

August 30, 2021

Honourable Katrine Conroy
Minister of Forests, Lands, Natural Resource Operations and Rural Development
Via email only: FLNR.Minister@gov.bc.ca

Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation
Via email only: IRR.Minister@gov.bc.ca

Honourable David Eby
Attorney General
Via email only: AG.Minister@gov.bc.ca

Re: Provincial Staff Stalling and Watering Down S.4 Pilot Project – Request for Meeting

Dear Ministers,

We, the Joint Working Group on First Nations Heritage Conservation (JWGFNHC), are writing in support of the S'ólh Téméxw Stewardship Alliance (STSA). We are extremely disappointed and frustrated to learn that provincial officials are unilaterally proposing to reduce the scope, gut the shared decision-making approach of, and ruin much of the potential of the Stó:lō/S'ólh Téméxw Stewardship Alliance's section 4 pilot project at this very late stage of finalizing completion of their Agreement. Provincial staff recently rejected the consensus decision-making framework that had been agreed to and contained in the draft Agreement since 2019. Their proposed reversion to a consultation approach under the language of 'shared decision-making' is a huge step backward and is not, in any way, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* or the principles of Free, Prior, and Informed Consent. Their rationale, that joint decision-making is limited by the Declaration Act, is not acceptable as the section 4 pilot has been understood for some time to be a support base for the implementation of the Declaration Act.

This pilot project was meant to contribute to the operationalization of section 4 and the ability for Nations to enter into decision making agreements on Heritage Conservation matters with the Province. The Leadership Council and First Nations in BC authorized the Joint Working Group on First Nations Heritage Conservation (JWGFNHC) to pursue the pilot project to work on shared decision making – envisioning a year of negotiations, a year of implementation, and then a review to move forward with other First Nations. We are now at 5 plus years of stalled progress and are back to square one. This is totally unacceptable and runs contrary to everything the JWGFNHC has worked for since 2006.

The deliberate obstruction of this project is just one more backwards step in the long history of provincial staff and lawyers doing everything they can to prevent the implementation of section 4 of the *Heritage Conservation Act*. It is our perspective that the Province continues to stall the implementation of section 4 and is prolonging and expanding colonial relationships that disempower First Nations and their ability to care for their sacred sites. In this matter, as in other matters involving Crown-Indigenous relations, government-to-government decision making is essential. The STSA have worked for many years to catalogue types of sites and resources and to find creative and workable approaches for protecting heritage sites in a manner that respects other government and third-party interests. Their

pilot project could be a beacon for all First Nations, landholders and provincial agencies dealing with these difficult issues. We will not allow short-sighted and self-interested government representatives to destroy this opportunity by ignoring provincial commitments to reconciliation and instead clinging to their own decision-making power within the status quo.

We call on you to give clear direction to staff to remove the self-imposed bureaucratic barriers that continue to disrupt the completion of the Stó:lō section 4 pilot and to honour your commitment to implement the United Nations Declaration through making section 4 agreements available to all First Nations. These critical actions are necessary to address hundreds of years of colonialism and the disempowerment and prevention of First Nations from making decisions regarding their Cultural Heritage and the dispossession of that Cultural Heritage.

We request a meeting with you and Deputy Chief of Staff, Don Bain in a timely matter to discuss and resolve this issue so we can all move forward.

Sincerely,



Judith Sayers, Co-Chair, Joint Working Group on First Nations Heritage Conservation.

CC: Chief Angie Bailey, Political Representative, S'ólh Téméxw Stewardship Alliance

Matt Austin, Assistant Deputy Minister, FNLROD

Don Bain, Deputy Chief of Staff, BC Premier's Office

First Nations Leadership Council