operations have initiated Notice of Intent designation, which means that they have been identified as lands that can and most likely will be transferred into section 16 or section 17 classification. As you are aware once Ministries have applied for section 16 or section 17 designation on lands, they can be transferred by order in council after being recommended to Cabinet by the Minister.

It is important to note that the general public has not been made aware of, or consulted on any of these discussions that are on going between Government and Treaty 8 First Nations. Our committee has consulted with some area residents where these parcels of land have been identified, and the subdivision residents are extremely concerned about the discussions, and the fact that they have not been included in those discussions.

Our committee has made recommendations to the Minister of MARR that this process be opened up to a more public process, and the Minister has agreed to meet with our committee on

December 9, 2016 in Fort St John to go through the committees recommendations. Our committee has recommended to MARR that three of the 32 parcels of land in the Peace Region be removed from any further discussions between Government and Treaty 8 First Nations. The area residents have sent submissions to our committee requesting the same.

The three parcels of land can be identified as the Charlie lake lands and the mile 63.5 Alaska highway lands. Our committee has put together a presentation that has been identified as Fort St John area lands which I am including to you as part of this letter, and the parcels are identified as parcels 1, 2 and 3 in the enclosed presentation. Our committee is requesting that you as Premier of British Columbia instruct your Ministers to immediately cease any discussions with Treaty 8 First Nations that would see the transfer of these parcels of land to Treaty 8 as part any negotiations. The committee would also like to invite you to our committee meeting on December 9, 2016 in Fort St John to hear the discussion first hand between the Minister of MARR and our committee on the committee's recommendations.

Thank you

Pat Pimm, MLA Peace River North
Chair Of MLA First Nations Stakeholder Advisory Committee

cc: Minister John Rustad
Minister Bill Bennett
Minister Steve Thomson
Minister Rich Coleman
Minister Mike Bernier
Minister Mary Polak
Minister Shirley Bond
Minister Mike Morris
Minister Norm Letnick
Minister of State Donna Barnett
MP Bob Zimmer
PRRD Board of Directors
Treaty 8 First Nations
Minister of Indigenous and Northern Affairs
Northeast BC Resource Communities Coalition

Letter from Honourable John Rustad Re: Confirming Consultation Process

Ref. 40247

November 24, 2016

Pat Pimm, MLA
Peace River North
P.Pimm@leg.bc.ca

Dear Mr. Pat Pimm:

Thank you for your October 26, 2016 letter on behalf of yourself and as a spokesperson for the MLA First Nations Stakeholder Advisory Committee.

Please be assured that the Province is not positioned to transfer Crown land to the Treaty 8 First Nations in the near future. In addition, as I confirmed in my October 12, 2016 letter, no lands will be transferred to First Nations unless and until there has been appropriate engagement with stakeholders, local governments, and members of the public.

While the Province is supportive of concluding Treaty Land Entitlement (TLE) with Canada and the eligible First Nations, the Province is not actively negotiating TLE settlements at present. The Province is seeking clarity from the Federal Government regarding their mandate for TLE negotiations and these discussions are ongoing.

In the meantime, we have instructed our negotiators to engage all relevant stakeholders, local governments and members of the public in advance of the TLE negotiations. As you note, provincial statutory decision makers are in the process of considering the Section 16 or 17 Land Act applications for certain parcels that may be considered for transfer to First Nations. Sections 16 and 17 are used to temporarily withdraw land from disposition or ensuring, providing time for further land use investigations prior to advancing a potential land transaction. No decisions have been made on any of the applications, and it is possible that not all of the 31 parcels will be designated. Further, any parcels designated under Section 16 or 17 of the Land Act remain Crown land open to access, and the designation does not automatically mean the parcel will be transferred to a First Nation.

Provincial staff will continue to seek input from your committee, other stakeholders, local governments and the public in advance of these statutory decisions.

It is very important to note that significantly less than 140,000 ha of Crown land will be considered in TLE and Treaty Land Agreement (TLA) Site C negotiations combined. We anticipate the total amount to be less than 65,000 hectares (ha). Our negotiators are to avoid or mitigate any third party impacts and ensure that existing public access is maintained across any parcels that are identified for transfer in the future.

With respect to the Charlie Lake and mile 63.5 lands, the Blueberry River First Nation has expressed an interest in the parcels for TLE settlement. The Province is not actively

negotiating the transfer of those lands at present. As noted above, at this point in time, statutory decision makers are contemplating only whether or not to apply a Section 16 Land Act designation, and provincial staff are engaging stakeholders, local governments and the public on these applications. Statutory decision makers have made no decisions on the designation applications for the Charlie Lake and mile 63.5 parcels.

I hope you accept this letter as a re-confirmation of our commitment to transparency. Equally, I trust this letter clarifies that no land transfers are imminent, and that the Province is not contemplating the transfer of 140,000 ha of Crown land to the Treaty 8 First Nation as a result of TLE and TLA Site C negotiations.

Again, thank you for writing.

Sincerely,

John Rustad

Responses from MLA Pimm to Honourable John Rustad Re: Charlie Lake and Mile 63.5 Lands

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Pat Pimm, MLA
(Peace River North)

Ref 40247

November 28, 2016

Minister of Aboriginal Relations and Reconciliation
Re: land Transfer to Treaty 8 first nations
Attn: Minister Rustad

Dear Minister Rustad,

Thank you for your letter of November 24, 2016, and I would like to make a few comments to make sure I have things perfectly clear.

I am very pleased to see that the Province is not positioned to transfer any land to Treaty 8 in the near Future, and especially not before there has been appropriate consultation with stakeholders, local government, and members of the public. My question is when will you be scheduling the public consultation meetings before any lands will be considered for transfer?

I am pleased to see that the Province is not actively negotiating TLE settlements at present, and that you are actively seeking clarity from the federal government regarding their mandate for TLE negotiations. My question is when will you let the public know what to expect from these discussions so that they can put their minds at ease?

You mentioned a second time that you have instructed your negotiators to engage all relevant stakeholders, local governments, and members of the public in advance of TLE negotiations. My question again is when will the public consultation occur with all of these groups and what will the consultation process look like?

I am pleased to see that you acknowledge that the provincial statutory decision makers are in the process of considering the section 16, and section 17 Land Act applications for certain

parcels that may be considered for transfer to First Nations, and we are pleased to know that you have committed that none of these transfers will take place until after full and complete consultation with the public, stakeholders, and local governments. We find this a little conflicting with what we have been told as we have heard that these lands are very close to actually being transferred by the statutory decision maker, especially in the case of site C discussions and the Halfway CP212. That being said, my question is again – When can we expect the consultation meetings to be scheduled?

We are pleased to hear that it is possible that not all 31 parcels of land that have been identified in the Peace country will be transferred to Treaty 8 first Nations. My question is why have we identified so many parcels, and so much land has even been identified for transfer in the first place as this creates huge expectations and many reasons for local non First Nations to become very disgruntled about the process?

We are pleased that parcels designated under section 16 or 17 of the Land Act remain open to access for all, and that the lands may not automatically be transferred. However my question is how long will the Province keep lands designated as section 16 or 17 before actual transfers take place, or secondly, discontinued for transfer and removed from the designation?

We are pleased to see that you are acknowledging that significantly less than 140,000 ha of crown land will be considered in TLE, TLA and Site C discussions, we are further encouraged by the fact that you say that the entire quantity of land for possible transfer will be less than 65,000 ha. The question my committee has is when will we know the maximum amount of land that will be on the table for possible transfer, and secondly when will the section 16 and 17 designations be taken off for the remaining lands?

In regards to Charlie Lake and mile 63.5 lands you say that Blueberry first Nations has expressed interest in those particular parcels for TLE settlements, the way I read this quote is that you are saying that it is only possible for these lands to be transferred through a possible TLE agreement between Canada and Treaty 8 First Nations. My specific question is for clarification and confirmation is that the province is not going to consider those lands for transfer as any TLA, Site C or other Provincial transfer discussions, is my interpretation of this correct?

You note that at this point in time that the statutory decision makers are only contemplating whether or not to apply a section 16 land Act designation on the mile 63.5 and Charlie Lake lands. Our committee has been led to believe that the designation is already on those particular lands. My question is are the lands already designated as section 16 or 17, or not as you have said?

You have said that the Province is not going to be pursuing the transfer of the mile 63.5 lands and the Charlie lake lands in any negotiations with Treaty 8 First nations. My question is will the Province write to the federal Minister and ask Canada to do the same thing as the Province in regards to those particular parcels of land?

In conclusion you have stressed the need for transparency, and in fact the re-confirmation of transparency, and you mentioned three times in your letter that your negotiators are actively engaging with stakeholders, local governments and the public, however we are not seeing the same on the ground in the Peace Country.

There is also the Halfway First Nations file that some of us have been asked by MARR to comment on where MARR indicates they want to proceed very soon. While the lands across from the Halfway reserve and in the Cameron, Cypress and Chawade may not be transferred per se, they are slated for some kind of disposition very soon. Also troubling is that we have been asked to comment without the details on what is being considered. We hope that this will not proceed until after proper and public consultation as you have guaranteed.

It appears that you still do not get it, as you are not willing to take the 63.5 lands and the Charlie Lake Lands off the table. The Charlie Lake Lands have been reserved since 1968 for the Protection of the Watershed of Charlie Lake and originally for the Water source for the City of Fort St. John. It still remains an alternate source of water for the City and for Area C. A comparable would be; would the Province be prepared to deal off the source of water for Greater Vancouver to First Nations for TLE?

We sincerely ask, when are we going to see public and proper consultation for the people in the Peace Country, and what form is that consultation going to take?

We are looking forward to our meeting with you on December 9, 2016 and hopefully you will be able to clear up some of these questions for our committee.

Thank You

Pat Pimm, MLA Peace River North
Chair of MLA First Nations Stakeholder Advisory Committee

Cc: Premier Christy Clark
Minister Bill Bennett
Minister Steve Thomson
Minister Mike Bernier
Minister Mike Morris
Minister Shirley Bond
Minister Rich Coleman
Minister Mary Polak
Minister Peter Fassbender
Minister Norm Letnick
Minister Coralea Oakes
Minister of State Donna Barnett
PRRD Board of Directors
Treaty 8 first Nations
Minister of Indigenous and Northern affairs
Northeast Resource Coalition
MLA First Nations Advisory Committee

Section 17 Conditional Withdrawal Application



December 15, 2016

Pat Pimm
Member of the Legislative Assembly
10104 100th Street
Fort St John, BC V1J 3Y7

Re: Section 17 Conditional Withdrawal Application over the Peace Moberly Tract

Attn: Pat Pimm, Member of the Legislative Assembly

On behalf of the Province of British Columbia, we are writing to you to invite comments in relation to the enclosed application package for a *Land Act* Section 17 (S.17) conditional withdrawal over the Peace Moberly Tract (PMT) area, as outlined on the included map. The recommendation of the S.17 for the PMT is a commitment in the Saulteau First Nations – British Columbia New Relationship and Reconciliation Agreement (SFN-BC NRRA). The Agreement is on the Ministry of Aboriginal Relations and Reconciliation public [website](#).

PMT proposed S.17 parcel summary are shown in the attached map, and described below:

Location:	Peace Moberly Tract (PMT)
Disposition Type:	<i>Land Act</i> Conditional Withdrawal (Section 17)
Background/Purpose:	Area identified of significance to First Nations and included as a measure in the SFN-BC NRRA (see the attached Information Note for further information)

A *Land Act* S.17 is a conditional withdrawal of Crown land from dispositions, which makes the land available for tenure under the *Land Act* only for designated and compatible uses.

The PMT S.17 is recommended as a final land management measure and *not* for land transfer.

In the PMT application, the S.17 means that existing activities, such as existing access, tenures and private lands, *will not* be affected, impacted or changed by the establishment of the S.17. New applications *must be consistent* with the application purpose noted in 1 and 2 below.

The proposed Section 17 over the PMT is intended to be respectful of the significance of this area to Saulteau First Nations and also recognize the importance of the area to West Moberly First Nations. The purpose as outlined in the application is to:

Conserve and maintain the natural and heritage resources in the PMT in a manner that:

- 1. is consistent with the environmental, cultural and heritage significance and value of the PMT to the First Nations communities; and*

Ministry of
Aboriginal Relations
and Reconciliation

Negotiations and
Regional Operations Division
North Region

Mailing Address:
Suite 370 - 10003 110th Avenue
Fort St John BC V1J 6M7

Telephone: 250 787-3222
Facsimile: 250 787-3219



2. *is consistent with the recognition that the PMT is a high value traditional use area and will continue to be in the long-term.*"

The Province and Saulteau First Nations recognize that you may have an interest in this area. As such, your comments are requested with regard to how the proposed land selections may impact your interests. Your review of this information and the attached maps is appreciated.

To provide comments, please respond by January 31, 2017 to:

Tara Forest, Regional Negotiator
Ministry of Aboriginal Relations and Reconciliation
Email: Tara.Forest@gov.bc.ca

Please contact Tara Forest (contact information below) for further follow up, or if you require additional information.

Yours respectfully,

Dale Morgan,
Regional Manager, Northeast
Ministry of Aboriginal Relations and Reconciliation
Suite 370, 10003 100th Avenue
Fort St. John, BC V1J 6M7
Dale.Morgan@gov.bc.ca

Ministry of
Aboriginal Relations
and Reconciliation

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MLA Pimm's Input on PMT Section 17 Withdrawal

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Pat Pimm, MLA
(Peace River North)

January 18, 2017

Minister of Aboriginal Relations and Reconciliation's
Re: Proposed Section 17 application for PMT and Hudson's Hope Lands
Attn: Minister Rustad

Minister Rustad,

Thank you very much for allowing our MLA First Nations Advisory Committee to comment on the upcoming section 17 land removal in the PMT. I would also like to thank you again for meeting with our committee in December 2016. As you are aware our committee was established in the summer of 2016 with the full endorsement of your office as well as the office of the Premier of British Columbia. Our committee has a membership of extremely knowledgeable local area residents and we hope that you will take our comments very seriously.

Our committee has looked at the lands that will be involved in the conditional withdraw under section 17 of the Land Act and have the following comments.

- 1- On the Ministries website the lands that were identified under a Notice of Intent for possible future section 16 or 17 withdrawal only showed approximately 66,000 hectares of land which was identified in the PMT, which meant that the PMT lands within the boundaries of the Municipality of Hudson's Hope were not on the Ministries original plans, however when the section 17 application was made the Hudson's Hope municipal lands were now included in the application. This means that the amount of land being applied for under the section 17 grew from the approximate 66,000 hectares of land to approximately 91,974 to 105,000 hectares of land to be included in the sec 17 application. Our committee feels that this is very misleading and inappropriate behaviour on the part of the Ministry.
- 2- In regards to the lands that are known as the Peace Boudreau Protected area, these lands have been highlighted in previous LRMP tables and the committee strongly feels that these lands should not be included in the section 17 application.
- 3- The committee is very concerned that the interests of the general public have not yet been adequately addressed on issues such as access, existing tenure holders, and the precedent that this withdrawal will have in the future, and especially where it concerns

the legal rights of municipalities. Our committee doesn't believe that the government would allow for First Nations to make application for lands such as in the city of Kamloops and we do not feel that the Peace Country and the community of Hudson's Hope should be treated any differently.

With that being said the committee would like to suggest the following recommendations:

- 1- The lands that are currently identified as lands within the boundaries of the municipality of Hudson's Hope be removed from the sec 17 application.
- 2- The lands that are currently identified as the Peace Boudreau Protected area be removed from the sec 17 application and left as they were previously identified at the LRMP tables, this parcel was identified for future Provincial park at the LRMP table.
- 3- That all existing roads, right of ways, trails, existing tenures, such as trappers, guide outfitters, range holders and others be identified and removed from the section 17 application.
- 4- Public access must be allowed without restrictions such as hunting, fishing and back country equipment.
- 5- Road blocks on these lands must be deemed as illegal activity and a resolution process must be made available for the general public.
- 6- Approved and prohibited activities within the section 17 withdrawal must be explicitly stated, and not just dealt with as they arise and on a one by one basis.
- 7- Any lands that are currently identified as ALR lands, must remain as ALR lands and follow the same rules as any lands that are currently located within the ALR.

Our committee would like to offer the services of some of our members to sit with your government staff to help identify the tenure and back country issues on these lands prior to the section 17 withdrawal. Thank you in advance and we will be expecting an honest and thorough response to our comments and recommendations.

Pat Pimm, MLA Peace River North
Chair of the MLA First Nations Advisory Committee

Copy: Premier of British Columbia
Provincial Minister of Energy
Provincial Minister of Forest Lands and Natural Resource Operations
Senator Neufeld
MP Bob Zimmer
Federal Minister of Indigenous Affairs
PRRD
Northern BC Resource Community Coalition

Charlie Lake Representative Response to Honourable John Rustad

Feb 1, 2017

Minister John Rustad
BC Minister of Aboriginal Relations and Reconciliations
Box 9151 Stn Prov Govt
Victoria, BC V8W 9E2

Subject: MLA First Nations Advisory Committee – Land Transfers

Dear Mr Rustad

Almost 2 months have passed now since you and Deputy Minister Doug Caul were good enough to attend the Fort St. John meeting of Pat Pimm's MLA First Nations' Advisory Committee.

We first want to thank you for attending the meeting and openly responding to the many questions put forward to you from those in attendance. While my neighbour David Smith and I are not members of Pat's committee, we welcomed the opportunity to participate in the discussion and present serious concerns for the watershed, the lake and what the North Peace community has regarding the Land Transfers being negotiated and the potential negative impacts these transfers would have on our community.

While some of your statements and Deputy Minister Caul's statements gave us some level of comfort regarding the Land Transfer negotiations, we cannot rest easy until the two parcels on Charlie Lake and the parcel surrounding the mile 63.5 community are formally removed from consideration.

Our concerns regarding these three properties were well presented in the meeting so there is no need to repeat them in this letter, but we can summarize them in the following points:

1. The Ministry must withdraw the application to remove the long standing Watershed regulation on the Charlie Lake parcels which restrict land development. This lake is more threatened now than ever substantiating the need for more control not less. The meeting comment by Deputy Minister Caul that "It is just an application" makes no sense. It is your Ministry's application so if your assurances mean anything, then we think it reasonable to expect the application to be withdrawn immediately.
2. The cancellation of this application and the respect for all of the other negative impacts to the lake and community outlined in the various Stakeholder Committee and community submissions necessitate the removal of the two Charlie Lake properties from any further consideration for transfer to First Nations.
3. It was also clearly presented how the proposed parcel that surrounds and fully embraces the Mile 63 ½ community is unacceptable and must also be removed from consideration.
4. In this meeting we were happy to hear your commitment to ongoing public engagement throughout the affected communities. The intent of this engagement is to inform the public and seek public input as the negotiations progress. We look forward to a communication on the details around the scheduling of these public forums.

Minister Rustad, as we presented at the meeting, we understand the complexity of these negotiations and the need to resolve these matters. The Stakeholder Committee from the outset has highlighted the three parcels noted above with special concern and stated that they should never have been included for land transfer consideration. Our Charlie Lake Community residents passionately support this position and urge your Ministry to acknowledge this and remove them from this negotiation.

We would appreciate you expediting this action allowing us to inform our community on how positively you engaged with us and reacted to our concerns eliminating the stress we have all been dealing with over these past six months. We want to protect our special lake, the environment around our lake and our communities for the decades to come.

Thank you again for listening and sharing your time with us. We feel you were sincere in all of your responses and look forward to bringing this matter to a favourable conclusion.

Yours very truly

Ross Bannerman
On behalf of the Residents of the Golf Course Road Community, Charlie Lake

cc. Deputy Minister Doug Caul
MLA Pat Pimm

Email from Honourable John Rustad Withdrawing Section 16 Application

February 9, 2017

Ref. 40714 and 41029

Dear MLA Pat Pimm:

Thank you for your November 28th and your January 18th, 2016 letters on behalf of the MLA First Nations Stakeholder Advisory Committee (the Committee) regarding land measures with Treaty 8 First Nations in Northeast British Columbia.

I valued the opportunity to meet with you and the Committee on December 9, 2016 to discuss and respond to stakeholder concerns and questions. Many of the topics we discussed centered on the themes identified in your November letter.

At our meeting, I heard that stakeholders have an interest in further understanding what First Nations' intentions are with lands being considered for potential transfer under Treaty Land Entitlement (TLE) or Tripartite Land Agreements (TLA). I encourage the Committee to work to build positive relationships with First Nations by inviting and welcoming First Nations to meet and discuss their land interests. The Ministry of Aboriginal Relations and Reconciliation (MARR) is available and willing to support the Committee in reaching out and connecting with local area First Nations.

I trust that the December meeting served to clarify and build understanding between the Province and the Committee regarding proposed land measures, and demonstrated our commitment to stakeholder engagement. I have summarized key points to ensure the Province and the Committee shared an understanding of the following:

- Notations of Interest ("NOI"), Section 16s and Section 17s under the *Land Act*, are put in place or are being considered to achieve various land management objectives, and are not necessarily pursued to support the negotiation of a land transfer.
- The amount of Crown land associated with TLE settlements and Site C TLA are subject to negotiation with First Nations. However, the Province anticipates that the amount of Crown land transferred as part of these negotiations will be less than 65,000 hectares combined.
- Land transfers under a TLE settlement and TLA are not imminent. Before any lands are transferred under a TLE settlement or TLA, there will be public consultation and engagement.
- The Province has and will continue to engage with the public, local government, industry associations, tenure holders, and the Committee.

Charlie Lake and Mile 63.5

The *Land Act* section 16 (section 16) application in the Charlie Lake area for the purposes of potential TLE settlement is being withdrawn because there is an existing section 16 in place for watershed reserve objectives. There are no plans to make any changes to the existing Charlie Lake section 16.

The section 16 application for mile 63.5 has also been withdrawn. MARR recognizes Blueberry River First Nations' interest in this area and also recognizes the concerns of the local residents.

Peace Moberly Track and proposed Peace Boudreau Protected Area Section 17 *Land Act* application

The Peace Moberly Track (PMT) boundary encompasses a total approximate area of 105,632 hectares (ha) as was agreed to in the New Relationship and Reconciliation (NRRRA) signed in September 2015 between the Province and Saulneau First Nations. The proposed *Land Act* Section 17 Conditional Withdrawal (Section 17) only applies to Crown land and excludes private lands; therefore the Section 17 PMT area amounts to approximately 94,653 ha. Historical NOI's in the PMT area, placed in the provincial system prior to the NRRRA, are not related to the current application.

The PMT is **not proposed for land transfer**; only for establishment of a Section 17 to guide management of future activities. The proposed Section 17 does not affect existing private lands, tenures, Agricultural Land Reserves, access or recreation and applies only to *Land Act* decisions. Hunting regulations are under the Wildlife Act and not impacted by this Section 17 decision.

The Province is aware of Hudson's Hope's interests in the PMT and is organizing a meeting between Saulneau First Nations, the District of Hudson's Hope, and the Province to explore solutions and opportunities within the PMT that meet the interests of all parties.

The PMT Section 17 application will not impact the establishment of the proposed Peace Boudreau Protected Area and in the short term will provide interim protections over the area while the conservancy process is completed.

Halfway River Government to Government Agreement

Engagement has been initiated on the contemplated land and wildlife measures in the Halfway River First Nation (HRFN)-BC Government-to-Government (G2G) Agreement. MARR staff have sent information packages and have met with local government, industry associations, and members of the Committee. This engagement on the HRFN-BC G2G Agreement is the start of a series of ongoing stakeholder engagement processes that will occur throughout the agreement implementation.

I understand that provincial representatives are meeting with the Committee on February 10, 2017 to discuss the issues I have included here and to provide information regarding ongoing negotiations and agreements.

I am interested in engaging again with you and the Committee, and will have my office connect with you soon to organize a meeting date.

Sincerely,

John Rustad
Minister

pc:
Dale Morgan
Regional Manager, Northeast Region

Provincial Crown Lands Currently Under Notice of Interest

Provincial Crown Lands Currently Under Notice of Interest for Possible First Nations Negotiations Approx. Totals

SUBTOTAL North and central	466,598.13
SUBTOTAL coastal and island	84,784.46
SUBTOTAL lower mainland and kootenays	85,124.90

Approx. Total Hectares	636,507.49
Approx. Total Acres	1,572,841.83
Approx. Total In sections	2,457.57

Disclaimer:

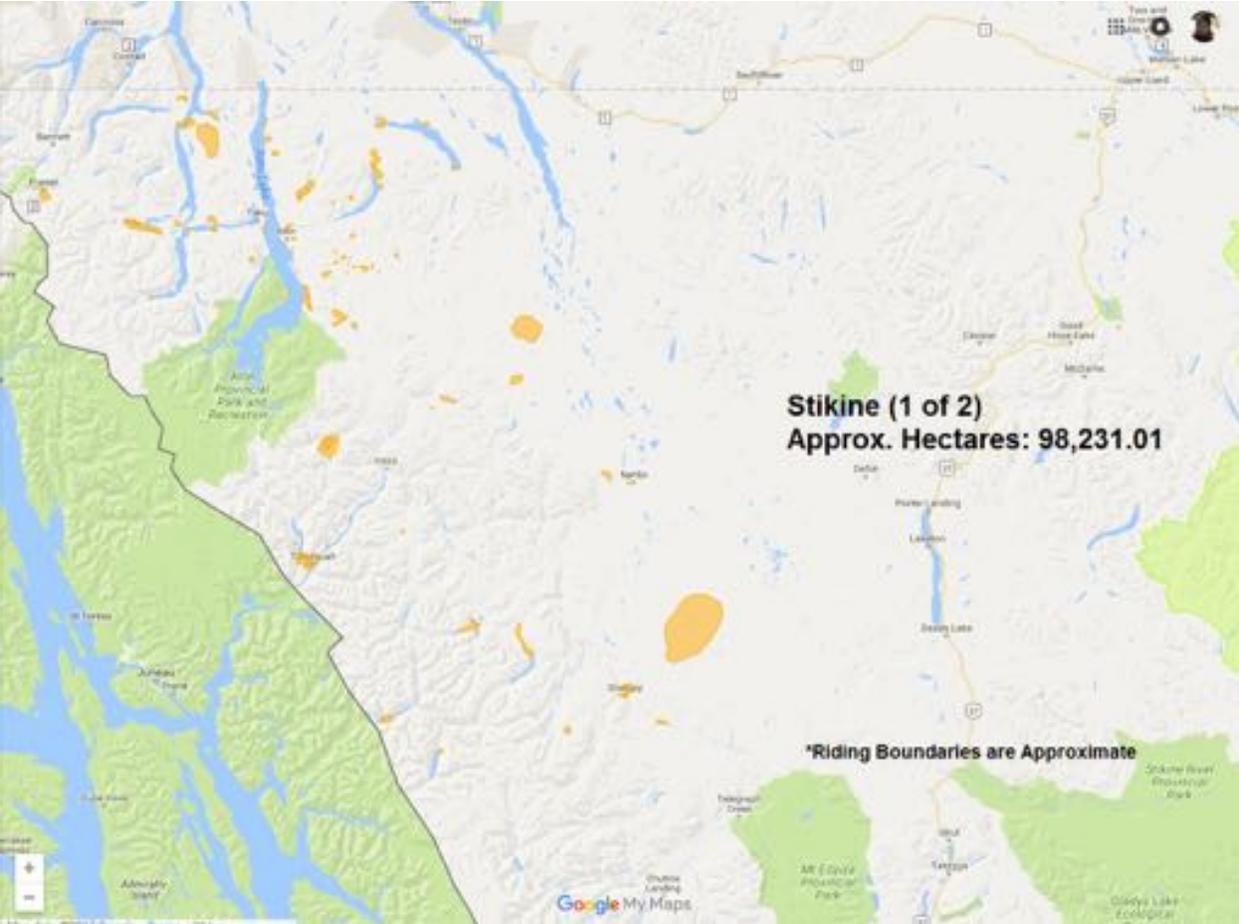
Please note the maps provided all show rough boundary estimates and may not include the entire surface of each Riding. These maps are an addition with the purpose of educating the public the rough locations of potential land transfers that have been the subject of this report.

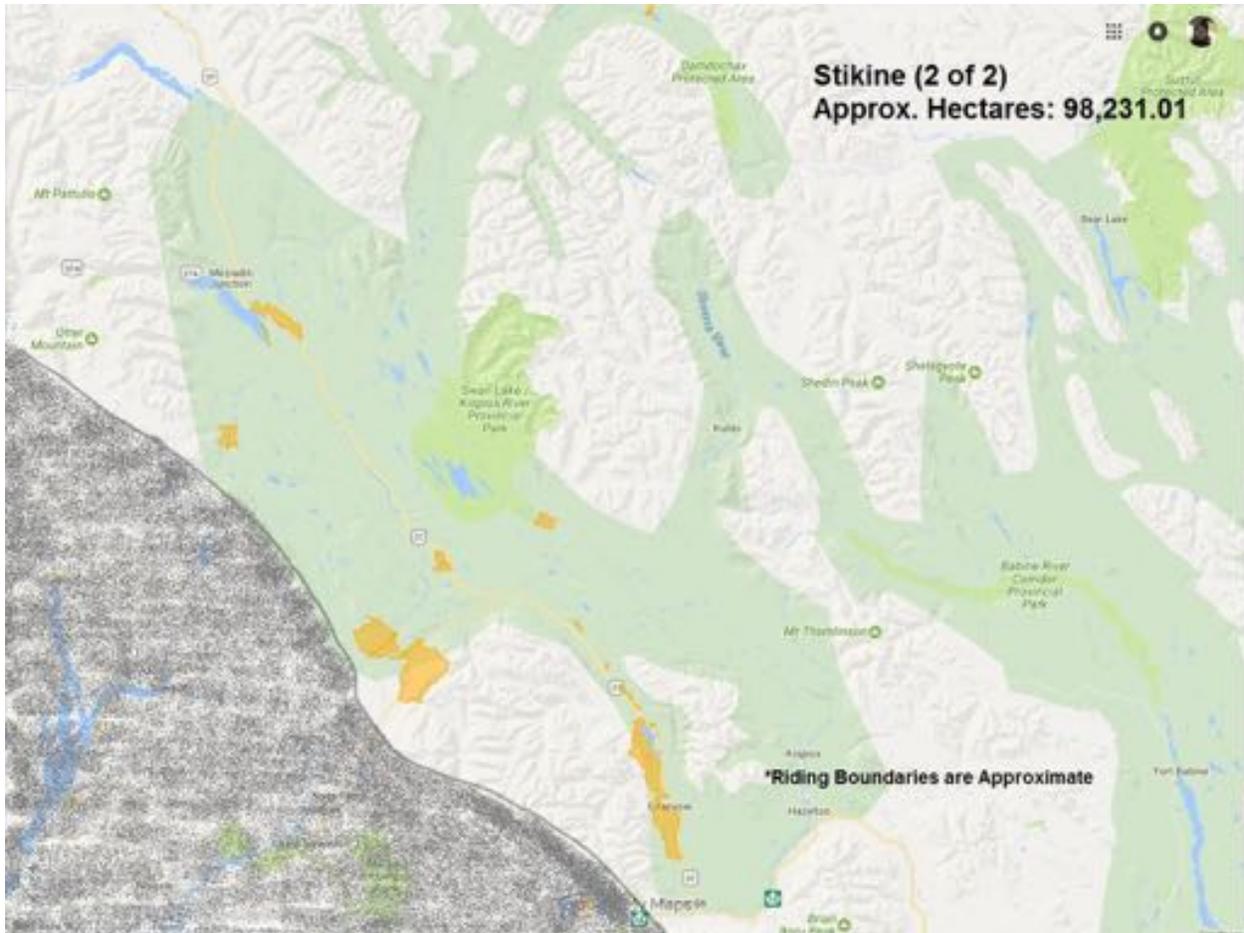
The following 9 Ridings:

- Stikine
- Skeena
- Peace River North
- Peace River South
- Fraser – Nicola
- Chilliwack – Hope
- Caribou North
- West Vancouver Sea to Sky
- Caribou – Chilcotin,

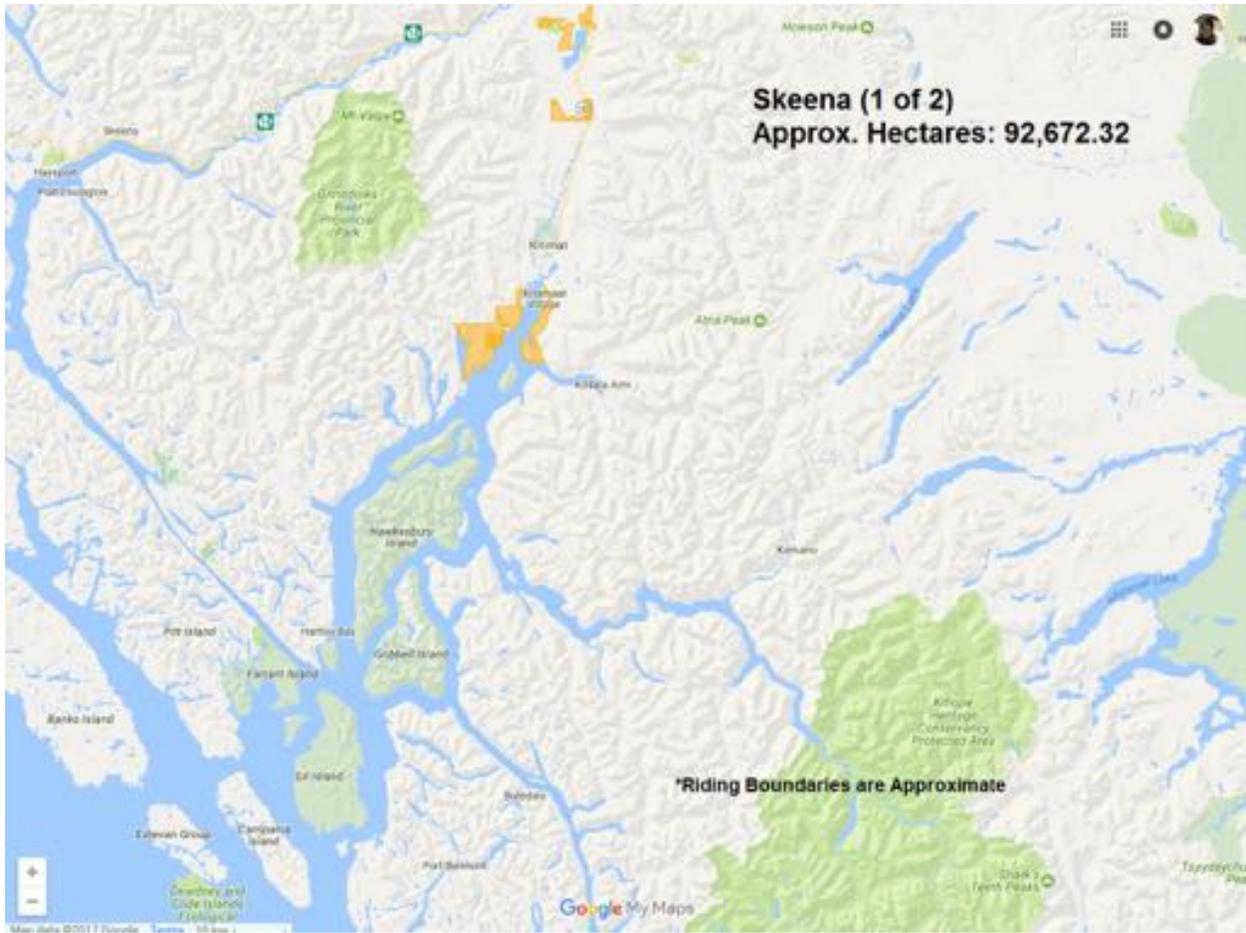
Combined, make up **80%** of the lands under Provincial NOI.

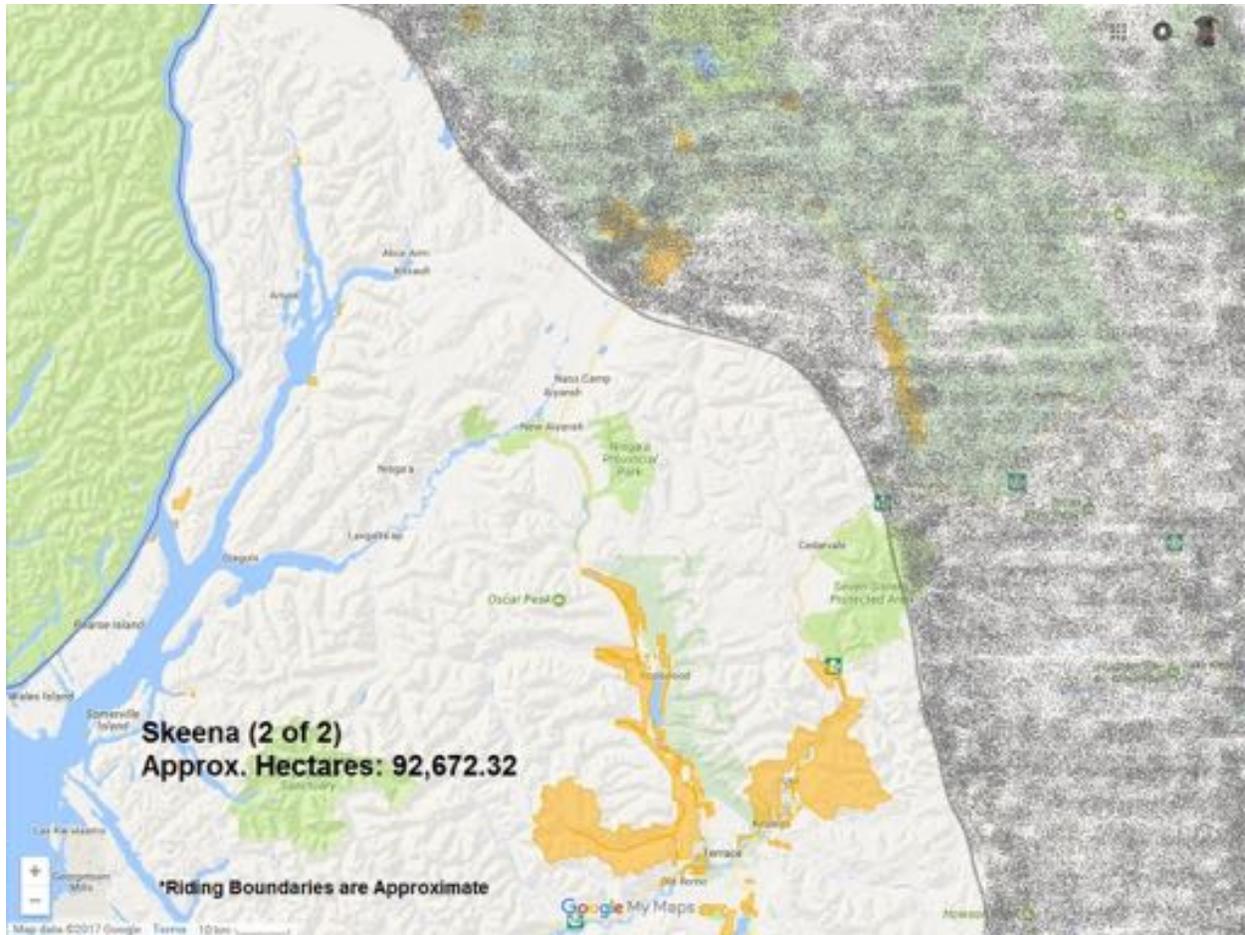
Riding		Approx. Total Hectares	No. of KML Files
SKN	Stikine	98,231.01	144
SKE	Skeena	92,672.32	115
PCS	Peace River South	68,625.25	8
PCN	Peace River North	59,812.00	22
CBC	Caribou – Chilcotin	25,000.00	67
FRN	Fraser – Nicola	50,131.20	22
CBN	Caribou North	38,532.80	96
NEC	Nechako Lakes	16,016.60	4
NOC	North Coast	8,536.60	98
PRM	Prince George – Mackenzie	7,434.70	40
PRV	Prince George – Valemount	1,605.60	9
SUBTOTAL North and Central		466,598.13	





Lands under NOI in the Stikine Riding make up approximately 15.43% of the Province's total.

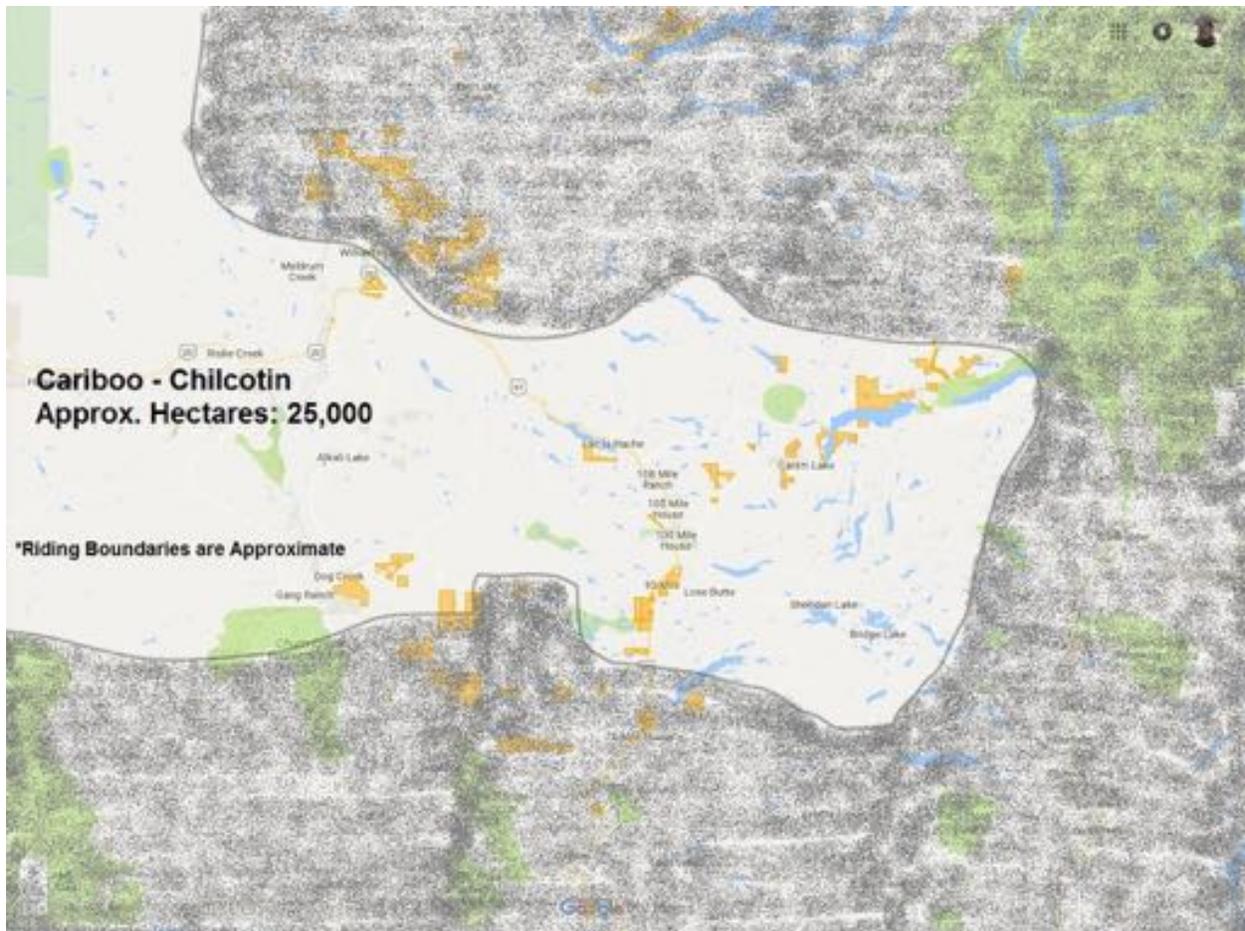




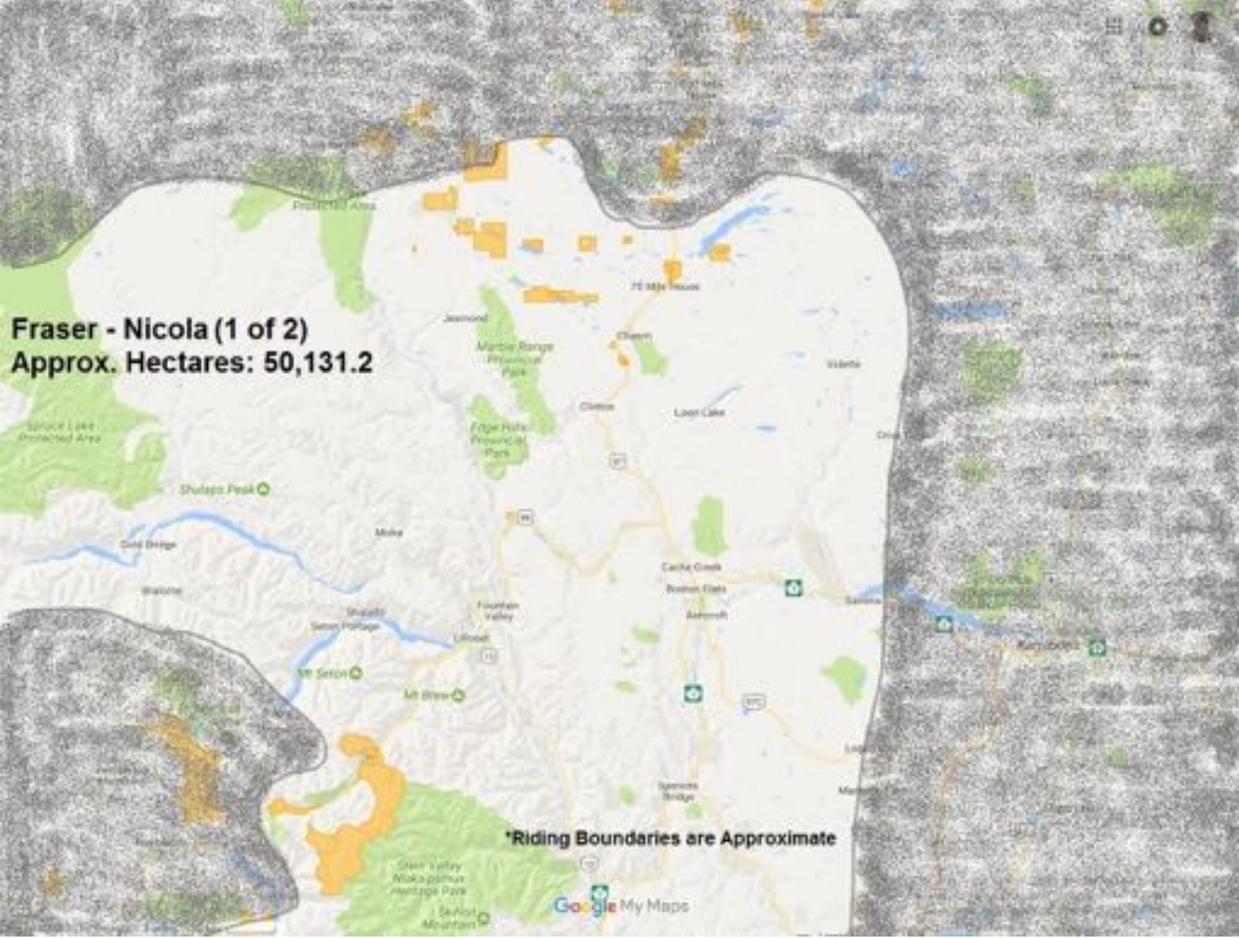
Lands under NOI in the Skeena Riding make up approximately 14.55% of the Province's total.

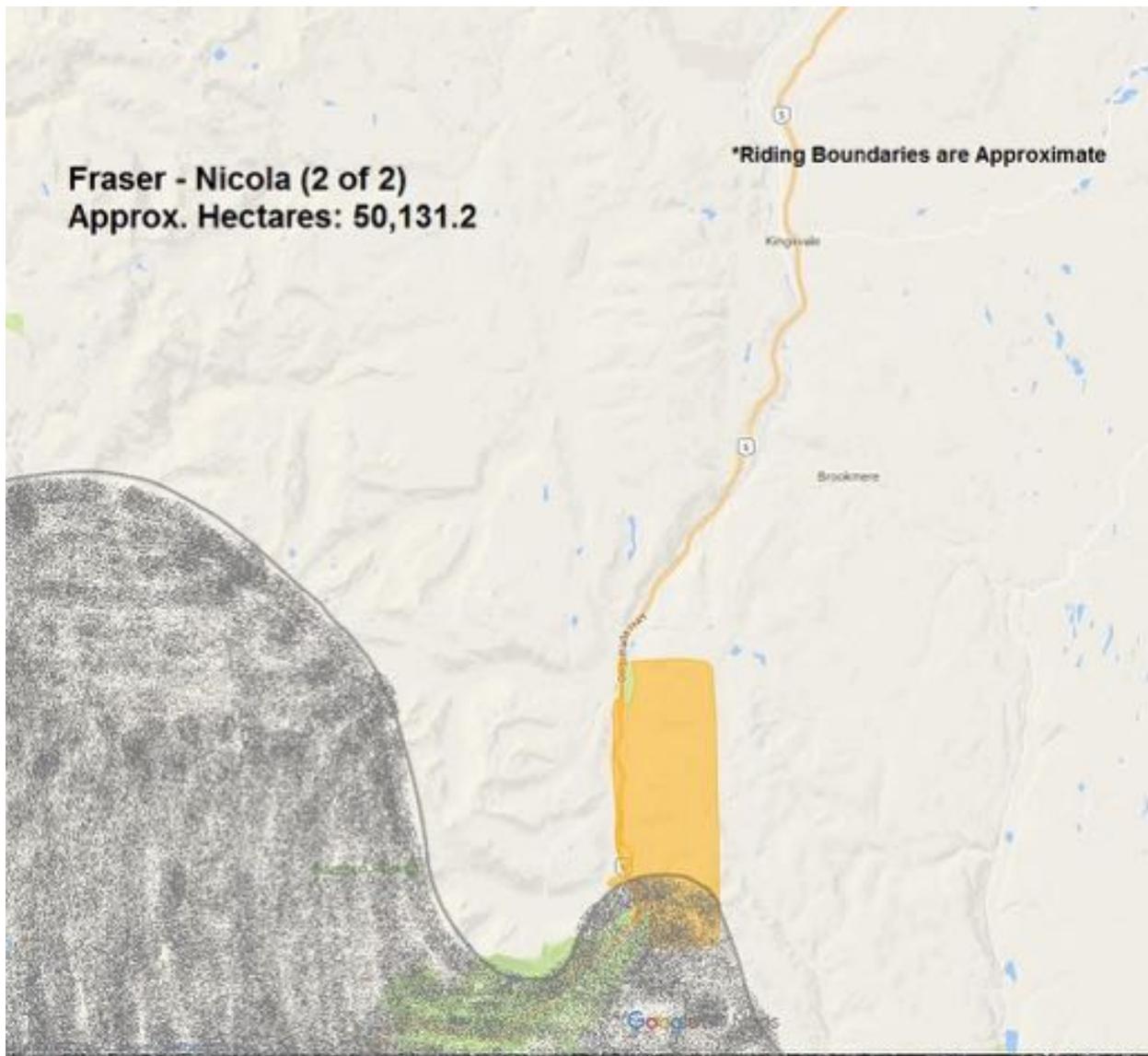


Lands under NOI in the Peace River North Riding make up approximately 9.3% and the Peace River South Riding makes up approximately 10.7% of the Province's total. The Peace Country total is 20%.



Lands under NOI in the Cariboo – Chilcotin Riding make up approximately 3.92% of the Province’s total.





Lands under NOI in the Fraser - Nicola Riding make up approximately 7.87% of the Province's total.

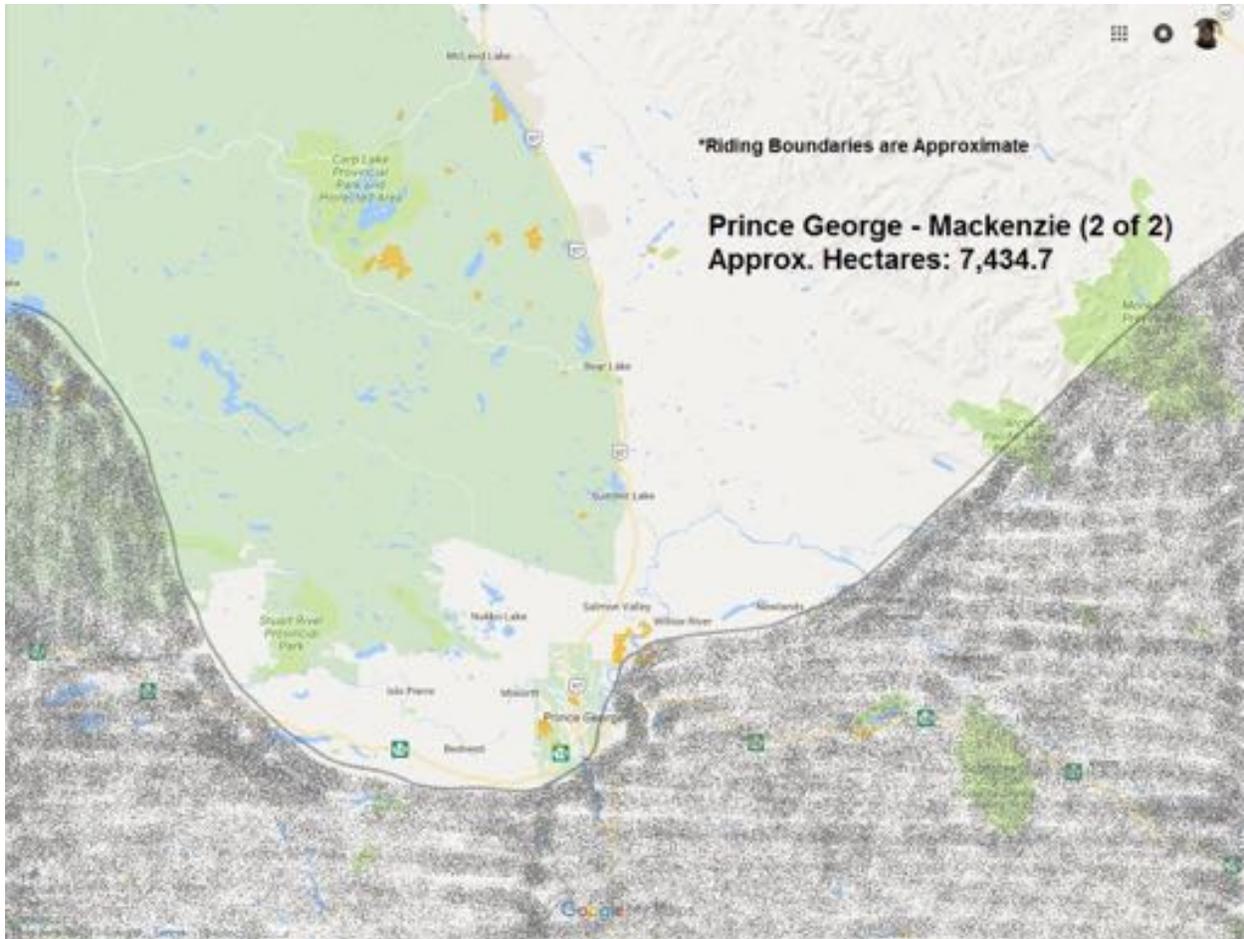


Lands under NOI in the Nechako Lakes Riding make up approximately 2.51% of the Province's total.



Lands under NOI in the North Coast Riding make up approximately 1.34% of the Province's total.





Lands under NOI in the Prince George - Mackenzie Riding make up approximately 1.16% of the Province's total.



Lands under NOI in the Prince George - Valemount Riding make up approximately 0.025% of the Province's total.

Riding		Approx. Total Hectares	No. of KML Files
WSS	West Vancouver - Sea to Sky	25,521.90	21
POR	Powell River – Sunshine Coast	16,954.76	57
APR	Alberni – Pacific Rim	13,714.30	187
CWV	Cowichan Valley	8,862.60	54
NCW	Nanaimo – North Cowichan	6,428.10	21
NOI	North Island	7,321.40	34
JDF	Juan de Fuca	1,944.60	27
CMX	Comox Valley	3,085.10	21
PAQ	Parksville – Qualicum	852.90	20
NAN	Nanaimo	98.80	5
	SUBTOTAL Coastal and Island	84,784.46	



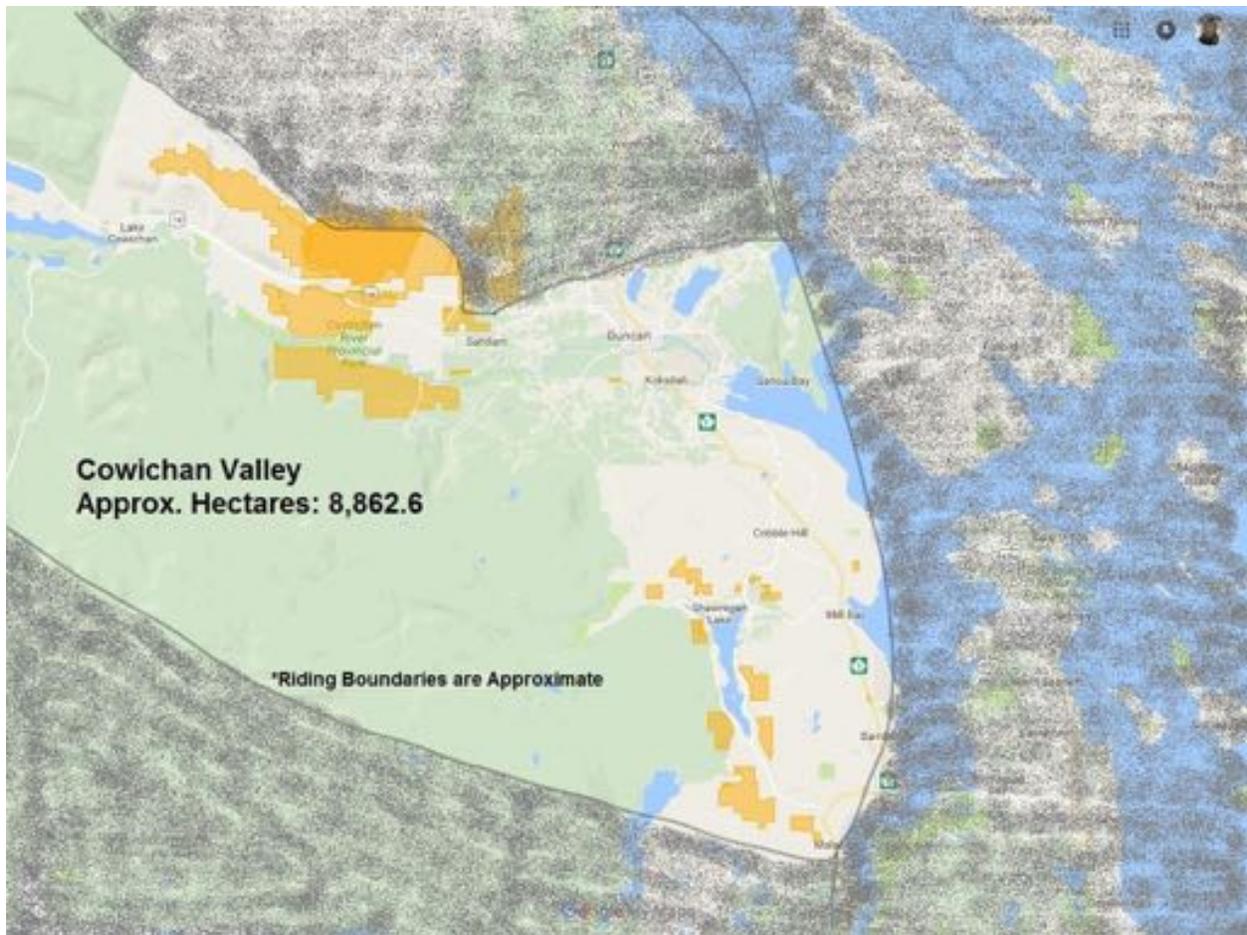
Lands under NOI in the West Vancouver – Sea to Sky Riding make up approximately 4% of the Province’s total.



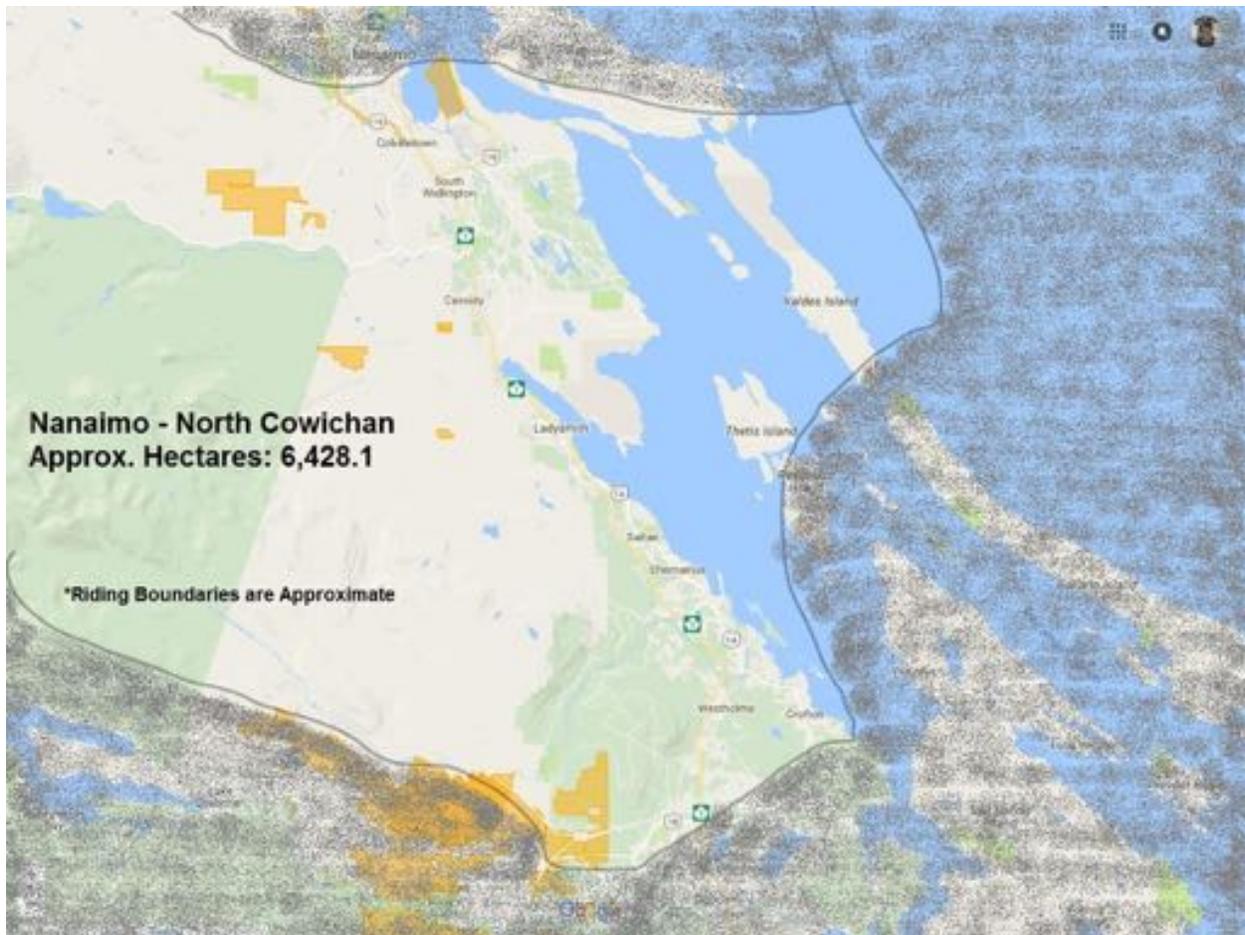
Lands under NOI in the Powell River –
Sunshine Coast Riding make up
approximately 2.66% of the Province’s total.



Lands under NOI in the Alberni – Pacific Rim Riding make up approximately 2.15% of the Province’s total.



Lands under NOI in the Cowichan Valley Riding make up approximately 1.39% of the Province's total.



Lands under NOI in the Nanaimo – North Cowichan Riding make up approximately 1% of the Province’s total.





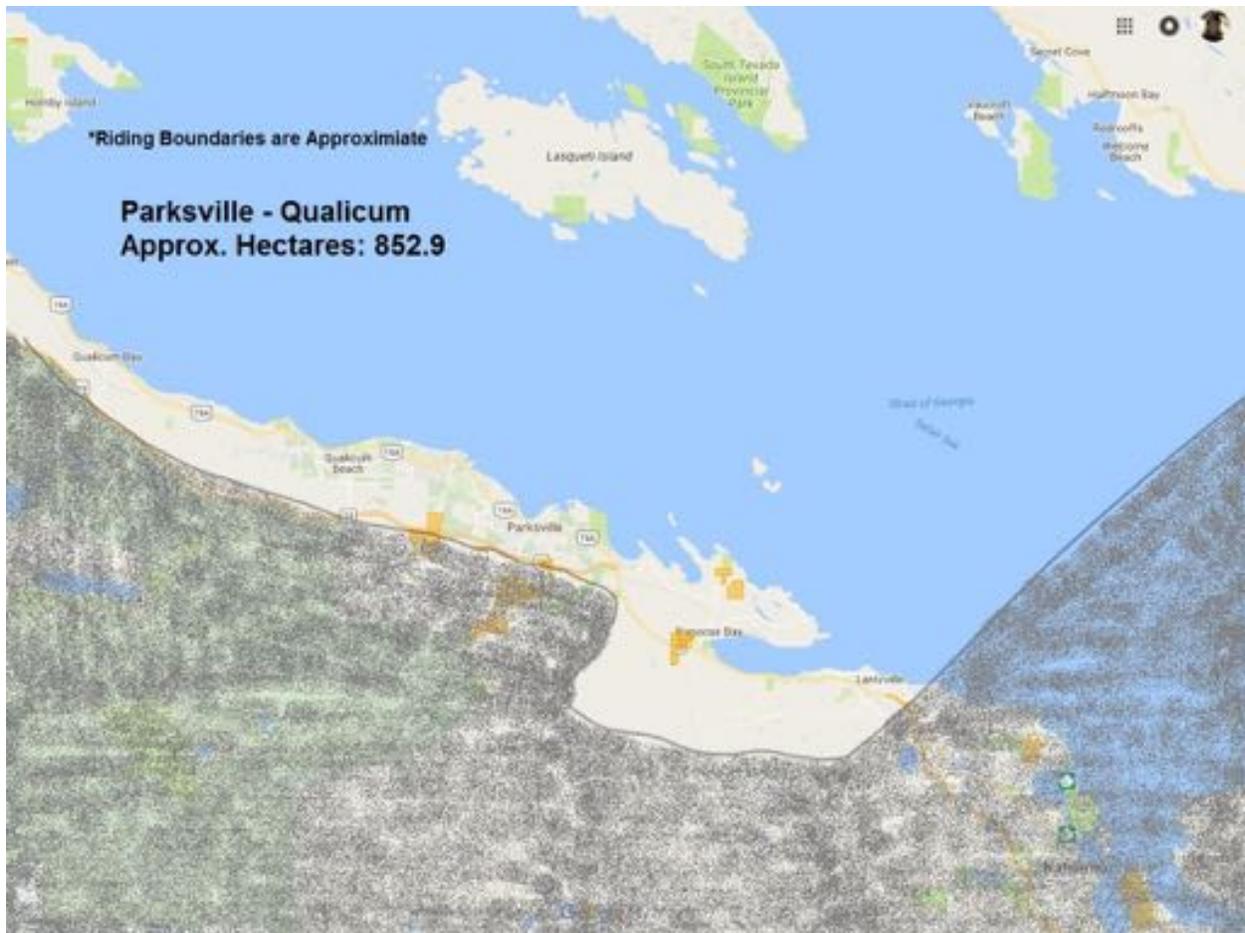
Lands under NOI in the North Island Riding make up approximately 1.15% of the Province's total.



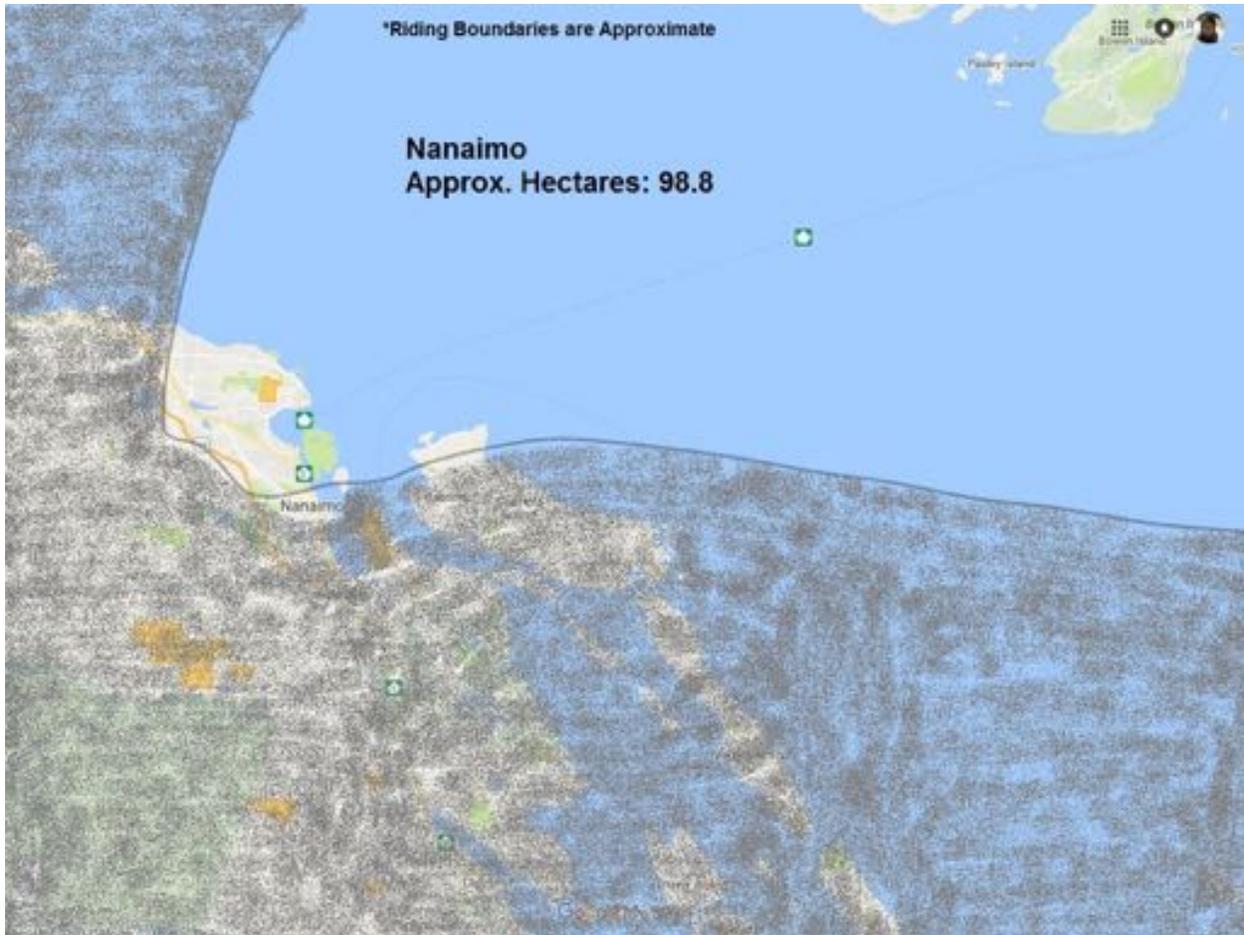
Lands under NOI in the Juan de Fuca Riding make up approximately 0.3% of the Province's total.



Lands under NOI in the Comox Valley Riding make up approximately 0.48% of the Province's total.

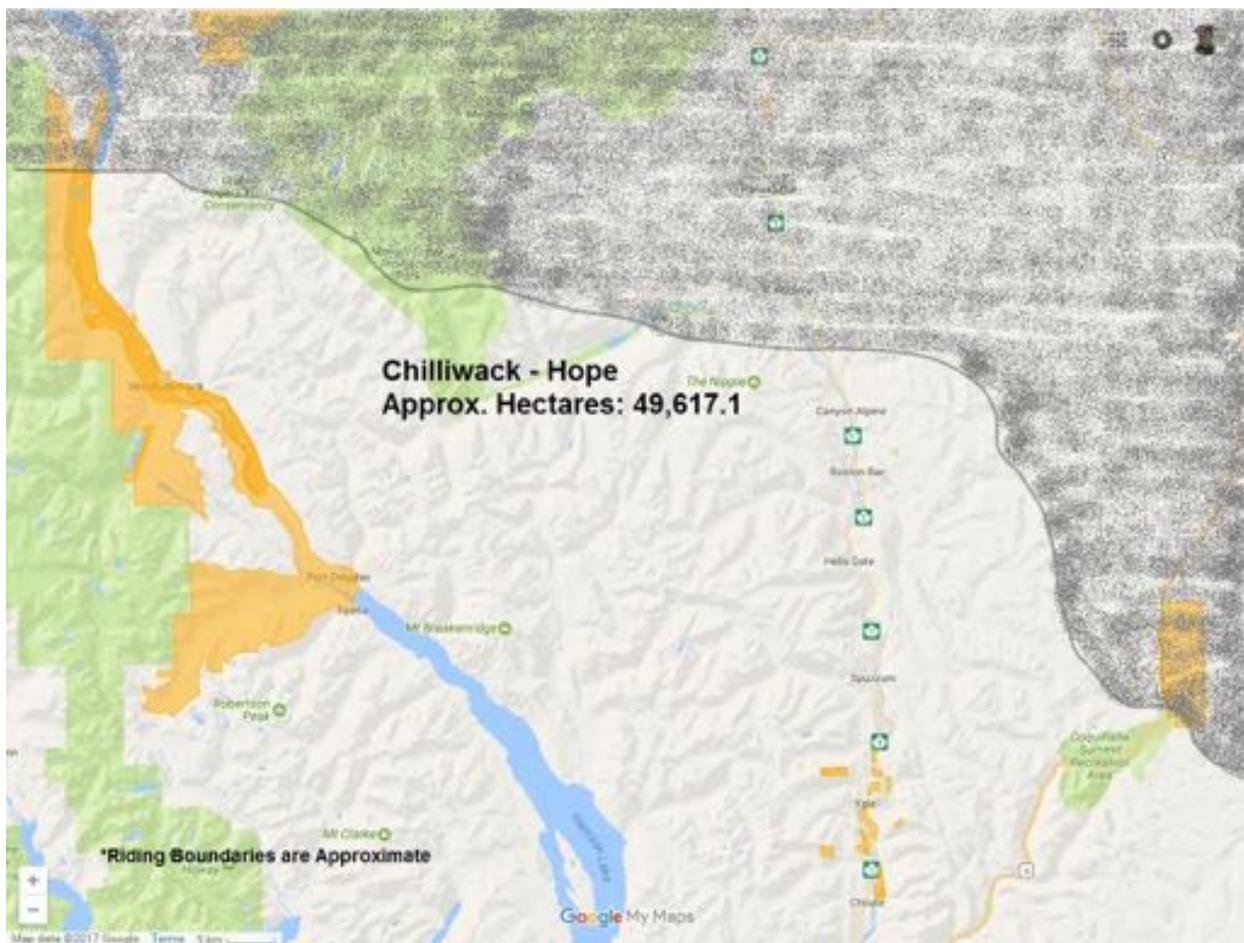


Lands under NOI in the Parksville - Qualicum Riding make up approximately 0.13% of the Province's total.

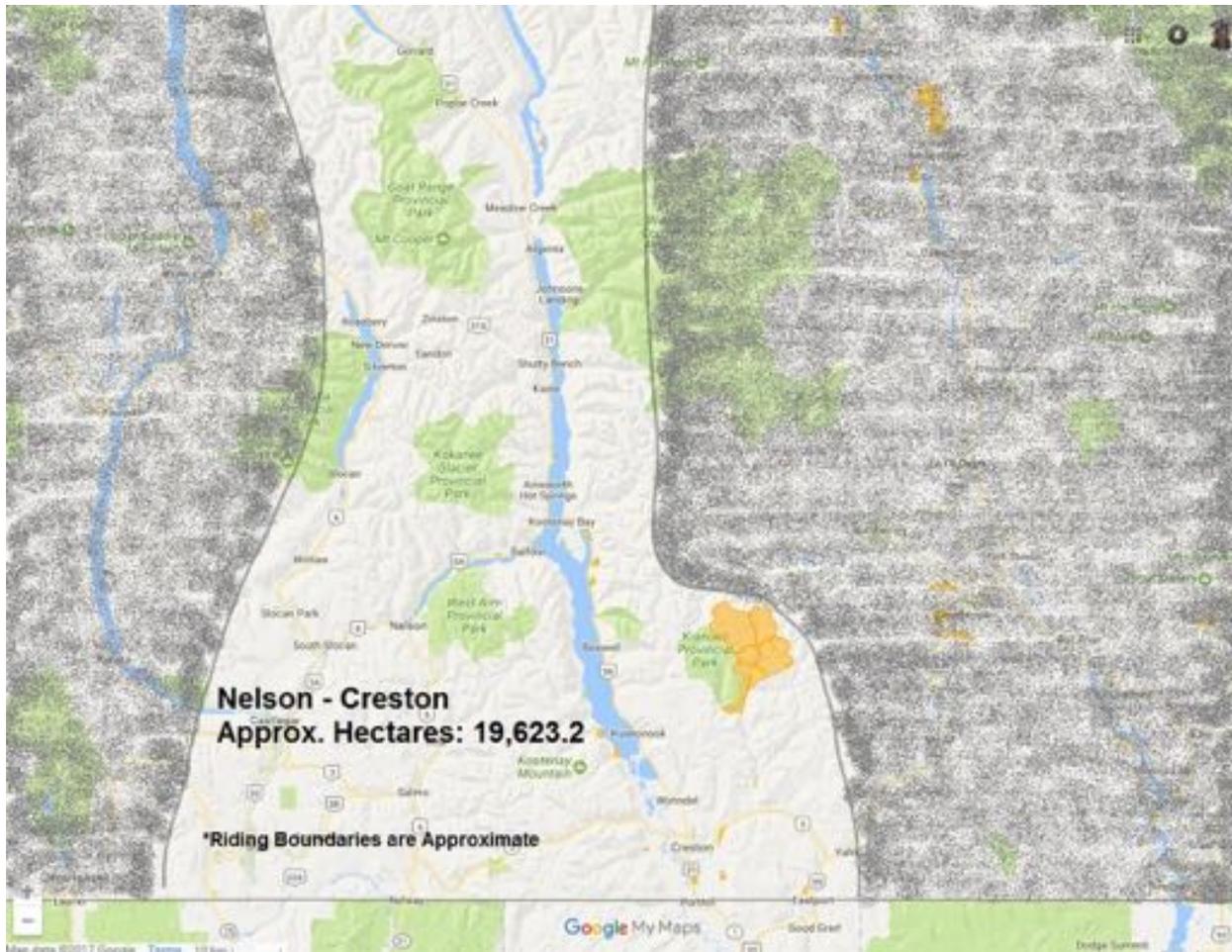


Lands under NOI in the Nanaimo Riding make up approximately 0.015% of the Province's total.

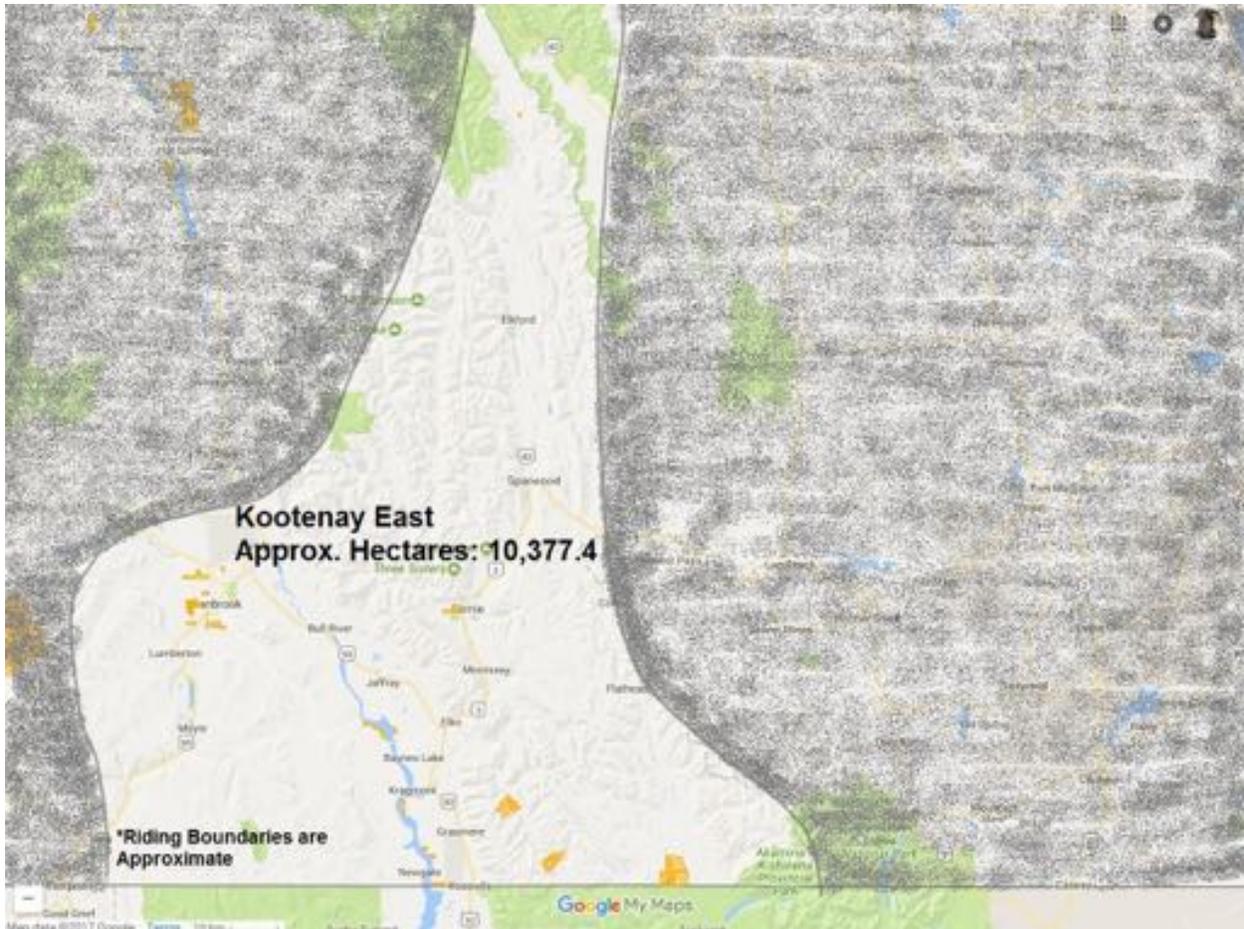
Riding		Approx. Total Hectares	No. of KML Files
CHH	Chilliwack - Hope	49,617.10	59
NEL	Nelson - Creston	19,623.20	54
KOE	Kootenay East	10,377.40	68
CLR	Columbia River - Revelstoke	4,901.00	20
KOW	Kootenay West	389.00	10
KAN	Kamloops - North Thompson	101.10	2
PEN	Penticton	64.10	1
ABM	Abbotford - Mission	52.00	1
<i>SUBTOTAL lower mainland and kootenays</i>		85,124.90	



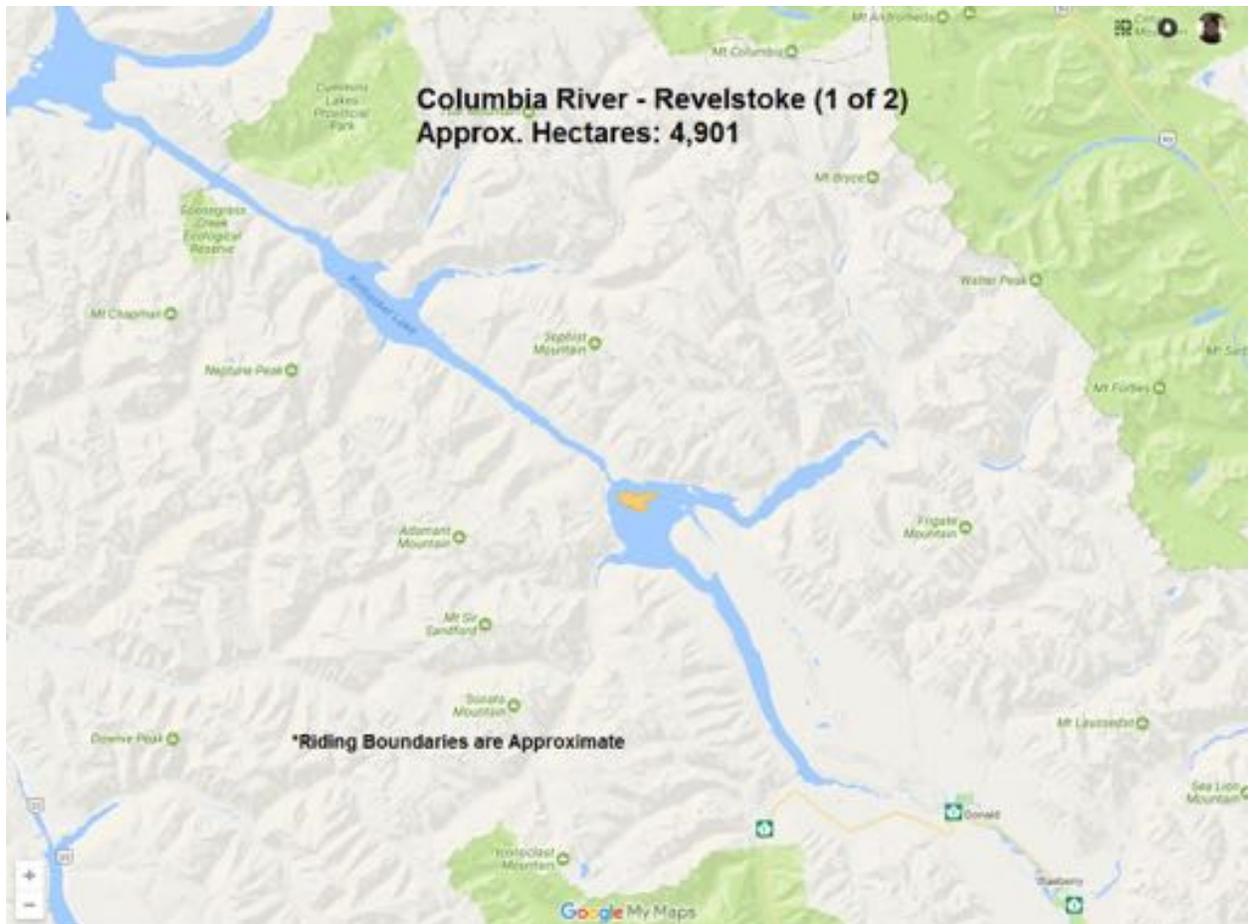
Lands under NOI in the Chilliwack - Hope Riding make up approximately 7.80% of the Province's total.

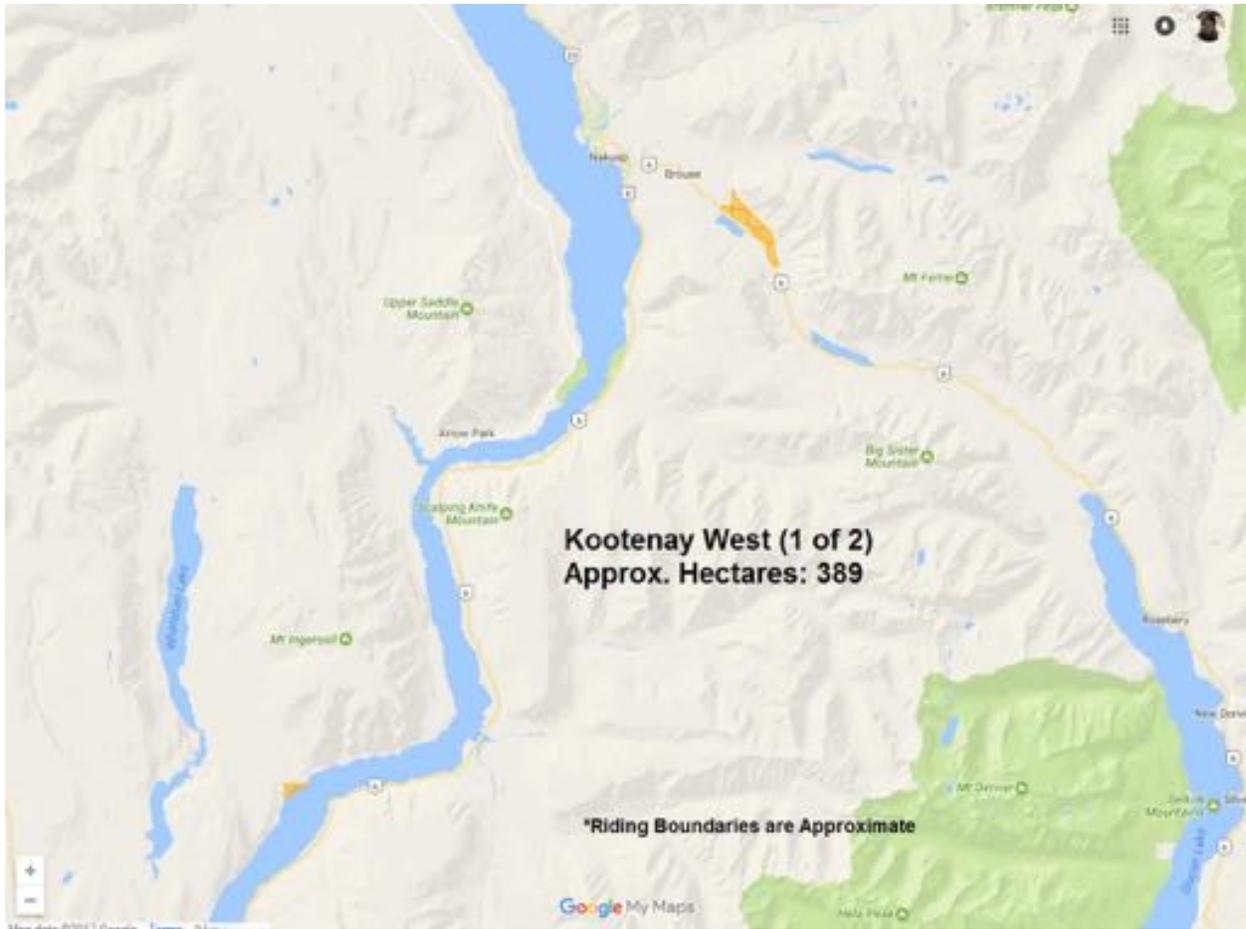


Lands under NOI in the Nelson - Creston Riding make up approximately 3.08% of the Province's total.



Lands under NOI in the Kootenay East Riding make up approximately 1.63% of the Province's total.







Lands under NOI in the Kootenay – West Riding make up approximately 0.061% of the Province’s total.



Lands under NOI in the Kamloops – North Thompson Riding make up approximately 0.015% of the Province’s total.



Lands under NOI in the Penticton Riding make up approximately 0.01% of the Province's total.



Lands under NOI in the Abbotsford – Mission Riding make up approximately 0.008% of the Province’s total.

No Lands Identified for Transfer in These Ridings

Code	Riding	Code	Riding
ABS	Abbotsford South	RCS	Richmond-Steveston
ABW	Abbotsford West	SAN	Saanich North and the Islands
BDS	Boundary – Similkameen	SAS	Saanich South
BND	Burnaby - Deer Lake	SHU	Shuswap
BNE	Burnaby - Edmonds	SRC	Surrey – Cloverdale
BNL	Burnaby – Loughheed	SRF	Surrey – Fleetwood
BNN	Burnaby – North	SRG	Surrey – Green Timbers
CHC	Chilliwack	SRN	Surrey – Newton
CQB	Coquitlam – Burke Mountain	SRP	Surrey - Panorama
CQM	Coquitlam – Maillardville	SRT	Surrey – Tynehead
DLN	Delta North	SRW	Surrey – Whalley
DLS	Delta South	SWH	Surrey – White Rock
ESR	Esquimalt – Royal Roads	VFA	Vancouver - Fairview
FLA	Fort Langley – Aldergrove	VFC	Vancouver – False Creek
KAS	Kamloops – South Thompson	VFV	Vancouver – Fraserview
KLA	Kelowna - Lake Country	VHA	Vancouver – Hastings
KMI	Kelowna – Mission	VKE	Vancouver - Kensington
LLY	Langley	VKI	Vancouver – Kingsway
MRM	Maple Ridge – Mission	VLA	Vancouver – Langara
MRP	Maple Ridge – Pitt Meadows	VMP	Vancouver – Mount Pleasant
NEW	New Westminster	VNP	Vancouver – Point Grey
NVL	North Vancouver – Lonsdale	VNQ	Vancouver - Quilchena
NVS	North Vancouver – Seymour	VNW	Vancouver – West End
OBG	Oak Bay – Gordon Head	VRM	Vernon – Monashee
POC	Port Coquitlam	VTB	Victoria – Beacon Hill
POM	Port Moody – Coquitlam	VTS	Victoria – Swan Lake
RCC	Richmond Centre	WCA	West Vancouver – Capilano
RCE	Richmond East	WTK	Westside - Kelowna

There are 56 Ridings that do not currently have any NOI listing in the Province.

CONCLUSION

Before we get to the conclusion I want to again say that our committee is a non-partisan committee that is speaking on behalf of the general public in the Peace Country. I would like to summarize our committees work and history as follows:

- 1- I was contacted by the Fort St John Rod & Gun Club in early February 2016;
- 2- Late February and early March 2016, I had several meetings with MARR and Premier's office;
- 3- March 12, 2016, I attended a public meeting hosted by the Fort St John Rod & Gun Club at the Pomeroy Hotel in Fort St John;
- 4- At the end of that meeting on March 12, 2016 I informed the open public meeting that I would be forming an MLA First Nations Stakeholder Advisory Committee to look into land discussions;
- 5- May 2016 the committee was formed with a Terms of Reference accepted by MARR;
- 6- July 27, 2016 I officially invited Treaty 8 First Nations to join our committee with no response back from Treaty 8;
- 7- August 17, 2016 I officially invited Federal Aboriginal and Indigenous Minister Bennett or her staff, to join our committee with no response back;
- 8- From May 13, 2016 to August 15, 2016 our committee met 6 times to review properties with NOI designation in the Peace Region;
- 9- August 19, 2016 the committee sent 27 recommendations to Minister Rustad;
- 10- September 11, 2016 the Charlie Lake community sent a letter outlining their concerns to Minister Rustad;
- 11- September 21, 2016 Minister Rustad responded to the committee recommendations;
- 12- September 30, 2016 the Mile 63.5 community sent a letter outlining their concerns to Minister Rustad;
- 13- October 7, 2016 our committee formally rejected the Minister's response to our recommendations and suggested that I speak directly to the Premier's office;
- 14- October 12, 2016 I had a meeting with Premier's staff, and MARR staff to discuss the response in the September 21, 2016 letter from Minister Rustad;
- 15- October 12, 2016 I received a commitment from Minister Rustad to meet with our committee to go over each and every committee recommendation in full;
- 16- October 13, 2016 our committee presented information to the Peace River Regional District;
- 17- October 26, 2016 our committee sent a letter to MARR as well as a letter to the Premier asking that 3 parcels of land be withdrawn from a Section 16 application and negotiations stop;
- 18- November 24, 2016 the committee received a response from the Minister's office that there would be no transfer of any lands in the Peace country without full consultation;
- 19- November 28, 2016 our committee sent another letter responding to the Minister's response;
- 20- December 9, 2016 Minister Rustad, his Deputy and staff met with in FSJ and the committee was extremely pleased that the Minister was starting to listen to the concerns of the committee;
- 21- At the December 9, 2016 meeting the Charlie Lake community group also presented their case to the Minister;
- 22- December 15, 2016 I received a letter from FLNRO asking our committee to comment on the Section 17 conditional withdrawal for the Peace Moberly Track lands;

- 23- January 18, 2017 I submitted a letter on behalf of our committee, opposing the PMT section 17 withdrawal as it showed an additional 30,000 hectares of land in the application that was not previously listed in the NOI lands. This additional 30,000 hectares of land is located within the boundaries of Hudson's Hope;
- 24- February 1, 2017 Ross Bannerman from the Charlie Lake committee sent a follow up letter to Minister Rustad in regards to the December 10, 2016 meeting asking for an update;
- 25- February 1, 2017 I forwarded Mister Bannerman's letter onto the Premier's office with a few comments and asking for a response before my February 10, 2017 committee meeting;
- 26- February 9, 2017 I received an email from Minister Rustad assuring our committee that the Section 16 application for the Charlie Lake and Mile 63.5 lands was going to be withdrawn;

Of the Province's 85 provincial ridings, 9 ridings make up 80% of the land under NOI. It is very important as a reader to understand that these ridings are located primarily in the north and north central parts of the Province. These areas are sparsely populated and mostly rural. Regardless of demographics, these ridings deserve a say in what happens in their respective regions.

In conclusion I am happy to say that our committee has made the officials within the Ministry of Aboriginal Relations and Reconciliations as well as Forest Lands Natural Resource Operations understand that all constituent's need to be heard. It is my job as the MLA for Peace River North to represent all of my constituents and that includes the 98 percent non - First Nation in the region. I would like to thank Minister Rustad for listening to our committee and for using some of our recommendations. I also hope that we will continue to make further progress in the future.

I want to say again that our committee is not opposed to Government to Government discussions but please respect the non-First Nations while those discussions are ongoing. Of the nearly 195,437 hectares (482,953 acres) of land that is currently in discussion between Government and the First Nations in the Peace Country, this committee only identified approximately 1,214 hectares (3,000 acres) that was not going to be acceptable for transfer or negotiations of some description.

This committee feels that land discussions must be done with more transparency and that is what the Minister has said will be a high priority of him moving forward as well.

Our committee also has recommendations for Government for the future:

- 1- Minimum of two public meetings per year in Peace River North and two public meetings per year in Peace River South, listing all properties that are currently under discussion with First Nations, or that First Nations have an interest in;
- 2- These meetings must be in the evening on a week day, in a location capable of housing a large group and must be announced publicly well in advance of the meetings;
- 3- There should be a meeting in early January and also a meeting in the summer. The Ministry must show maps of all lands that First Nations have shown an interest in;
- 4- Each follow up meeting (summer or winter) must list any changes from the previous meeting to the current meeting, whether it is lands being added or lands that are being taken away from the discussion;

- 5- Government must start being transparent in these discussions as all British Columbians deserve to be represented in these discussions and consulted properly before the lands have transferred, not after the fact; and-
- 6- Government must maintain access to the back country for all British Columbians to enjoy, whether it is fishing hunting or simply recreating;

I want to thank Premier Clark for allowing me to start a MLA First Nations Stakeholder Advisory Committee and for supporting our committee as we were working through the process. Christy Clark gave me her word, she honored her word and for that I respect her very much.

I also hope that this First Nations Stakeholder Advisory Committee is maintained after I am no longer the MLA for the region. The membership of this committee is so good and knowledgeable that the people of the Peace Country would be very well represented with the same group moving forward.