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July 27, 2021

VIA EMAIL: morris@ubcic.bc.ca

First Nations Leadership Council
c/o Morris Prosser
Union of BC Indian Chiefs
401 - 312 Main Street
Vancouver, British Columbia
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Dear First Nations Leadership Council Representatives:

Thank you for your letters of February 25, 2020 and January 20, 2021, as well as for Judith Sayers' letter of March 11, 2021, following up on the February 23, 2021 meeting with Deputy Ministers John Allan and Doug Caul, regarding various heritage conservation matters and the alignment of the *Heritage Conservation Act* (HCA) with the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and agreements under both acts, including the HCA section 4 pilot with the S'ólh Téméxw Stewardship Alliance (STSA).

I apologize for the lengthy delay in response. As discussed during the February meeting, these heritage conservation topics are actively under review by this ministry and the Ministry of Indigenous Relations and Reconciliation. Per the commitments under the Declaration Act, we will, in consultation and cooperation with Indigenous peoples, identify and advance opportunities to ensure BC's laws are consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). As you know, we continue to work with the First Nations Leadership Council to determine the relative priority of our provincial legislation with respect to the alignment of laws.

Regarding the review and alignment of the HCA with UNDRIP, I note that proposed action 4.25 from the Declaration Act Draft Action Plan states: "Engage First Nations across BC in a dialogue on the *Heritage Conservation Act* to ensure consistency with the UN Declaration and the protection of Indigenous heritage sites and objects, including an enhanced role for First Nations in decision-making. (Ministry of Forests, Lands, Natural Resource Operations and Rural Development)" Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation, and I are supportive of this important work being undertaken. To that end, our staff are developing a plan and timelines to support this initiative, including seeking a mandate and support of our Cabinet colleagues. Due to the need for fulsome engagement with Indigenous communities and stakeholders, and the comprehensive policy analysis and

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development to be undertaken, we anticipate bringing forward prospective legislative and policy changes will be a multi-year process, although we hope the legislation can be amended during the current mandate. The efforts to date by the Joint Working Group on First Nations Heritage Conservation (JWGFNHC) will lay the foundation for this work and they will be critical in further shaping any proposed changes and supporting the consultation process.

With respect to the section 4 HCA pilot with the STSA, I acknowledge your frustration with the delays to date. As indicated in my remarks at the April 1, 2021 Government to Government meeting with the STSA, I am committed to advancing this agreement to Cabinet for review in fall 2021. I understand staff have been working internally and with the STSA to address the remaining technical issues and complete the steps required.

Regarding section 7 agreements per the Declaration Act, I can confirm that Cabinet approval is needed for a mandate to negotiate with Indigenous Governing Bodies, and provincial legislation (the HCA or other relevant legislation) will need to be amended in order to enable section 7 (Declaration Act) agreements.

I acknowledge your interests in providing input on policies and process to support the implementation of section 7 Declaration Act agreements concerning heritage. Further, I note that future work on the alignment of HCA with UNDRIP will include a review of the current legislative and policy tools available, including section 4 (HCA) and section 7 (Declaration Act) agreements.

With respect to a potential re-organization of provincial agencies dealing with First Nations heritage conservation, as you are likely aware, Honourable Nathan Cullen, Minister of State for Lands and Natural Resource Operations, is undertaking a comprehensive review to determine whether land use objectives that support economic activity, environmental sustainability and reconciliation with Indigenous peoples can be more effectively achieved through ministry restructuring. This review may influence how this ministry's programs, including those relating to heritage, are administered. I note this important initiative is being informed by extensive engagement with First Nations.

I acknowledge your call for greater First Nations representation at the Royal BC Museum. I understand the Royal BC Museum is undertaking a significant internal review and developing a comprehensive plan to modernize the museum, its administration, policies and practices, and organizational structure, which will include furthering inclusivity and collaboration with Indigenous communities.

To support this ongoing work, I have passed your comments to my colleague Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport for review and consideration. Both the Heritage and Archaeology branches have and will continue to support the Royal BC Museum, other institutions, and First Nations across BC with respect to the respectful handling and repatriation of indigenous belongings, ancestral remains, and cultural heritage.

The Province of British Columbia remains committed to furthering relationships with Indigenous communities and advancing strategic discussions concerning the management of cultural heritage and related legislative priorities. I encourage you to continue your dialogue

at the Joint Core Working Group regarding the HCA, and to support ongoing engagement through the JWGFNHC on potential legislative alignment.

Again, thank you for writing to share your concerns. We look forward to continuing to build our partnership with the First Nations Leadership Council and advancing this critical aspect of reconciliation together.

Sincerely,

A handwritten signature in black ink, appearing to read "Katrine Conroy". The signature is fluid and cursive, with the first name "Katrine" written in a larger, more prominent script than the last name "Conroy".

Katrine Conroy
Minister

pc: Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation
Honourable Melanie Mark, Minister of Tourism, Arts, Culture and Sport
Honourable Nathan Cullen, Minister of State for Lands and Natural Resource
Operations
Doug Caul, Deputy Minister, Ministry of Indigenous Relations and Reconciliation
Rick Manwaring, Deputy Minister, Ministry of Forests, Lands, Natural Resource
Operations and Rural Development
Matt Austin, Assistant Deputy Minister, Integrated Resources Operations Division,
Jessica Ruskin, Director, Archaeology Branch
Judith Sayers, Co-Chair, Joint Working Group on First Nations Heritage Conservation