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To: UBCIC Chiefs' Council

**From: Cecile Brass, FNLC Emergency Management MOU
Coordinator**

Date: June 9, 2021

**Re: Status report regarding the progress of implementing
the Tripartite Emergency Management MOU**

PURPOSE

The purpose of this briefing note is to provide a status report regarding the progress of the implementation of the Tripartite Emergency Management MOU and the Emergency Program Act Modernization process.

BACKGROUND

The 2017/2018 wildfire season highlighted the disproportionate impacts natural disasters have on First Nations in BC. The subsequent *Abbott-Chapman* Report and the *Trial by Fire: Nadleh Whut'en and the Shovel Lake Fire 2018* reports made known the need for improved supports and funding for First Nations Emergency Management. In October 2018, BC became the first province to adopt the Sendai Framework for Disaster Risk Reduction.

The Tripartite Emergency Management MOU was signed on April 27, 2019, between Canada, the Province of British Columbia, and the First Nations Leadership Council with the purpose of collectively advancing the meaningful recognition and capacity of First Nations in the four pillars of emergency management. As per the terms of the MOU, the Tripartite Emergency Management Working Group (TEMWG) was formed to identify options to close the gaps in jurisdictional and practical matters associated with how the four pillars of emergency management operate and can better serve First Nations in BC.

In November 2019, the province of British Columbia passed legislation for the implementation of the *Declaration on the Rights of Indigenous People Act* (DRIPA). In January 2019, BC began the engagement process designed to inform the modernization of the *Emergency Program Act* (EPA).

Work is underway to ensure a modernized EPA will be aligned with DRIPA. A technical sub-committee composed of representatives of BC First Nations, the First Nations Leadership Council (FNLC), First Nations Emergency Services Society (FNESS), Emergency Management BC (EMBC), Indigenous Services Canada (ISC), and BC Wildfire Service (BCWS), was formed as a sub-committee of the Tripartite Emergency Management Working Group and will provide feedback on a modernized EPA.

CURRENT STATUS

In late 2020, ISC approved funding for a position to coordinate the implementation work under the MOU. On March 22, 2021, Cecile Brass started as the new FNLC Emergency Management MOU Coordinator. She has updated the TEMWG workplan which has received final approval from the FNLC. The FNLC has appointed Tyrone McNeil as the Chair of the TEMWG. Funding for a First Nations Emergency Management Forum has been approved by ISC and is planned for the Fall of 2021.

The TEMWG met on May 26, 2021, to meet the new TEMWG Chair, the new FNLC EM MOU Coordinator, to introduce any new TEMWG members and to review the new workplan. Going forward, the TEMWG will meet quarterly.

A funding proposal was submitted to EMBC to support the work of the EPA Sub-Committee. This proposal has received verbal approval. The EPA Sub-Committee is now supported by a legal team consisting of Merle Alexander and Nick Smith, BCAFN Legal Counsel, of Miller Titerle+Company, Stacey Edzerza Fox, FNS Legal Counsel, of Morgan & Associates, and Mary Ellen Turpel Lafond, UBCIC legal counsel, of Woodward and Company. A legal analysis of the Concept Paper is pending. The Province has updated its timeline for EPA law reform and from March 2021 they propose to validate the Concept Paper, workplan, conduct a series of policy briefings, share a consultation draft, hold the second round of engagement, and have the new legislation ready for the 2022 Spring Legislative Session.

The Province's revised timeline for EPA reform presents a renewed opportunity for the FNLC to continue to push for fulsome engagement with BC First Nations and co-development of the legislation. The Province does not seem to have shifted from a consultation model. The sub-committee was being asked to play an "enhanced consultation" role, reacting to information provided by the Province on an as needed basis. However, the provincial representatives have seemed receptive to affirmative steps taken by the FNLC, such as the FNLC-led Terms of Reference and the FNLC's decision to acknowledge but not endorse the Province's engagement plan.

ANALYSIS

Implementation of the MOU has taken longer than expected due to lack of financial and human resources. The lack of a workplan and associated budget to implement the MOU has been the biggest challenge to date. With the staffing of an MOU Coordinator and approval for the workplan, these issues have been resolved for the current fiscal year. However, multiyear funding will now be required for this work to continue in years going forward.

PROJECTED NEXT STEPS

1. Submit a multi-year funding proposal to BC and Canada for implementation of the MOU.
2. Undertake the annual review of the MOU with all signatories as outlined in the MOU.