



BRIEFING

To: Trust Council **For the Meeting of:** July 7, 2021

From: Lisa Wilcox, Senior Intergovernmental Policy Advisor **Date Prepared:** June 9, 2021

SUBJECT: First Nations Engagement Status Report

PURPOSE: To provide Trust Council with an update on First Nations Engagement on the draft Islands Trust Policy Statement Bylaw.

BACKGROUND:

On November 20, 2017, Islands Trust attempted to begin engagement on the Islands Trust Policy Statement with a letter to First Nations, with little to no response. On June 7, 2019, Islands Trust CAO Russ Hotsenpiller wrote a [letter to First Nations](#) within the Islands Trust Area to begin re-engagement on the Islands Trust Policy Statement Amendment Bylaw. First Nations receiving the letter included:

BOŶÉĆEN (Pauquachin) First Nation	Snuneymuxw First Nation
Cowichan Tribes	Sḵwxwú7mesh (Squamish) Nation
Halalt First Nation	Snaw-naw-as (Nanoose) First Nation
Homalco First Nation	SḶÁUTW (Tsawout) First Nation
Klahoose First Nation	Stz’uminus First Nation
K’ómoks First Nation	SXIMEĒĒ (Esquimalt) Nation
Lake Cowichan First Nation	Tla’amin (Sliammon) Nation
Lekwungen (Songhees) Nation	Tsawwassen First Nation
Lyackson First Nation	Tsleil-Waututh Nation
MÁLEXEĒ (Malahat) Nation	T’Sou-ke Nation
Penelakut Tribe	Wei Wai Kum (Campbell River) First Nation
Qualicum First Nation	We Wai Kai (Cape Mudge) First Nation
Scia’new (Beecher Bay) First Nation	WJOLĒĒP (Tsartlip) First Nation
SEMYOME (Semiahmoo) First Nation	W̱SIKEM (Tseycum) First Nation
shíshálh First Nation	xʷməθkʷəy̓əm (Musqueam)

As a public engagement timeline was set, a parallel First Nation engagement process was undertaken.



Over 2019 and 2020, Islands Trust staff began rebuilding meaningful relationships with First Nations in the Islands Trust Area to discuss past wrongs, to rebuild trust, and dialogue on the work that Islands Trust Council was undertaking on the implementation of the Truth and Reconciliation Commission (TRC) Calls to Action, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). These meaningful engagements were necessary to develop the government-to-government relationship and to collaboratively work together as Islands Trust and First Nations governments began to review how to undertake the amendments the Policy Statement.

Islands Trust in parallel undertook to build trust by passing the Islands Trust Reconciliation Declaration in March 2019, and committed in June 2019 to the Truth and Reconciliation Commission Calls to Action by putting in place a Reconciliation Action Plan. Local Trust Committees (with the exclusion of Saturna and Bowen Island Municipality) passed Standing Resolutions on Reconciliation throughout 2019 and 2020 committing to the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The Province of BC then implemented the Declaration on the Rights of Indigenous Peoples Act in December 2020.

Engagement:

Islands Trust staff outlined various ways to engage as an initial undertaking to cooperatively define the engagement process with First Nations governments:

Engagement	Description	Objectives
Leadership government-to government meetings	Leadership from Trust Council and leadership from a First Nation(s) meet to discuss core concerns. Each meeting takes place at a location convenient for the First Nation.	To build relationship and discuss core concerns. To identify if there are other preferred options/methods for engagement with your membership.
Community meetings with membership and leadership	A small to large-scale event where Islands Trust, in partnership with the Nation, provides opportunities for community members to share their core concerns, and their vision for the future.	For Islands Trust to build relationships with staff, leadership, and members of the community, create opportunity to discuss visions for the future and, if appropriate, contribute to the Islands 2050 process.
Face-to-face with staff	Meetings with staff, and/or committees to work on various topics: educational materials, visioning work as part of the Islands 2050 process as well as other core concerns and/or items of interest.	To communicate and engage with Nations in an accessible manner that is appropriate to the situation.
Survey engagement	Use social media to reach community members across the Salish Sea. Invitation to view our background materials and fill in a special survey. May also include printed material distributed through newsletters and on reserve.	To engage a range of First Nations members through online survey.

Meetings with alliances and First Nation associations	Islands Trust co-host an event with First Nation associations/alliances such as First Nations Summit, BC Treaty Commission, and/or Tribal Councils.	If appropriate, engage with them on issues of Islands 2050 and how they imagine the future.
Collaborate with Schools/ Youth Organizations	We connect with schools in community along with organizations that support youth to offer some opportunities for them to be heard and to be able to take action through various means (e.g. art work, writing, etc.).	To connect with youth, to be able to provide them with opportunities to engage in the issues that Islands 2050.

First Nations who responded chose to engage with face-to-face meetings with elected Trustees and staff, and at leadership government-to-government meetings. Islands Trust staff held many meetings with First Nations in 2019 through to 2021 with over 160 engagements that included:

- Meetings with Chiefs and Councils and Elders Councils;
- Meeting with Naut’sa mawt Tribal Council (NmTC) a council of 11 member Nations;
- Meetings with W̱SÁNEĆ Leadership Council a council of 3 member Nations;
- Meetings with staff and First Nations representatives;
- Phone calls and emails to share information and dialogue on engagement.

With the onset of COVID-19, Islands Trust staff adjusted the engagement format and process to consider the impacts to community and capacity to engage during a provincial state of emergency. Islands Trust staff transitioned to zoom meetings as an engagement format from 2020 to 2021.

Capacity Funding:

Islands Trust staff worked closely with senior staff at the Ministry of Indigenous Relations and Reconciliation to collaborate on engagement processes and the Policy Statement amendment process. In order to assist First Nations with the extensive review of the 2003 version of the Policy Statement, Islands Trust staff recommended providing capacity funding to assist First Nations. Capacity funding ensured that First Nations did not have to fund, from own source revenue, a review of a policy document that contained offensive and colonial language and did not recognize their treaty and territorial areas or their inherent rights. Cost to First Nations communities may have included presenting to advisory councils, community members, policy analysts and legal counsel review.

Four First Nations and one council comprised of three member Nations accepted the capacity funding of \$2000 to review the 2003 version of the Policy Statement and provide extensive comments on the content.

Content Review:

Islands Trust staff compiled all comments and dialogue received in meetings, correspondence, and from submissions from First Nations and councils receiving through the capacity funding engagement. The following principles and recommendations were made:

Overarching Principles	
1	Acknowledgement of First Nations treaty and territorial areas within the Islands Trust Area;
2	Respect and acknowledgement of Indigenous rights and title as it relates to inherent rights, access, and stewardship of resources;
3	Respect for the government-to-government relationship that exists between First Nations governments and the Islands Trust;
4	Acknowledge of First Nations vital, long-standing and future-looking interest in the environment of their territories and treaty lands;
5	Working together to collaboratively build relationships based on mutual respect and interagency cooperation;
6	Share information and align policies and processes to the foundation documents;
7	That the Policy Statement operates within the inherent jurisdiction and governance structures of First Nations within the Islands Trust Area;
8	Land and water use decisions that impact First Nations interests cannot be the sole jurisdiction of local trust committees, and should be reviewed within the broader scope of the Islands Trust governance structure;
Environmental Principles	
9	Ensure that climate change is recognized as a threat to environment, amenities, and the fragile ecosystem;
10	That Islands Trust move away from language such as “maintain” due to concerns related to how that is interpreted in regard to preserve and protect;
11	That terms such as stewardship be reflective of the role Indigenous Peoples have to actively steward their territorial areas;
12	Recognition that limitations must be determined since incremental growth, even green incremental growth, erodes the functionality of fragile and limited ecosystems and resources;
13	Islands Trust prioritize Indigenous land management regimes over Western-based management ideas;
14	Recognize that regulatory frameworks do not recognize impacts to sensitive species or culturally significant species, their cultural use, and cumulative impacts due to pollution, emissions, and development;
15	Agricultural land areas must not impact culturally significant species, areas, wetlands, or habitat, including impacts to cultural heritage and/or spiritual use;
16	Forest areas require archaeological impact assessments to ensure preservation and protection of cultural values, culturally significant species, and use;
17	Culturally significant species of vegetation, flora, and fauna must be conserved and protected, understanding the interrelationship between protected and healthy ecosystems and inherent rights to gather for well-being;
18	Foreshore areas must be preserved and protected to maintain access for shellfish harvesting, access and foraging;
19	Freshwater must be preserved and protected to ensure aquifers can support streams and wetland ecosystems;
20	Ecosystems that have been heavily impacted by development or industry must be restored and protected;
21	Study the impacts and create policies to address pollution and sewage impacts;
22	Official community plans must address the cumulative impacts to marine habitat from docks, anchorages, and seawalls;

Social Principles	
23	Promote the well-being of Indigenous Peoples and their interests within the Islands Trust Area;
24	Recognize that community includes Indigenous Peoples;
25	That the islands and waters of the Islands Trust Area are integral to the health and well-being of First Nations with treaty and territorial areas within the Salish Sea;
26	Indigenous Peoples have an inherent right to gather, utilize, and manage their treaty and territorial lands and waters;
27	Indigenous Peoples have a right to express their culture, language, and spirituality within the Islands Trust Area;
28	Indigenous Peoples have a right to access cultural areas, culturally significant species/flora and fauna, and to care for and access ancestral loved ones resting places;
29	Islands Trust should advocate for policies and initiatives that eliminate the socio-economic gap between islanders, British Columbians in general and Indigenous Peoples;
30	Share information and collaborative work with First Nations governments to ensure land and water use decisions are reflective of their concerns;
31	Educate islanders and British Columbians about the history and legacy of the Islands Trust Area as it relates to First Peoples;
32	Islands Trust create appropriate land use planning tools to address First Nations economic development interests;
33	Ensuring consistency between planning bylaws and policies and First Nations land use plans, treaty agreements, and land use agreements with the Islands Trust Area;
Heritage and Cultural Principles	
34	Recognize that “unique amenities” includes cultural heritage and protected heritage sites;
35	Re-establish pre-1995 heritage and cultural heritage/archaeological principles from past Policy Statements;
36	Include Indigenous place names and historical understanding in local trust committee areas signage and wayfinding, ecology and habitat areas;
37	Educate islanders and the general public on the illegality of damaging, looting, and possessing Indigenous cultural heritage and artefacts;
38	Ensure all agencies and ministries conform to heritage protection and conservation policies and principles as outlined by the Islands Trust and First Nations governments;
39	Develop Trust wide heritage preservation overlays to ensure the preservation and protection of cultural heritage, heritage buildings, and cultural sites.
Implementation Principles Related to Overarching Legislation	
1	Enter into protocol agreements and management plans that address matters of mutual interest and concern;
2	Ensure that First Nations projects related to First Nations economic reconciliation are prioritized within the Islands Trust Area;
3	Develop a First Nations Advisory Committee on environmental and heritage preservation;

4	Ensure companies and business conducting ground work, archaeological assessments and monitoring within the Islands Trust Area are approved by First Nations governments and communities and uphold the foundation document principles in their operations;
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Islands Trust Senior Intergovernmental Policy Advisor and Senior Policy Advisor also reviewed all language within the Policy Statement to align that wording with the Truth and Reconciliation (TRC) Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Declaration on the Rights of Indigenous Peoples Act (DRIPA), and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice (hereafter called the “foundation documents”). Staff removed offensive language and aligned the document with the provincial Declaration on the Rights of Indigenous Peoples Act.

Continued Engagement:

Staff also wish to highlight that First Nations have been working within the timelines outlined within the Islands Trust 2050 process over the last two years and have an expectation that the bylaw will be adopted during this term of office. First Nations outlined that the historic wrongs that have occurred within the Islands Trust Area and the continued destruction of cultural heritage and desecration of ancestral loved ones resting places must be addressed with changes to current policies to align those policies with DRIPA.

As engagement continues, staff will be working directly with First Nations that received capacity funding to review the new draft Policy Statement bylaw and will after First Reading refer the new Policy Statement amendment to all First Nations listed above to continue building meaningful relationships and build trust.

REFERENCE:

1. [Islands Trust Reconciliation Declaration](#)
2. [Islands Trust Reconciliation Action Plan](#)
3. **Local Trust Committees Standing Resolutions on Reconciliation**
4. [Discussion Paper - The Islands Trust Object: Past, Present, and Future](#)
5. [Reconciliation Report 2019-2021](#)

FOLLOW-UP: Staff will follow up as per requests by Trust Council.

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