

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



REGIONAL CHIEF'S QUARTERLY REPORT TO THE CHIEFS OF BC

November 2014

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TABLE OF CONTENTS

PART ONE: BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN.....	4
1. Strong and Appropriate Governance	4
BCAFN Governance Toolkit – <i>Launch of The Governance Report (2nd Edition)</i>	4
<i>First Nations Finance Authority (FNFA)</i>	6
<i>First Nation Land Management Regime</i>	6
<i>BCAFN Legal Political Strategy</i>	6
<i>Federal Government's Legislative Agenda</i>	7
2. Fair Access to Lands and Resources	11
<i>After Tsilhqot'in – The Changing Landscape and the Need for Reconciliation</i>	11
<i>BC Treaty Commission Annual Report</i>	13
<i>Mount Polley disaster</i>	14
<i>Major Resource and Energy Infrastructure Development</i>	15
<i>Federal Comprehensive Claims Policy (CCP)</i>	20
<i>Specific Claims</i>	20
<i>Specific Claims Tribunal</i>	21
<i>Water</i>	23
<i>Fisheries</i>	23
<i>Forestry</i>	24
<i>Historic Joint Venture between First Nations and Canada Lands Company</i>	25
3. Improved Education	25
<i>Federal First Nations Education Legislation</i>	25
<i>Tripartite Education Framework Agreement</i>	27
<i>B.C.'s Skills for Jobs Blueprint: Re-engineering Education and Training</i>	27
4. Individual Health.....	28
<i>Health</i>	28
<i>Violence Against Aboriginal Women and Girls</i>	29
<i>National Truth and Reconciliation Commission (TRC)</i>	29
PART TWO: RELATED ACTIVITIES.....	31
<i>Assembly of First Nations AGM– July 15-17, 2014, Halifax, Nova Scotia</i>	31
<i>PNWER – 24th Annual Summit</i>	32
<i>Regional Youth Forums – Northern</i>	32
<i>Aboriginal Opportunities Forum: Building Sustainable Aboriginal Relations</i>	32
<i>“Our Living Languages” Exhibit Opening</i>	33
PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS	34
<i>Transition of Regional Chief Jody Wilson-Raybould</i>	34
<i>BCAFN Constitution and Bylaws Review</i>	34
<i>Changes at the BCAFN</i>	35
<i>BCAFN Elder Representative</i>	35
<i>BCAFN Women's Representative</i>	35

BCAFN Youth Council Representatives..... 35
BCAFN Board of Directors 35
BCAFN Staff..... 35
Information Sharing/Webpage..... 35

PART ONE: BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN

The focus of the British Columbia Assembly of First Nations (BCAFN) continues to be implementation of the *Building on OUR Success* platform (updated 2012) and consisting of four key and interrelated areas. These are:

1. **Strong and Appropriate Governance** in order to take advantage of our opportunities in implementing our Aboriginal title and rights, including treaty rights, and grow our economies by providing stable and sound governance that is transparent and accountable to our Citizens;
2. **Fair Access to Land and Resources** to ensure our peoples and our governments have access to the resources required to support our societies including both our traditional and modern economies;
3. **Improved Education** to ensure our Citizens are able to make informed decisions about change as well as participate in our growing economies and our governments; and,
4. **Individual Health** to address the colonial health legacies to ensure our Citizens are strong and can actually benefit from and enjoy their title and rights.

With respect to the four key areas, the following remains the basis for the Nation building/re-building Action Plan at the BCAFN:

1. **Understand and identify** the specific priorities for each of our Nations.
2. **Assist** each Nation in charting their own critical path in order to be able to benefit from opportunities, capitalize on success and ensure that the doors are open to move forward with their specific priorities.
3. **Support and facilitate** each Nation in developing and maintaining strong and open relationships with Ottawa and Victoria to ensure that they can advance their own issues directly with the Crown.
4. **Develop and implement** a province-wide participation and communication strategy to maintain networks between Nations and ensure that no single community is left out or behind.

1. Strong and Appropriate Governance



“Strong and appropriate governance is necessary if our Nations are to reach our full potential and maximize our opportunities. This is a prerequisite to sustainable and long-term economic development.” Building on OUR Success

BCAFN Governance Toolkit – *Launch of The Governance Report (2nd Edition)*

I know many of you have been asking when the next edition of the *Governance Report* was going to be released given there has been some delay. In part, this delay was due to the work the BCAFN agreed to undertake with respect to the Senior Oversight Committee on Comprehensive Claims, which diverted resources, but mainly we wanted to ensure *The Governance Report* reflected the changing governance landscape since the *Tsilhqot’in* decision.

I am very pleased to report, now, the launch of *The Governance Report – Second Edition* (the “Report”) as Part 1 of the three-part BC Assembly of First Nations Governance Toolkit: A Guide to Nation Building at the 11th BCAFN Special Chiefs’ Assembly, November 25-26, 2014, in Vancouver. The Report has been prepared by the BC Assembly of First Nations (BCAFN) and is a companion document to the *Governance Self-Assessment* (Part 2) and *A Guide to Community Engagement: Navigating Our Way through the Post-Colonial Door* (Part 3).

Since the first edition of the Report (2011), developments in the law, including the first declaration of Aboriginal title in the *Tsilhqot’in* decision, have challenged the strict constitutional division of powers between the federal and provincial governments, and have raised questions about whether the provincial government may have equal or more responsibility with respect to our peoples, in particular respecting governance matters beyond reserve lands and within the broader ancestral lands of a Nation.

The Report provides information for anyone wanting to know more about what our Nations in BC are actually doing on the ground to support and create strong and appropriate governance. It is a tool designed for use by our community leaders in developing their Nations’ own “critical path” to implementing governance reform and re-establishing governance for their peoples and lands, including governance over lands that have been set aside as existing Indian reserves, treaty settlement lands and Aboriginal title lands, as well as ancestral lands that transcend all other categories of First Nation lands.

The *Report* contains discussions regarding options for governance reform, institutions of First Nations governance, and financing First Nations governance. The range of options for moving beyond the *Indian Act* to re-establish strong and appropriate governance is explored in the Report – that reflects the advances that our Nations in BC have made individually or collectively in the courts, through negotiations or by exercising their rights on the ground. The largest and most comprehensive section addresses the range of law-making powers (jurisdictions) by subject matter. The 33 subject matters are arranged alphabetically and describe how the governments of our Nations in BC are already exercising law-making powers or may be considering exercising law-making powers in these areas.

It is essential that we continue to share information and build on the experience and work of each other. It was my hope in developing the Report and assembling First Nations governance stories all in one place, that the Report can assist our Nations in sorting through governance options and in developing their own “critical path” for moving beyond the *Indian Act* at their own pace and based on their own governance priorities. A copy of the second edition of the Report will be distributed to each First Nation in British Columbia, either in person at our BCAFN Special Chiefs’ Assembly on November 25-26, 2014 or by mail. The Report will also be available for download, along with Parts 2 & 3 of the BCAFN Governance Toolkit, on our website: www.bcafn.ca/toolkit. Thank you to everyone who contributed to the Report and who made it possible.

First Nations Finance Authority (FNFA)

History was made this summer when the First Nations Finance Authority (FNFA) issued its inaugural debenture (bond) in the amount of \$90 million CAD on the strength of its A3 credit rating. The bonds sold with an interest rate of approximately 3.45 per cent or .37 per cent higher than the government of Ontario's cost of borrowing at the time. The FNFA pools the borrowing requests of its member First Nations into one debenture. The capital raised by this inaugural debenture will be used by 14 First Nations to build and make improvements to roads, water and waste systems, power/lighting, public buildings and other local infrastructure as well as providing economic opportunities both on and off-reserve.

All governments need to be able to raise capital. And First Nations are no different. The significance of the FNFA bond issue for First Nations, and indeed the country, cannot be overstated. Our Nations are in an important period of transition and rebuilding our communities. Having the financial tools that are now available through the FNFA is critical in ensuring that transition can take place and in securing a better future for our peoples. For investors, FNFA bonds also provide a new and exciting ethical investment option. My vision is that most Canadians will one day have FNFA bonds in their portfolios as they do municipal, provincial or federal bonds.

The role BC communities have played in creating the FNFA has been critical. As the elected and current chair of the FNFA, I would like to congratulate the staff, board and all of those whose efforts have now begun to open the bond markets to First Nations in Canada. It is an important step away from governance under the Indian Act and to building strong and appropriate governance with increased financial independence.

First Nation Land Management Regime

Since 1996, 112 First Nations across Canada have become signatories to the Framework Agreement and there are now 52 First Nations that have ratified their land codes through a community ratification process. An additional 62 First Nations are on a waiting list to become signatories. As BC Regional Chief, I continue to champion that all First Nations that want to use this modern governance tool to essentially exercise their right of self-government should be able to do so.

In BC, members of Haisla Nation and Shuswap Indian Band voted in favour of joining the Framework Agreement and ratified their respective Land Codes over the summer. I would like to congratulate these Nations on this important step forward for their community and its future.

BCAFN Legal Political Strategy

The BCAFN has continued to work to refine and update the *BCAFN Legal Political Strategy* based on the *Tsilhqot'in* decision and on subsequent direction of First Nations in BC, and, in particular, based on direction from the Chiefs in Assembly at our BCAFN Annual General Meeting in Vancouver, September 2014. A revised *BCAFN Legal Political Strategy* is being provided to the Chiefs at the BCAFN Special Chiefs Assembly, November 25-26, 2014. I look forward to the opportunity for further discussion of this document at our meeting and as

always the BCAFN will be looking to further refine this document based on the feedback from our Chiefs and leaders. In January 2015, the First Nations Leadership Council is planning a strategic planning session and my intention is that the Legal Political Strategy would inform discussions and plans moving forward from this meeting.

Federal Government's Legislative Agenda

The House of Commons and Senate resumed sitting on September 15 and September 16 respectively. Included below are some notable developments relating to specific federal legislative initiatives since my last report in June 2014.

The second edition of *The Governance Report* (Part 1 of the *BCAFN Governance Toolkit*) contains more in depth information about the recently enacted federal legislation that directly impacts First Nations in BC.

Bill C-33: First Nations Control of First Nations Education Act: There still remains considerable political debate around the future of Bill C-33. Bill C-33 was first introduced in the House of Commons on April 10, 2013. While Bill C-33 passed 2nd reading in the House of Commons on May 5, 2014, the government has since indicated that it has shelved the bill. National Chief Ghislain Picard has also indicated that the government will not meet with him respecting the future of First Nations education and the need for appropriate legislation. The legislation and the issue of education more generally is discussed later in this report.

First Nation Financial Transparency Act: Though the *First Nations Financial Transparency Act* (FNFTA) received Royal Assent in March of 2013, the legislation was back in the news when the particular provision requiring salaries and expenses of the chief and councillors of all Nations to be published online came into force this summer. Not surprisingly, there continues to be much public interest in the FNFTA and the resultant publication of the salaries of chiefs and councils. This has unfortunately deflected attention away from the broader issues of transparency and accountability that our Nations are grappling with and trying to address as part of Nation rebuilding. Neither the *Indian Act* nor the FNFTA adequately addresses accountability of our governments, politically or financially. Indeed, it is because of deficiencies in the *Indian Act* and in legislation like FNFTA that our Nations are looking for more appropriate structures and procedures of government and are developing our own community constitutions, election codes, financial administration laws and other laws to do so. Something I conveyed clearly to the government during committee hearings on the bill.

As I have said repeatedly, simply publishing salaries and financial statements, while obviously important, is not the complete answer and deflects attention away from the underlying systemic problems in the Crown/First Nation fiscal relationship and the deficiencies of governance under the *Indian Act* (lack of money and powers to provide comparable programs and services as other Canadians receive). Of course, no one disagrees that there must be transparency and accountability – our citizens demand it. To this end, accountability must, first and foremost, for our own-source revenues, be to our own people in accordance with our own laws so we can actually have true accountability. To be clear, there has never been an issue about reporting on monies our Nations receive from Canada by way of contribution

agreements; this has always been reported in accordance with the funding agreements. Further, simply “reporting” own-source revenues and chief and council salaries in accordance with another government’s laws cannot achieve transparency and accountability to our citizens. It also requires transparency and accountability with respect to the raising of revenues, approval of budgets, the expenditure of resources and so on. Again, what is needed locally are governance tools beyond the *Indian Act* which are supported nationally by a new fiscal relationship with the Crown. Unfortunately, the focus on the important and hard work of Nation rebuilding and establishing proper financial administration systems based on a new fiscal relationship with Canada – which the vast majority of our Nations are actively pursuing – has been overshadowed by isolated reports of a few chiefs’ salaries. This is truly a shame.

The deadline for our Nations to publish their audited consolidated financial statements with an attached schedule of chief and council remuneration for the 2013-2014 fiscal year was July 29, 2014. As I have reported earlier, under the new act, if a member of your community asks to receive the information, your band office has until 120 days after the end of fiscal to provide it or must provide it immediately anytime after the 120 day period has elapsed. The legislation allows you to request another organization, such as another First Nations organization, to publish the financial statements online for you. Alternatively, AANDC can be asked to post the information to their website on your behalf. For more information on compliance with this new legislation, you can visit the AANDC website or contact them directly.

Family Homes on Reserves and Matrimonial Interests or Rights Act: The *Family Homes on Reserves and Matrimonial Interests or Rights Act* (FHRMIRA) applies to the division of family property on-reserve when there is a marriage breakdown, and also to the granting of protection orders for spouses and children living on-reserve. If your First Nation is not exempt or has not passed a Matrimonial Property Law by December 16 of this year then the provisional “default” rules in the Act will apply to your community. I know some communities have been working to develop their own laws in time to meet the deadline. After December 16, 2014, while communities without their own laws are subject to the provisional rules, First Nations will retain the right to enact their own laws at any time before or after this date and remove themselves from the federal regime.

In conjunction with the FHRMIRA coming into effect, Canada appointed the National Aboriginal Land Managers Association (NALMA) to host a Centre of Excellence for Matrimonial Real Property. This was done in order to assist First Nations in the transition to the new provisional rules on the division of matrimonial property on reserve and also, specifically, to assist those Nations looking to develop their own laws. The BCAFN Governance Toolkit also has useful information on what our Nations here in BC have done in terms of enacting their own MRP laws. This information can be found under the “Matrimonial Real Property” jurisdiction in the second edition of *The Governance Report*, available on our BCAFN website: www.bcafn.ca/toolkit.

In my last quarterly report, I noted how this legislation is not only going to significantly impact First Nations and that provincial governments, through this act, are now charged with implementing the federal provisional rules and First Nations’ matrimonial property laws. The

staff of the BCAFN, First Nations Summit and the Union of BC Indian Chiefs, have been working with staff from the Ministry of Justice and Ministry of Aboriginal Relations and Reconciliation in a Matrimonial Real Property Working Group to explore the impacts of this legislation, share information, assist one another and find ways to collaborate. A number of meetings have taken place and the Working Group has jointly developed tools and information to assist First Nations citizens in navigating the complicated matrimonial real property and protection order regime. The Working Group presented at the Joint Gathering in October.

Finally, if your community is looking to make a law in this area, please do not simply copy another Nation's law. Many of the matrimonial property laws that have been enacted have been done by First Nations with land codes in place and where the law reflects the fact the First Nation has control over the interests in lands created on-reserve. As matrimonial property is complex and involves a number of aspects of the law, developing laws can be challenging. Unfortunately, the limited federal approach to establishing governance beyond the *Indian Act* is evident here once again; something that was conveyed to Parliament as the bill made its way through the system but which fell on deaf ears.

First Nations Elections Act: On April 11, 2014, the *First Nations Elections Act*, developed with the support of the Atlantic Policy Congress of First Nations Chiefs, received Royal Assent. The act is opt-in legislation for First Nations that conduct their elections under the *Indian Act*, either through custom election codes or under the *Indian Band Election Regulations*.

The development of regulations to be made under the *First Nations Elections Act* is currently underway as is required to bring the act into force. For example, most of the rules and procedures with respect to the conduct of elections, and the process of removal from office of a chief or councillor by means of a recall petition, are not explicitly described in the legislation, and need to be addressed in the regulations. The Atlantic Policy Congress has again taken a lead role on engaging with First Nations across Canada and in drafting the regulations. The BCAFN will continue to provide updates on this regulatory development.

As I have mentioned previously, a key concern with this legislation is the provision contained within it that allows the Minister to force a First Nation, even those who are conducting elections through custom election codes, to come under this act if the Minister, in his or her opinion, believes that a protracted leadership dispute has significantly compromised governance of the First Nation or if there was corrupt practice in connection with an election. This is a big concern for First Nations who are looking to move away from governance under the *Indian Act*.

Bill C-428: Indian Act Amendment and Replacement Act: Bill C-428 was first introduced on June 4, 2012 by Conservative MP Rob Clarke as a private member's bill. Bill C-428 does have the government's support and passed 2nd reading of the Senate on June 10, 2014, when it was referred to Senate Committee. The bill is currently at 3rd reading in the Senate. The AFN most recently presented on the bill on September 30, 2014. All First Nations that wish to appear or provide a submission to the Senate committee studying this bill should contact the clerk Marcy Zlotnick at 613-990-6080 or Marcy.Zlotnick@sen.parl.gc.ca.

As I have previously reported, this bill will make some changes to the *Indian Act*, such as requiring First Nations to publish their bylaws and limiting federal powers to disapprove First Nations bylaws. It also requires the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) to report annually to the House of Commons on the progress being made on work in collaboration with First Nations. Removing the Minister's power to disallow a bylaw is positive. For this reason, and given the most egregious problems with earlier versions of the bill have been fixed, it could be supported.

Having said that, the bill does not make or allow for substantive change and for me still only draws attention to the problems that self-government recognition legislation, that the BCAFN has proposed, could actually fix. In fact, because this act tinkers with the *Indian Act* and does not provide for substantial change, it could have the negative effect of creating the illusion of progress while moving the goal posts very little. Amending small portions of the *Indian Act* does not fit with First Nations' vision of self-government. The *Indian Act* is not acceptable any longer. It never was. And the conversation needs to shift to a fundamental question: what options, and what mechanisms to support the options, short of negotiating a comprehensive governance agreement, are available for First Nations to remove themselves from the *Indian Act* when they are ready willing and able to do so? This bill does not address this fundamental question.

Safe Drinking Water for First Nations Act: The *Safe Drinking Water for First Nations Act* received Royal Assent on June 19, 2013 and came into force on November 1, 2013. Until now, there was no legislation governing drinking water standards in First Nations communities outside of any bylaws that First Nations may have made under the *Indian Act* or laws under comprehensive governance arrangements. This short piece of legislation, and the large number of detailed regulations that are intended to and will eventually exist under it, is to apply to all First Nations that are not self-governing. The act is essentially intended to establish a comprehensive framework to regulate drinking water and wastewater on-reserve. To this end, the act provides for the federal government to establish and then enforce through province-specific regulations legally binding safe drinking water standards on-reserve. Presumably, new regulations under this act will build on those standards that have already been established by Health Canada or may otherwise be established under provincial law.

As I have discussed in previous reports, First Nations from across Canada have and continue to express concerns that the introduction of water standards legislation, without matching investment in human capacity, could actually jeopardize First Nations' drinking water by increasing costs associated with monitoring, reporting and compliance and imposing financial penalties related to enforcement. Indeed, First Nations in BC have been among those who have asserted that the necessary governance structures and financial supports need to be in place in order for this legislation to have a positive impact on our communities.

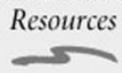
Despite these valid concerns, many of our Nations have agreed to be involved in regulatory development related to this new legislation. AANDC has determined that regulations will be developed through a staggered approach, region by region, with the order of the regions being

determined as the process unfolds. BC Region is not one of the first. The BCAFN will continue to provide updates on the regulatory development process.

Bill C-10: Tackling Contraband Tobacco Act: The Standing Committee on Legal and Constitutional Affairs presented its report on Bill C-10 (previously Bill S-16) to the Senate on September 25, 2014. Bill C-10 passed third reading in the Senate on October 8, 2014 and received Royal Assent on November 6, 2014. Now law, the act creates a new criminal offence of trafficking in contraband tobacco, particularly “a tobacco product, or raw leaf tobacco that is not packaged, unless it is stamped” and creates a mandatory minimum sentence for repeat offenders and carries penalties of up to five years imprisonment. Some Nations have expressed concerns that the bill could potentially infringe on First Nations’ ability to trade and sell tobacco. Opposition to this bill is particularly strong in Ontario.

2. Fair Access to Lands and Resources

Strong & Appropriate
Governance


Fair Lands &
Resources


Improved
Education


Individual
Health


“Settlement of the land question remains fundamental to the overall success of our Nations in BC. Without adequate access to land and resources our Nations will never reach our full potential. In addition to sustaining our traditional practices, access to land and access to resources provides our capital – our equity – and therefore our ability to build our economies and support our government.” Building on OUR Success

After Tsilhqot’in – The Changing Landscape and the Need for Reconciliation

On June 26, 2014, the first declaration of Aboriginal title was issued by the Supreme Court of Canada. I was honoured to be able to join the celebrations at the Xenigwet’in Rodeo Grounds on July 4, 2014, along with the Tsilhqot’in people and my colleagues on the Leadership Council. Chief Roger William, Tribal Chief Joe Alphonse, and the other Tsilhqot’in Chiefs spoke passionately about the significance of this moment and of the future now that Aboriginal title has been recognized by the Supreme Court of Canada. I know that many of you have been able to celebrate with the Tsilhqot’in and to honour them at many meetings and gatherings since, including the event on October 26, 2014 in Quesnel where the Province apologized for the unjust hanging of 6 of the Tsilhqot’in Chiefs in 1864.

There is no question that the legal landscape is forever changed with the *Tsilhqot’in* decision, although some people are trying to play it down and are pretending it is “business as usual” or not that significant. Both the Crown governments, as well as our own governments, will need to reconsider their approaches to reconciliation with respect to the scope and extent of the land base over which First Nations have title and rights, as well as the multi-level governance over those lands and the balance of a Nation’s ancestral lands.

The *Tsilhqot'in* decision truly is a game changer in many ways. For me, two of the most important ways are with respect to land quantum and governance. First, the case speaks to the proposition that Aboriginal title extends to a large area of the land First Nations have historically claimed (in *Tsilhqot'in*, 45% of the land claimed in the case), so it can now be reasonably assumed that where our Nations have unextinguished Aboriginal title over our lands, that title extends to territories that are far more extensive than existing reserves or small additions to those reserves. Second, while the court has clearly said that the landmass over which Aboriginal title extends is territorial and not intensively used small spots, it has not definitively said how title lands are to be governed but has clearly said it is not the status quo for reserves or Crown land. Going forward, therefore, we must now all consider the next big question, which is: whose laws will apply to the title lands so declared? The answer will almost certainly need to be a combination of Indigenous law and Crown laws (both provincial and federal) as applicable. The relationship between laws will have to be addressed, through reconciliation discussions between the Crown governments and First Nations, but also with citizens inside our communities and between and among our Nations.

The decision has placed increased pressure on our Nations to sort out core governance both on- and off-reserve; in particular, the need to determine the political and legal relationship between and among Nations with regard to governing their respective ancestral lands. Central to this governance work will be sorting out which level of government is responsible. For First Nations this question is further complicated because the declaration of Aboriginal title in the *Tsilhqot'in* decision was not granted to an *Indian Act* band or its members but rather to a group that the court presumed — based on the facts presented in the case — is an existing and self-defining body of people who in this case, collectively is the Tsilhqot'in Nation. It is the citizens of the Tsilhqot'in, at the tribal level, who collectively enjoy the title so declared. These issues of governance are addressed in the BCAFN *Governance Report*.

“The Tsilhqot'in Decision: Aboriginal Title in BC and the Way Forward”: On August 14-15, 2014, First Nations Chiefs and leaders in BC came together for a special BC Chiefs' forum to discuss the way forward following the *Tsilhqot'in* decision and to begin building a BC First Nations' strategic response to implement the Supreme Court of Canada decision. Discussions over the two days included reflections on relations between and among our Nations, relations with the Crown (provincial and federal), and relations with industry.

The strategic discussion that started at this BC Chiefs' forum was continued at our BCAFN Annual General Meeting on September 9-10, 2014 in Vancouver, where the Chiefs in Assembly refined and endorsed four foundational principles as the basis for future work between the Province and our Nations going forward. At our BCAFN meeting, the Chiefs in Assembly made the collective decision that these principles should be tabled at the BC Cabinet and First Nation Leaders' Gathering, to be held the following day in Vancouver. The four principles are as follows:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of indigenous peoples inherent title and rights, and pre-confederation, historic and modern treaties, throughout British Columbia.

2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements.

BC Cabinet and First Nation Leaders' Gathering – September 11, 2014: On September 11, 2014, at the BC Cabinet and First Nation Leaders' Gathering in Vancouver, First Nations leaders tabled the four foundational principles with the Premier, urging that these be the basis for future work between the province and First Nations in BC. The meeting was a day-long dialogue on transforming First Nations-Crown relations in British Columbia after *Tsilhqot'in*. While Premier Clark and members of her Cabinet acknowledged at different points throughout the day that the *Tsilhqot'in* decision did present an opportunity to change the relationship and that implementation of the decision would need to be a joint endeavour to achieve success, the Province was unable at the meeting to endorse the principles. Based on the good faith expressed, we are looking forward to an endorsement of the principles at some not too distant point in time with a strong commitment from the Premier and her Cabinet to concrete actions going forward.

In follow up to the BC Cabinet and First Nation Leaders' Gathering on November 6, 2014, the BCAFN, UBCIC and FNS, working together as the First Nations Leadership Council, did in fact meet with senior staff from the Premier's Office to discuss next steps. At this meeting, the FNLC proposed a framework for re-engagement with the BC government that upholds and advances the four principles as a foundation for a transformed relationship. The proposed framework would, among other things, regularize the BC Cabinet and First Nation Leaders' Gathering so as to hold such a meeting annually. The Premier has committed to future gatherings as part of a plan to engage and reconcile with First Nations in BC.

While these meetings are important, it is more important that these annualized gatherings are a part of a larger process of engagement on the implementation of *Tsilhqot'in* that is built on the four foundational principles. Given the current climate of intense discussion and negotiation on resource development all over BC, and during a time when the province is contemplating and has made significant legislative changes, a continued commitment between our Nations and the province to reconciliation is more important than ever.

BC Treaty Commission Annual Report

Four treaties (Maa-nulth, Tsawwassen, Yale and Tla'amin) have now been completed since the BC Treaty Commission (BCTC) was created in 1993. There are 40 active negotiating tables involving 73 First Nations (or *Indian Act* bands). On October 7, 2014, the BCTC released its Annual Report. According to the report, since operational in May 1993, the BCTC has allocated approximately \$617 million in negotiation support funding to more than 50 First Nations, \$493 million in the form of loans and \$134 million in the form of non-repayable contributions. The

report focused on the challenging issue of overlapping claims, suggesting that resolving issues of overlaps and shared territories is perhaps more important than ever and that everyone, including Canada and British Columbia, have a role to play to support First Nations in BC in their efforts to reach resolution. In particular, the report focused on recommendation 8 (of 19 recommendations) from the Task Force Report that provided the framework for the BC treaty negotiations process: “First Nations resolve issues related to overlapping traditional territories among themselves.” For more information, see the BCTC 2014 annual report at www.bctreaty.net.

Mount Polley disaster

The Mount Polley mine disaster, on August 4, 2014, where a tailings pond dam broke sending millions of cubic meters of toxic wastewater into Hazeltine Creek, is a reminder of the risk that major resource development creates and the need to be vigilant. First Nations need to be involved.

The Mount Polley disaster drew immediate attention to the need for improved relations between Crown governments and our communities, including communication between the Province and First Nations communities following a disaster. Importantly, the Mount Polley disaster also highlighted disturbing deficiencies that currently exist in BC in terms of regulating and monitoring the mining industry and safeguarding the natural environment.

Initially, Imperial Metals reported that the breach released approximately 10 million cubic meters of effluent into Polley Lake and Quesnel Lake. The company has since revised the report to 17 million cubic meters of water and 8 million cubic meters of tailings/materials discharged into Polley Lake and Quesnel Lake. The mine is located in the Secwepemc te Qelmucw traditional territory and is within the traditional territories of T'exelc Williams Lake Indian Band and the Xat'sull Soda Creek First Nations. The breach has affected drinking water as well as the salmon runs in Quesnel, Horsefly and Mitchell Rivers. In August 2014, near the breach site, chemicals in the water that tested higher than provincial standards included copper, iron, manganese, arsenic, silver, selenium and vanadium.

The aftermath of the Mount Polley mine disaster continues to resonate throughout BC as our local communities, with support from provincial organizations and First Nation Councils, look to ensure the impact is minimized as much as possible and that steps are taken to ensure such an event does not occur again in BC. Water and food fish safety were, of course, immediate concerns for our Nations in the area and indeed across BC. The Ministry of Environment has established a dedicated Mount Polley website where updated information is made available, including water sample and fish tissue test results for the impact area:

www.env.gov.bc.ca/eemp/incidents/2014/mount-polley.htm. The First Nations Health Authority has also instituted a monitoring project and has been participating with local communities to gauge water quality on an ongoing basis. The First Nations Health Authority provides information about the continued response to Mount Polley, including sampling and test results and their analysis, when available: www.fnha.ca/what-we-do/environmental-health/mount-polley-mine-information.

Local First Nations, and indeed many more Nations across BC, have demanded both answers and action. The Shuswap Nation Tribal Council called for charges against those responsible, stating that there will be no mining within its territory until its demands – including a comprehensive review of safety procedures on tailings – are met. These are, of course, only some of the responses from our Nations.

The call to action was also echoed through First Nations organizations in BC. The First Nations Fisheries Council (FNFC) called the spill “devastating”, particularly as it occurred just as a record-number of salmon were entering the Fraser on their way to their spawning grounds near Quesnel. Even after the drinking water ban was lifted and fish were deemed safe to eat, the FNFC has said there is concern about the future of fishing and that vigilance will be needed during the clean-up and future monitoring to ensure toxins do not impact fish habitat and their ability to spawn. The BC First Nations Energy and Mining Council (FNEMC) issued an immediate call for mining reform following the disaster, noting this was at least the seventh breach in the past decade. The FNEMC has maintained for a number of years that reforms are needed and that companies profiting from these projects should bear the full cost of mitigating any damages they cause.

The AFN has demanded that First Nations be involved in the development and implementation of remediation plans as well as being involved in the future regulation of the environment to ensure our citizens, families and traditional territories are protected. The clear message from First Nations across BC is that this disaster is not just a problem for the local Nations but that it is endemic of a broader problem that demands action. The BCAFN will continue to work with First Nations in BC so that all means are exhausted to ensure that future such events are avoided.

Major Resource and Energy Infrastructure Development

Liquefied Natural Gas (LNG) Development in BC and the Province’s Development Agenda:

Whether or not LNG will be the driving force of a future BC economy is a big political and economic question. Certainly the current provincial government has made it a priority. At this point, there have still not been any final investment decisions made by any of the dozen or so interested companies in BC. Petronas, that is one of the companies interested and one of world’s largest energy companies, has publically been pressuring the BC government to produce a competitive tax and regulatory system or the company would simply seek somewhere else to invest.

Part of this was in response to the February 11, 2014 Throne Speech, where the Province projected that the BC LNG tax formula would include an initial tax of 1.5% on net income and once the capital costs of building were passed then the tax could increase up to 7% depending on the project. On October 21, 2014, however, when the Province officially introduced the *BC Liquefied Natural Gas Income Tax Act*, the legislation reflected much lower rates than projected in February. The tax rate on net income is 3.5% for years beginning on or after January 1, 2017 and 5% after January 1, 2037 and will apply to income derived from liquefaction of natural gas

at LNG facilities in B.C. A tax rate of 1.5% will apply during the period whereby net operating losses and capital investment are being deducted after which the full 3.5% is applicable.

Investors, and indeed many British Columbians, are also paying close attention to Minister of Environment Mary Polak's October 20, 2014 introduction of proposed legislation which would set a benchmark for the allowable greenhouse gas (GHG) emissions for any LNG facility. The Province's stated intention is to meet climate change goals. Meeting these goals will necessarily require policy changes in areas outside of LNG in order to keep pace with the significant increase in emissions should BC's LNG industry occur. Allowances for companies include the option to purchase carbon offsets which would contribute to a fund for innovation in cleaner technology. Companies that perform well may receive performance credits. The challenge, some have argued, lies in the additional increase of GHGs which occurs during the fracking and transportation stages of LNG development, a part of the process not included under the proposed legislation. In response to this criticism, the Province has said that further legislation is under development. What is clear is that if the Province hopes to meet its 2013 goal to establish BC as a leader in LNG development, it will have to find a way to balance business interests, earn social licence, and meet legal responsibilities with respect to our Nations.

As noted in my previous report, much attention has turned to processes for environmental assessment, protection, and monitoring which adequately involve First Nations and reflect the post-*Tsilhqot'in* reality. In this regard, the Province has been seeking ways to address the fact that First Nations communities require environmental protections which meet standards that reflect a unique respect for our lands and territories. One such effort was announced in May 2014 at the International LNG in BC Conference. The province partnered with First Nations communities to host regional workshops from September 8-16, 2014 in Fort St. John, Prince George, Prince Rupert, and Smithers to gain feedback on the development of a management structure for a proposed Liquefied Natural Gas Environmental Stewardship Initiative (LNGESI). As the engagement sessions have only recently wrapped up, details on what the LNGESI could look like have not been released. The BCAFN will provide an update when further information is available.

Enbridge's Northern Gateway Project: On December 19, 2013 the Joint Review Panel released its report on Enbridge's Northern Gateway project. The report included 209 recommended requirements for approval of the project. Despite overwhelming public opposition to the pipeline, including those First Nations whose Aboriginal title and rights and other concerns have not been addressed, the federal cabinet announced on June 17, 2014 that it accepted the Joint Review Panel's findings and upheld their decision to approve the project if the 209 conditions are met.

Despite federal approval, given the 209 conditions and outstanding requirement to address Aboriginal title and rights where the pipeline crosses multiple Nations' ancestral lands, the project has little if any realistic chance of proceeding. There are a number of legal challenges to the pipeline. Last July, a coalition of the Haida, Gitxaala, Heiltsuk, Kitasoo/Xai'xais, Nadleh Whut'en and Nak'azdli Nations applied for judicial review of the federal government's approval of Northern Gateway. Campaigns by the broader public to gather financial support for this and

other legal challenges have been very successful. For example, the Pull Together Campaign organized by Sierra BC and RAVEN Trust has raised over \$225,000, which will be matched by an anonymous donor (<http://pull-together.ca/>). Other fundraising organizations include SumOfUs.org which has raised over \$40,000, community groups, over 30 participating businesses, and the United Church of Canada.

To date, with respect to Northern Gateway specifically, there has been no formal response from the Province of BC. What we have had, however, is Minister of Environment, Mary Polak, stating that the Northern Gateway Project will only proceed if BC is convinced that its five requirements for heavy oil pipelines have been met. These are:

1. Successful completion of the joint review panel,
2. Establishment of world leading marine oil spill response, prevention and recovery,
3. Establishment of world leading practices for land oil spill prevention, response, and recovery,
4. Legal requirements on aboriginal rights and title are addressed, and
5. BC receives a fair share of the fiscal and economic benefits.

In terms of provincial relations regarding the project, in July 2013, a BC-Alberta Working Group was established to develop recommendations and an action plan related to energy exports which could ultimately balance BC's five requirements and Alberta's interest in proposed pipelines that would cross between the two provinces. A final report was released by the BC and Alberta Premiers on January 27, 2014 which outlines objectives which were to be met over a six to eighteen month period by five working groups. On September 30, 2014, the Working Group released its third quarterly report. In the report, two significant updates are conveyed. The first is a recognition that the realm of First Nations and resource development in BC has changed due to the *Tsilhqot'in* decision, the second was with respect to changes to the Canadian Energy Strategy's vision and principals which were approved by Premiers at the Council of Federation meeting in August 2014. A final strategy is expected in the summer of 2015. Of the five working groups, one is a First Nations Working Team (FNWT). The FNWT has been in the process of drafting a "First Nations Engagement Principals for Energy Development and Exports" document, which would express the Province's expectations of proponents on issues such as employment training, education and service opportunities, to financial support, information sharing, and protocols. Unfortunately, this document has not been shared nor has the BC – Alberta Working Group reached out to BC First Nations Leadership to participate in this work. As we have stated time and time again, these unilateral approaches to addressing key issues of the First Nations – Crown relation are not an effective route to a positive relationship nor can they be expected to achieve meaningful results if First Nations leadership are not invited to participate as partners.

Kinder Morgan Trans Mountain Pipeline expansion: Opposition to Kinder Morgan's Trans Mountain pipeline and tanker projects has been wide spread and growing. Local municipalities such as Vancouver and Burnaby, the Tsleil-Waututh Nation through their legal challenge to the National Energy Board's review of the project, and citizens, both First Nations and from the

general public, have all united and joined the list of opposition. The proposed expansion project would triple existing capacity from 300,000 barrels of petroleum products per day from Edmonton to the West Coast to 890,000 barrels a day. Kinder Morgan's preferred route is through Burnaby Mountain where a tunnel is proposed. Citizens began to camp at a site on Burnaby Mountain in September to halt survey work related to the project. On Monday, November 17, 2014, an injunction was granted by a B.C. Supreme Court judge to enforce access for survey workers. The RCMP began enforcing the injunction on Thursday, November 20, 2014 and at the time of writing over 60 arrests have been made.

Federal Initiatives to Support West Coast Energy Infrastructure: Efforts have been made to secure Aboriginal support for energy projects such as the Enbridge Northern Gateway Project. One of the key approaches was to appoint Ministerial Representative on West Coast Energy Infrastructure Doug Eyford to lead engagement with First Nations on energy related issues. As noted elsewhere in this report, Doug Eyford has recently been reappointed to lead similar engagement sessions on the topic of reforming the Comprehensive Claims Policy. In his role respecting west coast energy infrastructure, Doug Eyford tabled a report in December 2013 *Forging Partnerships, Building Relationships: Aboriginal Canadians and Energy Development*. The report included numerous recommendations to support improved relations between Canada, industry, and First Nations. Of the 29 recommendations, Canada has proceeded with two recommendations, both of which are outlined below.

Major Projects Management Office West: Based on Canada's Responsible Resource Development Plan and Ministerial Special Representative Doug Eyford's December 2013 report *Forging Partnerships, Building Relationships: Aboriginal Canadians and Energy Development*, Minister Rickford announced in May 2014 that a western arm of the Major Projects Management Office (MPMO), would be established in Vancouver, B.C. The MPMO is a federal organization mandated to support regulatory review of major resource projects. The MPMO-West is intended to support the Government of Canada in coordinating activities on energy infrastructure development with BC First Nations and industry in BC and Alberta. As noted in my previous report, Michael Henderson is the appointed lead to the MPMO West office. A short presentation was delivered at the 2014 third annual Joint Gathering held in October between the federal government and First Nations leadership, where Michael Henderson provided an introductory presentation on MPMO West and reported that a location was secured and engagement with BC First Nations would be a focus.

Tripartite Forum: Also stemming from Ministerial Special Representative Doug Eyford's December 2013 Report, Minister Rickford announced that a Tripartite Forum between Canada, B.C., and First Nations would be established to share information, identify common interests and align efforts on regional and province-wide issues directly impacting Aboriginal participation in the development of energy infrastructure and natural resources on Canada's West Coast. The MPMO-West is identified as the Tripartite Forum's secretariat.

Since its announcement on May 27, 2014, key details surrounding resources, how and when the Tripartite Forum will be established, guided by what mandates, and which parties will be on the Tripartite Forum have not been shared broadly with First Nations leaders in BC. From what I

understand, Canada is currently developing a draft Framework and Terms of Reference for the potential Tripartite Forum. I continue to stress that any policy or work aimed to impact First Nations in BC, especially as it relates to major resources and the land, can only be legitimate through meaningful collaboration. When the draft documents are available, I will provide them to our Nations for review.

Update on Site C: This summer, the Site C dam again became a focus of discourse across the Province when media reports indicated the controversial \$8 billion project (that would be the third along the Peace River and which would be BC's fourth largest dam and the biggest hydro engineering project since the 1984 Revelstoke Dam) could be cleared for ground-breaking in 2015, despite the objections of many in the area, including First Nations.

On May 1, 2014, the Joint Review Panel (the "Panel") report on BC Hydro's Site C dam was released with recommendations, conclusions, and rationale to the federal Minister of Environment and Environmental Assessment Office. The Panel concluded that "the proponent has not fully demonstrated the need for the project on the timetable set forth" suggesting that while there may be an energy need in the future and the project would produce the least greenhouse gases to meet this need, there was not enough research available to demonstrate certain energy demand now. The Panel also acknowledged that significant impacts to current uses and resources for traditional purposes by Aboriginal peoples would occur if the project proceeded, suggesting rightly, that the federal government has the onus to weigh the impacts to Aboriginal title and rights, including treaty rights. The Panel reported on the need for comprehensive cumulative impact studies, which would include past, present, and future development on the area. The Report was viewed positively by those who oppose the dam as it represented a shift in thinking from assessments based on individual projects to an area-based assessment. Despite the useful conclusions and recommendations, the Report remained ambiguous regarding whether the project should proceed.

Despite the findings in the Report, on October 14, 2014, both the federal and provincial environmental ministers issued environmental certificates for the project. BC government included 77 conditions in its environmental assessment certificate. The federal government also included 80 conditions within Minister Aglukkaq's decision. To proceed the project would still require a final investment decision by the Province as well as regulatory permits and authorizations. Energy Minister Bill Bennett has commented to media that a final investment decision would be announced before the end of the year. That being said, BC Hydro must inform Aboriginal and municipal agencies 90 days prior to the commencement of construction. Despite no formal announcement, BC Hydro has issued a letter to officials in the Peace River Valley stating that construction could begin soon.

Treaty 8 Nations have pointed out that Site C has been proposed in one form or another since the 1970s and that First Nations communities in the area have opposed it since the beginning. From the accounts of local First Nations (that were acknowledged in the Panel report), the project would impact integral First Nations archaeological sites and treaty rights. The Doig River, Prophet River, West Moberly and McLeod Lake Bands, all members of the Treaty 8 Tribal Association, have applied for judicial review stating that Ottawa failed to adequately consider

the potential impact on First Nations and thus have violated treaty rights. The BCAFN will provide further updates as they arise.

Federal Comprehensive Claims Policy (CCP)

In past reports I have detailed extensively the work in 2013 at the Senior Oversight Committee (SOC) on the federal comprehensive claims policy. In that process, the AFN worked with federal officials from the Prime Minister's Office, the Privy Council Office and AANDC to develop recommendations to create new mechanisms to support reconciliation based on recognition and which built on the many studies and reports recommending replacing the out-dated CPP. This work was the primary focus of the BCAFN SCA in June and the AGM in September. In the end, the recommendations brought forward by the SOC for the Prime Minister's consideration have been met with silence. We have yet to receive a formal response from the PMO on these recommendations that were the result of almost a year's worth of work.

Notwithstanding the SOC work and the recommendations, in July of this year, Minister Valcourt announced that Doug Eyford, as his appointed Ministerial Special Representative, would lead a new engagement with Aboriginal groups and key stakeholders to review and reform Canada's Comprehensive Land Claims Policy (CCP). On August 29, 2014, a month into this new appointment of Mr. Eyford, AANDC released a new interim CCP titled *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*. This interim policy purports to outline Canada's current approach to modern treaty negotiations, along with what it considers key updates. The interim policy does include the principles of recognition and reconciliation that were developed at the SOC, however these principles were not finished, and in any case need to be reconsidered in light of *Tsilhqot'in*. They need to be incorporated into a new approach to resolving the land question, not simply appended to a policy that does not reflect them.

Reformed and new mechanisms that replace the CCP must take into account Aboriginal perspectives and look to incorporate the solutions put forward by the SOC. The BCAFN will be making a formal submission to Mr. Eyford regarding the interim policy, based on the substantive work undertaken at the SOC and other work of the Chiefs. If you have specific concerns about the interim policy and would like to discuss further please contact our office.

Specific Claims

Chiefs Committee on Claims (CCoC): The AFN's Chiefs Committee on Claims (CCoC) continues to meet regularly and is responsible for providing the AFN with technical and political guidance in its engagement with Canada on land rights and claims. The primary focus is on specific claims. On August 6, 2014, the Co-Chair of the CCoC, Chief Maureen Chapman, made a pre-budget submission to the Standing Committee on Finance on behalf of the CCoC for consideration in the 2015 pre-budget consultations.

The pre-budget submission included 7 specific recommendations for Canada to consider:

1. Restore specific claims research and development funding so that historical grievances may be brought forward and finally resolved. We propose that funds allocated to the

Specific Claims Branch, Department of Justice and external legal counsel to litigate against First Nations land claims be re-allocated to research, development, negotiations and the Specific Claims Tribunal;

2. Immediately fulfill the commitment made under the Economic Action Plan 2013 to allocate \$54 million over two years to ensure that specific claims are addressed promptly;
3. Engage in good faith negotiations as promised in *Justice At Last* to bring about the fair and timely resolution of specific claims. Estimated costs to develop, negotiate, and settle claims, are significantly lower than the costs of prolonging the process and pushing claims to the Specific Claims Tribunal and Judicial Review;
4. Negotiate all claims, regardless of compensatory value and abandon the practice of offering partial acceptances; if a lawful obligation is found, curb exponentially rising costs by engaging in the negotiation of all allegations brought forward. All lawful obligations must be completely fulfilled to provide real certainty and closure to past grievances. This will lead to greater economic investment and growth for both First Nations and Canadians;
5. Accept as valid, final and binding the decisions of the Specific Claims Tribunal and abandon the costly practice of applying for judicial review on decisions favourable to First Nations;
6. Support the most economically marginalized communities in Canada by negotiating specific claims fairly and awarding compensation to promote economic development in First Nation communities. Land ownership certainty brings economic prosperity including private investment and jobs for First Nations and Canadians; and,
7. Encourage employment by restoring funding to claims research units, government record repositories, and First Nations program delivery associations.

The next AFN CCoC meeting is scheduled for December 2, 2014 in Vancouver.

Specific Claims Tribunal

A 5-year legislative review has been underway as Canada evaluates the *Specific Claims Tribunal Act* and *Justice At Last*. When *Justice at Last* was announced in 2007, many First Nations saw it to be an important step towards settling longstanding grievances. The *Specific Claims Tribunal Act* and the political agreement signed in 2007 by then, Minister of Indian Affairs, Jim Prentice, and former National Chief Phil Fontaine committed to ensure: (1) impartiality and fairness through an Independent Claims Tribunal; (2) greater transparency through dedicated funding for settlement; (3) faster processing by improving internal government procedures; and (4) better access to mediation by refocusing the work of the current Claims Commission.

As I have set out in previous quarterly reports, there are a number of serious concerns that have been expressed by First Nations about how the government's Specific Claims Branch currently processes claims and how the Specific Claims Tribunal is working despite some important decisions coming from the Tribunal. It has even been suggested that claims made after *Justice At Last* was adopted have a poorer chance of being negotiated and settled than claims filed prior to 2007.

After more than 6 years since *Justice at Last* came into effect, there are some serious questions that First Nations are looking to have answered, including:

1. If *Justice at Last* is the product of collaborative work between First Nations and Canada, why is it that after more than 6 years of its implementation, the perceived success for both parties is substantially dissonant?
2. Has *Justice at Last* resulted in a real clearing of the backlog through fair processing, or has *Justice at Last* simply meant a speedy process to close claims at a minimal cost and a relocation of claims to the doors of the Specific Claims Tribunal?
3. Why has AANDC focused its reporting efforts on “concluded” claims, as opposed to settled claims?
4. Given that First Nations have repeatedly raised concerns regarding Canada’s conduct in negotiation tables, lack of access to mediation, and recent drastic research funding cuts, how can Canada claim, as it has, that it has delivered on all four of the aforementioned *Justice At Last* commitments?

These fears seem to be corroborated by the messaging of the Specific Claims Tribunal in its 2014 Annual Report issued September 30. The report raises grave concerns about how Canada is handling specific claims. Justice Harry A. Slade, Chairperson of the Specific Claims Tribunal, made the following telling statement in the report:

The Tribunal has neither a sufficient number of members to address its present and future case load in a timely manner, if at all. Nor is it, due to the imminent coming into force of section 376 of the *Economic Action Plan 2014 Act, No. 1*, which provides for the creation of the Administrative Tribunal Support Services Canada (ATSSC), assured of its ability to continue to function with adequate protection of its independence. These concerns have been raised with the Minister of Justice and the Minister of Aboriginal Affairs and Northern Development. There has been no adequate response from Government.

Without the appointment of at least one additional full time member and several part time members, there will be unacceptable delays in servicing the current case load, much less any new claims.

I am the only full time member, and the Chairperson of the Tribunal. My term expires in December, 2015. Without the appointment of one or more full time members in the interim there will be no ability to implement a succession plan or service the case load. The Tribunal will fail.

As noted above, the AFN’s Chiefs Committee on Claims, in anticipation of the legislative review, has been discussing the way forward.

Water

Water Governance and the Provincial Water Sustainability Act: On May 29, 2014, the BC *Water Act* was significantly updated when the *Water Sustainability Act* received Royal Assent. The new act is expected to come into force in April 2015. Much like the federal *Safe Drinking Water for First Nations Act*, this new act is essentially a water governance framework and while it creates the opportunity for a new and strengthened regulatory framework, it leaves many of the important details to be developed through new regulations. At present, the majority of regulations under the act are not yet developed and until these are completed it is unclear as to whether the underlying rules respecting access rights will remain the same.

Property in and the right to the use and flow of all water in the province is vested in the provincial government, and the new act still provides that private interests can be granted and licences issued or approvals given under the act in a system of priority. The new act is silent with respect to Aboriginal rights over water and does not recognize the right for our Nations either to a priority for water or to have a role in decision-making with respect to water. The FNLC and indeed many BC First Nations have expressed concerns about the act to the Province, citing that the act does not adequately address the legal duty to consult and accommodate where Aboriginal title and rights may be affected. The FNLC will continue to join with many of our Nations in BC in pressing the Province to ensure that these issues be addressed during regulatory development.

Fisheries

The First Nations Fisheries Council (FNFC) Executive began a new 3 year term since my last report, with new or renewed appointments for all regions. In keeping with the vision of the 2010 All Chiefs Task Force, the FNFC continues to strive to build a cohesive voice to advance First Nations interests in BC. As part of delivering on this vision, the FNFC has continued to build a collaborative framework across the province via formal Charters being signed with regional First Nations organizations; to date, 128 First Nations communities are involved through these charters. The FNFC's monthly Communiques include updates about these charters and other ongoing initiatives, and these Communiques are accessible on their website at: www.fnfisheriescouncil.ca/communications/communiques.

Aquaculture Activities Regulations: The proposed Aquaculture Activities Regulations (AAR) were developed under the *Fisheries Act* to set out the conditions under which operators of finfish and shellfish farms may deposit pathogen and pest treatment products and other organic matter such as uneaten fish food and fish waste into the aquatic environment. On August 23, 2014, DFO published the proposed AAR in the Canada Gazette. A 60-day public consultation process commenced, which closed on October 22, 2014. The FNFC, the AFN, as well as many First Nations organizations and communities made submissions to DFO during the consultation period. The final AAR are expected to be published in the Canada Gazette in early 2015.

First Nations Aquaculture Technical Session – December 2, 2014, Vancouver: The Department of Fisheries and Oceans (DFO) is hosting a First Nations Aquaculture Technical Session in Vancouver on December 2, 2014. While the First Nations Fisheries Council (FNFC) is providing coordination and logistical support to First Nations to access technical information, and is

guaranteeing travel for one person per community to attend, this meeting will be led by DFO. For more information about this meeting please contact Michelle at the FNFC michelle@fnfisheriescouncil.ca.

Nuu-chah-nulth Celebration: A celebration of Nuu-chah-nulth fishing rights was held on Nov. 1, 2014 at the Maht Mahs Gym on Tsehaht Territory in Port Alberni. The event celebrated the Supreme Court's refusal to hear Canada's appeal of a decision that affirmed the Aboriginal economic fishing rights of five Nations: Ahousat, Ehattesaht/Chinehkint, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht.

Award for Tahsis Band: On June 26, 2014, the Tahsis Salmon Enhancement Society was awarded a National Recreational Fisheries Award. The award recognizes the work of the Les Dowding Memorial Volunteer Hatchery that was established in 1982. Since 2004, Tahsis has been raising and releasing Chinook fry. Each year, 300,000 fry are collected and raised through a program that works in conjunction with the Captain Meares school to raise salmon fry in science classrooms and later release them into the Tahsis river. I would like to congratulate the Tahsis Salmon Enhancement Society for the hard work they have put in and the positive results that have been achieved.

Forestry

On April 1, 2014, in response to recommendations of the 2012 bi-partisan Special Committee on Timber Supply, the government of BC initiated a public engagement process to explore the concept of converting existing volume-based tenures to area-based tenures in the province. On August 28, 2014, the final report of this public engagement process was released by the province summarizing the engagement and containing 35 recommendations for the province to consider. The final report is available online at: <http://engage.gov.bc.ca/foresttenures/>.

Over the summer and into fall 2014, the BCAFN, along with the UBCIC, FNS, and the First Nations Forestry Council continued to raise concerns regarding the area-based tenure amendments to the *Forest Act*. The proposed change, which has been attempted before, would impact Aboriginal title, rights and treaty rights, fundamentally impacting First Nations. Any such change, we argued, would require direct consultations with First Nations, well beyond the limited engagement the province had undertaken with select communities.

The FNLC sent a letter to the Premier and the Minister of Forests, Lands and Natural Resource Operations in August of this year during the engagement period, pointing out that the proposed amendments to the *Forest Act* would limit First Nations ability to exercise their inherent rights, jurisdiction in land use planning, the regulation of their territories, and their ability to fairly negotiate with the Crown or proponents. Such moves go against the spirit of many agreements with the province including the Forestry Revitalization Plan, the New Relationship and the Transformative Change Accord. Further, the recent Roundtable Recommendations Report in 2009 identified the forest sector as an opportune place to further our relationships and build both economic opportunities through First Nations forestry business' and build First Nations institutional capacity more generally.

On October 20, 2014, the FNLC received official word from the Minister of Forests Lands and Natural Resource Operations, Steve Thomson, that the province would not be proceeding with legislative changes that would enable forest licence conversions in fall 2014 or spring 2015. The province has suggested that this decision will allow for the more fulsome discussion on the issues that the FNLC and indeed many First Nations themselves have requested, but they have not said that these changes will not return to the table in the future.

Of course, the recent *Tsilhqot'in* decision affirms that Crown governments must consult and accommodate First Nations' interests before proceeding with resource development initiatives that impact directly on First Nations lands, and changes to provincial legislation such as the *Forest Act* certainly impact on future resource development. First Nations are in a position to ensure that government and industry come to the table to discuss such initiatives and the BCAFN will continue to provide updates on this and other proposed initiatives that impact on Forests.

Historic Joint Venture between First Nations and Canada Lands Company

On October 1, 2014, Musqueam, Squamish and Tsleil-Waututh Nations and the Canada Lands Company announced the acquisition of three properties in Vancouver and West Vancouver that were previously used by the Government of Canada: the "Jericho Lands", approximately 52 acres formerly owned by the Department of National Defence; the "Heather Street Lands", 21 acres formerly Public Works and Government Services Canada land; and, "4160 Marine Drive Lands", 5 acres formerly the property of the Department of Fisheries and Oceans. Reportedly, the properties are worth over \$307.2 million. The joint venture partnership establishes equal ownership interest in the three properties with 50% held collectively by the Nations and the other half by the Canada Lands Company. I would like to congratulate the Nations involved as this historic partnership represents years of hard work. The venture is another example of the leadership our Nations are demonstrating during this period of Nation building and rebuilding. The vision for our Nations is reflected in the varied initiatives undertaken by our communities, such as this one. In this case to build an economy in a way that is respectful of cultural and family connections in a contemporary context.

3. Improved Education

Strong & Appropriate
Governance


Fair Lands &
Resources


Improved
Education


Individual
Health


"To make the most of opportunities resulting from fair land and resource settlements and true self-determination we need well educated and well trained citizens." Building on OUR Success

Federal First Nations Education Legislation

The third pillar of the BCAFN action plan, improved education, was top on the agenda at our AFN Annual General Assembly this summer in Halifax. There was much debate about the

federal government's *First Nations Control of First Nations Education Act*. I must say I was as surprised as many of you, to find out later that the government thought they had a deal with the AFN due to the former National Chief signing what looked like the drafting instructions for the bill. The AFN Executive was not made aware of this document. That said, in Halifax, through Resolution 11/2014: *Advancing First Nations Control of First Nations Education*, the Chiefs have reaffirmed the fundamental objective of fully achieving and implementing First Nations' control of First Nations' education and have set a path forward.

The federal government has since told us their education bill has been shelved. Nevertheless, there is, of course, still the need to reform the education system as it applies to our children and to take action now. We still need to get rid of the *Indian Act* with respect to the administration of education. New money is very much required. For me, the bill's flaws were not in its underlying intention, but rather in its execution. Practically and administratively it was not workable, reflecting a lack of adequate policy consideration or study before it was drafted.

One of the most problematic aspects of the bill is that it does not contemplate the evolution of First Nation governance beyond the *Indian Act*. The bill embeds what today is the existing federal education policy, where *Indian Act* bands have local responsibility for schools but the ultimate control remains with the federal bureaucracy and the Minister. I do not think this was the intention as there is the concept of the "education authority".

Further, although Bill C-33 does provide some authority over operational aspects of education on-reserve – for example, by providing that students may have instruction on their culture and in their own language, in addition to either English or French and by allowing the school year to be altered to meet individual First Nations' needs (providing that the students attend for the mandated number of days) – it does not remove First Nations or their schools from *Indian Act* governance or the control of the Minister.

One of the biggest concerns expressed by First Nations in BC is that any new federal legislation must not negatively impact or slow down the work that has already been done by our Nations and the First Nations Education Steering Committee (FNESC) on our BC Education initiative, but rather support and enhance it.

There is no question new legislation is needed for the country as a whole. There is less need in BC. However, we need to get the policy right. Accordingly, it is imperative that we continue to push for reform and advocate that any legislative initiatives seeking to address the education of our children must be developed jointly. Any future initiative must recognize and provide the space for regional differences that already exist across Canada.

Education remains a top priority of the AFN and is a key pillar in our *Building on OUR Success* action plan at the BCAFN. I will continue to work with my colleagues on the AFN Executive and on the First Nations Leadership Council, to press the federal government to withdraw Bill C-33 and begin a process of co-developing legislation that will reflect true First Nations control of First Nations education and will provide adequate resources to fund the programs and infrastructure needed to provide a quality education for our people.

Tripartite Education Framework Agreement

As set out in previous quarterly reports, implementation of the Tripartite Education Framework Agreement began in September 2012. At this time, a new funding model for First Nations schools in BC was employed, following the provincial funding formula in the provincial Operating Grants Manual, with specific adaptations. As well, a new reporting regime began. Following this new reporting regime, second year data under TEFA was reported to AANDC on October 31, 2014. For more detailed information about this report, please contact the First Nations Education Steering Committee (FNESC).

Briefly, the second year TEFA results are:

- Showing preliminary positive trends (e.g. reading, writing, numeracy);
- Suggesting students in First Nations schools are achieving outcomes that are at least comparable to students in other systems; and,
- Being used to inform the development of our First Nations system and its supporting programs and services

At recent meetings of the BCAFN, UBCIC and FNS, the Chiefs in Assembly passed resolutions supporting the continued efforts of FNESC and the Ministry of Education to review and enhance the provincial Accountability Framework for the benefit of First Nations learners attending public schools. The FNLC will continue to work with First Nations in BC and with the FNESC to ensure that advocacy continues in order to press the Province to continue working for greater accountability.

Advocacy is also required in order to ensure that AANDC fully implements the TEFA funding model. To date, this has not occurred. First Nations in BC have not received the full amount that they are entitled to under TEFA for 2012-2013, and FNESC has expressed concern that our Nations may not receive the amount they are entitled to for the current school year. I will continue working with FNESC and our Nations to advocate for the full implementation of funding under TEFA.

B.C.'s Skills for Jobs Blueprint: Re-engineering Education and Training

The Province released its *B.C.'s Skills for Jobs Blueprint: Re-engineering Education and Training* (the "Blueprint") on April 29, 2014. The first half of the Blueprint describes changes that the province deems necessary to the education and training system in BC in order to ensure the system is responsive to the needs of the labour market and specifically to the needs identified by industry. The remaining half provides further description of what these changes might look like specifically in relation to the liquefied natural gas (LNG) sector.

Some BC First Nations have expressed apprehension over the Blueprint and its preoccupation with the non-renewable resource industry at the expense of other sectors such as health. While the Blueprint does include a commitment to work with FNESC and other education partners to ensure that Aboriginal students are able to access high-quality educational opportunities, FNESC was not involved in the development of the Blueprint and was only alerted of the document shortly before its release. While the Blueprint was released over 6 months ago,

FNESC has reported that the province has yet to engage FNESC on its implementation. The BCAFN will continue to work with First Nations in BC and the FNESC in responding to the Blueprint and its implementation.

4. Individual Health

Strong & Appropriate
Governance


Fair Lands &
Resources


Improved
Education


Individual
Health


“In order to take advantage of our very real opportunities arising from the settlement of land claims and self-determination we need strong families and healthy citizens.”

Health

Providing health services for citizens is now the largest budgetary expenditure for all governments in Canada, and the cost is growing as the population ages and as medical treatments, programs and services become more advanced. In previous reports, I have detailed a number of important developments over the past few years in BC, including the activities of the (BC) First Nations Health Council (FNHC) and the establishment of the (BC) First Nations Health Authority (FNHA), a non-profit society incorporated under the BC *Society Act*. Prior to October 2013, Health Canada, through its regional office, delivered public health and community health programs on-reserve in BC. On October 1, 2013, the FNHA assumed full responsibility for the design, management, delivery and funding of health programs and services formerly administered by Health Canada. This remains the only First Nations Health Authority in Canada. Like all governments, our Nations will be challenged to design and provide services that meet the needs of our citizens.

The First Nations Health Authority (FNHA): In August 2014, the FNHA released the first edition of the First Nations Health Benefits Information Package. This publication contains information about the program’s principles, coverage, claims process, appeals, frequently asked questions, contact information, etc. It is designed to help First Nations people work through the system easily and covers areas including dental, medical supplies/equipment, transportation, mental health, MSP, pharmacy, vision care, etc. The package is available on the FNHA Website. In the coming years, it is the intention of the FNHA to work with communities and service providers to reform the health benefits program and redesign the planning, programming and funding model formerly used by the First Nations and Inuit Health Branch of Health Canada.

Indian Residential Schools Settlement – Personal Credits for Education: On January 20, 2014, the Government of Canada announced that eligible former Indian Residential Schools (IRS) students who qualified for the Common Experience Payment (CEP) under the IRS Settlement Agreement may now qualify for a one time IRS Personal Credit (no cash value) for educational programs and services. This was because there was money left over in the settlement after processing the claims. The organization appointed to handle the IRS Personal Credits process is Crawford Class Action Services and eligible IRS students will have received a Personal Credits

Acknowledgement Form in the mail from Crawford Class Action Services. While the national AFN is not overseeing this process the national office it has been providing assistance to complete forms if required.

In response to concerns expressed by former residential school students and their families, the AFN has urged Canada to consider extending the original deadline of October 31, 2014, for the IRS Personal Credits. An Order by the Supreme Court of British Columbia on November 19, 2014, allows applicants to continue to submit their Personal Credits Acknowledgement and Personal Credit Redemption Forms for processing until a final decision is made by the Courts. The court authorizes Crawford Class Action Services to keep accepting and processing applications and redemption forms. A final decision to extend the deadline for applications has not yet been reached. The AFN will continue to provide updates. Please call the AFN at 1-866-869-6789 if you require assistance on IRS Personal Credits. More information is also available at www.residentialschoolsettlement.ca or by calling 1-866-343-1858.

Violence Against Aboriginal Women and Girls

Memorandum of Understanding with Province of BC: On June 13, 2014, Premier Christy Clark officially signed a Memorandum of Understanding with the BCAFN, UBCIC, FNS and Metis Nation British Columbia regarding stopping violence against Aboriginal women and girls. The MoU is not detailed but rather a pledge to work jointly to set goals and then create policies to reach them.

As one of the signatories to the MoU, I am hopeful it will contribute to helping form and introduce policies to address the root causes of violence against our women and girls. In this work, we are fortunate to have the guidance of so many committed First Nations organizations and communities already undertaking work on the ground and in their communities. However, poverty, inequality and the marginalization of our people are deep problems and these deep issues, and the frustration they create, can manifest itself in many ways including violence. I continue to maintain that it is only by dealing with these underlying causes and the loss of identity and a sense of belonging caused by colonialism, can we do better for the vulnerable people in our communities and across BC. To this point, early discussions at the Joint Partners table to the MoU have been an opportunity to push our provincial partner to embrace cross-government participation at the joint table and deliver on the pledge of the MoU.

At the same time as BC is moving forward, the federal government continues to reiterate it will not hold a public inquiry into the over 1,200 missing and murdered Aboriginal women across Canada. In late August, the Prime Minister again brushed off calls for an inquiry. I continue to work with my colleagues at the FNLC, NWAC, and with our Nations to advocate for action on the part of the federal government. I believe the new joint table with the Province created through the MoU can be used to further advocate for an inquiry.

National Truth and Reconciliation Commission (TRC)

After a three day hearing in Toronto in July, Judge Paul Perrell of the Ontario Superior Court delivered his judgment on the disposition of Independent Assessment Process (IAP) records. The Court ordered that the records be preserved for a period of 15 years. The intention is that

the 15 year period would permit Survivors to make decisions about the preservation of their IAP records. The ruling affects more than 38,000 people who applied for compensation based on the abuse they experienced as residential school students.

The TRC had argued that the materials currently stored at the National Research Centre on Residential Schools should be housed at the University of Manitoba, while the federal government wanted the records held at Library and Archives Canada. The Indian Residential Schools Adjudication Secretariat (IRSAS), headed by Dan Shapiro, wanted the documents destroyed but only after notifying claimants who could then indicate if they wanted them preserved. In response to the court decision, Chair of the Truth and Reconciliation Commission of Canada, Justice Murray Sinclair stated: “The Court has recognized that Survivors should have the choice about whether their IAP records are destroyed. The Commission argued before Justice Perell that the informed consent of Survivors is essential. We look forward to working with the parties to develop a comprehensive and effective notice program as directed by the Court. A meaningful notice program will ensure that all Survivors are permitted to make informed decisions about whether their experiences should be preserved for history.”

Children and Families

Services provided by the provincial Ministry of Children and Family Development (MCFD) or designated as equivalent services and therefore funded by the federal government and either administered provincially or at a local level continues to be an area where First Nations are challenged in their work with the provincial and federal governments. At the federal level, the government views child and family services as generally outside its area of responsibility and merely provides funding that is then administered by the Province or funnelled through the provincial government to First Nations to administer specific services. In nearly all program areas relating to children and families, First Nations have little or no control over either the amount of funding or how the funding can be used.

The Representative for Children and Youth – Report on Adoptions in BC: On November 18, 2014, BC’s Representative for Children and Youth released a follow-up report to her June 2014 report, *Finding Forever Families: A Review of the Provincial Adoption System*. This update provides statistics for this fiscal year-to-date as well as the two previous fiscal years.

The update reveals that Aboriginal children are vastly over-represented in care compared to their percentage of BC’s overall child population and the Representative has focused in this update on Aboriginal adoptees and adoptive families. Aboriginal-specific numbers are listed for the number of waiting children, number of available adoptive homes and number of adoption placements. The update, as well as the full report are available on the website of the Representative for Children and Youth at www.rcybc.ca.

PART TWO: RELATED ACTIVITIES

Assembly of First Nations AGM– July 15-17, 2014, Halifax, Nova Scotia

The Assembly of First Nations 35th Annual General Assembly took place in traditional Mi'kmaq territory in Halifax, Nova Scotia on July 15-17, 2014. This AGA resulted in some very productive, although at times heated, discussions regarding the Confederacy of Nations, Bill C-33: *First Nations Control of First Nations Education Act*, and the election for National Chief. There was much talk about the role of the Confederacy of Nations. Due process must be followed and any reinvigoration of the Confederacy of Nations must be done through a resolution of the Chiefs in Assembly after a thorough discussion regarding the financial and operational implications of doing so. The discussion on the floor on the role, structure and accountability of the Confederacy was a vigorous one, and resulted in the passing of a resolution that directed the AFN Secretariat to facilitate a process to revise the AFN Charter, as recommended by the AFN Renewal Commission in 2005 and endorsed by Chiefs in Assembly in Resolution 21/2007, utilizing the Nation Rebuilding Task Group established through Resolution 20/2013. The AFN Secretariat is working towards having final recommendations for approval to present to the Chiefs in Assembly at the AFN AGA 2015. To date, the AFN Task Group on Nation Building and AFN Restructuring has met twice and I understand that they will be making a brief presentation to the Chiefs in Assembly at the upcoming December AFN Special Chiefs' Assembly in Winnipeg, MB.

Progress was made with respect to building consensus and a vision forward to address education and Bill C-33 through Resolution 11/2014: *Advancing First Nations Control of First Nations Education*. It is important to note that this resolution achieved support from all the regions and thus represents our shared principals while respecting regional diversity. Chiefs along with technical staff from all regions, including BC, have been working jointly to develop a process moving forward on education and I look forward to hearing more about their progress at the upcoming AFN Special Chiefs' Assembly. Let us hope there will be a new federal education bill that supports First Nations control, meets our collective needs and is based on sound policy. Our children deserve it.

At the July AGA, we also dealt with the election of National Chief given that at the AFN Special Chiefs' Assembly on May 27, 2014 in Ottawa, we ran out of time. At the AGA in Halifax, this issue was made a priority and was the first resolution discussed by the Chiefs in Assembly. The Manitoba Keewatinowi Okimakanak, who were previously selected as hosts for the 2015 AFN AGA, put forth a resolution with three options; to either hold the National Chief election in Winnipeg in October 2014, or December 2014 or, as previously scheduled, in July 2015. After much debate, it was decided that the AFN election for National Chief would be held at an AFN SCA in Winnipeg in December. The BC caucus felt that an election should take place as soon as was reasonably possible and, given the number of funding cuts that have taken place over the last fiscal year, it was the opinion of our BC caucus that it would not be fiscally responsible for the Chiefs to direct the AFN to hold an additional assembly in October. In the meantime, the Chiefs in Assembly unanimously agreed to name the Regional Chief from Québec and Labrador, Ghislain Picard, as the National Chief of the AFN, until the election in December. I would like to

thank all of the chiefs, proxies, and delegates from BC that attended the AGA and contributed to BC once again being a strong voice at the national assembly.

PNWER – 24th Annual Summit

On July 21, 2014 the Pacific Northwest Economic Region (PNWER) held their 24th Annual Summit in Whistler. PNWER is a statutory public/private non-profit created in 1991 by the states of Alaska, Idaho, Oregon, Montana, Washington, and the provinces of BC, Alberta, Saskatchewan, and the Yukon and Northwest Territories. Their mission is to increase the economic well-being and quality of life for all citizens of the region, while maintaining and enhancing our natural environment. Every year PNWER invites key business leaders, legislators and government leaders to address the major policy issues impacting the region. I was invited to provide an opening address during the “Energy: LNG Exports” session, as an overview of the state of the relationship between the Province and First Nations, how First Nations see their relationship with the provincial Government and with Industry, the progress or movement in the relationship between First Nations and provincial governments (as compared to 10 or 20 years ago), improving the relationships, and a look at both the socially and economically pressing needs and interests of communities.

Regional Youth Forums – Northern

The effort to engage First Nations youth between the ages of 19-29 through the Regional Youth Forums initiative has been led by Erralyn Thomas, former BCAFN Female Youth Representative and Hjalmer Wenstob, BCAFN Male Youth Representative. The Regional Youth Forums are based on the theme “Empowerment through Inheritance” which is meant to inspire thought on the social, political, and cultural realities that young people are poised to take on and lead. Regional Youth Forums have occurred on Vancouver Island at the Vancouver Island University, in the Lower Mainland-Fraser Region co-hosted by the Squamish Nation, and the Interior Region in Kamloops. With the valued assistance of Aboriginal Youth Intern Joshua Gottfriedson, the BCAFN Youth Representatives coordinated two more Regional Youth Forums to serve the North. The first took place in Kitselas on August 26, 2014 and the second in Prince George on August 27, 2014. At the North Regional Youth Forums, our Male Youth Representative, Hjalmer Wenstob led carving workshops where the participants carved a totem pole as a gift for the host community. The dialogue sessions which took place during the day were followed by performances by the very talented musician Inez Jasper and spoken word artist/facilitator, Trevor Jang. A Summary Report is produced to reflect the youth identified priorities and solutions from each Region and the North Region Summary Report will be available at www.bcafn.ca. On behalf of the BCAFN Youth Representatives, I would like to express gratitude to the young leaders who attended the North Regional Youth Forums and contributed to its great success.

Aboriginal Opportunities Forum: Building Sustainable Aboriginal Relations

On June 18, 2014, I was an invited guest speaker for the *Aboriginal Opportunities Forum: Building Sustainable Aboriginal Relations*, at the Vancouver Board of Trade. This annual conference focuses on helping businesses to better understand the importance of building a working relationship with Aboriginal communities. There were two sessions for the 200 attendees throughout the day, the first session “Intercultural Presentation” examined the

foundation of why relationships between Aboriginal and non-Aboriginal people are often problematic and how common ground can be found to support a mutually-beneficial economic development. The second session, “From Dialogue to Success”, built upon the first session and looked at building business relationships with the Aboriginal community.

“Our Living Languages” Exhibit Opening

On National Aboriginal Day, June 21st, this year I was pleased to attend the opening of the “Our Living Languages: First Peoples’ Voices in British Columbia” at the Royal BC Museum in Victoria. The exhibit is put on in partnership with the First Peoples Cultural Council of BC. The interactive exhibition celebrates both the resilience and the diversity of First Nations languages in BC and I was very honoured to be asked to say a few words about the importance of language and its connection to our lands and identity as peoples. If you have not had a chance to see the exhibit it is well worth seeing and is on until June 2017.

PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS

Transition of Regional Chief Jody Wilson-Raybould

As most of you are aware on July 31, 2014, I was nominated as the Liberal Party of Canada's candidate for the new federal riding of Vancouver-Granville. At the BCAFN AGM on September 9, 2014, the Chiefs in Assembly unanimously endorsed a transition plan for the office of Regional Chief through Resolution 1/2014, "Transition of Regional Chief Jody Wilson-Raybould". The transition plan includes bringing forward the election date for a new BC Regional Chief to the early summer of 2015.

As I shift out of my role as Regional Chief over the coming months, there are few words that can adequately express the gratitude I feel and pride I have taken in my position over the past five years. It has been a tremendous honour to work for and with the incredible First Nations' leadership in BC and across this country. Thank you for all of your continued hard work and determination to improve the lives of our people. These are certainly exciting times to be in leadership and I will continue, as always, to support our Nation building and rebuilding work in whatever capacity I find myself. I would like to thank our BCAFN Board of Directors for their constant support and commitment to the integrity of our organization and also recognize the tremendous dedication of our amazing staff at the BCAFN – you are second to none.

BCAFN Constitution and Bylaws Review

Over the past year, the BCAFN Board of Directors has been in the process of updating the BCAFN Constitution and Bylaws to better reflect the mandate of the BCAFN as a political-territorial organization. With the guidance and support of our legal and policy team, the BCAFN Board of Directors identified some areas of concern with the BCAFN Constitution and Bylaws and participated in a working session to discuss these concerns and to suggest some changes which were brought before the Chiefs in Assembly for discussion at the BCAFN SCA Chiefs' on November 26, 2013.

After soliciting feedback from the Chiefs, the Board of Directors incorporated this feedback and brought the proposed revisions to the Constitution and Bylaws back to the Chiefs in Assembly during the BCAFN AGM on September 9th, 2014. After going through the proposed changes and a very productive discussion, the proposed changes (and some further changes suggested by the Chiefs at the meeting) were voted upon by "special resolution" (a resolution in which a majority of not less than 75% of those voting members in attendance is required in order to pass) and passed unanimously.

Our office has submitted these changes to BC Registry Services and is awaiting approval of these changes. The next step for the Board of Directors will be to look at revisions to the BCAFN Governance Manual (operations manual) to ensure that our operations reflect the changes to the BCAFN Constitution and Bylaws. I would like to thank the members of our Board of Directors for undertaking such an important task over the last year and thank our Chiefs and leaders for providing such thoughtful input into our discussions.

Changes at the BCAFN

I would like to take the opportunity to thank the outgoing Female Youth Council Representative at the BCAFN, Erralyn Thomas, for her vision and hard work over the past three years. We wish her the best in her future endeavours. I would also like to welcome Kalila George-Wilson as our newly elected BCAFN Female Youth Council Representative. Welcome Kalila. As well, I would like to acknowledge our out-going Directors, Trish Cassidy and Bruce Underwood. Both Trish and Bruce were hard working members of our BCAFN Board and I would like to thank both of them for their dedication over the past two years.

BCAFN Elder Representative

Hereditary Chief Robert Joseph	Kwakwaka'wakw elder and the Regional Chief's Elder Advisor
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BCAFN Women's Representative

Chief Glenda Campbell	Tzeachten First Nation
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BCAFN Youth Council Representatives

Kalila George-Wilson	Tsleil-Waututh Nation	femaleyouth@bcafn.ca
Hjalmer Wenstob	Tla-o-qui-aht First Nation	maleyouth@bcafn.ca

BCAFN Board of Directors

Chief Maureen Chapman	Skawahlook First Nation
Chief Nelson Leon	Adams Lake Indian Band
Chief Liz Logan	Fort Nelson First Nation

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Information Sharing/Webpage

The BCAFN website continues to host the "BCAFN Governance Toolkit" where *Part 1 - The Governance Report*, *Part 2 – The Governance Self-Assessment*, and *Part 3 - A Guide to Community Engagement*, are accessible online along with related tools, reference documents and other resources (www.bcafn.ca). In addition the webpage includes individual profile pages for each of our Nations. Our office will continue to work with First Nations that wish to contribute to, and update their individual profile page to share information and highlight their successes with others. If you would like to provide any feedback, contribute to the site, or update your First Nation's profile, please contact us by email at: reception@bcafn.ca.

NOTICES

December 9-11, 2014

**AFN Special Chiefs' Assembly
&
Election for AFN National Chief**
Winnipeg, MB

For more information see www.afn.ca

Up to date information can be accessed on our website: www.bcafn.ca.