



CATHARINE CHARMAN, RPF

LAND AND RESOURCE SPECIALIST (FORESTRY)
MINISTRY OF FORESTS
CHILLIWACK NATURAL RESOURCE DISTRICT

E-MAIL: CATHARINE.CHARMAN@GOV.BC.CA

FIRST NATION CONSULTATION TO COLLABORATION

A Process of Building Relationships and Reconciliation

"We must be mindful that a process that will be as long and complicated as the reconciliation of seven generations of inequity will require stewardship, study and ongoing attention."

- commissioner Marie Wilson
(Truth and Reconciliation Commission of Canada)

Presentation outline

- Where are we going? Moving towards Reconciliation
 - Why do we consult?
 - When do we consult?
 - Who to consult with?
 - How do we consult?
 - How do we make consultation meaningful?
 - What does collaboration look like today?
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WHERE ARE WE GOING?

MOVING TOWARDS RECONCILIATION

2017 – BC GOV'T COMMITS TO ADOPT UN DECLARATION

- In 2017 the newly elected NDP gov't committed to fully adopting and implementing the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).
 - It is based on the idea of “obtaining free, prior, and informed consent” for resource development decisions.
 - Focusing to ensuring that Indigenous Peoples are provided the opportunity within the context of consultation to be freely and fully informed about the nature of decisions and their impacts prior to decisions being made.
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2019 – BC GOV'T *DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT* (DECLARATION ACT)

- On November 28, 2019, the Province of BC became the first in Canada to adopt the UN Declaration and put into law the *Declaration on the Rights of Indigenous Peoples* (Declaration Act).
- This Act was a commitment to upholding the human rights of Indigenous Peoples and the framework as we move towards reconciliation.
- A commitment through section 4 of the Declaration Act was to develop and implement an action plan to bring the UN Declaration into harmony with our work. This plan was to be developed in consultation and cooperation with Indigenous Peoples.

2022 – BC GOV'T *DECLARATION ACTION PLAN*

- Outlines significant actions the Province will undertake in consultation and cooperation with Indigenous Peoples over the next five years and includes goals, outcomes, and tangible actions that align with the priorities of Indigenous Peoples.
 - The Action Plan outlines 89 specific actions every ministry in government will take to create a better province for Indigenous Peoples in BC.
 - Also contains four themes which recognize Indigenous Peoples inherent rights and interests where they can exercise and have full enjoyment of their rights.
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WHY DO WE CONSULT?

WE CONSULT TO....

- Determine impact to aboriginal interests
 - Strengthen relationships
 - Resolve aboriginal rights issues regarding resource extraction
 - Provide for meaningful collaboration on land and resource decisions
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IMPORTANT DATES TO REMEMBER

- 1763 – Royal Proclamation; unceded land reserved to Indigenous
- 1846 – Sovereignty; considered point of contact
- 1982 – *Canadian Constitution Act*; Aboriginal and treaty RIGHTS recognized and affirmed in sec 35

Pivotal Court Cases in BC

- 1990 – Sparrow; set out criteria around justifiable infringement
- 1997 – Delgamuukw; confirmed aboriginal TITLE existed in BC, RIGHT to the land itself not just the RIGHT to hunt, fish and gather
- 2004 – Haida; held that asserted RIGHTS can trigger consultation
- 2014 – Tsilhqot'in; 1st time Aboriginal TITLE decided in court

WHEN DO WE CONSULT?

When the Crown has knowledge, real or constructive, of the potential existence of an Aboriginal RIGHT or TITLE and contemplates a decision that might adversely affect it. (*Haida*)

WHO DO WE CONSULT WITH?

WE CONSULT WITH....











- There are 634 First Nations in Canada, speaking more than 50 distinct languages.
- There are 198 distinct First Nations in BC, more than 30 different languages and close to 60 dialects. (only 20 of which are under Treaty)
- 57 First Nations have asserted territories with which the Chilliwack Natural Resource District overlaps. (1 Treaty)
- 34 of these communities reside in the District.
- 42 First Nations which the District overlaps hold forestry revenue and/or consultation agreements (FCRSA, SDM, IFA, SSEA)

First Nations

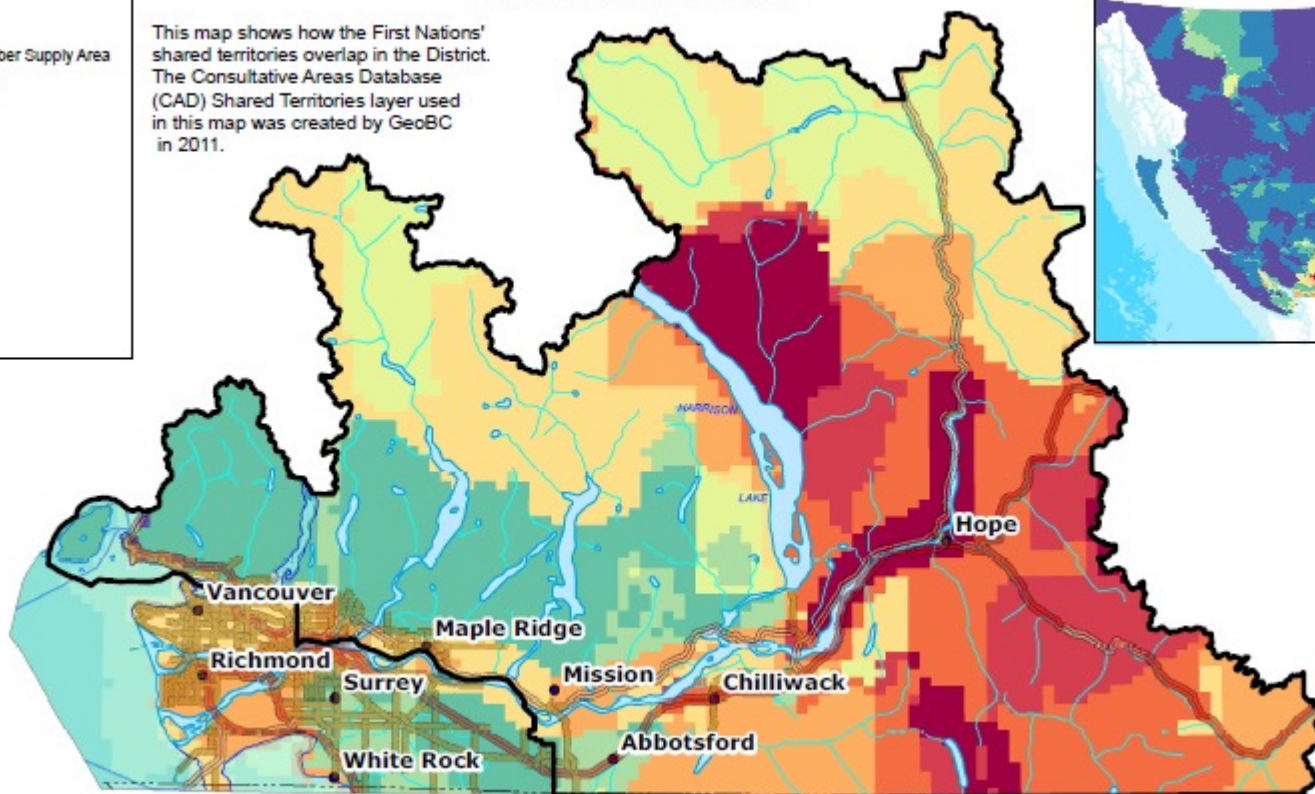
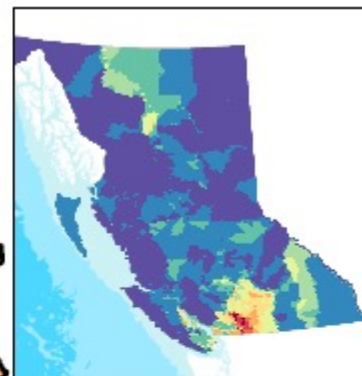
Legend

 Fraser Timber Supply Area

FREQUENCY

-  1 - 3
-  4 - 6
-  7 - 9
-  10 - 11
-  12 - 13
-  14 - 16
-  17 - 19
-  20 - 23
-  24 - 26
-  27 - 32

This map shows how the First Nations' shared territories overlap in the District. The Consultative Areas Database (CAD) Shared Territories layer used in this map was created by GeoBC in 2011.



WE CONSULT WITH....

All First Nation Communities that may be impacted by a gov't decision concerning resources on the Crown land base.

HOW DO WE CONSULT?

CONSIDERATION OF CONSULTATION

1. Identify First Nations and if they have treaty or process agreement (ie SEA, FCRSA...)
2. Review available information
3. Decide who will engage (gov't or delegate procedural aspect to proponent)
4. Engage First Nations and encourage collaboration
5. Assess consultation and any need to accommodate; attempt to reach agreement through collaboration and discussion.
6. Ensure implementation of accommodations.

HOW DO WE MAKE CONSULTATION
MEANINGFUL?

MEANINGFUL CONSULTATION....

- Focus on building positive relationships and trust
- Early engagement
- Have a collaborative outlook and attitude
- Provide the space and resources to be able to engage

MOVE TOWARDS RECONCILIATION....

- Build relationships through trust and understanding
- Work in recognition and collaboration with Indigenous communities
- Provide Agreements focused on closing socio-economic gaps
- Providing resource management and economic opportunities

Obtaining Resource Management and Economic Opportunities Through:

- Non-replaceable forest licence (NRFL)
- Woodlots (WL)
- Community Forests (CF)
- First Nations Woodlands Licence (FNWL)

WORKING COLLABORATIVELY IN DCK THROUGH:

- Comprehensive Forestry Agreement (CFA)
- Shared Decision Making Agreement (SDM)
- Reconciliation Agreement (RA)
- Strategic Engagement Agreement (SEA)
- Collaborative Indigenous Stewardship Forum (CISF)

WHAT DOES COLLABORATION LOOK
LIKE TODAY?

Shared Decision-Making Agreement :

- 2015 the Province and Nlaka'pamux Nation Tribal Council (NNTC), representing 4 First Nations, signed a Land and Resource Decision Making pilot project (LRDM)
- We are currently working on an amendment to carry this agreement forward
- It consists of decisions to go to a shared decision board with representatives of NNTC and the Province.

Comprehensive Forestry Agreement:

- 2021 the Province and NNTC signed a CFA
- Objectives:
 - Develop and implement a Stewardship and Land Use Plan
 - Design and implement a new model of engagement planning, decision making and operations
 - Establish a Tripartite Forum between NNTC, the Province and major forest licensees

Reconciliation Agreement:

- March 2022 the Province and Sts'Ailes signed an RA
- This agreement has a number of phases and currently the focus is on economic opportunities.
- Purpose of this agreement and it's subsequent phases is to demonstrate a renewed and collaborative path towards reconciliation

Strategic Engagement Agreements:

- Leq'amel/Matsqui SEA signed March 2022
 - In the implementation stage
- 11th year of the STSA SEA
 - Currently has 17 First Nations
 - Seabird and Shxw'ōwhámel signed on this year.
 - G2G from this SEA lead to participation in the (CISF)

Collaborative Indigenous Stewardship Forum (CISF):

- In it's 3rd year
- 7 themes over 40 projects
- Includes: Forest Operational Guidelines (FOG), CHIA/CHOA review, Integrity analysis, revenue, cumulative effects, Land use planning, and many others
- Will help inform policy and legislation changes

QUESTIONS?